Institutional policies and strategies on the social reintegration of persons deprived of their liberty

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Abstract
The phenomenon of crime, the method of sanctioning and the effectiveness of the criminal sanctions applied, associated with the vast process of social reintegration of persons deprived of liberty, although are current and represent a constant in the legal and social fields, for both theorists and practitioners, are quite little known by civil society.
The process of resocialisation of persons deprived of liberty is a constant concern for the creators of criminal and social policies who seek to identify the most viable measures by which the state can intervene in preventing and combating criminal recidivism. As a special form of crime, recidivism is one of the most serious social problems facing contemporary societies.
Using a figure of speech, we can appreciate that, just as some vices and unwanted behaviours, such as: "tobacco use and alcohol abuse seriously harm health", we similarly argue that, in the absence of sustainable and predictable public policies, "criminal recidivism seriously harms the community".
The study presents the main public strategies and policies adopted and implemented at national level, in terms of social reintegration, trends of evolution, as well as a number of incidental social dysfunctions. Thus, the efficient functioning of the probation system, the reduction of overcrowding in prisons, the promotion of a viable strategy for the social reintegration of persons deprived of liberty and the financing of predefined programmes through the Norwegian Financial Mechanism 2014-2021, in areas of interest such as correctional services and the strengthening of the rule of law, are prerequisites for combating criminal recidivism and maintaining community safety.
In conclusion, we say that the social reintegration of criminally sanctioned persons is an area of interest for society that requires increased attention, by developing an effective regulatory framework, with an institutional system appropriate to the needs of this vulnerable category, but also by involving members of the community.

Keywords*: public strategies and policies; crime; recidivism; social reintegration; vulnerable category; community safety*.

1. The concept of "public policy".

The term public policy was first used by Harold Lasswell in the early 50s of the 20th century. Its attempt is part of an effort to professionalise government work by promoting an approach that is based mainly on the analysis of data on the various public issues that appear on the agenda of a public authority. Since this first use of the term, the

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related studies have delineated a new field of research, subsumed to those in the field of social sciences.

The concept of public policy knows a whole range of definitions, starting from the most simplistic – what governments choose to do or not to do (Dye 1992: p. 4), to the instrumentalist one: a course of action with a specific purpose, pursued by an actor or group of actors in addressing a problem (Anderson 1994: p. 5).

In order to better understand the dimensions of the notion of public policy, a number of key concepts are needed that help to construct the concept: a) action on the basis of authority: public policy is an action implemented by power structures, structures that have legislative, political and financial authority to act; b) a reaction to the problems of society ("real world"): public policy tries to respond to a concrete need/problem of society (or a segment of society); c) goal-oriented: public policy is geared towards achieving a set of well-defined objectives in an attempt to solve a particular need/problem of the community (target group).

From the perspective of solving a problem and the policy making process, we can say that this process can be seen as an analytical process. Policy making is the search for solutions to existing problems, calling for rationality to achieve public goals. In this case, the key to the policy-making process is to define the problem correctly, identify and analyze an appropriate set of solutions, select the alternative that best solves the problem. Consistent in this approach is the idea that we agree with solving the problem. Also related to it is the use of analytical techniques to generate the best solutions and to make the best choices. For this purpose, techniques such as cost-benefit analysis, cost-effectiveness analysis, linear programming and other optimisation techniques may be used. Finally, we will know that we have succeeded when the problem has been solved or when we increase the benefits of the public programme.

A public policy is a network of decisions related to each other regarding the choice of objectives, means and resources allocated to achieve them in specific situations (Miroiu 2001: p. 9).

The term "public policy" has penetrated the specialized studies and the current language of Romania quite late (in the late 1990s) and there are still numerous ambiguities at the level of common sense on the scope of this notion. One possible explanation may be that the term was borrowed from The English language – policy – but there is no specific translation into Romanian language other than that of policy.

The notion of public policies was institutionalized in Romania with the advent of Government Decision No. 775/2005 for the approval of the Regulation on procedures for the elaboration, monitoring and evaluation of public policies at central level, establishing a series of rules governing decision-making at the level of ministries and other specialised bodies at central administration level. The process was requested and supported by international organisations (European Commission, World Bank) and was imposed as a top-down (top-down) reform, assuming changes in perspectives in the evaluation of activities carried out within the administration. Under this approach, public policies are the result of the action of public authorities and can be implemented at different administrative levels. It is important that these steps are carried out at the central level that public policies are carried out with the participation and benefit of citizens.

2. The role of criminal policy in strengthening the rule of law.

Ca theory, the rule of law appeared towards the end of the 18th century – the beginning of the 19th century sex, as a replica given to the despotic state. It was founded in German doctrine, where it was known as the *Rechtsstaat* (Mohl 1832: p. 16).

In characteristic Kantian terms, it is the doctrine of the law-based state *(Rechtsstaat)* and eternal peace. The approach is based on the supremacy of a country's written constitution. This supremacy must create guarantees for the implementation of its central idea: a permanent peaceful life as a basic condition for the happiness of its people and their prosperity. Immanuel Kant proposed that this happiness be guaranteed by a moral constitution agreed by the people and thus, under it, by a moral government (Reiss 1971: pp. 79, 117-118).

In terms of ideology, the rule of law confers a logical system of ideas, through which people represent their society, the state, in all its manifestations and by which legitimacy is given to the state.

The rule of law, pluralism, democracy, civil society are undeniably universal values of contemporary political thought and practice and are expressed normatively in the Romanian Constitution as well as in international documents.

In accordance with Article 1 (1) (b) of Regulation (EEC) No 208 (3) of the Romanian Constitution: Romania is a state of *law,* democratic and social, in which human dignity, the rights and freedoms of citizens, the free development of human personality, justice and political pluralism represent supreme values, in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989, and are guaranteed (Constitution of Romania 1991).

The consecration of the rule of law in the Romanian Constitution is carried out not only by Article 1 (3) of the first sentence, but also by numerous other constitutional provisions expressing the content of this principle of organization and exercise of power in a democratic society. In this respect, the provisions of Article 5 of Regulation (EEC) No 2081/92 should be apart Article 16(1) shall be replaced by the following: (2), which provide that no one is above the law and those of Article 15 (2) of the Treaty. (2) which proclaims the principle of non-retroactivity of the law, essential principles for the whole construction of the rule of law. The content of the rule of law is expressed in particular in the constitutional provisions on the separation and balance of powers in the State, as well as those relating to the organisation, functioning and powers of the state institutions.

The final document of the 1990 Copenhagen Meeting stated that the *rule of law* does not simply mean formal legality, and in the 1990 Paris Charter the rule of *law* is foreshadowed not only in relation to human rights, but also democracy, as the only system of government.

The rule of law is where: the rule of law is obvious, the content of this right takes advantage of the rights and freedoms of citizens to their real dimensions, the balance, collaboration and mutual control of public powers are achieved and free access to justice is achieved.

A rule of law can have no purpose other than to order the life of man, so that every member of the community is supported and encouraged in the direction of exercise and use as free and full as possible of all its capacities, the freedom of the citizen being the supreme principle of the state (Muraru and Tanasescu 2009, pp.77-78).

Criminal policy, as an integral part of the general policy of the State, regulates one of the major areas of social life, namely the field of justice, by promoting public policies

on; justice, crime, the development of the normative base and legislation, and the punishment system.

Criminal policy, in this respect, is the state's reaction to the commission of crimes, expressed by the policy of criminalisation and penalty of acts, the determination of the strategy, forms and legal methods of countering crimes, the policy of criminal investigation and the policy of the execution of criminal penalties and other measures of criminal legal influence.

Criminal policy was originally defined and elaborated in the sociology of criminal law, in the light of the repressive reaction of the State to crime and crime, being a tribute to the era in which it was formulated, in the sense that the specific ity of this period is the thinking of measures against crime, having a predominantly repressive character.

The creation of the term "criminal policy" is attributed to the German penalist, an illustrious representative of the classical school of criminal law and the criminology of Anselm von Feuerbach (1775-1833), who used it for the first time in his manual of criminal law (1803), defining criminal policy as "the ensemble of repressive procedures by which the State reacts to crime". According to Feuerbach's definition, criminal policy is synonymous with the theory and practice of the criminal system (Delmas 1992: p. 462).

Criminal policy is considered the activity of the State in the field of combating crime, with the participation and support of civil society institutions as well as citizens, which includes both the reaction of the competent bodies of the State to the commission of crimes and the activities of crime prevention, resocialisation and reintegration of offenders carried out by the State and society. In criminal doctrine Romanian is given an extended meaning to the concept of criminal policy, beyond the purely repressive meaning (Bulai 1992: p. 220).

One of the most important directions of criminal policy in Romania was the drafting and application of the law of "compensatory appeal" (Law No. 169/2017), a topical topic on the agenda of the Romanian Government and the Committee of Ministers' Delegations in Human Rights format in human rights format (CM-DH).

By the Law of Compensatory Appeal, which entered into force on 19.10.2017 and was repealed on 19.12.2019 (by Law No. 240/2019, published in the Official Gazette of Romania, Part I, No. 1028 of 20.12.2019), the Romanian State, obliged by the European Court of Human Rights (ECHR) has established a compensatory mechanism for the execution of the sentence under improper conditions (conditions established by the ECHR and not by the Romanian State). Thus, an inmate serving the sentence in a space less than or equal to 4 sqm/inmate, without adequate temperature in the room, without the possibility of using the toilet in private, in a detention room with infiltration or mould, benefited, every 30 days executed, from 6 additional days considered to be executed maximum of 72 days/year (6 days X 12 months = 72 days).

From 19.10.2017 until 18.09.2019 21,049 prisoners were released from prisons as a result of the application of the provisions of Law No. 169/2017 on compensatory appeal. Of these, 634 were convicted of rape and 1,670 were convicted of robbery. During that period, of the total releases, there were 1,877 re-incarcerations. Of these, 47 for rape, 226 for robbery and 36 for murder, according to data from the National Administration of Penitentiaries. At the moment, 21,632 people are incarcerated (National Administration of Penitentiaries 2019).

The adoption and subsequent repeal of the law in the absence of studies and analyses on the impact of the granting of compensatory measures revealed a poor understanding on the part of society of the prison environment and the phenomena that

give rise to the release from detention of convicted persons before the deadline. Studies show that the compensatory appeal, although it solved a systemic problem of the Romanian state by reducing the number of prisoners in Romanian prisons, generated serious problems for Romanian society, which proved incapable and "unprepared", to integrate the convicted persons released from the penitentiaries.

In the same vein, the agglomeration of the courts arronded to the penitentiary units with applications for conditional release, generated by the compensatory appeal, have led to multiple malfunctions in the work of these courts. At the same time, difficulties were recorded in the process of supervising persons in detention, both from probation services which did not have the necessary human and financial resources, and from the police bodies which were often in the situation of the impossibility of detaining convicted persons who had reoffended.

Furthermore, theappeal manifested by the public, constrained by the adoption of the compensatory appeal, also highlighted the intensification of rejection attitudes, generated in particular by the abominable acts committed by convicted persons released from detention on the basis of the compensatory appeal, thus representing a real obstacle to post-detention reintegration. Law No 169/2017 allowed the release of persons who have been convicted of serious offences on time earlier than normal, the provisions on compensatory appeal being a cause of reduction or, where appropriate, extinguishment of the sentence.

In the face of the lack of specific legal provisions and legislative procedures, of an institutional framework appropriate to the criminal policy promoted by the Romanian State, by adopting the compensatory appeal, persons deprived of their liberty were deprived of the control of institutions with the role of preventing and combating crime. Thus, early release was achieved in relation to the desire to reduce the prison population, the prospect of social reintegration being placed second, while the latter process presents an extremely high level of complexity, being taken from the first day of deprivation of liberty.

Moreover, (des)the illusion of post-detention reintegration, under the conditions of early release, led to the interruption of educational interventions and the failure to complete psychological and social assistance programmes aimed at persons deprived of liberty during the execution of the sentence, when the individual plans for the execution of the sentence were adapted to the new perspective, early release. The application of such measures have created the prerequisites for the increase in recidivism and crime, phenomena harmful to both citizens and state institutions and criminals.

Since 2012, Romania has been under the effect of a semi-pilot conviction on the conditions of detention, which obliges our country to improve the conditions in the prison system.

The overcrowding of prisons, the poor conditions of detention, the insufficiency of security and medical personnel, the high frequency of deaths and the lack of newly built detention facilities, are only five of the serious problems observed for more than 15 years and by the Human Rights Committee of the Chamber of Deputies of the Romanian Parliament, which remained only at the reporting stage, the deficiencies in the prison system still being the same. In 2005, 2009 and 2015 the members of the Human Rights Committee of the Chamber of Deputies produced three reports presenting the main problems in the prison system, the same each time. In 2015 and the Ombudsman issued a Special Report on prison detention conditions and detention and preventive detention

centres, factors determined in respect of human dignity and the rights of persons deprived of their liberty (People's Advocate 2015).

The existence of a high level of prison employment has highlighted the acute dimension of social intolerance towards persons deprived of their liberty, together with the low level of political will on the regulation and implementation of criminal policies, which is why the provisions and recommendations of the relevant case-law and criminal doctrine have become devoid of content.

Failure to comply with the material conditions of detention or the treatment of prisoners led to the repeated conviction of the Romanian state at the ECHR (6 rulings in 2008, 9 rulings in 2009, 13 rulings in 2010, 18 rulings in 2011, 10 judgments in 2012, 32 rulings in 2013, 29 rulings in 2014, 75 rulings in 2015, 313 judgments in 2016, 378 judgments in 2017, 968 judgments in 2018), according to the 2018 annual report of the National Administration of Penitentiaries (National Administration of Penitentiaries 2019).

As regards 2019, the Court examined 3263 applications for Romania, of which 3016 were declared inadmissible or the examination was not continued (removed from the role), and delivered 62 judgments.

If in 2008 the ECHR sentenced Romania to compensation of 44,500 euros, in 2018 the amounts paid as a result of the ECHR rulings amounted to 3,232,001 euros. In this context, we highlight the increase of about 160 times, over a 10-year period, in the number of judgments, while increasing the amounts consisting of compensation by the Ministry of Public Finance by about 100 times.

These amounts represent in fact the amounts of money paid annually bythe Ministry of Public Finance(MFP) to Romanians who have won lawsuits at the ECHR, according to MFP information for "Economica.net" (Economica.net 2018).

In view of the evolution of Romanian cases concerning the conditions of detention at the ECHR, The European Court of Human Rights (Court) delivered on 6 December 2007 the first judgment condemning Romania for infringement of Article 3 (Prohibition of *Torture*) of the Convention for the Protection of Human Rights andFundamental Freedoms (Convention), since, inter alia, the material conditions of detention do not satisfy the European standard, in *Bragadireanu v. Romania* (application No 22088/04) (ECHR case law 2008).

In view of the significant influx of claims against Romania concerning overcrowding and material conditions of detention, the Court considered it necessary, in 2012, to apply to the Romanian authorities under Article 46 of the Convention, without resorting to the pilot procedure.

Thus, by judgment of 24 July 2012 in *Iacov Stanciu v. Romania* (application No 35972/05), the Court found that overcrowding and inadequate conditions of detention were structural problems of the Romanian prison system (Juridice.ro 2012).

In the years following *the Jacob Stanciu* judgment, the number of cases in which the Court concluded that Article 3 of the Convention had been infringed in the light of overpopulation and inadequate material conditions of detention had steadily increased to 150 convictions. Furthermore, in August 2016, 3200 similar applications were registered with the Court.

