*Annex 4 to Romania’s response to the special request on the SPT*

The following document represents the response of the Romanian Government concerning the concrete measures taken by the relevant authorities in the context of the coronavirus disease (COVID-19) pandemic, with respect to the treatment of persons deprived of their liberty in prisons, as well as in other types of establishment, in particular, health and social welfare institutions and immigration detention centres. This reply includes contributions from the National Administration of Penitentiaries and the Ministry of Interior regarding the treatment of persons deprived of their liberty in prisons, detention and pre-trial detention centres and immigration detention centres.

**General framework**

On March 16, 2020, the Decree of the President of Romania no. 195 / 16.03.2020 on the establishment of the state of emergency on the territory of Romania, was published in the Official Gazette of Romania, Part I, which includes art. 42 para. (1) of Chapter V, Annex no. 1 - First aid measures applicable in the field of justice, which have a direct impact on the sub-domain of the execution of sentences and custodial measures.

Subsequently, the Decree of the President of Romania no. 240 of 14 April 2020 on the extension of the state of emergency on the Romanian territory was issued.

By Government Decision no. 394 of 18 May 2020, starting with May 18, 2020, the state of alert was established throughout the country for a period of 30 days. Law no. 55 of 15 May 2020 on some measures to prevent and combat the effects of the COVID-19 pandemic provides for certain measures to be taken during the state of alert.

1. **The National Administration of Penitentiaries**

**Prior to the establishment of the state of emergency on the Romanian territory**, at the level of places of detention subordinated to the National Administration of Penitentiaries, a Plan of measures was implemented to prevent illness and spread of COVID-19 infection among staff and persons deprived of liberty. This plan contained general preventive measures, intervention measures specific to detainees extradited from areas at epidemiological risk for COVID-19, as well as intervention measures in crisis situations.

For the accommodation and medical monitoring of persons deprived of liberty extradited to Romania by other states, at the level of the penitentiary system, penitentiary units have been designated with the special purpose of implementing the quarantine measure in these situations.

At the level of the National Administration of Penitentiaries, a Technical-Medical Support Group was set up, with attributions in monitoring the situation in the subordinated places of detention and formulating proposals with measures depending on the evolution of the epidemiological context.

In order to protect the health of persons deprived of liberty and, implicitly, of citizens, measures were taken at the level of subordinated units in order to limit the contact of persons deprived of their liberty with possible sources of infection by suspending activities outside the place of detention.

At the same time, in order to reduce the movement of persons deprived of their liberty, following the transfer to other places of detention for presentation to the judiciary, the High Court of Cassation and Justice, Courts of Appeal, Courts and Tribunals were asked to analyse the possibility of hearing the persons deprived of liberty by videoconference or the change of hearing dates in courts, in cases for which the court considers it possible, an aspect provided by Art. 42 of the Decree of the President of Romania no. 195/16.03.2020 regarding the establishment of the state of emergency on the Romanian territory.

Also, in order to protect the life, bodily integrity and health of persons deprived of their liberty, staff and any other persons, at the level of places of detention subordinated to the National Administration of Penitentiaries, general measures and measures regarding the security of the place of detention have been taken according to the Plan of Measures for the Prevention of Disease and the Spread of COVID-19 Infection among Staff and Persons Deprived of their Liberty.

Moreover, in order to have a close monitoring of the persons who are in medical isolation, technical solutions have been established for highlighting the detention rooms used for this purpose in the PMSWeb computer application for recording the data of persons deprived of liberty.

At the same time, at the level of places of detention, measures were taken to closely monitor the health of all persons deprived of liberty who, within 14 days, returned from the permission to leave the penitentiary.

Also, new areas for quarantine, monitoring and respiratory isolation were identified for persons deprived of their liberty, who, following an epidemiological triage, would show specific symptoms of infection with the new virus.

As an additional measure, in order to achieve the continuity of activities and to prevent the spread of the new virus, it was decided that 30% of the staff working in normal working hours (8h / day), except those who are part of the operative, medical and psychosocial intervention, shall stay at home, based on a planning approved by the director of each penitentiary unit, performing professional tasks that can be performed from home. Moreover, at the level of penitentiary units, the 5th subunit was set up in the operational sector to ensure the supply of staff and to allocate 14 days off for each shift, in order to reduce the risk of infestation in this epidemiological context.

For the implementation of the plan of measures, the National Administration of Penitentiaries constantly sent guidance / instructions to the subordinated units.

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The Decree of the President of Romania no. 195 / 16.03.2020 on the establishment of the **state of emergency on the territory of Romania**, expressly provided for ”first aid measures applicable in the field of justice, which have a direct impact on the sub-domain of the execution of sentences and custodial measures” (Art. 42 para. (1) of Chapter V, Annex no. 1).

In this respect, at the establishment of the state of emergency on the Romanian territory, by the decision of the general director, a **Plan of measures for the penitentiary system** was established, which was sent to the subordinated units for implementation.

Consequently, instructions for the implementation of measures of social distancing and limitation of contact between prison police and persons in custody and instructions regarding the granting of online communications were sent. Moreover, a correspondence with the National Union of Romanian Bars was conducted, in view of granting the right to legal aid.

