

Women in Prison: Romania

Analysis from the National Preventive Mechanism

| September 2024



Romania



UNCAT Ratification

18 December 1990

OPCAT Ratification

2 July 2009

National Preventive Mechanism (NPM)

People’s Advocate (Office of the Ombudsman)

NPM legal framework

Law No. 9 of 5 January 2018 published in the Official Gazette No.17 of 8 January 2018, amending the Law No. 35/1997 regarding the organization and functioning of the People's Advocate Institution.

NPM operationalisation

Since 2014

NPM structure

Specific department within the People’s Advocate

NPM composition

NPM department: 17 staff members (8 women)

I. Facts and Figures¹

Prison population	Women in prison - Characteristics	Prisons for women	Prison staff
Total prison population	Foreign women	Total number of women’s prisons	Women staff in women’s prisons
23,741	11	9	30.5%
Women in prison (total)	Pregnant women	Women-only prison ²	
1,085 4.57%	10	1	
Women serving a sentence	Women with their children in prison	Mixed prisons with special unit for women ³	
939	2	8	
Women in pre-trial detention	Women with disabilities		
146	19		

¹ Data provided to the NPM by the National Prison Administration (ANP), February 2024.

² Ploiesti Women's Penitentiary - Târgșorul Nou

³ Craiova Penitentiary; Craiova Detention Center; Arad Penitentiary; Gherla Penitentiary; Buziaș Educational Center; Bacau Penitentiary; Constanța Penitentiary – Poarta Albă; Mioveni Penitentiary. According to the National Prison Administration, exceptionally, women detainees can be kept in custody in other units than those listed above, according to the provisions of Decision no. 360/2021 regarding the profiling of places of detention of the Administration, in order to present them before the judicial bodies.

II. Recommendations

Contact with the outside world

- + Consider avoiding as much as possible the application of sanctions regarding the right to receive visits, which may have a negative impact on the process of reintegration of women deprived of liberty.

Life in prison: regime and activities

- + Organise more initiation, qualification, requalification, improvement and specialisation courses for women detainees.
- + Take the necessary steps to conclude service contracts with companies, to provide work opportunities for women deprived of liberty while serving their sentence.

Sanitary facilities and personal hygiene

- + Set up accommodation rooms with properly equipped sanitary facilities for people with disabilities, in accordance with the provisions of Art. 1, para. (6) from the Annex to the Order of the Ministry of Justice no. 2772/C/2017.

Prison staff

- + Increase the number of staff in the operative, medical and social reintegration sectors in women's prisons
- + Provide training and certificate to supervisory agents in the provision of first aid, through trainers of the General Inspectorate for Emergency Situations - IGSU.

Overcrowding

- + Address the problem of overcrowding in prisons during some periods, in accordance with the provisions of art. 1, para. (3) from the Annex to the Order of the Ministry of Justice no. 2772/C/2017 for the approval of the mandatory minimum norms regarding the accommodation of persons deprived of liberty.

III. Detention Issues

Accommodation and food

Good practice: Improvement of detention conditions for women in prison

In recent years, a number of initiatives have been taken to improve the conditions of detention for women in prison.

At the **Craiova Penitentiary**, there is an investment program that includes the construction of a new detention pavilion at the exterior women's section. A contract was signed for the investment objective "Detention pavilion + greenhouse - Craiova Penitentiary". The contract provides for the construction of a new detention pavilion for women with 84 places, with spaces with various functions, such as: accommodation spaces for persons deprived of liberty; premises for medical care services; spaces for personal development services; spaces

for sports activities; spaces for socializing and self-catering, etc.

At the **Ploiesti Women's Penitentiary - Târgșorul Nou**, in 2023, investment and modernisation works were carried out consisting of: investment work "Transformation of a textile factory into 240 holding places"; investment work "Transformation of equipment warehouse into detention facilities for 88 places"; provision of sanitary facilities; continuous professional improvement and development of the employed staff through e-learning platform; modernisation of the "Mother and Child" room within the Visitation Sector, as well as the Detention Section "Mother and Child". There is a detention section intended for the accommodation of prisoners who have children under the age of 1 and a specific room for the accommodation of women with disabilities.

At the **Arad Penitentiary**, in the in the period 2021-2023, repairs (painting, carpentry repairs, replacement of sanitary-bathroom objects, electrical, thermal installations) were carried out in the cells in order to improve the detention conditions in the women's ward.

Body searches

a. Legal and regulatory framework

The procedure for conducting searches of persons deprived of liberty is described in the Regulation on the safety of places of detention subordinated to the National Prison Administration, approved by Order of the Minister of Justice no. 4800/2018.