In this context, and in the light of the evaluations of the Committee of Ministers' Delegations in Human Rights format (CM-DH) on the general measures adopted by the Romanian authorities in response to the ECHR findings, the latest reports of the European Committee for the Prevention of Torture and Inhuman Punishment and Treatment (CPT) of the Council of Europe and the recommendations of the Ombudsman, who visited certain

prisons in the country, all this confirming the worrying reality that prisons and detention and detention centres continue to be severely affected by overpopulation and poor material conditions of detention, the ECHR has decided to apply the procedure of the pilot judgment in the related cases Rezmiveş and Others v. Romania (No 61467/12, 39516/13, 48231/13 and 68191/13) (Juridice.ro 2017a).

In April 2017, Romania was sentenced to the ECHR in Rezmiveş and Others v. Romania, a pilot ruling on prison overcrowding and other inadequate conditions of detention, suspending the trial of the approximately 8,000 complaints concerning the conditions of detention in Romania, for which compensation of almost 5 million euros was paid in the period 2013-2017 to the prisoners who won at the ECHR.

The pilot judgment procedure is governed by Article 61^4 of the ECHR Regulation and is a form of cooperation between the ECHR and the defendant State. Its role is to provide ways and suggestions of general measures that would be appropriate to address a structural or systemic problem in the State concerned and would be acceptable from the perspective of the ECHR, in relation to its case-law and the significant number of similar applications pending before it. However, the Court confirms in its case-law the freedom of the defendant State to choose measures to fulfil its obligation to comply with echr judgments.

By the pilot judgment of 25 April 2017, the Court requested the Romanian State, within six months of the date of the final stay of the judgment, to provide, in cooperation with the Committee of Ministers' Delegations in Human Rights (CM-DH) an exact timetable for the implementation of appropriate general measures capable of addressing the problem of prison overcrowding and inadequate detention conditions, in accordance with the principles of the Convention as set out in the pilot judgment. The Court also decided to postpone similar cases which have not yet been communicated to the Romanian Government until the necessary measures are taken at national level.

Following this ruling, in March 2018, the Romanian Government communicated to the Council of Europe's Committee of Ministers in Human Rights (CM-DH) a plan of measures to address the problems of overcrowding and inadequate conditions of detention, namely the 2018-2024 Calendar of Measures for the Resolution of Prison Overcrowding and Detention Conditions (adopted by the Memorandum adopted by the Romanian Government on 17.01.2018 , with amendments according to the Memorandum adopted by the Romanian Government on 07.03.2018).

The plan of measures undertaken by the Romanian Government states that in the period 2018-2024 the Romanian state will modernize 1351 places of accommodation in prisons and build 8095 new places. In the same plan of measures, the Romanian Government has committed to set up 1596 new places in detentions and to modernize 187 of the existing ones. According to the calendar, the Romanian state should have created 316 new prison places in 2018-19 and modernized 500 of the existing ones. Only 43% of this target was achieved by April 2019, according to official data of the Association for the Defence of Human Rights in Romania – Helsinki 2020 Committee (APADOR-CH).

The Romanian government also assumed that it would build two new prisons, namely: Unguriu, in Buzau County, and Berceni County, Ilfov County. With regard to the establishment of the Berceni Penitentiary, the feasibility study was analysed and approved favourably and issued in this respect the opinion No. 29 of 10.08.2020 of the Interministerial Council for the Advising of Public Works of National Interest and Housing of the Ministry of Public Works, Development and Administration. With regard to the establishment of the Hungarian Penitentiary, steps have been taken in relation to land

management and the acquisition of the feasibility study, which was 14 analysed and endorsed favourably and was delivered in this respect by opinion No. 30 of 10.08.2020 of the Interministerial Council for the Advancement of Public Works of National Interest and Housing of the Ministry of Public Works, Development and Administration. The two penitentiary units should be ready in 2022 and 2024 respectively, bringing together 1,900 new places of detention.

The ECHR has also pointed out that the simplification of the conditions for waiving the application of the penalty and the postponement of the application of the penalty and, in particular, the extension of the possibilities of access to the institution of conditional release, as well as the effective functioning of the probation system, could be sources of inspiration for the government in order to solve the problem of the increase of the prison population and inadequate material conditions in detention (Juridice.ro 2017b).

