PHARE 2003
STANDARD SUMMARY PROJECT FICHE

1. Basic information
1.1     CRIS Number: PHARE 2003/005-551.04.16
1.2     Title: Support for the improvement of the justice for minors
1.3     Twinning component: RO03/IB/JH/09
- Title: “Support for the improvement of the justice for minors”
- Duration: 18 months
- Budget: 1,1 M €

1.4     Sector: Justice
1.5     Location: Romania

2. Objectives
2.1 Overall Objective:
To insure the general protection of minors rights

2.2 Project purpose
To improve the juvenile justice system.

2.3 Accession Partnership and NPAA priority
- In the 2002 Accession Partnership it was set as for the Human Rights and the protection of minorities, “Complete the reform of the child care system in accordance with the National Strategy on the Protection of Children in Need”
- In the NPAA 2002, it is stated in the chapter 2.2.1 Child protection as medium and short term priorities “Developing a single legal system harmonised with international/Community legislation in the child protection field, especially related to 2002” and in chapter 2.2.3 “Civil and politic rights” the development of the Penitentiary system and also developing of an efficient Probation system.
- In the judicial system draft strategy for 2002-2007 submitted to Brussels for comments it was mentioned that specialised minors courts will be created. This is the first step of the development of the general protection of minors’ rights by the courts.

2.4. Contribution to National Development Plan
Not Applicable

2.5 Cross Border Impact
Not Applicable

3. Description

3.1 Background and justification
The actual law on judiciary no. 92/1992, modified and republished, provides as special provision for minors cases that the presidents of the courts must nominate judges dealing with causes criminal minors’ cases.
The future amendments of the Judicial Organisation Law, as a part of the reform of the child protection in Romania made under NAPCA co-ordination, bring as novelty the creation of specialised courts for minors (first and second degree of jurisdiction). These courts will hear civil, family and criminal cases involving minors.

As far as the civil and family matters are concerned, judges will hear all cases referring to the rights, obligations and legitimate interests concerning a juvenile, insuring his civil protection. These competencies will by shared by courts and the Commission for Child Protection (decisional body of County Councils in the filed of child protection) as it is stated in the draft law on child protection.

It must be highlighted that judges and prosecutors working with minors did not have a special (initial or continuous) training, but just the practice experience.

Nevertheless, within the specialised courts, other professionals will be involved in solving the minors’ cases (e.g. social workers, psychologists, probation officers) and the need for training appears as a necessity.

The Romanian Criminal Code provides that criminal responsibility of minors could lead to imprisonment or educative measure. The imprisonment applies only if there are strong reasons to believe that the educative measures are not sufficient for the minor's behaviour improvement.

In the title V of the Criminal Code, which is dedicated to the juveniles it is provided that minors under 14 years old are not subject to penal responsibility, while minors between 14 and 16 years old are subject to penal responsibility only if their action proved to have been committed with mental condition of capacity; minors between 16 and 18 years old are subject to penal responsibility. Therefore, for under 14-year-old offenders, the prosecutor sends a file containing the accusation, the social enquiry and the request to the Commission for child protection in order to take the minor under its competence.

This commission should take one of the educative measures provided by the Penal Code as remonstration, supervised freedom, confinement in a re-education centre or in a medical-educative institution, with the prosecutor's approval.

For minors between 14 and 16 years old a medical commission tests the capacity, in the sense of mental ability to be responsible for a crime. During the preventive custody or the period of the not depriving liberty measures the forensic commission shall perform a psychiatric expertise. The prosecutor can also order the temporary measure of confinement to a medical institution, before the expertise, if the minor is drug–addicted or has an obvious mental illness.

A disciplinary measure or a penalty may be applied to minor who is subject to penal responsibility. In establishing the sanction, the degree of social threat of the committed crime, the physical condition, the moral and intellectual development, the behaviour and the conditions under which the minor was grown up and any other element characterising the minor shall be taken into consideration, but judges and courts do not use expertise in the field of psychology.

The disciplinary measures provided in the Criminal Code are:

a) Remonstration
b) Freedom under observation
c) Confinement to a re-education centre.

In the same Code it is provided that juvenile convicts subject to imprisonment penalty execute their penalty separate from the adult convicts or within special confinement places, ensuring the continuation of the general mandatory education and the professional training according to their skills.

The penalties that can apply to the juvenile are imprisonment or the fine provided by the law for the crime. The penalties shall be reduce to half. After reduction, the minimum penalty will not exceed 5 years. When the law provides life sentence for the committed crime, the juveniles shall be sentenced to imprisonment between 5 and 20 years. Complementary do not apply to the juveniles.

The educative measure of supervised liberty is a non-custodial measure that can be imposed by the Courts for a period of one year to minors aged under 17, with the possibility of combining the special supervision with some obligations, including community service. The newly created probation services are specialised bodies in charge with the supervision of juvenile offenders to whom the Courts imposed such a measure.

The educative measures of putting the minor in a re-education centre is taken in order to re-educate him and to have the possibility to obtain the necessary education and the vocational training according to the minor's ability. This measure is served in a Re-education Centre and the imprisonment is served in prisons.

Law no 23/1969 regarding the enforcement of the punishments provides the general framework for the execution of punishments.

The law contains special provisions for minor and provides that during execution of their punishment convicted minors shall be subject to a special action of education in order to be able to
become useful citizens for society. Minors who have to execute at least 6 months of imprisonment in detention places shall continue the compulsory general education and shall be provided the possibility to acquire a vocational training in accordance with their schooling degree and skills. Minors shall be helped to get a qualification in a trade or to complete it in accordance with the norms of qualification at the working place if they do not meet the conditions provided by law in order to attend vocational courses. Teaching staff, text books and school supplies shall be put at disposal by Ministry of Education and staff and equipment necessary for a qualification in a trade shall be provided by penitentiaries.

