
Advance Unedited Version

Committee against Torture

List of issues prior to submission of the fourth periodic report of Romania* **

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

1. In its previous concluding observations,¹ the Committee requested the State Party to provide information on the follow-up to its recommendations on the methods by which strip searches are conducted; on the halt of the use of special intervention units in penitentiary facilities; and on the improvement of conditions in psychiatric institutions and social care facilities (see paras. 12 (c), 14 (c) and 18 (c) respectively). The Committee regrets that it has received no information from the State Party on the implementation of these recommendations, despite a reminder sent by the Committee’s Rapporteur for follow-up to concluding observations on 29 April 2025.

Articles 1 and 4

2. Please provide examples of decisions delivered by the domestic courts on cases of torture, adjudicated under article 282 of the Criminal Code, during the reporting period.

Article 2²

3. With reference to the Committee’s previous concluding observations,³ please indicate the measures taken to amend article 153 of the Criminal Code and to remove the statute of limitations for cruel, inhuman or degrading treatment, as criminalized under article 281 of the Criminal Code, in order to preclude any risk of impunity with respect to the investigation of acts of cruel, inhuman or degrading treatment and the prosecution and punishment of perpetrators.

* Adopted by the Committee at its eighty-fourth session (13 April – 1 May 2026).

** The present document is being issued without formal editing.

¹ CAT/C/ROU/CO/3, para. 33.

² The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee’s general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

³ CAT/C/ROU/CO/3, paras. 7 and 8.

4. In the light of the Committee's previous concluding observations,⁴ please provide updated information on the measures taken by the State Party and the procedures in place to ensure that all detainees are afforded, both in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty. In particular, please update the Committee on measures taken to guarantee detainees' rights to be fully and comprehensively informed of their rights, the reasons for their arrest and any charges against them, in a language they understand and in an accessible manner; to have access to and consult with a lawyer prior to, during and after interrogation; to have the confidentiality of privileged communications guaranteed; and, where necessary and applicable, to have access to free legal aid. Please also provide information on measures taken to ensure detainees' right to request and receive a medical examination by an independent practitioner free of charge, or by a practitioner of their choice, in full confidentiality. Furthermore, please provide information on measures taken to strengthen surveillance and monitoring mechanisms for police and prison staff, including the use of body cameras and the extension of closed-circuit television to all places where detainees may be present, in particular police stations and interrogation rooms. In this regard, please explain the measures in place to guarantee detainees' right to privacy and the confidentiality of their communications with counsel or medical professionals. Finally, please provide information on the State Party's efforts to monitor the implementation of fundamental legal safeguards against torture for persons deprived of their liberty, as well as information on any cases in which authorities were alleged to have failed to comply with these safeguards, including cases in which disciplinary or other measures were taken against officials found responsible for violations.

5. Please provide information on the measures taken to ensure that the national preventive mechanism within the People's Advocate institution has sufficient financial and human resources to carry out its mandate effectively. Please also provide information on visits to places of detention conducted by the mechanism during the reporting period and on the measures taken by the State Party in response to the mechanism's recommendations.

6. Taking note of the Committee's previous concluding observations,⁵ please provide updated information on the legislative or other measures taken during the period under review to combat all forms of gender-based violence, including domestic violence and sexual offences against minors, especially cases involving actions and omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention. In particular, please include information on the steps taken to review legislation relating to domestic violence, with a view to affording the broadest possible protection to victims and others at risk of victimization, as per the Committee's previous recommendations. Please provide updated information on measures to strengthen the protection and support services available to victims of gender-based violence in the State Party, including access to medical, psychological and legal services, State-funded social rehabilitation services, safe shelters and crisis centres. Please indicate the measures taken to ensure that all acts of gender-based violence, including domestic violence, are promptly, effectively and thoroughly investigated, including in cases where no complaint has been filed, and that appropriate mechanisms are in place to encourage victims to report such acts. Please also provide statistical data, disaggregated by age and by ethnicity and/or nationality of the victims, on the number of complaints received, investigations conducted, prosecutions initiated, convictions obtained and sentences imposed in cases of gender-based violence, including sexual offences against children, since the consideration of the State Party's previous periodic report. In addition, please provide updated information on training programmes related to the investigation and prosecution of gender-based violence, in particular domestic violence, for judges, prosecutors, lawyers, law enforcement officials, social workers, healthcare professionals and other relevant personnel who interact with victims. Lastly, please describe any outreach, education and awareness-raising activities conducted among the general public, particularly within minority communities, as well as initiatives specifically targeting men and boys.

⁴ CAT/C/ROU/CO/3, paras. 9 and 10.