Even if it left to the romanian state the identification of concrete steps of criminal reform (under the supervision of the Committee of Ministers), the ECHR judges pointed out that the Romanian Government's strategy to create new places of accommodation is not a sustainable solution, according to Recommendation Rec (99)22 of the Committee of Ministers, and that conditions in existing places of detention are needed.

Romania has fallen behind not only in respecting the timetable agreed with the ECHR, but also in finding a solution for former prisoners, who have not benefited from remedial measures for the improper conditions in prison.

3. Measures and strategies adopted by the Romanian State on the continuation of penal reform.

To date, the Committee of Ministers in the format of Human Rights (CM-DH) has issued five decisions on the execution of the above cases, in the sessions of 13-15 March 2018, 4-6 December 2018, 4-6 June 2019, December 3-5, 2019, March 3-5, 2020.

By the last decision adopted, the omitting delegations of Ministers in human rights format (CM-DH) of the Council of Europe recalled the long-standing structural problems of overcrowding and the inhuman and degrading conditions of detention in prisons and preventive detention centres of the Romanian police (Council of Europe 2020).

Reiterated that, notwithstanding the significant progress already achieved, in particular in reducing overcrowding, further measures underpinned by a strong and enduring commitment at high political level are required to bring about a swift, comprehensive and sustainable resolution of these problems;

Also, regretted in particular, after the abolition of the compensatory mechanism in the form of reduction of sentences without providing alternative Convention-compliant remedies, the absence of any near prospect of setting up an effective system of compensatory remedies to fulfil Romania’s obligations under Articles 13 and 46 of the Convention. At the same time, expressed their grave concern at the ensuing risk of a new massive influx of repetitive applications in addition to the over 6,000 applications already pending before the European Court and the threat this poses to the effectiveness of the Convention system;

Further to adopt the necessary national measures capable of addressing the problem of prison overcrowding and inadequate detention conditions, in accordance with the principles of the Convention as set out in the pilot judgment in December 2020, the Romanian State will present to the Committee of Delegations of Ministers in Strasbourg the action plan DH-DD (2020) 1059 23/11/2020 at the chariot of the 1390th meeting communicated by the Romanian authorities on the Bragadiranu cases against Romania

(Request No. 22088/04) and Rezmiveș and Others against Romania (application No. 61467/12) (Council of Europe 2020).

As a result of the criminal reform carried out in Romania, it is found, on the one hand, that the deficit in the number of places of detention decreased from approximately 14,000 - required in 2012 to 4300 - estimated in 2017, to 2,051 - minimum calculated on 30 June 2020. This value may vary according to the dynamics of the number of new detainees who have been remanded and released while cases under probation have increased by about five times, from 20,000 cases in 2012 to 104,000 for 2019. Between January 1 and June 30, 2020, probation counselors worked with 85,386 people sanctioned with non-custodial measures and sanctions.

Also, as a result of the criminal justice system reform measures adopted by the Romanian state, the degree of overcrowding in places of detention was considerably reduced, from 164% in January 2015 to 111% in June 2020. The trend in the number of detainees in the custody of the penitentiary system, after 2014 and until now, it was a descending one, which was accentuated by the compensatory mechanism implemented in 2017.

In relation to the objectives envisaged in the 2018 Action Calendar, 70 new places of detention were put into use and 282 detention places were upgraded.

The provision of educational programmes and psychosocial assistance has also diversified and developed, so that in 2019 there were 81 programmes available to prisoners at the ANP level (Council of Europe 2020).

By promoting Government Decision No. 389 of 27 May, 2015 on the approval of the National Strategy for the Social Reintegration of Deprived Persons, 2015 - 2019, a national, interinstitutional, articulated mechanism has been created to support the process of social reintegration of persons deprived of their liberty.

Thus, by implementing Government Decision No. 389/2015, in the strategic cycle 2015-2019, a system was developmend for diagnosing the training and professional development needs of specialists at the level of institutions responsible for carrying out social reintegration activities with persons deprived of their liberty (both during detention and post-detention) and seven interinstitutional procedures were developed, five of which were approved and implemented.