Minors convicted to imprisonment for a length of up to 6 months inclusively shall be provided the possibility to complete their knowledge of general culture taking into consideration their schooling degree. Minors may not be used to working in toxic or damaging environment and not over 8 hours a day, but presently minors-convicts do not work at all. For minors, food is provided in a differentiated way according to legal norms established for these categories. Against convicts who are minors, the measure of withdrawing the right to mail, severe isolation and transfer to a penitentiary with restrictive regime may not be taken. The measure of simple isolation may not be taken for a period longer than 10 days. Convicts who are persevering in their work, disciplined and who give solid evidence of improvement as well as convicts who have never been used to working or who are not used to working any more but they give solid evidence of discipline and improvement may be conditionally released before the entire execution of punishment.

The Ministry of Justice is currently involved in amending the applicable law according to the new social realities, concrete steps being made under Phare Project RO0004.02.01 Twinning Covenant with the General Directorate of Penitentiary of Spain. In this framework, a draft law, in line with EU standards, regarding the enforcement of punishments, also containing provisions for minors offenders, was submitted to the Ministry of Justice, as a part of the future criminal legislation related on minors.

Given the fact that the enforcement of minors' internment in a Re-education Centre is regulated by the Decree 545/1972 there was also taken into consideration the necessity of drafting new legislation on this field.

Over the last years a large number of measures were taken for the improvement of living conditions in the Re-education Centres and of minors' education and vocational training. Thus the accommodation of adult prisoners in Re-education Centres was forbidden, the number of psychologists and social workers working in these institutions increased significantly and a new curricula was set up in co-operation with Ministry of Education for minors' education and vocational training. At Re-education Centre in Gaesti they removed the security devices which were specific to detention places and the accommodation places were modernised. Consequently, the number of minors accommodated in each room was reduced. In autumn of 2001 a new Re-education Centre having a capacity of about 150 minors was opened in Targu Ocna in the same premises where the Training School for Non-Commissioned Penitentiary Staff carries on its activity. Here the students and the minors are accommodated in the same building, they eat in the same dining room and they share the same club. For the summer of 2003 it is foreseen the opening of a new Re-education Centre in Buzias. It will accommodate about 120 minors in four house-type buildings which have all the necessary modern facilities. Within this centre there will also exist a separate "family house" where the minor and his family will be accommodated together during the visits.

For the future it is necessary to equip the Re-education Centres with various types of equipment in order to provide a good education and vocational training for the minors. The aim of all activities which are carried on is to give the minors the skills which are necessary for their social reinsertion, especially for finding a job for which a great demand exists on the market of labour force at present.

The reform of the Romanian criminal justice system is even more obvious in respect of the Romanian Government’s commitment to set up the National Probation Service, according to the provisions of the Law no. 129/2002 for the approval of the Governmental Ordinance no. 92/2000 regarding the organisation and functioning of the probation services.

Regarding the implementation stage, since December 2002 the Ministry of Justice has set up 41 probation services nearby each County court, with 172 probation staff employed. According to the current provisions of the criminal legislation, the main role of the probation services is referring to assisting the Courts in the individualisation of the punishments, through the evaluation reports on defendants, assessing their criminological pattern and also their social environment, then to the enforcement of judicial sentences, by means of supervision, assistance and counselling of offenders maintained in liberty, and also to the work with the detained persons – especially juveniles and young offenders- in co-operation with the prison staff. The contribution of the probation services is aimed at protecting the public, ensuring a safer community and reducing the risk of re-offending by gathering together all the relevant local agencies in the reintegration process of offenders.

Given the fact that the Ministry of Justice is committed to amending the current criminal legislation also in respect of the sanctionatory system, in order to create real and feasible alternatives to custody, the probation input within the criminal justice system will grow significantly. On the other hand, the future
legislation on the judiciary organisation aimed at setting up specialised courts for minors will impact on probation practice.

Hence, probation practice needs to embrace all the new areas of developments, and the probation staff needs to consolidate their knowledge and practical skills in order to deliver their activities properly and on the bases of a unitary and coherent practice. Nevertheless, improvement of the working conditions of the 3 probation services will generate models of good practice that will be disseminated nationally.

Hence, all these above-described normative acts will be subject for future changes in the highlight of the judicial reform and that is why a clear approach with all the legal provision related to this field must be achieved.

This project aims at being one of the first steps in assuring the general protection of minors’ rights within the judiciary in the larger framework of child protection.

3.2 Linked activities

3.2.1. Phare activities

Ministry of Justice benefited of a Project Preparation Facility on the topic “Support for the improvement of the justice for minors” in the Romanian system. In the experts’ report are comprised a series of recommendations referring to the steps to be taken by the Romanian authorities in order to improve the justice for minors system.

An analysis of the situation of minors who are interned in Re-education centres and recommendations for its improvement were also made within the Twinning Covenant between General Division of Penitentiaries and Spanish prison administration.

3.2.2. Other activities in the field

A pilot Juvenile Court has been functioning since 9 March 2001 at Iasi, the capital of the northern region of Moldavia. The objectives of the project are to ensure an optimal climate for hearing and judging minors’ cases, to form teams of specialists in judging cases involving minors and to reduce the consequences suffered by minors-victims and their families.

The project involves the Iasi Court of Appeal and the Prosecutor’s office attached to the Iasi Court of Appeal, the Iasi Probation Service, the Iasi County Police Inspectorate, the Iasi Judge Association and 2 local NGOs that run activities in the field of juvenile delinquency. The institutions involved appointed policemen, probation staff, prosecutors and judges: the county police and the prosecutor’s office took the responsibility of closely monitoring the penal cases in which minors are parties in trials as defendants as well as victims, of speeding up the respective cases and of supervising prevention activities of juvenile delinquency and social delinquency.

