

WRITTEN COMMENTS

OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING ROMANIA

for consideration by the United Nations Committee Against Torture, at its 54th
Session (20 April to 15 May 2015)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

INTRODUCTION

1. The European Roma Rights Centre (ERRC) respectfully submits written comments concerning Romania for consideration by the Committee Against Torture at its 54th Session. The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and human rights training. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care, and public services.
2. Regular monitoring of the human rights situation of Roma in Romania has been undertaken by the ERRC and other NGOs. The analysis of the Romanian legal framework is informed by our extended litigation experience in both domestic and international forums.
3. After a brief overview of anti-Roma attitudes in Romania, this submission follows the order in the List of Issues Prior to Reporting. While the issues highlighted are often of a general interest, the ERRC is convinced that they have a disproportionate impact on Roma, given Romania's history of discrimination against and exploitation of Roma, as well as enduring stereotypes and hostility towards them. The present document does not aim to address all issues of relevance to the implementation of the Convention or its provisions in Romania, nor is it a comprehensive summary of all human rights issues facing Roma in Romania.
4. According to current unofficial estimates, Roma in Romania make up approximately 9% of the population (approximately 1,850,000)¹. However, a verified and accurate count remains elusive. According to the final results of the 2011 Census of the Population and Households published on 4 July 2013 by the National Statistics Institute, Romania had a total population of 20.12 million. Among the 18.88 million respondents who self-reported their ethnicity, 621,600 were Roma (3.3%, an increase from 2.46% in the 2002 census).
5. Deeply entrenched anti-Roma attitudes can be vividly seen in the annual surveys carried out by the National Council for Combating Discrimination (NCCD): in 2005² 61% of respondents thought that Roma were a source of shame for Romania, while 52% of respondents went further to say that Roma should not be allowed to travel outside the country. These attitudes have not improved much: in 2013³ 48% of respondents said that they did not want a Roma work colleague, 41% would not want a Roma neighbour, and 38% would not want any Roma in their municipality. Public authorities are not insulated from these wide-spread and pernicious attitudes; in the absence of robust safeguards these attitudes may translate into violations of the Convention.
6. In recent years international monitoring bodies have expressed particular concern about the rise in anti-Roma rhetoric and racism in Romania. For instance, the European Commission against Racism and Intolerance (ECRI) noted in its 2014 report⁴ that “*Stigmatising statements against Roma are common in the political discourse, encounter little criticism and are echoed by the press, the audiovisual media and on the Internet. No effective mechanism is in place to sanction politicians and political parties which promote racism and discrimination.*” Similarly, the UN Committee on the Elimination of Racial Discrimination (“CERD”) stated in its 2010 Concluding Observations on Romania that it was “*concerned at reports of the spread of racial stereotyping and hate speech aimed at persons belonging to minorities, particularly Roma, by certain publications, media outlets, political parties and certain politicians.*”⁵
7. CERD also expressed its concern regarding “*the excessive use of force, ill-treatment and abuse of authority by police and law enforcement officers against persons belonging to minority groups, and Roma in particular.*”
8. The climate of impunity for hate speech, stigmatisation, and discrimination is compounded by the absence of a robust framework to address anti-Roma violence, in particular violence perpetrated by the police. Again according to ECRI, as of 2014 “*No significant steps have been taken to ensure compliance with the principle of non-discrimination by the police or to enquire as to the reasons why no complaints have been lodged against police officers.*”

1 Council of Europe estimates on Roma populations in European countries, available for download at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680088ea9>.

2 The 2005 survey is available at: <http://www.cncd.org.ro/Files/?FileID=106>; see page 37.

3 The 2013 survey is available at: <http://www.cncd.org.ro/files/file/Sondaj%20de%20opinie%20CNCd%202013.pdf>; see page 33.

4 The report is available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Romania/ROM-CbC-IV-2014-019-ENG.pdf>, page 10.

5 The observations are available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=60kG1d%2fPPRiCAqhKb7yhsK9HknmUTbUvDqDjwUSqemoc4TdqItS%2bjZT%2bLftwtg2oSEAKCwygl6Na1poCrRvPdMhWKEsUW1FhH%2fikjAtFFFaGQKSA1kptztIWIMN00ky4aQyMf%2bkGBSDw3rbbBk%2bUg%3d%3d>, page 4, para. 16.