⁵ CAT/C/ROU/CO/3, paras. 19 and 20

7. With reference to the Committee's previous concluding observations,⁶ please provide information, disaggregated by the age, sex, ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State Party's previous periodic report. Please also provide information on:

(a) Any new laws, policies or other measures that have been adopted to prevent and combat trafficking in persons, including child trafficking as well as measures to prevent the criminalization of victims for administrative offence of prostitution. Please also describe the mechanisms established to encourage the reporting of cases of human trafficking and indicate any measures taken to ensure that plea bargaining is not applied in cases of trafficking in persons, that sentences are not suspended, and that criminal penalties imposed for the offence of trafficking in human beings are adequate and commensurate with the gravity of the crime;

(b) Measures adopted to ensure that all victims of trafficking have access to adequate protection and support, including temporary residence permits, irrespective of their ability to cooperate in legal proceedings against traffickers, and to appropriate medical and psychosocial support, free of charge, for all victims of trafficking, including potential ones while identification processes are carried out;

(c) Measures taken to provide specialized training on detecting and identifying signs of trafficking in persons with a focus on vulnerabilities that lead to trafficking in persons among asylum seekers, including on techniques to carry out individualised risk assessment and on referral mechanism to appropriate social, medical and legal services, for law enforcement officers, judges, labour inspectors, social workers, immigration and border control officers, healthcare professionals and others who interact with victims.

Article 3

8. In the light of the Committee's previous concluding observations,⁷ please indicate the measures taken to ensure that no person is returned to a country where he or she would be in danger of torture. Specifically, please explain the safeguards in place to ensure that all persons seeking international protection, including at the border, receive appropriate and timely information about their rights, including information on procedures, appeal mechanisms and legal aid, in a language that they understand. Please also explain the safeguards in place to guarantee their access to a fair and impartial review by an independent decision-making mechanism, with automatic suspensive effect, and to ensure that decisions concerning their applications are provided in writing. In addition, please provide information on the steps taken by the State Party following the judgment delivered by the European Court of Human Rights in the case of *Al Nashiri v. Romania* concerning the secret detention and "extraordinary rendition" of the applicant. Please also provide information on measures adopted to strengthen identification mechanisms and procedures for the individual assessment of protection needs and procedural guarantees for persons seeking asylum, as well as for the screening, identification and immediate referral of persons in vulnerable circumstances, including victims of torture or trauma, trafficking in human beings, gender-based persecution and violence, who are seeking asylum, including procedures for assessing risk in the event of return. Please provide information on the steps taken to provide such a mechanism with sufficient human and financial resources, including staff specialized in relevant areas.

9. Please indicate the number of asylum applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or ran the risk of being tortured if returned to their country of origin. Please provide updated information on the type of appeal mechanisms that exist and on any appeals that have been lodged and their outcome. Please include information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the State

⁶ CAT/C/ROU/CO/3, paras. 21 and 22. See also CRC/C/ROU/CO/6-7, para. 47.

⁷ CAT/C/ROU/CO/3, paras. 23 and 24.

party's previous report. Please provide details on the grounds on which they were sent back, including the list of countries to which individuals were returned. Furthermore, please indicate the number of returns, extraditions and expulsions carried out by the State Party during the reporting period on the basis of diplomatic assurances or the equivalent thereof and provide information on any instances in which the State Party has offered such diplomatic assurances or guarantees. Please indicate the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring.

10. Please indicate any legislative measures taken by the State Party to ensure that all persons born in its territory, who would otherwise be stateless, acquire Romanian nationality and establish a dedicated statelessness determination procedure aimed at ensuring the proper identification and protection of stateless persons, including children, in accordance with the State party's obligations under the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁸

Articles 5–9

11. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been taken by the State Party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide information on cases in which the State Party has agreed to extradite a person for torture or related offences. Please also indicate whether the State Party has rejected, for any reason, the request of a State Party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of the procedures. Please give details of the mutual legal assistance treaties or agreements that the State Party has entered into and indicate whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment.

Article 10

12. Please provide up-to-date information on educational programmes developed by the State Party during the reporting period to train public officials involved in the custody, interrogation and treatment of persons deprived of liberty on the provisions of the Convention, especially the absolute prohibition of torture and the use of force in custodial settings. Please indicate whether these training activities are mandatory or optional, how often they are conducted and how many officials have already completed them in relation to the total number of such officials. Please indicate whether the State Party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture and ill-treatment and, if so, please provide information on it.

13. Please describe the steps taken to improve methods of investigation, including training programmes on non-coercive interrogation techniques, and specify whether they incorporate the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles). Please provide up-to-date information on any training programmes developed for all relevant staff, including judges, prosecutors, forensic doctors and medical and psychological personnel dealing with detained persons on detecting, documenting investigating the physical and psychological sequelae of torture, including specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised.

⁸ CRC/C/ROU/CO/6-7, para. 18; E/C.12/ROU/CO/6, para. 21 (b).

Article 11

14. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced since the consideration of the previous periodic report. Please indicate the frequency with which they are reviewed.