In the framework of a bilateral programme with France, for 2002-2004, Mme Marie Anne BAULON, a French judge for minors, was detached within the Romanian MoJ in order to assist and make recommendations in the process of adopting a coherent legal framework in the field. Mme Baulon is involved also in training process of magistrates in the topic of minors’ judicial protection.

Another French-Romanian project aiming to assist the probation services by the Youth Judicial Protection Department from the French Ministry of Justice will start as well this year.

The French Embassy, UNICEF, “Jean Valjean” Association and “Terre des hommes” organised four training sessions for magistrates and probation personnel on minors’ protection topic.

NGOs working in the field of child protection run actual programs especially designed for minors in difficulty as well as for the social reintegration of juvenile offenders: FOC “Family and Child Protection Foundation”, GRADO “The Romanian Group for the Defence of Human Rights”, ALTERNATIVE SOCIALE (Iasi), PRISON FELLOWSHIP (Cluj), WORLD THAT BUILD UP, TERRE DES HOMMES.

Judicial Resources Centre and the Probation Department within the Ministry of Justice set up a pilot project in the field of restorative justice at the Craiova and Bucharest Tribunals, the target group being young offenders up to 21 which committed offences that are the object of a lawsuit only by the express complaint of the victim.

3.3 Results
TWINNING COMPONENT

Result 1 - The legal and institutional framework on the general protection of minors’ rights including probation will be improved in accordance with the EU standards (twinning component)

Result 2 – Specialised teams (composed by a police officer, prosecutor, judge, social worker) will be set up in order to insure a civil protection of minors (twinning component)

Result 3 – Specialised training will be organised for the magistrates (judges and prosecutors), probation counsellors and Re-education Centre’s and police personnel involved in activities related to protection of minors and a Documentation and Resources Centre will be created (twinning component)

INVESTMENT

Result 4 - Four Re-education Centres will be endowed with appropriate equipment for successfully carrying out the activities required by the re-education and future reintegration in the society of minors

Result 5 - All probation services will be equipped in order to provide activities of supervision, assistance and counselling required for the successful reintegration of juvenile offenders within their local communities

3.4 Activities

The following activities will attained through a twinning covenant

3.4.1. Activities under Result 1 1:

3.4.1.1. Propose the appropriate amendments of the relevant legislation and regulations, including the draft laws elaborated by NAPCA having in mind also the recommendations of the PPF experts in order to harmonise all the legal provisions in the field
3.4.1.2. Establish a special structure for Minors’ Affairs within the Ministry of Justice
3.4.1.3. Establish a special structure for Juvenile Delinquency within the General Directorate of Penitentiary

3.4.2. Activities under result 2:

3.4.2.1. The new competencies referring to the aspects concerning the general protection of the minors will be confided to the judges within the pilot court. In this respect, a working team model will be set up in order to help the actors in the field to get used to their new tasks. This aim will be achieved by a close cooperation with the authorities presently dealing with the minors’ protection (e.g. the courts, National Authority for Child Protection and Adoption and Special Services for Child Protection related to County Counsels, Police, Prosecutor’s Offices).

The working teams will consist of a policeman, a prosecutor, a judge, a social worker – in order to create experts for solving cases on the general civil protection of the minors. The prosecutors and social workers will attend the trial sittings and will observe the impact of the courts decisions.

The teams will be established by appointment and will be in place when implementation starts and they will be permanent.

The working teams will have the role to pre-examine aspects of civil cases regarding: maintenance payments in the case of divorce, requests on adoptions, loss of parental rights, requests of marriage annulment and any other causes pertaining to the rights, obligations and legitimate interests concerning the person of the minor, ascribed by the law into the competence of the courts.
The working teams will also have to co-operate in taking any protection measures (ascribed by the law into the competence of the courts) concerning children in emergency situations – children that are abandoned, abused, assigned to placement centres or to special re-education schools.

3.4.2.2. When this model will become effective, it will be spread out firstly to 15 future juvenile courts (one for each court of appeal).

3.4.3. Activities under result 3:

3.4.3.1. Training for judges and prosecutors
   3.4.3.1.1. Establish a network of 15 trainers of the N.I.M. (one trainer in each Court of Appeal) in the field of juvenile protection in order to insure the continuous training of magistrates
   3.4.3.1.2. Design and printing of a Training Manual
   3.4.3.1.3. Introducing the minors’ protection topic in the NIM curricula, for the initial training

3.4.3.2. Training for specialised (for minors) magistrates, probation, penitentiary, re-education centres, police personnel and social workers (NAPCA personnel).

3.4.3.3. Procurement of books, revues, European legislation in the field for the Resources and Documentation Centre.

Profile of the PAA

Tasks of the Pre-accession Advisor (PAA):
- to provide technical advice to the beneficiaries institutions
- to co-ordinate the short term technical assistance from the EU Member States, required to effectively carry out the activities of the project;

Profile of the PAA:
- Judge with solid legal and managerial background in minors’ protection,
- sound communication skills and previous experience of working in a multi-disciplinary and multi-national team;
- previous experience as project co-ordinator/project manager;
- sound knowledge of English. Knowledge of French is an advantage.

Duration of the assignment of the PAA: The PAA is supposed to be seconded to the beneficiaries institutions for a period of 18 months.

The following activities are to be attained through supply contracts

3.4.4. Activity under result 4

3.4.4.1. Purchase the necessary equipment for the Re-education Centre’s from Gaesti, Tichilesti and Târgu Ocna and Buzias, according to the recommendation made by the E.U. experts. (e.g. Teaching material, furniture for classrooms, medical rooms, didactic equipment, sport equipment etc.)

3.4.5. Activity under result 5

3.4.5.1. Purchase the necessary equipment for all Probation services in order to ensure effectiveness of probation activities related to juvenile offenders (e.g. IT equipment, furniture, etc).