All activities with detainees / inmates (including sports) were re-analyzed, so that they were carried out in series with a small number of detainees / inmates, limiting, as far as possible, the grouping of detention rooms to the same activity.

Interaction with detainees / inmates was limited, only staff planned in the ward supervision service, those responsible with management or those planned for continuity and intervention structures having access to the detention sections. For each administrative maintenance/ servicing need, additional safety measures are in place.

**From an educational point of view**, increased attention was paid to informing detainees about the need to prevent SARS-CoV-2 disease and to understanding the measures required by the current situation. Thus, at the level of the penitentiary units, information campaigns were carried out for persons deprived of their liberty, during which information materials were distributed (flyers and information posters) and information on SARS-CoV-2 was carried out and transmitted, periodically, through their own radio circuits and television. Also, individual counselling activities (educational, social, and psychological) were carried out in order to raise awareness and accept strict hygiene measures and other measures, to limit the spread of the virus. Sanitation activities were carried out both in accommodation spaces and in spaces for social reintegration activities.

The information of the detained persons was supplemented by the transmission of informative and preventive messages, through the radio-TV studio.

Prison units were also requested to pay more attention, during this period, to persons deprived of liberties, which were known as former drug users or to those undergoing substitution treatments, as well as to provide individual psychological and social assistance, in order to prevent situations of risk.

In order to carry out the social reintegration procedures, indications were sent as follows:

- suspension of schooling, vocational training, volunteering, inter-penitentiary activities;

- suspension of the necessary activities carried out in groups and their development in individual regime;

- providing psychological assistance only in risk situations;

- compliance with the separation criteria imposed by the Medical Supervision Directorate;

- intensive use of radio and TV studios for the transmission of information of interest for persons deprived of their liberty.

The persons deprived of liberty were informed about the measures disposed as a result of the establishment of the state of emergency on the Romanian territory and the penitentiary units were requested to conduct individual discussions with certain categories of detainees, in order to monitor their state of mind. In order to ensure the right to information of the detained persons, the penitentiary units have taken measures for the reception in good conditions, of the public television programs and the realization / transmission, through the radio-TV studio, of their own programs, with informative, educational and moral-religious character, to compensate for the lack of social reintegration efforts.

The chaplains were asked to officiate the religious services without the actual participation of the detainees, to be recorded and broadcast through the radio-TV studio from the place of detention.

According to article 47 of the Decree of the President of Romania no. 195 / 16.03.2020 on the establishment of the state of emergency on the territory of Romania, in the execution of punishments and custodial measures, the exercise of the right to receive visits, the exercise of the right to intimate visits, the exercise of the right to receive goods through the visit sector and rewards consisting in the permission to leave the penitentiary are suspended.

In order to maintain the connection with the support environment, the duration and number of calls were increased for convicted persons in the maximum security regime, to a maximum of 45 minutes per day, and for convicted persons in closed, semi-open, open, provisional regime or for those who do not have the established regime, at a maximum of 75 minutes a day. The right of detainees to online conversations, regardless of the disciplinary situation and the periodicity of the connection with the family was supplemented according to the number of visits to which they were entitled.

Therefore, during this period, the maintenance of contact with family members, relatives or other persons was ensured for the detainees, through telephone conversations and online communications. In this regard, the duration and number of telephone calls have been increased, and the number of online communications to which custodians are entitled has been supplemented, regardless of the disciplinary situation and the frequency of contact with the family, corresponding to the number of visits to which they are entitled according to the execution regime or the category to which they belong.

For detainees classified in the maximum security regime, the number of telephone calls was increased from 3 calls per day to 5 calls per day, with a maximum cumulative duration of 45 minutes / day.

Requests were submitted and the reduction in the amount of phone charges paid by the persons deprived of their liberty was obtained from both suppliers with whom the national administration of penitentiaries has contracts.

Also, during detention, persons deprived of their liberty have the possibility to communicate daily with the administration of the penitentiary and to inform about any aspect regarding a possible violation of rights or the exercise of abuses or to address, in writing or orally, the judge supervising deprivation of liberty, the director of the penitentiary or the persons designated by the latter.

In the field of emergency management, a plan of measures, adapted to the current epidemiological situation, was required from subordinate units in order to carry out safe actions in the event of emergency situations, actions related both to the rescue of human lives and to the provision of safe intervention actions in case of concrete situations. Specific measures have been laid down to this effect, as follows:

- the maintenance of first fire intervention facilities, personal protective equipment, extinguishing installations and detection and alarm installations in optimum operating conditions;

- retraining unit staff on emergency response modes, in the current situation, supplementing intervention instructions / procedures with specific intervention measures in areas with limited access and carrying out practical applications;

- re-checking the endowments with first aid means for fire, personal protective equipment, fire-fighting installations and fire detection and alarm installations in order to operate at nominal parameters and to take the necessary steps to remove the existing deficiencies;

- maintaining a permanent connection with the local Inspectorates for Emergency Situations in order to ensure optimal communication in case of exceptional situations;