ARTICLE 1

9. The definition of torture in Article 1 of the Convention includes any ill-treatment (i.e. severe pain or suffering intentionally inflicted) by state officials which is motivated by discrimination, including racial discrimination. Any racially motivated violence that reaches the “severe pain or suffering” threshold and is intentionally inflicted by state officials therefore qualifies as torture under the Convention. In its General Comment no. 2 the Committee has emphasised that “*it would be a violation of the Convention to prosecute conduct solely as ill-treatment where the elements of torture are also present*”. Failures to investigate whether acts of violence intentionally inflicted by state officials and which reach the “severe pain or suffering threshold” were racially motivated will therefore lead to violations of the Convention.
10. In our experience, the Romanian authorities’ investigations into allegations of police violence against Roma often neglect any consideration of possible racist motives. While there are structural reasons for this failure, which are addressed in detail below in the section regarding articles 12 and 13, they essentially depend on the authorities’ consistent choice not to consider that police brutality might amount to torture.
11. The recent case of a young Romani man who died in police custody in Bucharest in March 2014 sadly illustrates this point. One police officer allegedly responsible is currently standing trial having been charged with assault resulting in involuntary manslaughter (article 195 of the Criminal Code – carrying a sentence of 6 to 12 years in prison), instead of being charged with torture resulting in death (article 282 § 3 of the Criminal Code – carrying a sentence of 15 to 25 years in prison)⁶.

26-year-old Gabriel-Daniel Dumitrache had been working as an informal parking attendant in the Unirii region of the city. He was taken into police custody on the evening of 4 March, and in the early hours of 5 March police informed his family that Mr Dumitrache had died. His death certificate recorded the causes of death as acute anaemia, massive hemoperitoneum and pathologic rupture of the spleen. The place and date of death are recorded as No. 15 Stelea Spătaru Street, the location of the Old Centre Police Station, on 4 March 2014, but no time of death is recorded.

When family members went the next morning to confirm the identity and collect Mr Dumitrache’s body, they identified several indications on his corpse that he had been severely beaten. His leg appeared to be broken, his jaw was severely bruised and possibly broken, and there were visible injuries on his abdomen and burn marks on his chest. APADOR-CH investigated the circumstances around the death of Mr Dumitrache, and found inconsistencies in the information given by the police. They also spoke to associates of Mr Dumitrache, who had worked as informal parking attendants in the same area of Bucharest. These associates gave accounts of having been repeatedly subjected to police brutality in similar circumstances, involving one officer in particular.

12. The ERRC is also concerned about cases where allegations of ill-treatment against police officers are explained away by domestic authorities attributing responsibility to some private party present at the incident, without any investigation into whether the police had acquiesced to the ill-treatment or any subsequent criminal procedure against this party. This appears to reflect a racist stereotype of Roma being dangerous in a way that warrants a violent response.

In 2008 local policemen in Acis, in northern Romania, who were in the village’s Roma neighbourhood on an unrelated matter asked Mr Fogarași to lower the volume of the music playing in his house. When he refused, they allegedly threatened him, using racial slurs. The local police left, only to return about an hour later in order to take Mr Fogarași to the police station, ostensibly to fine him. Mr Fogarași allegedly became agitated and threatened the police. It appears that two neighbours intervened, one of them hitting Mr Fogarași with a hammer in the head.

The police left and Mr Fogarași, who had passed out, was taken by his family to the local clinic. The police returned together with special intervention forces and took the family into custody as they were leaving the clinic. At the local police station Mr Fogarași, his wife and their 13-year old daughter were hit repeatedly. Mr Fogarași and his wife were subsequently taken to the police detention centre in Satu Mare, a nearby city. They were released after 24 hours. Medical records from the time of their detention and immediately afterwards attest signs of violence.

⁶ Current state of the criminal proceedings available on the website of the Bucharest Court Court (in Romanian) http://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=30000000588558&id_inst=3.

The investigation into the family's complaint against the policemen cleared them, attributing responsibility for the signs of violence to "other Roma, during the conflict in their neighbourhood". The members of the special intervention force were never questioned or even identified.

The case, brought by Romani Criss⁷, is currently pending before the ECtHR⁸. The ERRC has submitted a third-party intervention.