4. Institutional Framework

The institutions involved in the project are the Ministry of Justice, the General Division of Penitentiary (GDP), National Institute for Magistrates (NIM), courts, National Authority for Child Protection (NAPCA), Ministry of Interior. A steering committee including the Ministry of Justice, the GDP, the NIM, the Courts, the NAPCA and the Ministry of Interior will be set up to oversee the project.

The Probation Department within the Ministry of Justice ensures the co-ordination of probation services nationally in respect of the execution of non-custodial sentences and community-based activities.
The General Division of Penitentiary is the institution dealing with problems related to the executions of custodial sentences.

The NIM is a specialised educational body of training the law graduates for becoming judges and prosecutors (initial training) and of continuous training for sitting magistrates. The significance of the training provided by the NIM is considerable and offers the opportunity of combining the theoretical and practical aspects. The NIM and its regional centre’s will assure the national coverage of the training courses by involving representatives of judges from all the courts.

5. Detailed Budget

5.1. Overall Budget

<table>
<thead>
<tr>
<th>Contract</th>
<th>Phare Support</th>
<th>National Cofinancing*</th>
<th>IFI*</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>MEURO</td>
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<tr>
<td>Phare</td>
<td>Investment</td>
<td>Institution Building</td>
<td>Total</td>
<td>Phare (=I+IB)</td>
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<td>Support</td>
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<tr>
<td>Contract 1 – Twinning Covenant</td>
<td>1,100</td>
<td>1,100</td>
<td>1,100</td>
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</tr>
<tr>
<td>Result 1 - The legal and institutional framework on the general protection of minors’ rights including probation will be improved in accordance with the EU standards</td>
<td>0,200</td>
<td>0,200</td>
<td>0,200</td>
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<tr>
<td>Result 2 – New attributions aiming at assisting the minor beyond the criminal procedure namely a civil protection within the judicial system will be carried out by judges</td>
<td>0,300</td>
<td>0,300</td>
<td>0,300</td>
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<tr>
<td>Result 3 - Specialised training will be organised for the magistrates (judges and prosecutors), probation counsellors and Re-education Centre’s and police personnel involved in activities related to protection of minors</td>
<td>0,600</td>
<td>0,600</td>
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<tr>
<td>Contract 2 – Supply contract</td>
<td>0,500</td>
<td>0,500</td>
<td>0,150</td>
<td>0,650</td>
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<tr>
<td>The Re-education Centres will be endowed with appropriate equipment for successfully carrying out the activities required by the re-education and future reintegration in the society of minors</td>
<td></td>
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<tr>
<td>Contract 3 – Supply contract</td>
<td>0,400</td>
<td>0,400</td>
<td>0,150</td>
<td>0,550</td>
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<td>– All probation services will be equipped in order to provide activities of supervision, assistance and counselling required for the successful reintegration of juvenile offenders within their local communities</td>
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<tr>
<td>Total</td>
<td>0,900</td>
<td>1,100</td>
<td>2,000</td>
<td>0,300</td>
</tr>
</tbody>
</table>

* In cases of co-financing only
6. Implementation Arrangement

6.1. Implementing Agency

- For the whole project the Implementing Agency will be Central Finance and Contracts Unit (CFCU) which will be responsible for tendering, contracting, administration, accounting, payments and financial reporting.
- The Implementing Authority (IA) is the MoJ with direct beneficiaries the courts. The PIU from the MoJ will be responsible for all procedural and administrative management of the project.
- It is planned that the project will be implemented through 3 separated contracts, which one twinning covenant.

6.2. Twinning

The MoJ, Romanian courts, probation services and General Division of Penitentiaries, ANPCA and will benefit from the twinning.
The Romanian MoJ will be the beneficiary institution.
The project will be managed according to the Practical Guide to PHARE, ISPA & SAPARD contract procedures.

6.3. Contracts

1 Twinning arrangement and 2 supply contracts

7. Implementation Schedule

7.1. Investment component

- Start of tendering/call for proposals: May 2004
- Start of project activity: August 2004
- Project completion: February 2005

7.2. IB support (Twinning)

- Start of twinning project: November 2003
- Start of Twinning implementation: May/June 2004

8. Equal Opportunity

The Romanian Ministry of Justice is an equal opportunities employer.

9. Environment: not applicable

10. Rates of return: not applicable

11. Investment criteria

11.1. Catalytic effect: The investment will generate improvements in the education and vocational training of minors who are interned in Re-education Centres. Also, the probation activity will be improved. Although the GDP and MoJ allocate from their own funds resources for the minors' educational and vocational programmes and for probation services, these resources are very limited. By this Phare programme the minors' possibilities to be socially reinserted by finding a long-term job as soon as possible after their release will increase significantly and the risk to commit another offence will decrease.

11.2. Additionally – The Open Society Institute New York and United Nations Global Fund are financing some activities for the GDP with a total amount of 2,250,000$.

11.3. Sustainability – The GDP and MoJ is capable to cover the costs related to the running and maintenance of the equipment that is obtained.
ANNEXES:

1. Logframe matrix

2. Detailed time implementation chart

3. Cumulative contracting and disbursement schedule

4. Orientative list of workshops to be equipped within the Re-Education Centre’s – result 4

5. Estimated budget for the development of probation service’s infrastructure – result 5

6. Analysis of the investment needs in the Re-education Centres aiming at the improvement of the minors’ resocialisation activity

7. Extrait du Rapport dresse par le Comite européen pour la prevention de la torture, des peines ou des traitements inhumains ou degradants à la suite de la visite en Roumanie pendant le 25 janvier – 5 février 1999

8. Traitement penitentiaire - Extraits des rapports du Projet PHARE de jumelage RO-0004.01-02 « Assistance pour la réforme du système pénitentiaire roumain et l'amélioration du système de probation »
# LOGFRAME PLANNING MATRIX FOR SUPPORT FOR THE IMPROVEMENT OF THE JUSTICE FOR MINORS

## Project Number 03XX

### Wider Objective

To insure the general protection of minors rights

- Specialised courts for minors will be set up
- Commission for Child Protection will enforce their new responsibilities

### Objectively verifiable Indicators

- Report; annual; MoJ
- Statistics; biannual; MoJ, GDP, NAPCA
- Final Report; Contractor

### Sources of Verification

- Implementation reports; quarterly; curricula evaluation; trainers interviews, Contractor + beneficiaries
- Final report; end of mission; the long term expert
- Monitoring and assessment reports; according to PRAG

### Assumptions

- The well functioning as a team of the professionals involved
### Annex 1: Logframe Matrix for project “Support for the improvement of the justice for minors”

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The legal and institutional framework on the general protection of minors’ rights including probation will be improved in accordance with the EU standards</td>
<td>A special structure for Minors Affairs as well as one for Juvenile Delinquency set up within the MoJ and GDP Draft laws improved and in line with EU requirements</td>
<td>Periodically reports submitted to beneficiaries by the project’s experts, every three months</td>
<td></td>
</tr>
<tr>
<td>2. Specialised teams (composed by a police officer, prosecutor, judge, social worker) will be set up in order to insure a civil protection of minors</td>
<td>A specialised team working in a pilot court</td>
<td>Training evaluation submitted to the beneficiaries and in service evaluation; every training session; beneficiaries and Contractor</td>
<td></td>
</tr>
<tr>
<td>3. Specialised training will be organised for magistrates (judges and prosecutors), probation counsellors, Re-education Centre’s and police personnel involved in activities related to protection of minors and a Documentation and Resources Centre will be created</td>
<td>Professionals dealing with minor cases trained Documentation and Resources Centre created</td>
<td>Training curricula approved by the beneficiaries Necessary for books and legal documentation related to the field provided</td>
<td></td>
</tr>
<tr>
<td>4. The Re-education Centre’s will be endowed with appropriate equipment for successfully carrying out the activities required by the re-education and future reintegration of minors in the society</td>
<td>Four Re-education Centre’s endowed with appropriate equipment</td>
<td>Inspections; regularly &amp; at the end of the programme; Contractor + beneficiaries</td>
<td></td>
</tr>
<tr>
<td>5. All probation services will be equipped in order to provide activities of supervision, assistance and counselling required for the successful reintegration of juvenile offenders within their local communities</td>
<td>All probation services equipped</td>
<td>Inspections; regularly &amp; at the end of the programme; Contractor + beneficiaries</td>
<td></td>
</tr>
</tbody>
</table>
### Annex 1: Logframe Matrix for project “Support for the improvement of the justice for minors”

<table>
<thead>
<tr>
<th>Objective</th>
<th>Activities</th>
<th>Expected Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Propose the appropriate amendments of the relevant legislation and regulations, having in mind also the recommendations of the PPF experts in order to harmonise all the legal provisions in the field</td>
<td>European experts</td>
<td></td>
</tr>
<tr>
<td>1.2 Establish a special structure for Minors’ Affairs within the Ministry of Justice</td>
<td>Romanian and European experts</td>
<td>Periodically reports submitted to beneficiaries by the project’s experts, every three months</td>
</tr>
<tr>
<td>1.3 Establish a special structure for Juvenile Delinquency within the General Directorate of Penitentiary</td>
<td>The team of specialists working in a pilot court trained</td>
<td>Training evaluation submitted to the beneficiaries and in service evaluation; every training session; beneficiaries and Contractor</td>
</tr>
<tr>
<td>2.1 The new competencies referring to the general protection of minors, aiming at achieving the further general protection of minors’ rights by the courts will be confided to the judges within the pilot court. In this respect, a working team model will be set up in order to help the actors in the field to get use with their new tasks. This aim will be achieved by a close co-operation with the authorities presently dealing with the minors’ protection (e.g. courts, National Authority for Child Protection and Adoption and social services related to Local Counsels, Police, Prosecutor’s Offices).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2. When this model will become effective, it will be spread out firstly to 15 future juvenile courts (one for each court of appeal)</td>
<td>Specialised teams of specialists working in juvenile courts</td>
<td>Periodically reports submitted to beneficiaries by the project’s experts, every three months</td>
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<tr>
<td>3.1. Training for judges and prosecutors</td>
<td>Training sessions</td>
<td>Interviews; regularly; users Questionnaires; end of courses; trainees Implementation reports; quarterly; experts</td>
</tr>
<tr>
<td>3.1.1 Establish a network of 15 trainers of the N.I.M. (one trainer in each Court of Appeal) in the field of juvenile protection in order to insure the continuous training of magistrates</td>
<td>A Training Manual</td>
<td></td>
</tr>
<tr>
<td>3.1.2. Design and printing of a Training Manual</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1.3. Introducing the minors’ protection topic in the N.I.M curricula, for the initial training</td>
<td>NIM curricula on minors protection topic improved</td>
<td></td>
</tr>
<tr>
<td>3.2. Training for specialised (for minors) magistrates probation, penitentiary, re-education centre’s, police personnel and social workers.</td>
<td></td>
<td>inspections; regularly &amp; at the end of the programme; Contractor + beneficiaries</td>
</tr>
<tr>
<td>3.3 Procurement of books, revues, European legislation in the field.</td>
<td>Procurement</td>
<td></td>
</tr>
<tr>
<td>4. Procurement of the necessary equipment for four re-education Centres</td>
<td>Endowment</td>
<td></td>
</tr>
<tr>
<td>5. Procurement of the necessary equipment for all Probation Offices</td>
<td>Endowment</td>
<td></td>
</tr>
</tbody>
</table>

