

Amnesty International – Report 2005

Romania

Covering events from January - December 2004

People with mental disabilities were arbitrarily deprived of their liberty in psychiatric establishments. In some hospitals the conditions amounted to inhuman and degrading treatment. A number of patients died as a result of malnourishment, cold, inadequate care or abuse by staff and other patients. Ill-treatment by law enforcement officials, which sometimes amounted to torture, was widespread. Police resorted to firearms in circumstances prohibited by international standards, killing at least two men and injuring dozens of people. Many victims of police ill-treatment and misuse of firearms were Roma. Conditions in prisons were sometimes inhuman and degrading, and there were reports of ill-treatment of detainees.

Background

Presidential and general elections held in November were marred by allegations of fraud. The rules allowed people to cast a ballot in any polling station without producing a voter registration card, and multiple voting was allegedly widespread. The second round of presidential elections on 12 December was won by Traian Basescu, supported by the Justice and Truth Alliance which formed a coalition government at the end of 2004.

The government failed to curb widespread corruption in the management of public funds and organization of public services, particularly health care. In November, when transcripts of meetings of the ruling party's Executive Committee, chaired by the Prime Minister, were published, it emerged that they had discussed influencing the judiciary, manipulating the media and undermining the activities of civil society organizations.

A third of the population lived in poverty, which particularly affected children and the elderly. According to an official study published in July, 66,000 children were employed in conditions described as grave. Some children had been sold into bonded labour, others were trafficked abroad for sexual and other exploitation. Following a visit in September, the UN Special Rapporteur on the sale of children, child prostitution and child pornography stated that he was shocked by the situation and that state mechanisms did not effectively protect the most vulnerable.

The news media were subjected to political and economic pressures which imposed considerable restrictions on the freedom of journalists. A number of journalists who reported on organized crime or public funds mismanagement were assaulted. Investigations into such incidents appeared ineffective.

Detention in psychiatric hospitals

The placement, living conditions and treatment of patients in many psychiatric wards and hospitals were in violation of international human rights standards. In one hospital in Poiana Mare, 18 patients died in January and February, most of them reportedly as a result of malnutrition and hypothermia.

Confining people for involuntary psychiatric treatment without sufficient medical grounds and without charging them with a criminal offence amounted to arbitrary detention and denial of fair trial rights. Many people placed in psychiatric wards and hospitals apparently did not require psychiatric treatment. Many young adults were held in institutions because they had no family and there were no programmes to reintegrate them into the community.

The living conditions and diet in many psychiatric wards and hospitals were deplorable. Overcrowding resulted in patients having to share beds. Some patients shared beds as the only way to keep warm in unheated wards. Conditions were worst in wards for long-term patients and for those with the most severe disabilities.

Many patients were denied adequate medical treatment, including access to psychiatric medication, because of lack of allocated resources. Some were subjected to electroconvulsive therapy without anaesthetics and muscle relaxants. Few hospitals had staff and facilities to offer the full range of therapies and rehabilitation. Many patients apparently did not receive appropriate treatment for physical conditions in addition to their mental health problems.

Restraint and seclusion practices in many psychiatric wards and hospitals were not in line with international standards and in some instances amounted to cruel, inhuman and degrading treatment or punishment.

In May, in response to a memorandum from AI, the government adopted a list of measures to improve the mental health care system. However, some were ineffective. For example, hospitals were ordered to increase budgets for patients' food and staff salaries. However, many hospital directors stated that they received no additional funds. In November, reports from local monitors indicated that there had been no improvements in many of the hospitals visited.

Abuse of patients and residents continued and several died from gross negligence or from violence perpetrated by other patients.

In September in Braila, a 66-year-old patient with dementia was placed by an orderly under a scalding hot shower. He suffered extensive burns from which he died.

Torture and ill-treatment

Ill-treatment by law enforcement officials continued to be widespread and inadequately addressed by the authorities. Many victims were criminal suspects. A number of people were beaten and verbally abused when unable to produce an identity card. Some people were beaten by off-duty officers intervening in disputes.

Some people were deliberately intimidated by police at the behest of local authorities. For example, in February police raided a student dormitory in Bucharest after protests about the lack of hot water. In March, police searched the homes of members of a socially stigmatized yoga movement, MISA, and ill-treated some of them, capturing this inhuman and degrading treatment on film and broadcasting it on television.

In separate incidents in June and July, members of the Falun Dafa Romania, an organization of Falun Gong practitioners, were reportedly ill-treated by police and secret service officers in Bucharest. They were attempting to protest against the persecution of Falun Gong practitioners in China, but their requests to hold a demonstration were rejected.