15. In light of the Committee's previous concluding observations,⁹ please explain the measures that have been adopted by the State Party to improve material and living conditions, in particular to alleviate overcrowding in penitentiary institutions and other detention facilities, and to ensure sufficient access to hot water, natural light and hygiene in all places of detention. Please provide comprehensive information on educational and recreational activity programmes in all detention facilities. Please indicate whether and what protocols are in place to accommodate prisoners with specific needs, including in terms of safety, security and access to rehabilitation programmes, notably for persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.

16. Please indicate which measures have been adopted to ensure that detention in police detention facilities and arrest centres is used only for the shortest possible period, and to prevent prolonged detention, as well as the measures taken to ensure access to outdoor exercise and time outside cells in such facilities. Please also explain the steps taken to provide alternatives to the use of police detention facilities and arrest centres for prolonged detention, including the use of non-custodial alternatives.

17. Please provide information on the efforts made by the State Party to ensure adequate staffing levels in prisons and other detention facilities, including through the recruitment of staff trained and specialized in the treatment and care of detainees requiring medical, psychiatric and psychological assistance. Please also provide detailed information on the measures that have been taken to strengthen medical screening in police custody, including for blood-borne and contagious diseases among detainees considered to be part of high-risk groups, as well as on measures taken to address the absence of systematic screening for sexual violence or other forms of gender-based violence among women alleged offenders.

18. Further to the Committee's previous concluding observations,¹⁰ please provide information on the efforts made by the State Party to ensure that strip searches of persons deprived of their liberty are conducted only in exceptional cases, when strictly necessary, based on a concrete individual assessment and proportionate to the aim pursued and that, where unavoidable, they are carried out in the least intrusive manner possible, in private, by appropriately trained staff members of the same sex, and in a manner that respects the dignity of the person concerned.

19. Please indicate any specific measures adopted to prevent abuse and violence by prison officers as well as inter-prisoner violence, in particular violence affecting persons on the basis of their sexual orientation or gender identity, persons with disabilities, and persons living with HIV/AIDS. In addition, please describe the steps taken to put an end to the use of special intervention units in all penitentiary facilities, in line with the Committee's previous recommendations.¹¹ Please provide detailed information on any specific training on dynamic security and on the prevention of violence provided to prison staff. In addition, please indicate what mechanisms have been put in place to ensure that, in prisons and other places of detention, any chemical or mechanical restraints are applied only as a measure of last resort, for the shortest possible period and subject to strict supervision, oversight and documentation, and that such restraints are never used in a manner that degrades or humiliates detainees.

20. With regard to the Committee's previous concluding observations,¹² please provide information on the number of persons deprived of their liberty in psychiatric hospitals and social care facilities, and on the measures adopted to allocate adequate financial and human resources to these institutions and to address the shortcomings in material conditions,

⁹ CAT/C/ROU/CO/3, paras. 11 and 12.

¹⁰ CAT/C/ROU/CO/3, para. 12 (c).

¹¹ CAT/C/ROU/CO/3, para. 14 (c).

¹² CAT/C/ROU/CO/3, paras. 17 and 18; See CRC/C/ROU/CO/6-7, paras. 24 (d), 26 and 31.

overcrowding and challenges related to the provision of care by specialized and adequately trained staff. Please indicate any steps taken by the State Party to ensure that sufficient legal safeguards for all patients in psychiatric institutions and social care facilities are implemented, both in law and in practice, and that these are accompanied by periodic judicial reviews of, and effective avenues of appeal against, both de jure and de facto involuntary institutionalization, and that all patients are fully and systematically informed about the treatment to be prescribed to them and are given an opportunity to refuse the treatment or any other medical intervention. Please explain measures adopted to ensure effective monitoring of psychiatric institutions and social care facilities, including by the national prevention mechanism, the National Monitoring Council, as well as by non-governmental organisations in the exercise of their legitimate work, and to guarantee access to effective complaints mechanisms in all such institutions. Please further explain any steps taken to prevent the institutionalization of persons with intellectual and psychosocial disabilities and to increase the availability of community-based mental health services.

21. With regard to the Committee's previous concluding observations,¹³ please indicate whether the State party has taken further steps to cease the practice of detaining migrant families with children, unaccompanied children, and other persons in vulnerable circumstances, including alleged victims of torture, in immigration detention centres.¹⁴ Please also explain the measures adopted to provide non-custodial accommodation, as well as support and assistance services for migrant families with children and unaccompanied children, including safe shelter and appropriate medical and psychosocial services. In addition, please explain the efforts made by the State Party to implement alternatives to migration detention, particularly with regard to persons in vulnerable circumstances, in particular survivors of torture and ill-treatment, and to ensure that migration detention is applied only as a measure of last resort, after alternative measures have been duly examined and exhausted, and for as short a period as possible. Furthermore, please indicate what steps have been taken to provide adequate information, in a language that asylum-seekers understand, on the applicable detention procedures and appeal mechanisms against decisions on placement in closed accommodation sites, as well as access to legal aid in this context. Please provide annual data for the period under review on the percentage of cases in which alternatives to migration detention were applied, compared with the percentage of cases in which migration detention was imposed.