* Must be quantified and measurable
### Annex 2: Detailed implementation chart for project "Support for the improvement of the justice for minors"

#### DETAILED TIME IMPLEMENTATION CHART FOR PROJECT NUMBER RO-XX03

**Support for the improvement of the justice for minors**

<table>
<thead>
<tr>
<th>Calendar months</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Investment Component</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>C</td>
</tr>
<tr>
<td><strong>Twinning Component</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>
ANNEX 3 TO THE PROJECT FICHE

SUPPORT FOR THE IMPROVEMENT OF THE JUSTICE FOR MINORS

CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (MEURO 2,000)


<table>
<thead>
<tr>
<th></th>
<th>31/03/04</th>
<th>30/06/04</th>
<th>30/09/04</th>
<th>31/12/04</th>
<th>31/03/05</th>
<th>30/06/05</th>
<th>30/09/05</th>
<th>31/12/05</th>
<th>31/03/06</th>
<th>30/06/06</th>
<th>30/09/06</th>
<th>31/12/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACTED</td>
<td>1,100</td>
<td>2,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>DISBURSEMENT</td>
<td>0,050</td>
<td>0,200</td>
<td>0,650</td>
<td>1,00</td>
<td>1,250</td>
<td>1,500</td>
<td>1,650</td>
<td>1,800</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NB: 1. All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FM.
2. All disbursements must be completed within 36 months of signature of the FM.
 Orientative list of workshops to be equipped

<table>
<thead>
<tr>
<th>Type of workshop</th>
<th>Number of re-education centres</th>
<th>Approximate costs (in euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpentry</td>
<td>4</td>
<td>178,000</td>
</tr>
<tr>
<td>Mechanic</td>
<td>4</td>
<td>107,000</td>
</tr>
<tr>
<td>Thermo-insulating windows</td>
<td>4</td>
<td>156,000</td>
</tr>
<tr>
<td>Auto</td>
<td>1</td>
<td>9,000</td>
</tr>
<tr>
<td>Tailoring</td>
<td>1</td>
<td>8,000</td>
</tr>
<tr>
<td>Bakery</td>
<td>1</td>
<td>151,000</td>
</tr>
<tr>
<td>Gardening</td>
<td>1</td>
<td>8,500</td>
</tr>
<tr>
<td>Hairdressing</td>
<td>2</td>
<td>9,000</td>
</tr>
<tr>
<td>Barber</td>
<td>4</td>
<td>22,500</td>
</tr>
</tbody>
</table>

Total value: 650,000 euro (500,000 Phare founds and 150,000 national founds)
Estimated budget for the development of probation service’s infrastructure

Short presentation of the current situation and the main needs for institutional development
At the moment the probation infrastructure for all 40 services is provided by the Tribunals in terms of office accommodation, some furniture and few computers. Through PHARE 2000 every service will be equipped with 2 computers, one printer and a modem. This equipment is crucial in report writing and in joining the network of justice system. Although this support is welcomed and makes difference further equipment is needed bearing in mind that there are services with 8 or 14 probation staff.

Every service has to cover the County Court (Tribunal) jurisdiction that includes on average 4 local courts (Judecatorie) and about 400 square kilometers. The public transportation system at the local level is very poor and sometimes non-existent which prevent the probation counsellors from being able to access the information sources (ex. the clients, their parents, the professors and so on) or to conduct an effective supervision. In order to improve the probation practice, a car for at least 20 large probation services is crucial. The Ministry of Justice will cover the costs for administrating and maintaining these cars.

Being at the early stage of the development, probation services need expertise in a lot of areas. Since 1997 Ministry of Justice benefits from the support of the UK Government through a DFID technical support project called “Probation in Romania”. This project covers mainly information management, strategic development, education and practice.

According to the experience the probation services got so far one of the most important need for further development is adapting and implementing individual and groupwork programmes (ex. Think First, Seven Steps, Targets for Change etc.).

In Romania the expertise in this area is very limited therefore programmes from abroad should be purchased and adapted.

### Proposed budget

<table>
<thead>
<tr>
<th>Item</th>
<th>No. units</th>
<th>Cost per unit in EURO</th>
<th>Total in EURO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto</td>
<td>20</td>
<td>7000</td>
<td>140 000</td>
</tr>
<tr>
<td>Individual and Group work Programmes (purchase and adapt to the Romanian characteristics)</td>
<td>5</td>
<td>40 000</td>
<td>200 000</td>
</tr>
<tr>
<td>Computers</td>
<td>40</td>
<td>1000</td>
<td>40 000</td>
</tr>
<tr>
<td>Photocopy machine</td>
<td>40</td>
<td>500</td>
<td>20 000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>400 000</strong></td>
</tr>
</tbody>
</table>
ANNEX 6

Analysis of the investment needs in the Re-education Centres aiming at the improvement of the minors’ resocialisation activity

During the last years important changes occurred regarding the educational and vocational training activity developed with the minors in the Re-education Centres, aiming to change these institutions from mainly custodial institutions into communities with a strong rehabilitating potential. The main measures undertaken for this purpose were:

• To adapt a disposition given by the Ministry of Education and Research regarding the new curriculum for the schools and the grades in penitentiaries according to which the vocational training develops only in accordance with each juvenile’s interest, vocation, abilities and skills. As a result of applying this disposition since September the 1st, 2001, the minors in the Re-education Centres attend classes until 2 p.m., and in order to gain the necessary skills and competencies for a real Re-education and integration into the society they are involved in specific therapies and socio-educational programs. This measure facilitated the access in the Re-education Centres of the first psychopedagogues who develop specific therapies with the minors. These are run upon five axes: creation of personal autonomy, practical activities for labour and life, activities for spending the spare time, activities of socialisation, cultural and acknowledgement activities.