- ensuring safe fire response for first responder groups, their members complying with SARS-CoV-2 infection protection measures in the intervention area, when required;

- the maintenance of existing escape and intervention routes under normal operating conditions, under the conditions of delimitation of restricted access areas;

- ensuring, in the event of an emergency (fire, earthquake, etc.), the normal evacuation of persons and property from buildings, taking into account the physical separation of unconfirmed/ confirmed persons regarding SARS-CoV-2 infection;

- ensuring water stocks in the unit's own reserves, as well as the fuel necessary for the operation of the generators for a period of at least 24 hours;

- reviewing the Risk Analysis and Coverage Plan of the penitentiary unit and drawing up a Plan of Measures in case of “failure of public utilities”;

- communication to the responsible staff (head of shift, responsible for MSU) regarding their obligation to inform the professional services within the County Emergency Situations Inspectorates, in case of interventions in the penitentiary unit, regarding the existence of areas at risk of infection with SARS- CoV-2.

From an economical perspective, the National Administration of Penitentiaries, through its prerogatives as a secondary credit authorizing officer, has made the two series of transfers of credits, which targeted all penitentiary units, in order to ensure additional funds for the acquisition and realization of optimal stocks of sanitary materials and disinfectants.

It also requested and obtained the support of competent institutions and economic operators providing sanitary materials (Ministry of Health, Ministry of Internal Affairs - Department for Emergency Situations, Unifarm National Company and other suppliers) to ensure minimum stocks of masks, gloves, disposable protective equipment, sanitary materials and disinfectants. Periodically (with a frequency of three times a week), the situation of the stocks considered critical for limiting the infection with the new type of coronavirus, respectively sanitary materials (respiratory protection masks, medical gloves, waterproof overalls, boots, gowns, facial shields for medical use), disinfectants (for specific use: for hands, floor, other surfaces, for nebulization, etc.)are monitored and analysed. The penitentiary units were informed about the rules for equipping the penitentiary police officers, applicable depending on the job and the activity carried out.

Steps have been taken toward all economic operators, which were serving as points of sale of consumer goods for the persons being placed in custody, in order to ensure that supplies are properly secured and that prices are realistic or even lower compared to the prices of the products marketed.

The penitentiary units were recommended to pay daily the invoices issued by the economic operators within the commercial points, so that based on the increase of liquidity, they maintain and even decrease the prices, under the provisions of the general director decision approving the calculation and observance of the average prices within the commercial points inside the penitentiary and of the procedure regarding the renting of the spaces from the penitentiary administration system.

From a medical point of view, at the level of the penitentiary administration system were established respiratory isolation spaces, intended for persons deprived of liberty considered suspected/sick cases of COVID-19, within 5 penitentiary units (Bucharest - Jilava Hospital Penitentiary, Aiud Penitentiary, Constanța Hospital Penitentiary - Poarta Albă, Drobeta Turnu Severin Penitentiary and Baia Mare Penitentiary). Also, by Order of the Minister of Health no. 489/2020 of March 23, 2020 on approving the administration, financing and implementation of priority actions for monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IE / RE), Bucharest - Jilava Hospital Penitentiary is nominated as a unit AP-IE/RE. At the same time, we mention that at the level of the penitentiary administration system there are 2 penitentiaries-hospitals with departments/compartments of Anaesthesia and Intensive Care.

Given the continuous dynamics of the evolution of SARS-CoV-2 infection, as well as the legislative changes adapted according to the evolving situation, it will be considered the possibility of designating other respiratory isolation spaces, than those provided so far, gradually, depending on the occurred needs.

The identification of persons deprived of liberty considered infected with SARS-CoV-2, is carried out in compliance with the regulations provided in the publications of the National Institute of Public Health: "Case definitions for Acute Respiratory Syndrome with the new coronavirus (COVID-19)" and “Test Algorithm for COVID-19”.

In order to provide the penitentiary units with sanitary materials and protective equipment, necessary for the management of medical activities with persons deprived of liberty considered suspicious/sick cases of COVID-19, the penitentiary-hospitals took the necessary steps to purchase the mentioned resources, both for their own unit and for their rounded units. Regarding the provision of specific medicines for the treatment of COVID-19, it will be purchased according to the recommendations of specialists for each case or will be insured from the existing stocks, at that date, for medicines for general use.

The disposal of contaminated medical waste is performed according to the Order of the Minister of Health no. 1226/2012 for the approval of the Technical Norms regarding the management of waste resulting from medical activities and of the Data Collection Methodology for the national database regarding the waste resulting from medical activities.

The medical assistance of the persons deprived of liberty considered suspicious/sick cases of COVID-19 is provided by the specialized medical staff, among them, at the level of the penitentiary administration system being employed 2 doctors in the specialty of Anesthesia and Intensive Care and 1 doctor in the specialty of Infectious Diseases, carrying out their medical activity in penitentiaries-hospitals. Also, all cases of persons deprived of liberty suspected/sick of COVID-19 are reported to the county public health directorates and, depending on the situation, the Single National Emergency Service 112 will be called, medical assistance being provided through the public health network.