Articles 12 and 13

22. Further to the Committee's previous concluding observations,¹⁵ please explain what steps have been taken to ensure that all allegations of torture and ill-treatment, including the excessive use of force by law enforcement officials, occurring at the moment of arrest and during transportation and interrogation of persons deprived of their liberty, are properly investigated. In addition, please provide information on the measures adopted to ensure the collection of sufficient documentary evidence in cases involving allegations of torture and ill-treatment and to address the reported shortcomings in the timely and adequate recording by medical professionals of injuries sustained by detainees in such cases. Please also explain any steps taken to ensure that access to forensic medical examination in cases of alleged torture and ill-treatment is provided systematically and free of charge, and that all medical examinations are conducted in a private and confidential manner. Please explain the procedures and mechanisms put in place, including any specially designated registers established for recording all injuries occurring in places of detention. Please provide updated information on the steps taken to strengthen existing complaints mechanisms in places of deprivation of liberty by ensuring confidential and unhindered access to them, in complete privacy, and by guaranteeing that complainants are protected against any intimidation or reprisals as a consequence of their complaints.

23. Please provide updated statistical data on complaints of acts of torture and ill-treatment, including verbal abuse and excessive use of force, by law enforcement officers,

¹³ CAT/C/ROU/CO/3, paras. 23 and 24.

¹⁴ CRC/C/ROU/CO/6-7, para. 44 (c).

¹⁵ CAT/C/ROU/CO/3, paras. 13 and 14.

custodial staff and any other personnel in all places of deprivation of liberty, including police, pretrial and correctional facilities as well as psychiatric institutions and social care facilities, recorded during the reporting period. Please include updated information on investigations, disciplinary and criminal proceedings, and convictions under Articles 281 and 282 of the Criminal Code, as well as on the criminal and disciplinary sanctions imposed, including sentences handed down and remedies or redress provided to victims. Please also provide examples of relevant cases and judicial decisions.

Article 14

24. With reference to the Committee's previous concluding observations,¹⁶ please provide updated information on redress and compensation measures, including the means of rehabilitation, ordered by the courts or other State bodies and actually provided to the victims of torture or their families during the reporting period. Please include the number of requests for compensation that have been made, the number granted, and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning. In particular, please indicate the measures taken to address reported shortages in qualified personnel able to provide adequate psychological and legal assistance, which meets the needs of victims. Does the State Party provide assistance to non-governmental organizations that seek to offer rehabilitation to victims of torture or ill-treatment?

Article 15

25. Please provide information on the specific measures taken to ensure that the principle of inadmissibility of evidence obtained under duress is observed in law and practice. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment during the reporting period.

Article 16

26. With reference to the Committee's previous concluding observations,¹⁷ please provide information on any measures taken by the State Party to combat discriminatory practices of law enforcement involving force, verbal abuse and racial profiling against Roma. Furthermore, please indicate any steps taken to combat and prevent racially motivated violence and other hate crimes targeting members of the Roma community, persons belonging to other minorities, individuals on the basis of their actual or perceived sexual orientation or gender identity and migrants. Please provide data on reported and investigated instances of hate crimes based on racist, xenophobic or ethnic grounds or on the grounds of sexual orientation or gender identity during the period under review, disaggregated by type of motive or basis of discrimination and by the sex, gender, age group and ethnic origin or nationality of the victim. Please indicate whether the perpetrator was a public official. Please provide information on the results of such investigations. In addition, please indicate whether the State Party has taken any steps to publicly condemn hate crimes, including threats and attacks against all minority groups, in particular the Roma community, and refrain from endorsing, through action or omission, such attack. In addition, describe any awareness-raising campaigns that have been organized to counter prejudice and stereotypes, to encourage victims to report such incidents and to provide them with adequate protection in this regard. Please indicate whether the State Party has considered promoting the recruitment of persons belonging to minority groups in the police. Please indicate what training is provided to police officers, prosecutors and judges regarding the investigation and prosecution of hate-motivated crimes.

¹⁶ CAT/C/ROU/CO/3, paras. 29-30.

¹⁷ CAT/C/ROU/CO/3, paras. 15 and 16.

Other issues

27. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that those measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to antiterrorism measures; and whether there have been complaints of the non-observance of national and international standards in applying measures to combat terrorism and, if so, what the outcome was.

General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Convention

28. Please provide detailed information on any other relevant legislative, administrative, judicial and other measures taken since the consideration of the State Party's previous periodic report in 2023 to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans and programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant
