

# JUVENILE JUSTICE IN ROMANIA. FROM BEST PRACTICES TO INSTITUTIONS AND PROCEDURES

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*From an institutional perspective, juvenile justice in Romania is rather a theoretical concept, discussed and reviewed periodically, at national or international conferences.*

*In terms of practice, there is undeniable progress on addressing children in conflict with the law, especially at a time when they are in rehabilitation centers. At least in the execution of imprisonment sanctions, the practice ahead the law.*

*But juvenile justice does not mean only sanctioning. On the contrary, it means avoiding, as far as practicable, the involvement of the formal judicial system and the purely punitive reactions, constructive solutions in community and social reintegration.*

*Analysis of juvenile justice in Romania reveals a number of weak points and the premises created by the new criminal legislation, basis for a coherent juvenile justice system which includes institutions and procedures.*

**Keywords:** *children, justice, mediation, reintegration, penalty.*

## 1. INTRODUCTION

In the past 10 years, my activities were related, in one way or another, on the situation of children who commit criminal offences. In different qualities, I had not only an opportunity but also a responsibility to observe the evolution of juvenile justice system in Romania, in the context of alignment to European standards.

The approach of this issue were different. As official of the National Administration of Penitentiaries<sup>1</sup>, I have registered the difficulties, but the efforts and progress in changing the mentality of penitentiary personnel on the need of making a difference between the treatment of children deprived of freedom compared to the adult detainees.

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<sup>1</sup> Participant in the PHARE project “Support to improve the justice system for minors in Romania, Twinning project between The Ministry of Justice from Romania and the Ministry of Justice from France, 2004-2005; for details, see [www.minjust.ro](http://www.minjust.ro).

As a contributor of some non-governmental organizations that monitor the observance of the rights of the child<sup>2</sup>, I had the opportunity to spend time, in an open environment (camps or events organized outside the penal institutions) with children deprived of their liberty and listening to the views on how they perceive the conditions, activities and staff of the facilities in which they arise.

Last but not least, academic activity and research conducted in the field of criminal justice and juvenile delinquency<sup>3</sup> has given me the opportunity to be informed of the new trends and ways of addressing this phenomenon at international level.

This article is the result of some of the activities carried out, as an expert in the project entitled “*Developing methods of children’s rights-based intervention for the prevention of juvenile delinquency and promote social inclusion of minors involved in criminal circuit-Italy, Greece, Romania*”, JLSV/2008VISECVAGV097, funded by the European Commission, Directorate General Justice, Freedom, Security, under the programme “Prevention of and Fight against Crime<sup>4</sup>”.

The primary objective of the project consists in improving the juvenile delinquency prevention and control, in particular among children and teenagers from the new States that have entered the European Union, through the development of horizontal methods based on an approach from the perspective of the rights of the child. In order to achieve this objective, were followed several phases: analysis of practices in the field of juvenile delinquency; developing methods of intervention based on the results of the analysis identified practices; testing methods of response to a consultation process with experts from institutions and organizations active in the field of juvenile delinquency and children who have committed criminal offences<sup>5</sup>.

In the following chapters, I will present a SWOT analysis of the juvenile justice in Romania, the opinion of children deprived of liberty with regard to the proposed intervention methods and conclusions on the need to move from the best practices to specific institutions and procedures for reintegrating children who have committed criminal offences.

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<sup>2</sup> Coordinator of the project “Group to monitor the rights of the child in Romania”-PHARE 2003V005-551.01.05-04, partners: Save the Children Romania and 22 non-governmental organizations, 2005–2006; Coordinator of a group within the project “Special measures for protection of the child. Realities and perspectives”-PHARE 2005V017-553.01.02, partners: National Authority for the Protection of the Rights of the Child, the National Agency against Trafficking in Persons, the Prison Fellowship Romania Foundation and the Association “Zâmbete de Copii” Galați, 2007-2008; for details, see [www.salvaticopiii.ro](http://www.salvaticopiii.ro).

