

# THE CONCEPT OF SOCIAL REINTEGRATION IN ROMANIA AFTER 1989

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## Abstract

*This paper attempts at pointing to the way in which social reintegration has evolved in Romania, starting with the communist era and ending with present time. First, we briefly outline the organisation of social reintegration under the communist regime and then we present how this concept has been approached in the last thirty years, under the new political circumstances, stemming from the recommendations of the Committee of Ministers of Council of Europe to Member States. Our conclusions focus on the role of education, which is fundamental in accomplishing successful social reintegration.*

**Keywords:** *communist era; education; local community; credits; activities*

## 1. Educational solutions provided by the Recommendation No. R (89) 12 of the Committee of Ministers of Council of Europe to Member States<sup>1</sup> on Education in Prison.

It is worth mentioning this European recommendation because, since 1989, Romania has made special efforts to attune its legislation to European Union law. As for the law on the execution of penalties, after 1989, Romania first embraced the principles dictated by the rule of law.

The provisions of this new Recommendation were slowly accepted, as the mentality of the prison staff, who were trained to see the people behind bars as the enemies of the Romanian people, people that should be excluded from society, gradually changed. Moreover, the rebellions that broke out in prisons due to the change of the political regime between 1989 - 1991, which resulted into collective protests, revolts, arsons, taking hostages, as well as death threats, created a barrier that was difficult to pass in order to ensure normal relations and cooperation between the prison staff and the detainees when starting acceptable projects. The switch to the market economy system, the massive unemployment, the collapse of the economic areas which used sentenced persons as their workforce, lack of self-financing income represented serious obstacles for the organization of educational and lucrative activities in Romanian detention facilities. For almost a decade (1989-1997), activities for the reorganization of the Romanian prison system were carried out: the Romanian Prison Service became part of the Ministry of Justice, destroyed prison buildings were repaired, new staff was recruited to replace the employees made redundant, existing norms were amended by orders given by the Minister of Justice, rebellions and protests that frequently broke out were thwarted<sup>2</sup>.

The particular context, in which this Recommendation had to be applied, transformed its provisions into milestones for educational activities organised in Romanian prisons, as they were used to develop annual programs by the Romanian Prison Service. Mainly, the Recommendation comprised valuable ideas put forth by the working group who had seven meetings between 1984-1988. The European governments were recommended to implement policies such as:

- a) all detainees shall have access to basic education, training, cultural activities;
- b) education for prisoners should be like the education provided for similar age-groups in the outside world;
- c) education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context;
- d) all those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible;
- e) education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education;
- f) every effort should be made to encourage the prisoner to participate actively in all aspects of education;
- g) development programmes should be provided to ensure that prison educators adopt appropriate adult education methods;
- h) vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour-market;
- i) prisoners should have direct access to a well-stocked library;
- j) physical education and sports for prisoners should be emphasised and encouraged;

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<sup>1</sup> Adopted on the 13<sup>th</sup> of October, 1989 during the 429<sup>th</sup> reunion of Deputy Ministers.

<sup>2</sup> Ioan Chiş, *Istoria penitenciarelor – ieri şi azi (The History of Prisons – Past and Present)*, Editura A.N.I., Bucureşti, 2003, pp. 103-127.

- k) social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating his return to society;
- l) wherever possible, prisoners should be allowed to participate in education outside prison;
- m) where education has to take place within the prison, the outside community should be involved as fully as possible;
- n) the funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available.

As we are to explain, these principled recommendations were included in the acts that were subsequently passed by the Romanian Parliament, in the orders of the Romanian Minister of Justice, as well as in the decisions of the Head Officer of the Romanian Prison Service, so that the core activities set for educating prisoners started<sup>3</sup>.

For a period of at least five years, the educational activity was marked by the real and continuous latent conflict that existed between the prison staff, marked by the prisoners' excesses in the period immediately following the 1989 Romanian Revolution, when dramatic events took place (rebellions, protests, escapes, suicides, serious crimes against prisoners or staff, etc.). During this time, the security reasons made the re-socialization activity be severely hampered, as the time, the programmes, the staff were directed towards ensuring security and surveillance. Moreover, among prison officers there was only one educator and for the entire prison system there was only one psychologist. In the first decade after 1989, getting prison staff to become involved in the re-socialization process was limited and timid. The prejudiced mind was keeping the prison staff back, considering that prisoners have more rights than they did, as the detention conditions had been humanized due to the fact that prisoners' rights were re-evaluated and enhanced.