ARTICLE 2 – PREVENTION OF TORTURE

13. The Committee has inquired in the List of Issues Prior to Reporting about steps taken to ensure access for all detained persons "from the very outset of their detention [...] to an independent medical doctor". The response in the Romanian State Report appears to focus on the regulation of periodical medical examinations as a means of securing the detainees' right to health.
14. The ERRC draws attention to two issues not addressed in the state report, playing a key role in the prevention of torture: (1) **prompt, initial medical examinations** of persons taken into custody and (2) access to a **forensic medical examination** when a detained person makes allegations of ill-treatment.
15. **Initial medical examinations** upon admission to prison or pre-trial detention were first introduced by Government Emergency Ordinance no. 56/2003. They were carried over in Law no. 275/2006 on the execution of sentences, to which the Romanian Government refers in the state report as it was in force at the time. They are now regulated in a substantially similar way by Law no. 254/2013 on the execution of sentences. Article 72 provides for medical examinations upon admission to prison and then periodically thereafter. Article 111 extends the scope of provisions applicable in prison to persons in pre-trial detention. However the scope of these provisions does not include persons "administratively conveyed" to a police station (see below under Article 11).
16. The historic shortcomings in guaranteeing access to a physician, either at the time of placement in detention or throughout its duration, are tragically illustrated by the case of Nelu Bălăsoiu, an 18-year old Romani man who died in prison in 2002. In a judgement⁹ secured by Romani Criss in February 2015, the ECtHR found that the authorities' failure to provide Mr Bălăsoiu to a timely medical examination considerably diminished the chances of an effective investigation into the circumstances of his detention. The Court concluded that the Romanian authorities' failure to investigate alleged ill-treatment against Mr Bălăsoiu constituted a violation of the procedural aspect of article 3 of the ECHR.

Nelu Bălăsoiu was taken into custody on suspicion of theft on the night of 4 April 2002 and placed in the police detention centre of Targu Carbunesti where he spent the next 6 weeks. Mr Bălăsoiu was allegedly tortured during his stay there, apparently by policemen trying to elicit confessions for various unsolved thefts. He does not appear to have been seen by a physician when taken into custody or at any time during his stay in the police detention centre.

The police completed the investigation against Mr Bălăsoiu and recommended his indictment on 25 April. Normally, at the completion of the police investigation a person in pre-trial detention is transferred from the police detention centre to a prison. However, in this case the transfer to the Targu Jiu Prison only occurred on 14 May. Upon his admission to the prison physician noted that no medical file had been opened at the police detention centre.

On 28 May, Mr Bălăsoiu complained of health issues and asked to see a doctor, who examined him the following day. His condition deteriorated further and on 3 June 2002 he was transferred to hospital and on 4 June to a prison hospital. On 5 June 2002 Mr Bălăsoiu died. Medical records noted that symptoms of illness had been present for two months, and that Mr Bălăsoiu's condition had deteriorated in the two weeks before he was hospitalised.

⁷ Romani Criss is a Romanian NGO, established in 1993, whose mission is to defend the rights of Roma in Romania. It provides legal assistance in cases of abuse and works to combat and prevent racial discrimination against Roma in all areas of public life. More information is available on their website: <http://www.romanicriss.org/en/index.php>.

⁸ Case of Fogarasi and others v. Romania, communicated by the ECtHR to the Romanian government on 25 October 2013: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-138412>.

⁹ Ion Balasoiu v. Romania, ECtHR judgment of 17 February 2015: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-152249>.

17. Article 72 § 2 of Law 254/2013 provides for the confidentiality of medical examinations “with the assurance of security measures”. Any signs or allegations of violence are to be entered into the person’s medical file and the physician has a duty to alert the prosecutor. In practice, in the case of pre-trial detention, police officers are routinely present during the medical examination. This may hinder the effectiveness of the medical examination as an opportunity to identify instances of ill-treatment. As noted by numerous reports of the Council of Europe Committee for the Prevention of Torture (CPT), medical examinations are often cursory or a mere formality.
18. Article 72 § 4 guarantees a right to a **forensic medical examination** in prison. This is also theoretically available in pre-trial detention. Compared to the relevant provisions in Law no. 275/2006, the possibility of requesting to be examined by a physician from outside the penitentiary system has been eliminated. In practice, delays and/or refusals in securing access to a forensic medical examination are routine, as noted by numerous CPT reports¹⁰.
19. Requests for forensic medical examination appear to be understood as falling mostly within the competence of the prosecutor to whom a complaint of ill-treatment is addressed, rather than a separate right to be secured by the detaining authorities as provided under Law no. 254/2013.
20. The persistence of such failures is illustrated in the March 2015 ECtHR judgement in the case of *Veres v Romania*¹¹. Mr Veres’s repeated requests for a forensic medical examination were ignored both by the police and the prosecutor to whom the applicant had complained.
21. Particularly in the case of police detention centres, it should be possible for detainees to **address the request for a forensic medical examination to an authority independent of the detention centre** where ill-treatment is allegedly occurring.