Following the evaluation of the activities carried out by the implementation of Government Decision No. 389/2015, through the Monitoring Report of the National Strategy for the Social Reintegration of Deprived Persons 2015-2019, drawn up in the form of a memorandum, approved at the Government meeting on 24 April 2019, the proposal for continuation of activities was validated by a new draft Government Decision, valid for the strategic cycle 2020-2024. In the coordinates presented, the new strategy approved by Government Decision No. 430/2020 on the approval of the National Strategy for the Social Reintegration of Deprived Persons 2020-2024 (Council of Europe 2020).

The new document envisages the measures implemented in the period 2015 -2019 that need to be continued, the development and customization of locally available social support services for people returning to the community at risk of social marginalisation, as well as new measures to be carried out during the reference period. Atthe same time, itis developing the functional reintegration of persons deprived of their liberty in the family environment, the community and the labour market, by strengthening, optimising and developing the necessary legal and procedural mechanisms.

It is considered that, in order to ensure the translation between the prison environment and the community, it is necessary to have structures in place to take over

persons released, to provide them with specialized services and to monitor them, in order to successfully overcome the critical post-detention period, in which there is a high risk of a relapse into crime.

A priority is to carry out practical activities, which can lead to an increase in the independence of people leaving the prison system, as well as an intervention aimed at identifying and developing individual inclinations and abilities. In order to increase the chances of reintegration into the labour market of persons released from detention, it is necessary to regulate the legislative framework so as to make it possible to conclude individual employment contracts for persons deprived of liberty, in particular those in open regime, given that the work performed at various economic operators requires this form of regulation of employment relations, which would have a real impact also to facilitate socio-professional reintegration.

At the same time,taking into account the results of national analyses and studies, as well as European policies in the field, vocational qualification/retraining is one of the basic conditions contributing to post-detention reintegration, ensuring that former detainees have the opportunity to identify a job, implicitly a source of income, able to support individual independence.

The action plan for the period 2020-2025, drawn up with a view to the implementation of the Rezmiveş and Others pilot judgment against Romania, as well as the judgments given in the Bragadireanu V.V. Romania Group, are foreseen important measures on the continuation of criminal reform in Romania (Council of Europe 2020).

With regard to the Romanian prison system, measures are proposed both to improve the conditions of detention, measures of a legislative nature leading to the improvement of the conditions of detention for persons deprived of liberty, as well as the continuation of the implementation of social reintegration programmes (educational, psychological assistance and social assistance) and recreation of persons from the prison system.

The proposed measures to improve the conditions of detention for persons deprived of their liberty (2020-2025) provide for investments in the physical infrastructure of prisons, namely: the creation of 7,849 new accommodation places and the modernization of 946 accommodation places, the investments being financed from three sources, as follows: 1. The Norwegian Financial Mechanism - 1,400 new accommodation places, in an estimated value of 21,007,300.00 euros and 100 modernized accommodation places, in an estimated cost of 103.115.615,0 euros; 2. The state budget - 4,549 new accommodation places and the modernization of 846 accommodation places in an estimated value of 102,255,576.0 euros; 3. Loan from an International Financial Institution, according to the project approved by the Romanian Government, on 05.12.2017, through the Memorandum on Decision on the opportunity to finance the physical infrastructure of the Romanian penitentiary system, through a project funded from reimbursable external funds, which proposes the concept of the national project - Investments in penitentiary infrastructure - 1,900 new accommodation places through the construction and establishment of two new penitentiaries (Berceni Penitentiary and Unguriu Penitentiary) (Council of Europe 2020).

Investment objectives (new/modernisation/extension of above-ground detention) were also forecast for 31 pre-trial detention centres (out of 51 detention and pre-trial detention centers are organized and operate).

In view of the need to comply with the standards imposed by the case-law of the European Court of Human Rights, as well as the need to update the criminal enforcement

legislation in Romania, it is envisaged to draw up a draft Law for the amendment and completion of Law No. 254/2013 on the execution of sentences and custodial measures ordered by judicial bodies during the criminal trial, leading to improved conditions of detention for persons deprived of liberty.