Nevertheless, Recommendation R (89) 12 had a positive impact and led to the adoption of new rules which granted prisoners a wider range of rights (including for the juvenile offenders who were convicted), to the drafting of the bill on execution of penalties and the measures ordered by the judicial bodies during the criminal trial.

## 2. Changes in the rules on the execution of penalties referring to the re-socialization activity, after 1989

Since Law no. 23/1969 came into force, several periods of time passed that marked the re-socialization activity. Applying this law referring to the execution of penalties did almost nothing for re-socialization, unless we consider that the fear for serving the prison term or for the admission to juvenile rehabilitation centres meant a sufficient incentive for some offenders to try not to break the criminal law.

It had been over 49 years since the concept of reintegration was last discussed scientifically and applied to the needs of our country<sup>4</sup>. In 2004, 15 years after the events that led to changes to the rule of law, the first bill on the execution of penalties and the measures ordered by the court during the criminal trial<sup>5</sup> was drafted. Although it seemed that the humanitarian provisions of the law will influence the re-socialization activity, they were not applicable, not only because the context was unfavourable, but also because the provisions were intricate and inconsistent with the existing administrative infrastructure. It seems inconceivable, but this law has never been applied. Although it has never been applied, as a theoretical exercise, we can show that this law included both the execution of non custodial sentences, community service, converting a fine as community service, postponing the execution of the penalty and the execution of custodial sentences. Reintroducing, in art. 25 of this law, the penalties abandoned when the 1968 Penal Code entered into force (i.e. how to serve the prison terms; strict imprisonment; severe imprisonment and life imprisonment) meant going back in time for the Romanian prison system. The new penalties and the four execution regimes made it impossible for the prison facilities existing at that time to legally separate and classify prisoners.

Nevertheless, legislative developments were positive. Law no. 294/2004 was the first legal document which set specific rights for convicted persons, their rights as citizens and how to exercise them. Besides labour regulations for convicted persons, modern methods of re-socialization were provided<sup>6</sup>.

Chronologically, two years later, the concept of re-socialisation gained momentum when Law no. 275/2006<sup>7</sup> was passed. In this law, under Chapter VI new regulations were introduced on the educational, cultural, therapeutic, psychological counselling and social assistance activities, as well as educational and

<sup>3</sup> The programmes were developed to satisfy the right to education: the right to read and write, ask and reflect, imagine and create, write and read about the living environment, have access to educational materials, develop personal skills.

<sup>4</sup> Attempts to depopulate Romanian prisons between 1976-1977 by means of amnesty and pardon decrees, as well as by means the 1988 acts of clemency were no more than populist measures meant to eulogize Nicolae Ceauşescu's policies, and the return to prisons by increased relapse proved more dangerous (author's footnote)

<sup>5</sup> Law no. 294/ 28.06.2004 on the execution of penalties and the measures ordered by judicial bodies during the criminal trial, Official Gazette of Romania no. 591/1.07.2004.

<sup>6</sup> According to art. 75 para. (1), Law no. 294/2004: 'Socio-educational activities, psychological treatment and counselling, providing advice and assistance to get a job or pursue a professional activity after prison release are organised in every prison facility and aimed at the social reinsertion of convicted persons who execute custodial sentences.'

<sup>7</sup> Law no. 275/2006 on the execution of penalties and the measures ordered by judicial bodies during the criminal trial.

vocational training for persons serving prison terms. For the first time, the old concept of 'prisoner re-education' was done away with and replaced with new phrases: 'social reintegration of the persons serving prison terms' and 'the recovery of minor offenders.'

By means of the Enforcement Regulation for Law 275/2006<sup>8</sup>, the purpose of executing the penalties was introduced explicitly, namely 'assisting inmates in their social reintegration and prevention of committing new crimes.' Consequently, at that point, it was also the first time when a nationally strategic document on how the Romanian Prison Service<sup>9</sup> could be developed so that prisoners would become interested in re-socialization, and human and material resources from institutions charged with accomplishing social tasks would start being purposefully used.