ARTICLE 11 – DETENTION AND INTERROGATION PRACTICES

22. Serious concerns arise relating to the treatment of individuals who are “**administratively conveyed**” to police stations.

Article 31(1)b of Law no. 218/2002 (the law on Romanian police) states:

- (1) While carrying out their duties, according to the law, the police are vested with the exercise of public authority and have the following principal rights and obligations: [...]
 - b) to accompany to the police station those who, through their actions, endanger a person’s life, public order or other social values, as well as persons suspected of having carried out illegal acts, whose identity could not be established in accordance with the law; in case of non-compliance with the directions given by the police, these are entitled to use force; verifying the situation of these categories of persons and taking the legal measures, as the case may be, shall be carried out within 24 hours, as an administrative measure.
23. The Romanian NGO APADOR-CH has monitored the application of this provision and documented several worrying cases involving alleged police brutality. ADAPOR-CH advocates the amendment of this provision to include necessary guarantees for those “administratively conveyed” to the police station. According to APADOR-CH, more than 100,000 people were “administratively conveyed” under this provision each year in 2009 and 2010. A number of cases documented by APADOR-CH show that during this period of “administrative conveyance” to the police station, people are particularly vulnerable to police brutality. Eight incidents were documented by APADOR-CH in Bucharest between 2008 and 2014, including one detailed above under Article 1, which lead to the death of Mr Gabriel-Daniel Dumitrache.
24. Persons administratively conveyed to the police station are in fact deprived of their liberty, yet do not enjoy the safeguards afforded under national law in case of formal detention, such as the right to a medical examination.
25. The records mandated under this provision do not require giving reasons for administratively conveying (i.e. detaining the person); all that is required is a mention of the illegal act allegedly committed. No documentation is automatically issued upon the person’s release indicating that (s)he had subject to the measure and for how long.¹²
26. In the majority of cases the measure appears to be taken for minor misdemeanours, such as that allegedly committed by Mr Fogarași. In such cases a fine could be issued on the spot or in order to ascertain a person’s

¹⁰ CPT/Inf(2003)25, § 30, CPT/Inf(2004)10, § 44, et CPT/Inf(2008)41, § 19.

¹¹ *Veres v Romania*, ECtHR judgment of 24 March 2015: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-153028>.

¹² APADOR report on practice between 2009-2010 (in Romanian) available at: http://www.apador.org/publicatii/proiect/files/wp-content/uploads/2012/pdf/Proceduri-practici-date-statistice-privind-conducerea-administrativa-2009_2010.pdf.

identity, without requiring her/his detention. In case of conflict between a person and local police, there appears to be little point in taking the person to the local station rather than to a police unit with criminal investigative powers. It only prolongs a tense situation, increasing the opportunity for ill-treatment.