In order to make more efficient the provision of medical assistance and to cover the medical requirements appeared in the current epidemiological context, 2 resident doctors from the final year in the specialty of Anesthesia and Intensive Care were summoned, as well as one in the specialty of Pneumology. At the same time, for the support of the penitentiary health network, other resident doctors were summoned, from the following specialties: 12 - Family medicine, 1 - Radiology, 1 - Thoracic Surgery, 1 - General Surgery, 1 - Otorhinolaryngology and 1 - Obstetrics-Gynecology.

Regarding the specific training of nurses, it is to be mentioned that the health education process of the average medical staff includes general basic notions about: the principles of universal precaution, hygienic-sanitary norms, prevention regarding the equipment/de-equipment of protective equipment, and understanding the need to use this equipment and the application of these notions.

Also, their own written instructions were developed and submitted in addition to the orders/instructions of the Minister of Health and of the National Committee for Special Emergency Situations, regarding the use of protective equipment and the rationalization/efficiency of use of such equipment, which may include training for personnel who is not part of the medical staff. At the same time, informative video materials were promoted regarding the hygienic-sanitary measures and the instructions for use regarding the equipment/de-equipment of the protective equipment.

In the context of issuing the Decree of the President of Romania no. 240 of 14 April 2020 on the extension of the state of emergency on the Romanian territory, the “**Plan of measures for the penitentiary system, on the extension of the state of emergency on the Romanian territory**”, provided that all transfers between penitentiary units should be made with the approval of the Medical Supervision Directorate. Also, some structures in the penitentiary-hospital will be operatively subordinated to other penitentiaries-hospital for carrying out the activities of monitoring, treatment and care of patients, as well as the transfer of material resources. The Bucharest-Jilava Hospital Penitentiary is designated as a health unit in order to carry out priority actions for the monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IER/RE), according to the Order of the Minister of Health no. 489 of March 23, 2020 on approving the administration, financing and implementation of priority actions for monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IER/RE).

Regarding the right of detainees to buy goods and food, article 70 of Annex 1 of the Decree of the President of Romania no. 240 of April 14, 2020 for the extension of the state of emergency on the territory of Romania, provides, as a novelty compared to the previous decree, the following: ”By derogation from the legal provisions, during the state of emergency, persons without money have the right to use, for the purchase of goods and food products, as well as for making telephone calls, including the amount of money representing the share of 10% of the income, recorded in their name, at the State Treasury, except for the amount necessary to pay for the transport to their home, upon release date”. According to the “Plan of measures for the penitentiary system, when extending the state of emergency on the Romanian territory”, in application of the previously presented provisions, the person deprived of liberty is considered without money if, at the time of the request, disposes of a sum lower than three quarters(3/4) of the value of the minimum gross wage per economy.

Regarding the social reintegration activities, emphasis will be placed on the intensive use of the closed-circuit radio-TV studio for the transmission of programs and materials of a preventive, informative nature or of educational topics of interest, which should compensate for the limitation to direct participation of persons deprived of freedom to social reintegration, as well as the transmission/retransmission of religious services and moral-religious programs.

In order to ensure continuity in the supply of goods necessary for the feeding and individual hygiene of the detainees, the National Administration of Penitentiaries took steps, which were included in the provisions of Decree no. 240/2020, through which the penitentiary units were authorized to purchase directly (with the prior authorization of the Director General of the National Administration of Penitentiaries) food, cleaning items and individual hygiene for persons deprived of liberty during the emergency situation.

Also, by Decree no. 240/2020, during the emergency period, the penitentiaries-hospital were authorized to purchase directly, for the rounded penitentiaries, materials and equipment necessary to prevent and combat COVID-19, from the funds collected based on the contracts for medical services.

**Conclusion: as it can be observed, the measures adopted and implemented by the National Penitentiary Administration correspond to the guidelines of the Subcommittee.**

1. **Romanian Police:**

Detention and pre-trial detention centres, as part of the judiciary, must ensure respect for the fundamental rights of persons deprived of their liberty by executing preventive measures of deprivation of liberty or punishment and increase security in the community by ensuring a healthy custodial environment, taking into account the need to reduce the risk of deteriorating the condition of the individual during incarceration.

At the level of the Romanian Police, 51 detention and pre-trial detention centres are organized and operated; of these, 40 are managed by the county police inspectorates (except I.P.J. Ilfov), and 11 are managed by the General Police Department of Bucharest, with a total accommodation capacity of 1569 places (by reference to the number of beds) and 1388 places respectively (by reference to the provision of a living space of at least 4 m2 for each individual private freedom).

According to the criminal executive set[[1]](#footnote-1), the centre administration has a legal obligation to ensure, on the one hand, the exercise of the legal rights of persons deprived of liberty, with limitations imposed by detention, and, on the other hand, to take all legal measures to ensure the safety of detention, as a whole, and to protect their life, body integrity and health, the personnel of the detention place and any other person.