On July 19, 2013 Law no. 254/2013<sup>10</sup> came into force, for the first time ever in Romania being established procedures for re-socialization attuned to the categories of persons convicted and the regime that applied to them. Each prisoner gets a personalized re-socialization program for the entire prison term, with progressive transition from one regime to another. Thus, for more severe regimes, the re-socialization activities take place in a controlled manner, inside the prison facilities, whereas in less severe regimes, inmates can voluntarily take on more responsibilities, they can assess their situation and informedly decide whether they are willing or not to participate in one program or another<sup>11</sup>. As we mentioned before, the concept of re-socialization is closely linked to the prison regime (including security measures, security, surveillance, escort) and re-socialization is possible only if these measures are effective.

On the contrary, we believe that, by means of the re-socialization activity, the atmosphere in the prison facility is characterized by a higher degree of normality, the individual risk of the person executing the penalty is related to other criteria, not to the prison regime. This represents a weakness of the law on the execution of penalties, because prison regimes should have been developed primarily in relation to the need for re-socialization and secondly in relation to the need for security.

The principle according to which educational activities should not hinder operational activities should be abandoned, especially because, in the 21<sup>st</sup> century, technology is sufficiently advanced to ensure thorough, safe and immediate surveillance, so it is possible that a prison facility specialized in maximum security would be characterized by the same order and discipline as a low security one.

We would also like to point out to the progress made as far as the re-socialization measures for young people<sup>12</sup> are concerned. We should not forget that Law no. 252/2013, Law no. 253/2013, Law no. 254/2013 represent a legal package that regulates the execution of penalties, the probation, the execution of non-custodial sentences, as well as the execution of custodial sentences, which are closely interrelated with the enforcement of the provisions included in the New Romanian Criminal Code and the New Romanian Criminal Procedure Code<sup>13</sup>. New criminal and criminal procedure regulations, as well as new regulations on the execution of penalties came into force and, consequently, in a relatively short period of time, in Romania, the number of adult prisoners has decreased from 33,000 to 23,000 at present, and the number of minors in re-education centres from 5,000 to 500, which proves the effectiveness of these measures and the positive impact of re-socialisation.

Due to the entry into force of the new criminal codes and the law on the execution of penalties, new necessities popped up. Thus, to attune to their content, it was absolutely necessary to draw up rules on the main activities, tasks, measures, work instructions, equipment, as well as the use of financial, human, material resources and common organization. Unfortunately, it did not happen very quickly as it took three years to develop the Enforcement Regulation for Law no. 254/2013<sup>14</sup>. Other laws, government decisions, orders of the Minister of Justice, decisions of the Romanian Prison Service's Head Officer, containing subsequent, secondary or tertiary rules, are still being developed today, along with the modification of the

<sup>8</sup> Romanian Government Ordinance no.1897/2006 on the approval of the Enforcement Regulation for Law no. 275/2006 on the execution of penalties and the measures ordered by judicial bodies during the criminal trial.

<sup>9</sup> The Strategy on the Development of Romanian Prison System 2007-2010, (accessed on 08.10.2018 <http://www.snlp.ro/strategia-2007-2010-administratia-nationala-a-penitenciarelor.pdf>).

<sup>10</sup> Law no. 254/19.07.2013 on the execution of penalties and the custodial measures ordered by judicial bodies during the criminal trial, Official Gazette of Romania no. 514/14.08.2013.

<sup>11</sup> According to art. 41, Law no. 254/2013, '(1) The individualization of the prison regime for the execution of custodial sentences is determined by the commission provided under art. 32, depending on the length of the sentence, behaviour, personality, risk level, age, state of health, identified needs and possibilities for social reinsertion of the convicted person. (2) Taking into account the criteria in para. (1) The convicted person takes part in educational, cultural, therapeutic, counselling, moral and religious activities, as well vocational training. (3) The activities under para. (2) are organised by staff belonging to education and psychosocial services in prisons, with the participation, where appropriate, of probation officers, volunteers, associations and foundations, and other representatives of the civil society.'

<sup>12</sup> According to art. 42, Law no. 254/2013, 'along their prison term, young prisoners attend special educational programmes, which address their psychological and social assistance needs, depending on their age and personality. Under this law, young people are convicted persons under the age of 21.'

<sup>13</sup> Law no. 286/2009 on the Criminal Code; Law no. 135/2010 on the Criminal Procedure Code.

<sup>14</sup> The Enforcement Regulation for Law no. 254/2013 on the execution of penalties and the custodial measures taken by judicial bodies during the criminal trial, 10.03.2016.

codes and the law on the execution of penalties, as required by the practical situations that arise<sup>15</sup>.

The permanent concern with drafting, promulgating and then amending the rules governing the deprivation of liberty in criminal proceedings and the execution of penalties, by means of new administrative rules, shows the need for this field to keep pace with the development of the Romanian society as a whole, with the implementation of new technologies and the protection of networks and computer data communication in the places of detention, to comply with the recommendations of the Council of Europe and to correct certain aspects pointed out by the ECHR.<sup>16</sup>

New rules are being drafted either by the Romanian Minister of Justice or by the Romanian Prison Service, on daily specific activities related to feeding, equipment, accommodation, as all these aspects are closely linked with the organisation of educational, cultural, sports, vocational activities, by means of specialised EU funded programmes<sup>17</sup>.

An important clarification of the concept of re-socialization can be found in the practical work of the institutions that run programmes with the people executing penalties, institutions which cooperate by

appointment of the judge delegated with the execution of penalties, such as NGOs performing activities to support reinsertion or volunteers representing various religious cults trying to support the assimilation of moral norms by those with disturbed consciences due to having led a disorderly or antisocial lifestyle. Fighting against drug trafficking, the consumption of drugs, alcohol and ethnobotanical substances, human trafficking is not exclusively reserved to the places of detention, probation institutions and the justice system in general, but to all institutions involved in organising educational, vocational, artistic, musical, sports activities, as well as those which provide jobs, social housing or long-term paid placements.

In 2005, the Romanian Government drafted a document on the reinsertion of the persons deprived of liberty, named 'the National Strategy of Social Reintegration of the Persons Deprived of Liberty, 2015-2019', Bucharest, May 27, 2015. An interministerial<sup>18</sup> commission undertook various tasks dealing with coordination, the mobilisation of resources, communication, project planning and recommendations. Moreover, the commission initiated public policies on reintegration, set up working groups made up of specialists from central and local

<sup>15</sup> Law no. 293/2004 on the Status of civil servants with special status in the Romanian Prison System, republished, as amended and supplemented; Law no. 48/2012 on the financing of Romanian Prison Service and Romanian Prison Service facilities; Romanian Government Ordinance no. 652/2009 on the organization and functioning of the Ministry of Justice, as amended and supplemented; Romanian Government Ordinance no. 756/2016 on the organization, functioning and duties of the Romanian Prison Service and on amending Romanian Government Ordinance no. 652/2009 on the organization and functioning of the Ministry of Justice, as amended and supplemented; Romanian Government Ordinance no. 584/2005 on assigning specific activities and on financing health units belonging to the defence, public order and national security system, as well as the health units of the Ministry of Justice, as amended and supplemented; Order of the Minister of Justice no. 160/C/2018, 8.01.2018 on approving the Regulation for the organization and functioning of the Romanian Prison Service; Minister of Justice Order no. 1302/C/2017, 21.04.2017 on the composition and duties of the Technical and Economic Council of the Romanian Prison Service; Order of the Minister of Justice no. 3936/2017 on approving the Regulation for the organization of educational centres and detention centres subordinated to the Romanian Prison Service; Order of the Minister of Justice no. 3725/2017 on approving the organization and functioning of the Supplies, Management and Repairs Unit; Order of the Minister of Justice no. 1548/2017 on approving the organization and functioning of the National School for Training Penitentiary Officers Târgu Ocna, as amended and supplemented; Minister of Justice Order no. 1662/C/2011 on approving the competences for human resources management of the Minister of Justice, the Head Officer of Romanian Prison Service and senior officers in charge with subordinated units; Order of the Minister of Justice no. 1316/C/2012 on approving the Rules on providing motor vehicles for the Romanian Prison System and its facilities, as amended and supplemented; the decision of the Romanian Prison Service's Head Officer no. 543/2012 on approving the Internal Regulations of the Romanian Prison Service; the Decision of the Romanian Superior Council of Magistracy no. 89/2014 on approving the Regulation organizing the activity of the judge supervising the deprivation of liberty, Official Gazette of Romania no. 77, 31.01.2014; Order of the Minister of Justice no. 1676/C/24.06.2010 on approving the Regulation for the safety of the detention facilities under the coordination of the Romanian Prison Service, Official Gazette of Romania no. 523, 27.07.2010; Order of the Minister of Justice no. 420/2011 on the conditions according to which the convicted persons can volunteer to work, Official Gazette of Romania no. 181, 15.03.2011; Order of the Minister of Justice no. 433/C/125, 7.02.2012 on ensuring medical assistance to persons executing custodial sentences within the Romanian Prison Service, Official Gazette of Romania no. 124, 21.02.2012; Order of the Minister of Justice no. 433/2010 on approving minimum mandatory rules on the accommodating persons executing custodial sentences, Official Gazette of Romania no. 103, 15.02.2010; Order of the Minister of Justice no. 432/5.02.2010 on approving the Instruction for individually and statistically registering the persons executing custodial sentences in the prison facilities coordinated by the Romanian Prison Service, Official Gazette of Romania no. 157, 11.03.2010; the 30.04.2013 Methodology on granting awards to the persons in the custody of the Romanian Prison System, based on the Credit System relate to prisoners' participation in educational, psychological treatment, socialisation, work activities and programmes and risky situations, Official Gazette of Romania no. 353, 14.06.2013; the 12.06.2012 Internal Regulations for the Romanian Prison Service, Official Gazette of Romania no. 423, 26.06.2012.

<sup>16</sup> Romanian Constitutional Court, decision no. 453/4.07.2018, on the unconstitutionality of the provisions of the sole article subsections 2-5 and subsection 10 of the Law amending supplementing Law no.254/2013 on the execution of sentences and custodial measures ordered by the judicial bodies during the criminal trial.

<sup>17</sup> The Norwegian Financial Mechanism 2014-2021: Correctional Project; CHLD Project – 'Inserting minors by education and development'; 4NORM-ality Project – 'Improving Romanian correctional services by implementing the normality principles'; EIGEP Project – European Interaction Guidelines for Education Professionals when Working with Children in juvenile Justice Learning Centres; Menace Project – Mental Health, Aging And Palliative Care In European Prisons; DERAD Project – Counter-radicalisation through the Rule of Law; RASMORAD Project – Raising Awareness and Staff Mobility on violent RADicalisation in Prison and Probation services; SIPOCA 60 Project – Institutional Consolidation of the Romanian Prison System.

<sup>18</sup> The interministerial commission is made up of representatives (civil servants is in management positions, at least as directors) from the following public institutions: a) Ministry of Justice; b) Ministry of Labour, Family, Social Protection and the Elderly; c) Ministry of Education and Scientific Research; d) Ministry of Internal Affairs; e) Ministry of Health; f) Romanian Probation Directorate; g) Romanian Prison Service. The chair of this commission is the representative of the Ministry of Justice.

institutions, so that proposals evaluating the specific activities could be drafted. This strategy is ongoing, and the efficiency of the interministerial commission is to be assessed at the end of 2019. Meanwhile, the cooperation among the Ministry of Education, the Ministry of Labour, the Ministry of Health resulted in common regulation orders, necessary in qualified assistance in three extremely important domains. Moreover, it is worth mentioning the Protocol signed by the Romanian Prison Service and the Administration of the Romanian Orthodox Church on providing moral guidance in penitentiaries, in 1990.

To have a complete picture of the numerous legislative amendments that are to be passed, it is necessary to mention that the rules included in Law no. 254/2013 are debated in the Romanian Parliament, as far as the following domains are concerned: redrafting some provisions on parole; amendments on the prison regimes for the execution of penalties; organising home detention; participation of the convicted persons in the public hearing of appeals; participation of the convicted person in some serious family events; the convicted persons' writing scientific papers; changing the competence of judgment for parole; establishing certain rights and facilities for those remanded in custody; granting unrestricted permissions for humanitarian reasons.

These amendments, together with the provisions on the normalisation of the accommodation conditions<sup>19</sup> in penitentiaries, currently bring about new ideas on the necessity for structural and conceptual reformation of the entire activity within the places of detention so that the re-socialisation of the convicted persons could be successfully achieved.

In the 21<sup>st</sup> century, the normalization, culturalisation, as well as the 'spiritualization' of the prison 'bars', as well as other activities that are organized in the places of detention should become a reality not just a dream, stated the Romanian Minister of Justice, Gabriel Chiuzbaian, in 1994. The 21 ministers, who occupied the ministerial chair for justice after 1989, generally considered that the administration of penalties is an additional burden, so this activity has become a real problem identified by the ECHR, which has delivered judgments of conviction for the Romanian state amounting to several million euros in

recent years<sup>20</sup>. Thus, due to circumstances, useful, important activities and programs have started being organized, though timidly and cautiously.

In recent years, internal assessment analyses<sup>21</sup> of the prison system, probation, educational measures enforced in educational or detention centers have resulted in the development of very important documents which highlighted the need for immediate measures for the improvement of accommodation, medical care, legal assistance, for streamlining release opportunities and proper integration. Analyzing the content of these documents we could conclude the following:

- a) the re-socialization activity takes place in particular during the execution of criminal penalties, post-criminal activities are sporadic, lacking financial and material support;
- b) all activities that take place in the places of detention have substantially bureaucratic load and they are quantitatively measured to account for their efficiency as far as social integration or the prevention of relapse are concerned;
- c) the prison system organizes numerous activities as compared with the probation service, which lacks sufficient human, material and financial resources;
- d) the numerous programs related to reintegration are directed toward group activities (conferences, artistic activities, schooling, professional training) and much less on personalized activities;
- e) in the last five years the activity of re-socialization and educational rehabilitation of the minors has had positive effects, as the prison population has decreased, although the degree of relapse is constant; the professionalization and the employment from external sources of those in charge with re-socialization has become a major concern for the Romanian Ministry of Justice;
- f) Romania's population still holds the prejudice that all criminals 'have to go to jail', and the means to inform, explain and educate citizens are insufficient to demonstrate the effectiveness of non-custodial measures, even the prosecutors and judges are not sufficiently familiar with the European recommendation<sup>22</sup>, so custodial sentences are still given, although the law provides that the application of non-custodial sentences<sup>23</sup>

<sup>19</sup> Law no. 169/2017 on modifying and supplementing Law no. 254/2013 on the execution of penalties and the custodial measures ordered by the judicial bodies during the criminal trial, the Official Gazette of Romania no. 571/18.07.2017.

<sup>20</sup> The 2017 Romanian Prison Service Report – the sums of money paid, following the EHRC judgements in the last 5 years, are: 2013 – 221,819 euros, 2014 – 196,400 euros, 2015 – 459,275 euros, 2016 – 1,624,670 euros, 2017 – 2,296,451 euros.

<sup>21</sup> Internal documents of the Romanian Prison Service, accessed on 10.10.2018: Diagnostic analysis of the penitentiary system 2008; Report of the Romanian Prime Minister's Control Body; Strategic plan on turning the penitentiary system more efficient, 2008; the Romanian Prison Service's study, 'The Assessment of the Current Situation for Re-socialisation', 2009; Studies resulting from externally funded projects – 'The Strategy for Occupation and Qualification through Education and Activities for Liberty', 'The Increase of Chances for social insertion for the convicted persons by better informing the society and the improvement of the prison activities', by the Regional Research Institute in Lombardy, Former convicts' return to the labour market and their integration into society.'

<sup>22</sup> Recommendation No. R (92) 16 of the Committee of Ministers of Council of Europe to Member States on the European Rules on Community Sanctions and Measures (adopted by the Committee of Ministers on 19 October 1992, at the 482<sup>nd</sup> meeting of the Ministers' Deputies).

<sup>23</sup> According to art. 74 para. (2), the New Romanian Criminal Code 'When the law stipulates alternative penalties for the offense, the criteria stipulated in para. (1) shall be a factor in selecting one of those alternatives.' According to art. 115 para. (2): '(2) The educational measures to be taken against a juvenile shall be chosen in terms of Art. 114, according to the criteria stipulated in Art. 74.'

should take priority.

The concerns about the re-socialization of the convicted persons in the places of their detention (prisons and detention and educational centers) are currently identifiable by the organization of diversified programmes, which have recently started being personalized. Thus, we can acknowledge the effect of Recommendation 2006/2, but, nevertheless, we are not able to predict its outcome on the evolution of the Romanian prison system.

We consider that the numerous rights granted to prisoners, the change of the prison system to accommodate educational programmes<sup>24</sup> and to eliminate coercion and force will transform the places of detention into institutions highly focused on re-socialization, hence the need for a Code on the execution of penalties to determine, starting with the names of the institutions, their purpose and means, a revival of change for the better for those who are forced to go and live in prison for a period of time.

It is time to move from acknowledging the fact that the places of detention are criminogenic to accepting the necessity that it is fundamental to change the execution of penalties to determine offenders to change their lifestyle.

## Conclusions

Social reintegration in Romania both during communism and after 1989 meant drafting a lot of documents which unified the doctrine and the case law related to this field. Before the 1989 revolution, the detainees in Romanian penitentiaries were subject to inhuman or degrading treatment, even to torture. After 1989, the conditions of detention in Romanian prisons could not change very quickly. Once Romania became a member of the European Union, new rules needed to be adopted, in order to attune to EU directives and recommendations. Nevertheless, not all obstacles could be overcome, and at present there are still problems related to overcrowding in prisons, the lack of compliance with suggested sanitary requirements, the inefficiency of the socio-educational programs, as well as the lack of specialized training of the personnel working for the Romanian Prison Service. In addition to this, this paper also highlighted the progress made in the legal field of criminal law on the execution of penalties, which represent small steps in the democratic society we live today.

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<sup>24</sup> Subsequent regulatory documents on the re-socialisation of the convicted persons: Decision no. 315/15.01.2018 on approving 'The literacy programme for detainees who cannot attend school'; Decision no. 646/10.10.2018 on approving the programme for general psychological assistance, 'The animal-assisted therapy for detainees'; Decision no. 302/03.01.2017 on approving 'The programme for training the detainees holding responsibilities in educational activities and programmes'; Decision no. 396/15.03.2018 on supplementing the Decision of the Romanian Prison Service's Head Officer no. 302/2017 on 'The programme for training the detainees holding responsibilities in educational activities and programmes'; Decision nr. 421/05.04.2018 on approving 'The Programme for specific psychological intervention dedicated to adults aged over 55'; Decision no. 929/04.07.2017 on 'The organisation and unfolding of topic-based and sports competitions, as a result of activity projects'; Decision no. 448/29.04.2011 on approving 'The instrument for assessing the educational needs of the detainees in the Romanian prison system'; Decision no. 449/29.04.2011 on approving 'The instrument for assessing the social assistance needs of the detainees in the Romanian prison system'; Decision no. 535/21.07.2011 on approving 'The credit system in some units belonging to the Romanian prison system'; Decision no. 500015/28.07.2017 on approving 'The strategy for the computerisation of the prison system for the time period 2017 – 2020'; Decision no.729/27.04.2017, published in Official Gazette of Romanian no. 359/16.05.2017, on 'The conditions to ensure the materials necessary to organise shows, exhibitions and other cultural and artistic performances in which detainees are involved'; Decision no. 441/2.05.2018 on modifying the Decision of the Romanian Prison Service's Head Officer no. 581/2016 for founding a 'Therapeutic centre for women within Gherla Penitentiary', financed under the Programme RO23 'Correctional Services, including Non-custodial Sanctions', by the Norwegian Financial Mechanism 2009-2014, published in Official Gazette of Romanian no. 412/15.05.2018; Order no. 1322/C/2017, on April 25, 2017 on approving 'The regulation for organising and unfolding of educational, social assistance, psychological treatment activities and programmes in the places of detention', coordinated by the Romanian Prison Sentence, published in Official Gazette of Romanian no. 432 bis/12.06.2017.

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