Detailed records of body searches are mentioned in the Regulation on the safety of places of detention under the National Prison Administration, approved by Order of the Minister of Justice no. 4800/2018 and in Government Decision no. 157/2016 for the approval of the Regulation for the application of Law no. 254/2013.

b. In practice

According to the documentation verified during NPM visits and the interviews conducted with women detainees, there is no indication that body searches of women are carried out systematically without an individual assessment.

Body searches of women detainees and visitors are carried out by women staff as required by law. During body searches, the privacy and dignity is respected according to the relevant legal provisions. The NPM is not aware of any complaints from persons deprived of their liberty regarding the way body searches are carried out.

Invasive body searches are performed only in exceptional circumstances, by a trained and authorized medical professional, according to legal provisions. In situations where, during the searches, there are indications that prohibited objects are hidden, both the control of the body cavities and that of the bandaged wounds, prostheses and plaster casts is carried out by the specialised medical staff.

Solitary confinement, isolation

The use of isolation is strictly regulated and appropriate protective measures are provided according to legal provisions.⁴ Isolation is prohibited - and is not used in practice - for girls, pregnant and nursing

⁴ Law no. 254/2013, updated - Disciplinary sanctions, art. 101, para. (3).

women, women in prison with their young children and women with psychosocial disabilities.

During its monitoring work, the NPM found that the disciplinary sanction of solitary confinement was applied only in case of committing a serious, repeated disciplinary offense. The sanction did not apply to pregnant women or women with their children up to one year old in prison, in accordance with the relevant legal provisions.

There is no indication that solitary confinement is routinely and disproportionately used against women or certain categories of women. There are situations in which women are placed in isolation for their own protection according to [Government Decision no. 157/2016](#) for the approval of the Regulation for the application of Law no. 254/2013. The conditions of the cells used for isolation are appropriate and meet the legal provisions.

Means of restraint

During its visits to prisons, the NPM found that pregnant women and women with serious health conditions were exempted from the use means of restraint, according to the relevant legal provisions. In case of negative events in which women detainees are involved, they were resolved through dialogue, with the provision of specialised assistance from medical, psychological and social professionals.

Means of restraint are also prohibited for women during labour, childbirth and after birth, and not used in practice. There are no indications that restraints are used against women or certain categories of women in a disproportionate or discriminatory manner.

Access to healthcare

Access to healthcare for women detainees is provided according to [Order no. 4.858/C/3.363/2022](#), in compliance with the therapeutic standards established by guidelines in the respective medical specialty, approved at national level, and the recommendations regarding the European and international rules for prisons that are specific to the medical field and the criminal-enforcement legislation in force.

According to the legal provisions, all persons deprived of liberty are subject to a general clinical examination with the aim of detecting: infectious-contagious and parasitic diseases; acute or chronic diseases; obvious signs of aggression; addictions; mental health conditions; risk of suicide. The examination also aims at obtaining results based on the anamnesis performed during the medical examination, taking the necessary medical measures, including hospitalization in a health facility, as appropriate.

Upon arrival in the place of detention of a person who requires admission to the hospital or additional medical examinations, the doctor and the director of the place of detention order the necessary medical procedures to be carried out as a matter of urgency. The medical evaluation during the period of quarantine and observation is done within 72 hours of reception, when the doctor of the place of detention performs the complete clinical examination, and the dentist determines the dental formula.

Upon the doctor's recommendation, samples are taken for laboratory analysis, and a number of measures are taken to be able to establish the state of health and needs for medical assistance and dietary requirements within no more than 21 days from the admission. These include screening and diagnostic tests, vaccinations, specialized clinical and paraclinical medical examinations. The specialised healthcare staff records the consultations carried out at the level of the place of detention during the period of quarantine and observation in the Consultations and Treatment Register and in the medical record.

Mental health

With regard to the initial medical examination, at the level of the penitentiary units there are therapeutic teams that provide medical-psychiatric assistance to patients in continuous or discontinuous hospitalisation, made up of a psychiatrist and a family doctor or generalist, psychologist, medical assistant, social worker, educator or, as the case may be, occupational therapist and other specialised health professional.

Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm of persons deprived of liberty diagnosed with mental health conditions, is periodically evaluated by medical and sanitary specialist staff and a psychologist.

Women's mental health care needs are also regularly assessed while in prison and women receive mental health support and treatment. The psychotropic treatment is prescribed by the psychiatrist or the doctor of the place of detention, according to the therapeutic protocols, and is administered to the patients under strict supervision by the specialised health professional, accompanied by a member of the operative sector, at the level of the medical office.