ARTICLES 12 AND 13

Investigation of and statistical data on racial motivation of crimes

27. The treatment of racist motivation under Romanian criminal law as an aggravating circumstance, mostly taken into account at the sentencing stage, rather than as an element of the crime (“*formă calificată a infracțiunii*”), contributes to obscuring the prevalence of racially motivated crimes. This would partly be alleviated if violence by the police were investigated as torture, which includes a racial motive in its definition, rather than assault for which racial motivation is a mere aggravating circumstance. However, this is sadly not the case in practice.
28. The Committee Against Torture calls for statistical data on the number of complaints of alleged torture and ill-treatment, their investigation and prosecution and the results of the proceedings, including both criminal punishment and disciplinary measures. This information should be disaggregated by sex, age and ethnicity of the individuals filing complaints.
29. No reliable or up-to-date data are available on these areas. Romania is an outlier among European countries in its failure to collect data on racially motivated crime in general and discriminatory police misconduct in particular. The absence of data disaggregated by ethnicity and relating to Roma is particularly worrying, given that several cases have been documented of excessive use of force in relation to Roma, giving an indication that they are particularly targeted by police.
30. ECRI notes that apart from a Code of Ethics and Conduct for Police Officers which was approved in 2005, “no significant steps have been taken to ensure compliance with the principle of non-discrimination included in the current and previous code, or to enquire as to the reasons why no complaints have been lodged against police officers.”¹³
31. While overt racist attitudes manifested by prosecutors are not unheard of, such as in *Cobzaru*¹⁴, a case brought by us in the ECtHR, the ERRC is deeply concerned with the continued failure to routinely investigate possible racial motivations of acts of violence. Given the prevalence of anti-Roma attitudes and of acts of violence directed at Roma, the ERRC considers that the lack of robust specific measures to address possible racial motivations in the course of investigations is a symptom of institutional racism. This could be alleviated in part, insofar as violence by state officials is concerned, by setting up a fully independent mechanism to examine complaints.

Complaints to a fully independent institution

32. The Committee has asked for information on steps taken to ensure in law and in practice that every person, including detainees and persons under arrest, has the right to complain to a fully independent institution. The state report merely mentions access to an independent judiciary, by filing a criminal complaint.
33. According to the report of European Commission against Racism and Intolerance (ECRI) published in June 2014, “to this day, Romania does not have an independent body responsible for looking into complaints made against police officers or law-enforcement officials; these are handled by the police itself or by the Ministry of Internal Affairs.” The ECHR in its 2010 judgment in *Carabulea v Romania*,¹⁵ a case brought by the ERRC, noted the failure of prosecutors to consider allegations of ill-treatment by police seriously. The attitude is epitomised by the following record in a CPT report: when a prosecutor was asked how he would act in the presence of a suspect alleging ill-treatment by the police, he answered: “The police are my colleagues. I would regard this allegation as a lie coming from a recidivist...”
34. The ERRC also submits that independent mechanism for the investigation of allegations of ill-treatment against the police would be more effective in exposing the racial motivation behind police violence, even if only by concentrating relevant training resources on one institution.

¹³ European Commission against Racism and Intolerance, *ECRI Report on Romania (fourth monitoring cycle)*, 3 June 2014, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Romania/ROM-CbC-IV-2014-019-ENG.pdf>.

¹⁴ See *Cobzaru v. Romania*, ECtHR judgement of 26 July 2007: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-81904> or *Soare and others v. Romania*, ECtHR judgment of 22 February 2011: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-103591>.

¹⁵ *Carabulea v. Romania*, ECtHR judgment of 13 July 2010: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-99911>.

Excessive use of force against Roma

35. As indicated in the recent *Ciorcan and others* judgement of the ECtHR¹⁶, the police appear to resort to heavy-handed tactics such as the use of special intervention forces when interacting with compact Roma communities, even for such mundane tasks as the service of a notice to appear in court. Operational decisions appear to be informed by stereotypes against Roma rather than any rational needs assessment.
36. The ERRC also wishes to bring to the attention of the Committee the following cases of excessive use of force by the police against Roma.

In **Agrişteu**, Mures county, on 10 June 2012, two Romani men were shot, one fatally, following an intervention by police and gendarmerie enforcement officials. According to interviews with the victim's relatives and members of the local community conducted by Romani CRISS, an altercation occurred among two minors, one Roma and one Hungarian. The father of the Hungarian child admonished the Romani child, and several members of the community gathered around, including the mother of the Romani child. Shortly afterwards, two police officers from the locality came to the location. An older brother of the Romani child tried to pull him out of the courtyard of a house but he was moved on, and the police officers used tear-gas spray against him. Shortly afterwards, the police accompanied by members of the gendarmerie went to the Roma community, looking for the Romani child's brother. The police officers exclaimed: "This is him, get him!" indicating a Roma family who weren't connected with the previous conflict described above. L.F. was in front of the house together with another individual. At the sight of the gendarmes approaching, his brother L.D. immediately shut the gates of the courtyard. The gendarmes forced entry through the gates, entered the courtyard and hit family members, including the father and his five sons. The family responded and L.D. was subsequently shot in the leg, above the knee, as well as in the back. According to testimonies several shots were fired, creating a chaotic situation. Seeing his brother shot, L.N. fought back, took an object and hit one of the gendarmes. As he turned and tried to run he was shot in the back, between the shoulder blade and the armpit. The bullet entered his heart.¹⁷