<sup>3</sup> Holder of masters’ courses: Prison Administration and Reform; Forms of delinquency in the Romanian society, Juvenile Justice and Social reintegration of offenders (2008-present); for details, see [www.andreisaguna.ro](http://www.andreisaguna.ro)

<sup>4</sup> The project was implemented during the period from September 2009 to September 2011; partners were the Ministries of Justice from Italy, Greece, Romania and affiliates Save the Children from the same countries; for details, see [www.salvaticopiii.ro](http://www.salvaticopiii.ro).

<sup>5</sup> For details, see [www.salvaticopiii.ro/proiecte/just.justitiejuvenila](http://www.salvaticopiii.ro/proiecte/just.justitiejuvenila)

## 2. JUVENILE JUSTICE IN ROMANIA – SWOT ANALYSIS

For the sake of systematization, identifying strengths and weaknesses in the juvenile justice system were achieved in the light of the legislation, institutions, resources and best practices which support the prevention of juvenile delinquency and social reintegration of children who have committed criminal offences.

From a **legislative perspective**, could be regarded as strengths:

The provisions of the Code of criminal procedure<sup>6</sup>, which set up a rigorous regulatory measure of pre-trial detention in the case of minors, with strictly limited duration and greater role of the judge in the disposition, the review and prolongation of preventive measures with deprivation of liberty.

The provisions relating to the minority of the new Criminal Code<sup>7</sup>, which radically improve the system of sanctions for minors and which are in accordance with European recommendations. Thus, discard the sentencing to prison in the case of children under 18 years of age who commit criminal offences and is provided for a wide range of non-detention of freedom educational measures: the civic training; monitoring; recorded on weekends; assisting on a daily basis. It is also stressed the role of probation services<sup>8</sup>.

Adoption of the Law on mediation<sup>9</sup>, which allows the use the mediation as an alternative measures of conflict resolution, including in criminal matters.

From the perspective of the **institutions**, there is an uniform distribution, at national level, of the probation services and social assistance directorates for the protection of the rights of the child (in all the 41 counties and the six sectors of the municipality of Bucharest).

Subordinated to the National Administration of Penitentiaries are special institutions for juveniles: rehabilitation centers and prisons for minors and young people.

As regards **human resources**, a significant number of judges, probation counselors, penitentiary and re-education centres for minors' staff have attended specialized training courses for working with juvenile offenders.

The specialists of the justice system generally recognize the need for specific rules and procedures to children who have committed criminal offences and there is a willingness to act in this regard, despite the legal and material limitations.

The sustained activity of some non-governmental organizations with experience in the field of juvenile justice, prepared to take over some of the tasks of the probation services, related to the monitoring, assisting and advising the

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<sup>6</sup> The Criminal procedure code, republished in M. Of. No. 78, of 30 April 1997, with subsequent amendments and additions.

<sup>7</sup> Approved by Law No. 286/2009, published in M.Of.Partea I, nr. 510 from 24 July 1999; expected entry into force in 2012.

<sup>8</sup> For details, see Law No. 286/2009, 113-134.

<sup>9</sup> Law No. 192 of 2006 on mediation and organisation of the profession of mediator, amended by law No. 370 in 2009 and the Government Ordinance No. 13 of 2010, art. 67-70.

children who have committed criminal offences and were awarded a penalty in the community.

The availability of professional associations of mediators to be involved in resolving cases of juvenile delinquency, within the framework of projects and partnerships with other responsible institution for, including through voluntary activities<sup>10</sup>.

**Best practices**, in general, are represented by projects in the field of juvenile justice conducted by non-governmental organizations, some in collaboration with State institutions. For example: Juvenile Court at Iași, Social Alternatives<sup>11</sup>; Transition to freedom through the centre of social inclusion – Romanian Center for Education and Human Development<sup>12</sup>; Restorative Justice in the case of juvenile delinquents – Center for Legal Resources<sup>13</sup>; Alternatives to prison for minors – Criminal Justice Reform Foundation<sup>14</sup>; Transit centers for children who have been deprived of liberty – Prison Fellowship Romania<sup>15</sup>; and Child Ombudsman – Save the Children Romania<sup>16</sup>.