If the person deprived of liberty under psychotropic treatment refuses its administration, the specialised health personnel explain the consequences of the refusal on their health and advise the person, at least once a week, to resume the administration of the treatment.

Staff working in women's facilities are trained, and women inmates receive specialist support if distress is identified.

During the stay in a place of detention, persons with mental health conditions are monitored and supervised by the therapeutic team. The conditions of medical assistance, treatment and care for persons who are serving a sentence and who have been diagnosed with a mental health condition cannot be discriminatory in relation to those established for other persons deprived of liberty.

In the situation where an emergency of a mental health condition is found, which can cause serious self-harm, assaulting other people, death, destruction of property or other unjustified behavior deviating from the normal mental state, hospitalization is mandatory and is carried out in prison-hospitals with psychiatry wards or in health units in the public health network that have adequate conditions for specialized care in specific conditions. The admission of persons deprived of liberty with mental health conditions is carried out under the same conditions as the admission of persons deprived of liberty suffering from any disease, in any other medical ward, in compliance with the rules of care and the rights of the patient and the legislation on the protection of persons with mental health conditions.

Women prisoners are also provided access to complementary services, namely services that provide mental and psychiatric health care, such as psychological counselling, professional guidance, psychotherapy and other medico-psychosocial procedures according to the legal provisions. In moments of mental decompensation, there is the possibility of using the means of restraint, under the conditions of the national medical legislation in the field.

Life in prison: regime and activities

At the Ploiesti Women's Penitentiary - Târgșorul Nou, the NPM could note as a positive aspect that some women deprived of liberty participated in sports activities and competitions in 2023, carried out in collaboration with external partners, such as the Back to Sport Association. Among the activities, women participated in the International Online Chess Championship for Prisoners (in which the Ploiesti Women's Penitentiary - Târgșorul Nou team ranked 5th in the world).

At the Gherla Penitentiary, the "Lotus" Therapeutic Center was established in 2016, through the

implementation of the project “Establishment of a therapeutic center for women within the Gherla Penitentiary” financed by the Norwegian Financial Mechanism 2009 - 2014, Program RO - 23 – Correctional services, including non-custodial sanctions of freedom. The center's specialists involved in the therapeutic process carried out the whole spectrum of activities and educational, psychological, therapeutic and social assistance programs. These also include activities in the community, workshops with the family, volunteer activities, exhibitions and work activities in which most of the inmates participated. The therapeutic center has a residential structure, which offers a very well-structured environment, similar to a functional family, with a hierarchy that reflects different degrees of assumption of responsibility, intended to confer a degree of progress in the therapeutic process of the residents.

IV. Women in special situations of vulnerability

An initial assessment of vulnerability is carried out by a commission established according to the legal provisions, on the occasion of the individualization and establishment of the execution regime, based on the criteria set by law. During the execution of sentences, when one of the possible situations of vulnerability intervenes, the appointed commission meets and analyses the situation of the prisoner in order to assess the vulnerability. In 2023, in the penitentiary units that accommodated women serving a sentence, 25 inmates were included in this category.

Pregnant and nursing women and women with children in prison

Pregnant women, women who give birth during the detention period and those who have children under the age of one year under their care do not carry out work activities in a toxic or harmful environment, cannot extend their working day beyond 8 hours and are provided with the necessary food, including for children, according to the legal norms in force.

The administration of the place of detention ensures the necessary conditions so that the mother, at her request, can take care of her child in appropriate conditions, until the child is one year old. Children under the care of mothers deprived of liberty are provided with vaccinations, according to the National Program of Immunizations.

Medical assistance and the monitoring of the child's physical and psychomotor development through periodic evaluations are carried out by a family doctor or paediatrician from the public health network, in compliance with the provisions of the framework contract that regulates the conditions for the provision of medical assistance, medicines and medical devices in the framework of the social health insurance system and the methodological rules for its application.

During one of the visits made by the NPM to women's section of the Craiova Penitentiary, two inmates were pregnant, one of them with twins. These were recorded at the medical office, were monitored monthly and, starting from the 6th month of pregnancy, they were transferred to the profile section of the Bucharest - Rahova Penitentiary Hospital, for the supervision of the pregnancy and the provision of specialised medical assistance.

At the level of all places of detention for women, spaces designed for visiting mothers with children are set up. During 2023, 261 visits for relatives were granted at the mother and child spaces set up at the level of penitentiary units.

V. Other Relevant NPM information on women in prison

- + NPM, [Annual Reports](#)
- + NPM, [Visit reports](#)

This report is part of the Global Report on Women in Prison.
Access the full report here: www.apt.ch/global-report/