Some victims were placed in psychiatric wards after being beaten by police. The editor of a Bucharest daily newspaper was confined in May but discharged following the intervention of family members.

Some people seriously injured by police were not given appropriate medical assistance. At least two people died as a result of ill-treatment by law enforcement officials.

In September in Constanța, following a dispute with a bar owner, Laurențiu Capbun and two other men were reportedly assaulted by a police officer, the bar owner's friend, and four masked officers of a special intervention unit. The beating reportedly continued in the Fourth Section Police Station. The three men were released next morning without charge. Laurențiu Capbun died five days later, apparently as a result of previous health problems aggravated by the beating. The police officers were reportedly to be disciplined for "not reporting the incident to the Constanța Municipal Police and not having an authorization to intervene" but were apparently not charged with any criminal offence.

Investigations into reported incidents were hardly ever independent and impartial. A police commissioner was dismissed because he revealed the identity of two officers of a special state security unit who were, unusually, charged for beating a man in August.

Many children were abused by police. Often they were suspected of a petty offence or happened to witness a police action.

In March, on one of the main streets of Bucharest, 15-year-old C.B. stopped to watch as police officers argued with some taxi drivers. A special intervention force team arrived, beat the taxi drivers and pushed them into police vans. Five officers wearing balaclavas then punched and kicked C.B. in the head and back and put him in one of their cars. He was taken to Police Station 14 and was released two hours later. C.B. was admitted to a children's emergency hospital where he received treatment for numerous injuries. The hospital released him two days later, reportedly under pressure from the police.

A number of reported victims of police ill-treatment or torture were women, some of whom were raped.

In February it was reported that two young women from Pandareii, Ialomița county, had been raped and beaten in December 2003 by three senior police officers who had offered to help one of them obtain a driving licence. They were reportedly beaten, repeatedly raped and held against their will for seven days. Their parents found out that they had left work in the company of the police officers. When this was reported to the Municipal Police, a senior official reportedly tried to remove the officers' names from the complaint. After the two women returned home, they were examined by a forensic medical doctor but were reportedly harassed and warned by the police not to complain. In February, their case was reported in the press and the Ministry of Interior suspended the suspected officers from duty pending an internal inquiry. No results were made public by the end of 2004.

Unlawful use of firearms by law enforcement officers

At least two men died as a result of shooting by law enforcement officers who resorted to firearms in circumstances that breach international standards. Shooting unarmed suspects who attempted to avoid arrest was considered legal and officially condoned.

In January the Prime Minister stated that the Spanish police, who had shot a suspected Romanian car thief in the head, had “a more efficient regime of firearms use”. Investigations were rarely impartial, independent and thorough. No official statistics were available, but dozens of people were injured in firearms incidents.

On 30 May, two police officers in the village of Jegalia, in Calarasi county, chased Nicusor Țerban, in an attempt to arrest him on suspicion of rape. When he jumped over a fence, officer S. reportedly shot at him twice, hitting him in the back. He died on the way to hospital.

Assaults on the Roma

Many victims of police ill-treatment and unlawful use of firearms were Roma. Roma also suffered at the hands of security guards who were registered with the local authorities.

According to the European Roma Rights Center and the “Tumende” Association of Vale Jiului, a local Romani organization, on 11 March Bela Dodi died after being beaten by private security guards at the Coroiesti mine in Vulcan, Hunedoara county. Bela Dodi and four other Romani men were collecting scrap metal when private security guards assaulted them. Bela Dodi, who was trying to run away, fell, hit his head, and died. The four other men were taken to a hospital for treatment for their injuries. In November 2003 employees of the same private security firm had reportedly beaten Olga David, a 42-year-old Romani woman, who subsequently died from her injuries.

Prison conditions

Poor living conditions, serious overcrowding and lack of activities or medical services in many prisons amounted to inhuman and degrading treatment. There were continued reports of ill-treatment by staff who also resorted to inappropriate means of restraint, including handcuffing prisoners in hospital.

In September in the Juvenile and Youth Penitentiary in Craiova, three minors died and two suffered severe injuries when a boy set fire to their cell in protest over a missing parcel. The staff, with only one psychologist and social worker in an institution holding 330 minors, failed to address the boy’s complaint and confined him in the cell in an agitated state. The mattresses were highly inflammable and fire extinguishers and procedures were inadequate. The penitentiary director and head of security services were subsequently dismissed.

AI country visits

In February an AI delegate visited Romania to conduct research. In November an AI delegation met government officials to discuss concerns in psychiatric institutions. Together with the Center for Legal Resources, a local non-governmental organization, an international round-table discussion was organized on human rights protection for people with mental disabilities and reform of mental health services in Romania.