On 31 May 2012, a 24-year-old Romani man was shot in the head by police officers whilst being pursued by police. The pursuit took place in the **Petricani-Tei** area. The victim died. According to evidence from the victim's relatives and members of local community, several police teams from sections six and seven from Bucharest were trying to capture two suspects who had stolen construction materials. The two men jumped into the Plumbuita Lake to evade capture. Ten policemen surrounded the lake. The pursuing policemen announced that they would shoot, after which they fired two shots in the air. A policeman then fired in the direction of the two men who were stationary, treading water. The victim R.D., who was in the water about 10-15 metres from shore, was fatally shot in the head. The victim's body was recovered by divers after one hour of searching.¹⁸

Article 16 - acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture

37. The Committee has asked for information on the investigation of the Hădăreni pogrom in 1993, when three Romani men were killed and 18 Romani houses were destroyed by a mob with the active participation of local police. It was one of the most notorious of some 30 incidents of mob violence directed at Romani communities in Romania in the early 1990s. The ERRC wishes to draw the Committee's attention to continued shortcomings of the compensation and rehabilitation measures promised by the authorities to the community.
38. The ERRC has represented several Hădăreni residents in their case to the European Court of Human Rights and in 2005 authorities made various commitments before the Court to take action to tackle discrimination against the community.
39. However, to date the government has failed to fulfil its commitments. In July 2014 the Cluj-Napoca Court of Appeal found that the Romanian state had failed to honour its commitments made in 2005. The commitments aimed to improve both relations between different ethnic groups, and also general living conditions in Hădăreni. The Court of Appeal ordered the authorities to take various steps, including opening a

¹⁶ See *Ciorcan and others v. Romania*, ECtHR judgement of 27 January: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-150648>, the case was brought by Romani Criss.

¹⁷ ERRC and Romani CRISS letter to Ministry of Administration and Interior Affairs, General Inspectorate of Romanian Gendarmerie, Mures County Gendarmerie Inspectorate and the Mures County Police Inspectorate available at: <http://www.errc.org/cms/upload/file/romania-letter-violence-15-june-2012-en.pdf>.

¹⁸ ERRC and Romani CRISS letter to Ministry of Administration and Interior Affairs, General Department of Bucharest Police, Prosecutor Office of the Bucharest Tribunal available at: <http://www.errc.org/cms/upload/file/romania-letter-violence-6-june-2012-en.pdf>.

local medical clinic, hiring a Romani expert in the municipality and a school mediator, and creating employment opportunities.¹⁹

40. We respectfully ask the Committee to include, in its concluding observations, the following recommendations for the Romanian Government:

- Set up an independent mechanism to investigate allegations of police brutality.
- Take steps to ensure that a possible racial motivation is considered and investigated in all cases of violence between members of different ethnic groups, in particular in cases of violence against Roma.
- Collect and disseminate statistical data, disaggregated by ethnicity, on the number of complaints of alleged torture and ill-treatment, their investigation and prosecution, and the results of the proceedings, including both penal punishment and disciplinary measures.
- Require a clear justification for when the police request the assistance of special intervention forces when planning a mission. Collect, centralise and review data on the use of these units.
- Disseminate the data and engage in consultation and confidence-building measures in the most affected communities, in particular compact Roma communities.
- Restrict the use of administrative conveyance to the police station to cases where the person is suspected of having committed a crime, rather than merely a misdemeanour. Mandate the recording of the reasons for which the person was brought in and automatically issue a confirmation to the person upon her/his release. Extend to persons in this situation the existing rights recognised for persons in detention, including informing their family and securing their right to see a lawyer or a physician.

¹⁹ ERRC, '9 Years Later - Romanian Government Hasn't Kept Its Promises', 29 July 2014, available at: <http://www.errc.org/article/9-years-later--romani-an-government-hasnt-kept-its-promises/4308>.