Police officers in detention and pre-trial detention centres are constantly engaged in direct activities with persons deprived of their liberty diagnosed with contagious medical conditions, thus posing a professional risk which may lead to premature reduction of working capacity, occupational illness and risky conduct in the activity, with serious consequences for the safety and health of personnel and/or other persons.

Given the international epidemiological context caused by the spread of SAR-CoV-2 virus (new coronavirus responsible for COVID-19), gradual proactive and preventive measures to prevent and protect its personnel have been adopted since 24.02.2020 at the Romanian police level in the context of the spread of the infection with the new virus responsible for COVID- 19, in relation to the national epidemiological evolution.

Initially, these concerned general epidemiological prevention measures, of which we list, by way of example: intensifying the performance of epidemiological triage; application of medical prophylactic measures; distribution and use of protective equipment by potential third party contacts; proper disinfection of common areas (including furniture and specific equipment), with the addition of means of transport used to transport persons deprived of their liberty; ensuring, in all cases, the exercise of the right of access of persons deprived of their liberty, in conditions of limiting their physical contact with third parties; hearing the persons deprived of their liberty taken into custody in centres by videoconference system at the place of detention; individual accommodation of persons at epidemiological risk, circuit and separate activities from other persons deprived of their liberty (with compulsory wearing of protective equipment), exercise of rights in the centre provided separately from other persons deprived of liberty (only wearing a mask, followed by proper disinfection of the related spaces; processing of informative-educational materials on the epidemiological context and adequate protection measures to limit the spread of the virus, both with the staff of the centres and with the detainees.

Moreover, under the conditions of art. 6 para. (3) of the Order of the Minister of Interior 14/2018, at the level of detention and pre-trial detention centres, detention rooms / detention sections were established for the reception of all persons deprived of liberty / persons deprived of liberty who came /were handed over /were extradited from areas with epidemiological risk for COVID-19 or who, prior to admission to the centre, came into direct contact with people from areas at epidemiological risk for COVID-19 / confirmed. In this sense, at the level of the General Police Directorate of Bucharest, where a number of 11 detention and pre-trial detention centres are organized and operate, the detention and pre-trial detention centre no. 6 - Section 9 Police was established to receive all the persons referred to above.

Considering that the subsequent evolution of the epidemiological situation at national level determined by the spread of the SARS-CoV-2 virus led to the establishment of the state of emergency on the Romanian territory by Decree no. 195 of 16.03.2020 (measure extended by Decree no. 240 of 14.04.2020), at the level of detention and pre-trial detention centres subordinated to the General Inspectorate of the Romanian Police (GIRP), the general epidemiological prevention measures were supplemented with measures to prevent any situations of risk generated by the spread of the virus in Romania (including the development of psychological assistance activities, with priority) dimensioned, on the one hand by reference to the restriction of the exercise of some of the legal rights of persons deprived of liberty provided by the aforementioned rules and, on the other hand, by reference to the incidentally criminal provisions.

In this context, the measures aimed at two distinct levels, namely ensuring effective cooperation between the structures / institutions with responsibilities in the field concerned, on the one hand and, on the other hand, the efficient and urgent management of specific epidemiological events, with minimal implications with regard to the epidemiological risk, which also affects persons deprived of their liberty and the staff of detention and pre-trial detention centres.

Thus, in addition to the above measures, in order to strictly comply with preventive and epidemiological safety measures to prevent disease and spread of COVID-19 infection among staff and persons deprived of liberty in detention and pre-trial detention centres under the Ministry of Interior / detention units, at the level of the Romanian Police a prompt, fast, two-way communication was established, both between the activity sectors, especially between the medical staff and the staff of the centres, at the level of each unit, and between the local level and GIRP.

Also, considering that the criminal prosecution and the custody of persons deprived of liberty aim at the competences of the operative structures of the Romanian Police, with the correlative contribution of the support structures from the perspective of logistic insurance and the field of communications and informatics, at the level of the Romanian Police unitary management rules for all situations that may present a potential risk have been established.

In this regard, at the level of the General Inspectorate of the Romanian Police (G.I.R.P.) a permanent informational flow was established with the other institutions with responsibilities in carrying out criminal prosecution and custody of persons deprived of liberty, such as prosecutor's offices / courts, the Medical Directorate, the National Administration of Penitentiaries, the National Union of Romanian Bars so that they shall be informed of the measures taken in the current epidemiological context with a view to their proper application.

At the same time, considering the fact that the epidemiological risk in the prison environment is significantly increased due to the restrictions imposed by the detention regime, the Technical-Scientific Support Group on the management of highly contagious diseases in Romania was notified.

In the same context, the G.I.R.P. notified the Prosecutor's Office attached to the High Court of Cassation and Justice with the proposal to analyse the opportunity to carry out with due urgency criminal proceedings and examinations of the proposals to take a preventive measure carried out by the courts, as appropriate, so that introduction of persons who would require quarantine or are confirmed with COVID-19 in detention and pre-trial detention centres is not necessary, until it is established whether the criminal investigation is carried out with persons in freedom, or under the effect of a preventive measure.