Action Plan 2020-2025 in the execution of the Rezmiveş and Others pilot judgment against Romania, as well as the judgments handed down in the Bragadireanu group of cases against Romania, also provides for measures to strengthen and streamline the probation system in Romania to facilitate the application of Community sanctions and measures leading to the reduction of the prison population.

On 28 November 2019, at the proposal of the Minister of Justice, the Romanian Government approved a Memorandum on the organization of competitions for filling vacancies in the organizational structure of the National Probation Directorate and Probation Services (Memorandum), which provides for their gradual filling. For the application of those measures, the following shall be taken into account: Stage 1 - the financing in 2019 of 254 positions (150 probation counselors, 84 contract staff, 20 employees in the central structure); Stage 2 - the financing in 2020 of 118 positions (101 counselor positions and 17 employees in the central structure); Stage 3 - financing in 2020 another 239 positions (155 probation counselors and 84 contract staff) (Council of Europe 2019).

In conditions of legislative stability, where the powers of the probation services will not be extended to the current situation, by taking the above measures, it is estimated that they will produce sustainable effects by reducing the number of cases/employees. Thus, at the end of stage 3, it is estimated that 957 probation counselors will be employed throughout the probation system which, if they manage a similar number of cases as at present, approx. 100,000 / year, will reach an average of 104 cases/employee, being registered a significant decrease compared to the current situation in which the average number of cases/employee is 181. Also, improving the regulatory framework of the profession (staff status) will be created the premises for an increase in the stability of employees in the probation system and the attractiveness of the profession for filling vacancies with highly qualified staff.

In addition, measures to improve the infrastructure of probation services by supplementing probation facilities, including the involvement of local authorities, approximately the relocation of 15 premises, including: 9 free on loan vhith local authorities and 6 rented spaces, as well as the renovation and redevelopment of 28 premises, will aim to create an optimal working environment for both probation staff and persons in the execution of Community measures and sanctions, in accordance with Council of Europe standards in this area.

For the development of the probation system, both from a methodological point of view and in terms of physical infrastructure and IT, two partnership agreements concluded in September 2019 and November 2019, respectively, for the implementation by DNP of two strategic projects for the system. of probation with nonreimbursable financial assistance from the Kingdom of Norway through the Norwegian Financial Mechanism 2014-2021. "Correctional" - DNP budget 5,511,523 euros and "Improving Correctional Services in Romania by implementing the principle of normality - 4Norm-ality" - DNP budget - 240,175 euros. The projects aim at solving structural issues such as diagnostic tests, research, work procedures, specialized intervention programs for convicted persons under the supervision of probation services, training sessions, equipping the probation system with IT infrastructure, furniture and other necessary equipment. in the current

activity, as well as the accomplishment of repair works of the probation services headquarters. The two projects will be implemented between 2020 and 2024. So far, actions have been taken before the start of public procurement procedures within the two projects.

In conclusion, we can say that by reference to the criminal policies implemented and forecasted by the Romanian State, there are sufficient reasons to impose a number of measures, beyond those written on paper, so that this social category represented by criminally sanctioned persons can enter normality. The efforts made, from a social or financial point of view by the Romanian State in order to improve the conditions of detention, are also not to be disputed, but they are far from solving this problem, the overcrowding of detention facilities.

However, the achievement of the minimum standards laid down by international law in this respect can only be achieved by reallocating, rebuilding or reforming the entire prison system, by concrete actions to modernise the holding premises, to supplement the need for security and medical personnel, to amend the extra-criminal legislation, and not as a last resort, andto create public-private partnerships, a formula that could lead to the construction of new prisons or the improvement of prison logistics.

We also appreciate as a viable criminal policy and alternative solution to detention the strengthening of the probation system in Romania which, through its mission and vision, effectively contributes to society's interests regarding the safety of citizens, reducing the social costs of incarceration, reducing recidivism and empowering persons who have committed crimes to enroll on a pro-social life path.

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Received 02 December 2020, accepted 27 December 2020