• New specific curricula has been adjusted and elaborated (liquidation of illiteracy, for the compulsory subjects as well as for the optional subjects in order to support the process of Re-education and social reintegration: language stimulation, moral civic education, counselling etc.), as well as socio-educational programs for identifying and re-evaluating the potential of the minors and of the young population aiming their social reintegration.

• By a disposition given by the Ministry of Labour and Social Solidarity, the position of educator-instructor has been created for resocialisation activities thus permitting the Re-education Centres to develop their activities upon two hour segments:
  ☞ in the morning: learning activities performed by the teaching staff;
  ☞ in the afternoon: Re-education and social reintegration programs run by the instructor-educators.

The vocational training of the minors in penitentiaries consists in vocational classes lasting 3 to 6 months for the following trades:

1. In the industrial field: painter, carpenter, electric welder, lathe operator, electrician, tailor;
2. In the building field: brick layer, iron worker, house painter, faience worker;
3. In the agricultural field: vegetable gardener, apiarist, cattle breeder, mushroom grower;
4. In the field of services: automobile mechanic, cook, baker, stoker, computer operator, hairdresser, shoemaker, osier weaver.

Some of these minors are involved also in two years apprentice courses for trades like: confectioner, joiner and house painter.

Those minors who have not completed their educational level are involved in 2-4 months in initiation courses for: farmer, wood carver, cattle breeder, joiner and bricklayer.

• Under the foremen’s and the engineers’ guidance in the Re-education Centres the vocational training activity develops through courses for the following trades: locksmith, automobile mechanic, joiner, plumber, universal lathe operator, bricklayer, vegetable gardener, electrician-domestic use objects mender and upholsterer.

For these activities to be best developed it is necessary that the workshops should be properly equipped in order to provide the opportunity for a real assimilation of the skills needed for practising the trades required on the labour market.

• Except the compulsory curricula developed by the General Directorate of the Penitentiaries, a number of programs proper to Re-education Centres and Prisons are carrying on: education for life in community, moral education, social abilities development, life competencies training, education for non-violent conflict solving and programs for release preparation. To all these, a number of recreation and hobby programs are also added (reading circle, chess, dance, householding, drama, music).

By its undertaken measures, The General Directorate of the Penitentiaries intends to turn the Re-education Centres and the Juvenile offender Prisons into institutions of complex educational therapy in order to generate a real restructuring process of the juvenile offender’s personality with a view to a most efficient social Re-education.
Extrait du Rapport dressé par le Comité européen pour la prévention de la torture, des peines ou des traitements inhumains ou degradants à la suite de la visite en Roumanie pendant le 25 janvier – 5 février 1999

- un niveau modeste des activités d'éducation;
- la grande majorité de la population carcérale reste fermée la plupart du temps, dans des chambres surpeuplées, ayant pour principale préoccupation regarder la télé, entendre la radio et lire des livres prises de la bibliothèque;
- les mineurs – il y était un programme d'activités motivantes qui n’était pas réellement mis en œuvre;

Le CPT considère que dans les conditions du surpeuplement qui règne dans les trois prisons visitées (Bucuresti – Jilava, Codlea, Craiova), l’aménagement des activités demeure un essai pas réussi.

Le CPT recommande:
- un accès illimité aux infrastructures socio-culturelles, récréatives et sportives;
- souligne que la possibilité offerte aux détenus de pouvoir dérouler un travail approprié constitue un élément fondamental de leur processus de réadaptation. De plus, les arrêts en prévention devraient, en vue de maintenir un bon état psychologique, avoir la possibilité de travailler;
- il faut que les mineurs puissent bénéficier d’un programme complet d’activités éducatives, récréatives et d’autres activités motivantes, qui leur stimulent le potentiel de réinsertion sociale.

En ce qui concerne les détenus condamnés à vie et les condamnés à des peines de longue durée:
- les condamnés à vie devraient avoir accès à une gamme plus variée d’activités motivantes, ayant une valeur pour leur formation professionnelle. Il faut prendre des mesures complémentaires pour donner un sens à leur incarcération: mettre en œuvre des programmes de traitement individualisé et offrir un appui soutenu psychosocial. Plusieurs contacts sont recommandés avec l’extérieur;
- le CPT recommande que l’on permette plus de communication entre les condamnés à vie et les condamnés à des peines de longue durée, et entre ces deux catégories et l’extérieur.
Annex 8

Traitement penitentiaire
- Extraits des rapports du Projet PHARE de jumelage RO-0004.01-02 « Assistance pour la réforme du système pénitentiaire roumain et l’amélioration du système de probation » -

➢ Annexe 1 au 2e Rapport trimestriel : Stratégies et priorités à accomplir
(CPA : Carmen Martínez Aznar).

b) à être mises en œuvre à court terme

• L’individualisation du traitement pénitentiaire devrait être réalisée en équipe, laquelle serait formée de spécialistes (juristes, psychologues, sociologues et pédagogues), dans chacune des unités, de manière à mettre déjà en œuvre la pratique scientifique dans ce domaine avant l’adoption de la loi d’exécution des peines. À cet effet, au 2e semestre, la Direction Générale des Pénitenciers fera des propositions concrètes pour que, au niveau de chaque unité, soient prévus des postes de juristes, de sociologues et de pédagogues.

• Définition et application des programmes pour l’occupation des détenus : activités culturelles, sportives, de loisir, travaux manuels, programmes pour les toxicomanes (prévention et traitement), pour les condamnés à perpétuité, renforcement des relations avec la famille et avec la communauté, préparation à la mise en liberté.

➢ Rapport d’évaluation initiale de la situation du système pénitentiaire roumain (nov. 2001).
(Expert espagnol : José Suárez Tascón, directeur de programmes de co-operation internationale de la DGIP espagnole).