The approach was generated by the fact that detention and pre-trial detention centres do not have the capacity and structure necessary to manage such a medical situation, and detention cannot be carried out in penitentiary-hospital units under the National Administration of Penitentiaries.

The individual approach of the epidemiological risk situations implied the dynamic disposition of the prevention measures, related to the epidemiological evolution, in the detention and pre-trial detention centres where suspicions were registered regarding the potential infection with the COVID- 19 virus (both in terms of own staff as well as persons deprived of liberty) - respectively the centres within the county police inspectorates Vrancea, Suceava, Brașov, Bacău and 3 centres within the General Police Directorate of Bucharest (DPAC no. 2 - SRPT, DPAC no. 5 - Section 6 and DPAC No. 10 - Section 19) - a series of measures are adopted to ensure, on the one hand, the ongoing judicial activities in the territorial-administrative area of ​​the centres concerned and, on the other hand, the prevention of the spread of infection with COVID-19 among staff and persons deprived of their liberty are guarded, in order to avoid their direct contact with potential contacts.

Thus, in addition to the strict application of institutional measures to limit possible risk situations caused by the spread of the virus by reference to the epidemiological situation and the specific features and activities of the system of enforcement of custodial measures and monitoring of detainees, administrative measures aimed at suspending the transfers of persons deprived of liberty from/to other centres, restricting the transfers of persons deprived of liberty to penitentiary units until the medical situation is clarified, according to medical recommendations, custody of persons deprived of liberty against whom custodial detention measures have been/are to be ordered within the area of ​​competence of the centres concerned, separately from the other persons already detained in the centre, in strict compliance with prophylactic and epidemiological safety measures, ensuring, as appropriate, the continuity of service at the level of the centres concerned, according to the relevant legal norms regarding the regime of execution of preventive measures of deprivation of liberty, respectively urgent information of the territorial public health directorate and the county medical service from the targeted center, as well as for speedy testing of contacts.

Between 24.02.2020 and 23.04.2020, from a statistical point of view, the situation of persons deprived of their liberty in detention and pre-trial detention centres held separately as a result of the application of epidemiological prevention measures is as follows:

- Persons deprived of liberty accommodated separately epidemiological prevention - 137;

- Persons deprived of liberty released from separate accommodation epidemiological prevention - 101, no confirmations of COVID 19 infection were registered among the detained persons.

In the same context, in the situation of establishing the quarantine measure on the municipality of Suceava, some communes in the neighbouring area, as well as a protection zone on some administrative-territorial units in Suceava County, the previously detailed measures were followed by redirection of persons deprived of liberty targeted by judicial activities whose jurisdiction is not limited to the quarantined area to adjacent detention and pre-trial detention centres, separately from the other persons in custody, in strict compliance with measures to prevent the spread of COVID-19 infection.

On March 16, 2020, in the Official Gazette of Romania, Part I, Decree no. 195 of 16.03.2020 regarding the establishment of the state of emergency on the Romanian territory which includes, in Annex no. 1 - First aid measures with direct applicability, provisions applicable to the field of justice with a direct impact on the sub-domain of the execution of sentences and custodial measures.

Thus, the provisions of Article 47 of the aforementioned norm aims at restricting the exercise of some of the legal rights of persons deprived of liberty becoming, de jure, opposable to persons deprived of liberty detained in detention and pre-trial detention centres that are organized and operate under the Ministry of Internal Affairs, in the context of the applicability of enforceable criminal provisions for all these categories of persons, regardless of the legal regime of custody.

Thus, according to paragraph (1) of the aforementioned rule, in the execution of sentences and custodial measures, the exercise of the right to receive visits, the exercise of the right to intimate visit, the exercise of the right to receive goods through the visiting sector, as well as the rewards of permission to leave penitentiary is suspended; similar measures were ordered by Decree no. 240 of 14.04.2020 regarding the extension of the state of emergency on the Romanian territory.

In the context in which the normative provisions circumscribed to the establishment and prolongation of the state of emergency on the Romanian territory aimed at restricting the exercise of some of the legal rights of persons deprived of liberty, in order to maintain the link with the support environment, the legislator supplemented the exercise of legal rights do not involve contact with potential third party contacts, in detention and pre-trial detention centers the right to telephone calls being increased, both in terms of the duration of the telephone conversation (maximum 45 minutes from maximum 30 minutes) and the number of telephone calls [which, according to the provisions of art. 246 para. (3) lit. c) of the Regulation for the application of Law no. 254/2013, approved by H.G. no. 157/2016 can be ordered daily].

Also, at the level of the Romanian Police, respectively of the coordinating central structure, it was established that the administration of the centre has the competent measures to apply and facilitate the information of the persons concerned on the exercise of restricted rights during the establishment of the state of emergency.

Regarding the number of telephone calls made by persons deprived of their liberty in March 2020, before and after the establishment of the state of emergency, the available statistical data, centralized at national level, reveal a number of 900 calls falling within the supplementation of the exercise of the right in question in the period 24 - 31.03.2020.

In the mentioned normative context, the right to visit of the persons deprived of liberty was suspended, without restricting the free access to justice which implies including the assurance of the right to defence. Under these conditions, the exercise of the right to legal aid through the visits of the lawyer (elected or ex officio) is carried out only in compliance with the necessary preventive and epidemiological safety measures, in rooms provided with separation systems to avoid direct contact of persons deprived of liberty with third parties.

Measures have also been implemented to ensure the possibility of connection by technical means between the person deprived of liberty and his defender (mainly by telephone as a preventive measure, intended to eliminate any risk, both for persons deprived of liberty and staff of the centre and for possible contacts), prior to the hearing by videoconference by the judicial body, the administrations of the centres having, as the case may be, measures including in the sense of bearing the expenses related to telephone conversations.

As regards the right to receive goods, its legal restriction concerned only the exercise through the visiting sector (respectively concurrently with the granting of the visit), the enforceable criminal provisions on the execution of preventive measures of deprivation of liberty (distinct from those applicable to persons taken into custody in penitentiary units) establishing the possibility of exercising it both simultaneously and separately from the granting of the visit. In this legislative context, it was established the possibility for persons deprived of their liberty to receive the package with personal effects and personal hygiene items, as well as the packages, by depositing them by their relatives at the police station where the detention and pre-trial detention center operates.

Subsequently, in the context of the disposition, by successive military ordinances, of the first emergency measures with gradual applicability, those aiming at movement restrictions of all persons outside the dwelling / household having a direct impact in terms of maintaining the connection of persons deprived of liberty with the external support environment, a legal and viable mechanism for ensuring the exercise of this right was identified, consisting in the delivery of goods through economic operators, activity falling within specific anti-terrorist and specialized control, respectively preventive measures and measures for epidemiological safety.

**General Inspectorate for Immigration**

Measures taken in the context of the COVID-19 pandemic regarding the treatment of persons deprived of their liberty in accommodation centres for foreigners taken into public custody:

- a number of internal provisions were issued on measures to prevent any risk situations in the context of the spread of SARS-CoV-2 virus infection, and their contents were processed with the staff of the accommodation centres for aliens taken into public custody;

- the Plan of measures for the prevention and control of possible cases of infection with SARS-CoV-2 virus at the level of the Accommodation Centre for aliens taken into public custody no. 483441 / 25.02.2020 and the Plan of measures regarding the way of concrete intervention no. 483987 / 24.03.2020, were carried out, in the context of the COVID-19 pandemic, starting with March 2020. These Plans were prepared in accordance with the relevant national legal provisions, as well as in accordance with WHO directives;

- providing medical and psychological assistance to all persons accommodated in centres, in accordance with the provisions of the Regulation of accommodation centres for aliens taken into public custody approved by OMIA no. 121 / 07.20.2014;

- at the level of the Accommodation Centre for Aliens Taken in Public Custody - Otopeni the project entitled "Assistance to foreigners for whom public custody and introduction in accommodation centres was ordered " is implemented, in which specific materials necessary for assistance medical centres were purchased, as well as certain medical investigation services. In addition, in order to prevent the spread of COVID-19, foreigners staying in public custody centres are subjected to a daily examination by medical staff, an activity recorded in their own records;

- except for visits, which were limited both in the context of the spread of COVID-19 and in accordance with the regulations relating to the establishment of the state of emergency in Romania, all the rights of aliens accommodated in centres are granted in accordance with the Regulation of the accommodation centres for aliens take into public custody;

- the restriction of visits was compensated by ensuring the access of aliens to personal mobile phones and facilitating communication with members of their families, in compliance with the provisions of the Regulation of accommodation centres for aliens taken into public custody, regarding direct communication or correspondence with outsiders ;

- foreigners taken into public custody and accommodated in custody centres were facilitated access to the amounts of money sent by families through the money transfer systems existing in the banking units;

- weekly shopping for foreigners was not limited, although there are traffic restrictions in Romania and certain access rules were introduced in stores selling food products, which result in a considerable increase in the time required to make them;

- in order to reduce the risk of contamination, aliens entering Romania illegally to be accommodated in custody centres are placed, in the first stage, in specially arranged spaces / rooms, to be monitored by medical staff for 14 days, in accordance with the provisions of article 5 of the Military Ordinance no. 3 / 24.03.2020.

In addition to the presented measures, we specify the following measures applicable to persons accommodated in custody centres:

- the existence of the obligation to wear protective materials in contact with visitors, relatives or legal representatives, as well as the avoidance of long-term exposure;

- maintaining the social distance in the relations with the other foreigners, relatives, legal defenders or policemen within the custody centres;

- frequent hand washing after contact with other people and frequent ventilation of rooms;

- constant information and processing, among the staff of the centres, regarding the content of the MIA provisions and their implementation in daily activities.