- III. 5 Jeunes et mineurs en prison :

Selon les informations reçues, la réalisation de programmes d’éducation est réduite, il y manque également des programmes de traitement spécifique pour ces personnes, à cela s’ajoutant les carences formatives que présente le personnel pénitentiaire qui y travaille.

- III. 6 Considérations globales.

Sans doute comme une conséquence de cette situation de surpeuplement dont souffrent les prisons, il faut remarquer la préoccupation des responsables du système liée à la manière de garantir la prise en charge du grand nombre de reclus dans les espaces peu nombreux qui sont disponibles, laissant ainsi sur un second plan les autres tâches qui leur reviennent également, telles les activités orientées vers l’éducation, la culture, le sport, etc. Il convient de signaler toutefois la disposition de l’actuelle Direction Générale à renforcer et à intensifier ces dernières tâches.

➢ Rapport concernant le secteur du traitement penitentiaire (fév. 2002).
(Expert espagnol : Manuel Roca, sous-directeur de traitement du Centre Pénitentiaire de Ségovie).

3. CONCLUSIONS.

En troisième lieu : Déjà le niveau théorique laisse observer le caractère vague sinon confus du traitement pénitentiaire, qui se voit réduit à des aspects de surveillance, sinon de régime. Considérant le traitement pénitentiaire comme étant la totalité des activités ou des mesures adoptées pour préserver ou pour récupérer la santé physique et mentale des détenus et pour faciliter leur réinsertion sociale, sauf l’exception que nous avons prise en considération et que nous avons signalée comme telle (Le Centre de Rééducation pour Mineurs de Gaesti), on doit remarquer que, tout simplement, le traitement existe encore à peine. De même, il n’existe ni sur le plan technique ni sur celui de l’organisation, qui doivent impliquer une étude individualisée du détenu et l’évaluation des facteurs auxquels il est soumis, réalisée par du personnel qualifié, l’attribution d’un
dégé de traitement ou d’une classification, ce qui entraînera un régime spécifique, le contrôle à date fixe évaluant l’évolution du détenu, et, enfin, l’utilisation de différents outils pénitentiaires afin de permettre la réinsertion des condamnés, objectif que nous avons déjà mentionné.

> Proposition en vue de l’amélioration : Création d’une Commission Technique de Traitement, à caractère multidisciplinaire, dirigée par le directeur, dans les différentes prisons ; les responsabilités initiales de cette commission seraient, brièvement :

1.- L’élaboration d’un protocole personnalisé de classification du détenu, lequel prenne en considération son activité délictuelle, la peine qui lui a été infligée et la durée de celle-ci, sa personnalité, son histoire pénitentiaire, le rapport sur ses problèmes sociaux, de même que des facteurs liés au pronostic ; ce protocole servirait aux objectifs de séparation du détenu et d’inclusion de celui-ci dans des groupes d’activités de traitement.

2.- La planification d’activités de traitement, la priorité étant constituée par les activités de formation dans les différents secteurs, l’exploitation des ressources de la communauté et l’aide personnalisée, en conformité des normes 77 et suivantes des Normes Pénitentiaires Européennes R (87) 3.

Il nous semble que les activités minimales, par secteur d’activité, seraient :

1. Secteur formation :
   1.1. Alphabetisation. Obligatoire pour les analphabètes.
   1.2. Enseignement scolaire régulier.
   1.3. Formation professionnelle, spécialités de base.

2. Secteur travail :
   2.1. Ateliers pénitentiaires pour chaque spécialité.
   2.2. Travail à salaire ou à contrat, à l’extérieur du pénitencier.

3. Secteur thérapeutique :
   3.1. Assistance pour les toxicomanes.
   3.2. Éducation en matière de santé.
   3.3. Travail personnalisé avec les détenus à risque (suicides, problèmes psychologiques ou psychiatriques, condamnés à perpétuité, etc.).

4. Secteur culturel :
   4.1. Diffusion de la culture (renforcement du service de bibliothèque, tables rondes, discussions).
   4.2. Formation culturelle. Exploitation des ressources de la communauté (ONGs) en vue d’activités culturelles.

5. Secteur sportif :
   5.1. Condition physique.

3.- Séparer le personnel de traitement du personnel de surveillance. Les activités des psychologues, des éducateurs, des assistants sociaux, des maîtres d’écoles, doivent se distinguer nettement entre elles et être assurées par du personnel qui ne soit pas affecté à la surveillance et qui travaille à plein temps. Cela devra se réaliser notamment, prioritairement, en matière de mineurs, où l’on devra initier un plan de formation du personnel destiné à travailler avec eux ; les contenus fondamentaux de ce plan seraient : la psychologie de l’évolution, l’animation socioculturelle, les techniques de groupe et l’éducation en matière de santé.

➢ Rapport concernant la situation des mineurs du système pénitentiaire roumain (mai 2002).
(Experts espagnols : Víctor García Segador (directeur du secteur de coordination des centres d’application des mesures judiciaires de l’Institut de Madrid pour Mineurs et Famille), Manuel Díez Sánchez (Directeur de programmes pour les centres de mineurs) et Francisco Javier Suárez Pose (Directeur du Centre des mineurs El Madroño et Renasco)).

Modèle d’éducation et d’intervention.

Il y a un modèle éducatif unique, ce qui rend problématique l’adaptation des programmes d’intervention aux caractéristiques et aux besoins individuels des mineurs ; pourtant, l’éducation que les mineurs reçoivent est identique à celle qu’on offre dans le milieu normalisé, ce qui est un atout pour les mineurs internés, car ils devraient ainsi avoir les mêmes chances que ceux qui vivent dans le milieu normalisé. Il faut pourtant constater que ce modèle d’éducation est plutôt inapproprié, car il rend difficile l’accès au système de formation professionnelle, probablement plus adapté aux besoins de la population à laquelle s’adresse l’intervention.