Measures taken in the context of the COVID-19 pandemic regarding the treatment of persons deprived of their liberty in regional centres for procedures and accommodation of asylum seekers

An Action Plan has been adopted by the Asylum and Integration Directorate on how to intervene in the context of the Coronavirus pandemic, which also includes measures taken within the regional centres for procedures and accommodation of asylum seekers, as follows:

- conducting information sessions for staff and people on risk situations in the context of the spread of SARS-CoV-2 virus infection;

- organization of regular activities for disinfection of the spaces in the regional centres of procedures and accommodation of asylum seekers;

- carrying out intensified activities of medical evaluation of the staff and of the foreigners accommodated in the centres;

- if there are cases of people suspected of being infected with the new coronavirus, they will be isolated and the asylum procedure will be suspended for a certain period;

- the cessation of the granting of leave to the persons accommodated in the centres, for a determined period;

- cessation of the activity of taking over applications and issuing travel documents for beneficiaries of international protection in order to limit travel and the spread of infections;

- on the line of over-the-counter activities, the receipt of applications for long-term residence rights is suspended;

- visitors' access to the centres will be prohibited for a certain period of time;

- identification and distribution to the staff of the regional centres and to the accommodated target group of the necessary protection and disinfection materials;

- ensuring funds for supplementing the food allowance, in accordance with the provisions of GD 1251/2006 for the approval of the Methodological Norms for the application of Law no. 122/2006 on asylum in Romania;

- the provision of cleaning and disinfection materials and the organization of daily cleaning and disinfection activities under the direct supervision of the staff of the centres;

- the management of the centres and the local authorities working together to provide support for the provision of food to asylum seekers in solitary confinement;

- distribution to the people in isolation of materials for cleaning and sanitation of the common and individual spaces, having the obligation of the daily maintenance of the spaces;

- the daily cleaning and disinfection activities in the isolation spaces will be considered activities for the benefit of the centre, and the adult asylum seekers will be remunerated according to the legal provisions;

- the medical staff will monitor, twice a day and whenever the situation requires it, the state of health of the asylum seekers in isolation;

- transfers between regional centres for procedures and accommodation of asylum seekers will be made only in the case of aliens for whom the isolation period has ended and who do not show specific symptoms of COVID-19;

- application of the measures established by the Public Health Directorate (PHD) in the case of possible cases of persons infected with COVID-19 detected in centres;

- supporting the PHD in carrying out the epidemiological inquiry, and in order to limit the spread of SARS-CoV-2 virus contamination, urgent measures will be taken at the center to identify contacts and temporarily isolate them.

**Romanian Border Police**

- in case illegal migrants are detected during the specific activities, they are taken to the existing quarantine centres in the respective area, centres that are in the competence and responsibility of the local authorities;

- given the limitations imposed (regarding the entry / movement on the territory of Romania of foreign nationals) by the military ordinances in force, there are no cases of persons (foreign nationals) to be introduced in the existing sorting rooms at the level of Romanian Border Police structures. When a person is detained in these areas, the actual introduction will be carried out only after the epidemiological control by the competent authorities, subsequently applying the necessary measures to prevent the spread of COVID-19 virus, provided by the existing rules in field.

**Medical Directorate**

- At the MIA level, the Plan of Measures for the prevention of illness and spread of COVID 19 infection was approved among the staff and persons deprived of liberty in the detention and pre-trial detention centres subordinated to the MIA, which includes the measures adopted to ensure medical care of detainees in custody at the level of Detention and Preventive Arrest Centres (DPAC).

- A series of instructions were sent to the structures subordinated to the MIA concerned, aimed at preventing the occurrence of diseases and the spread of SARS-CoV-2 infection by sorting people at the entrance to DPAC, wearing appropriate protective equipment, and constantly informing medically supervised persons (police officers with duties in centres and the prison population in DPAC) on updating the recommendations issued by the authorities with responsibility in the field.

- At the staff level, the System Procedure on epidemiological triage and isolation of staff with suspected SARS-CoV-2 infection was implemented.

- The necessary approvals were obtained for the hiring of doctors, contract staff, for a determined period of 6 months, in order to complete the necessary medical staff with responsibilities in DPAC, and the procedures for employment will be started as soon as possible.

- Disinfectants for hands and surfaces, surgical masks, FFP2 masks, disposable raincoats, protective coveralls, adjustable plastic visors, and an infrared radiation thermometer (for non-contact determinations) were distributed.

- Special accommodation was provided for persons suspected of being infected with SARS-CoV-2 (DPAC 6 was intended for the custody of male detainees and two rooms in DPAC 1 were intended for women deprived of liberty).

- Personal protective equipment and products for the individual hygiene of persons deprived of their liberty are provided.

- Disinfection actions were carried out periodically, including at the level of medical facilities.

So far, only one case of SARS-CoV-2 infection at DPAC Vrancea has been confirmed among prisoners. The person in question was transferred to the Infectious Diseases Department of the Focșani County Hospital.

1. Law No 254/2013 on the enforcement of sentences and custodial measures ordered by judicial authorities during the criminal trial, with subsequent amendments and completions

   Regulation for the application of Law no. 254/2013 on the enforcement of sentences and custodial measures ordered by judicial authorities during the criminal trial, approved by H.G. no. 157/2016, with subsequent amendments and completions

   Regulation on the organization and operation of detention and pre-trial detention centers, as well as the measures necessary for their safety, approved by Order no. 14/2018 [↑](#footnote-ref-1)