It should be mentioned the partnership between the Institution of Prefect of Bucharest, Ministry of Administration and Interior – the Institute for Research and Crime Prevention, Social Welfare Department of Bucharest, Department of Public Health, the School Inspectorate of Bucharest, Probation service from Bucharest, local authorities, non-governmental sector, business environment and media, which has resulted in the Development Strategy for the Prevention of Crime in the city of Bucharest. It will run during the period 2011-2016 and consists of three priority areas: domestic violence, juvenile delinquency and street safety.<sup>17</sup>

**Weaknesses, in legislative terms** could be considered:

The Criminal code in force contains a reduced range of measures and sanctions for children who have committed criminal offences, and the alternative measures to deprivation of liberty are very few.

Postreleased assistance is not regulated and mediation in criminal matters is limited.

The Criminal procedure code in force<sup>18</sup> doesn't provide for the obligation to quote the parents and the defender in the criminal investigation phase, previous to

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<sup>10</sup> For details, see Balan, A, "*Mediation-opportunities and challenges in the prevention of juvenile delinquency*", the Magazine of the National Network for the Prevention of Child Abuse and Neglect, "Kids today are the parents of tomorrow" No. 29, March 2011, pp. 33-43, [www.ora.gov.ro/documente-de-interes](http://www.ora.gov.ro/documente-de-interes)

<sup>11</sup> [www.alternativesociale.ro/proiecte](http://www.alternativesociale.ro/proiecte)

<sup>12</sup> [www.cred.org.ro](http://www.cred.org.ro)

<sup>13</sup> [www.crj.ro](http://www.crj.ro)

<sup>14</sup> [www.penalreform.ro](http://www.penalreform.ro)

<sup>15</sup> [www.pfr.ro](http://www.pfr.ro)

<sup>16</sup> [www.salvaticopiii.ro/drepturile\\_copilului/lobby/avocatul\\_copilului](http://www.salvaticopiii.ro/drepturile_copilului/lobby/avocatul_copilului)

<sup>17</sup> For details, see [www.prefecturabucuresti.ro](http://www.prefecturabucuresti.ro)

<sup>18</sup> Adopted by law No. 15/1968, reprinted in M. Of. No. 65 of 16 April 1997, with subsequent amendments and additions.

the presentation of the procedural stages of criminal proceedings and they are no penalties or other effective means to ensure the presence of parents or legal representatives on key procedural moments.

The rights and obligations of juvenile delinquents are regulated in the Law for the enforcement of sentences and are identical to those of adults inmates<sup>19</sup>.

Decree No. 545/1972 on the enforcement of the educational measure<sup>20</sup> is overtaken from political, social and economic point of view and is not harmonized with the European standards.

The indefinite duration of the measure of entry in a rehabilitation center is a factor that negatively footprint on the planning of educational and psycho-social approach<sup>21</sup>.

Government Ordinance 92/2000 on the organisation and functioning of the probation services limits the task of the probation service to facilitate access for persons who need assistance from other institutions/organizations that can provide such services.

**With regard to specific institutions** for children who have committed criminal offences were identified as weaknesses:

Currently operates a single court for minors and young people, in Braşov.

A limited number of trial courts has special rooms for the conduct of trials in which children are involved and there are no spaces specifically intended for children on remand custody.

There are no specialized compartments at the police and prosecution offices for work with juvenil offenders.

There is no a medical-educational institute, although the Criminal Code provides, inter educational measures, the internment in such centre.

There are no centres outside the criminal justice system (diversion), in which children can be placed before, during or after execution of the sentence.

There are a few special institutions for children deprived of their liberty: rehabilitation centers in 3 counties (out of 41 existing and the municipality of Bucharest), prisons for minors and young people in 4 counties (the latter two being transformed recently from prisons for adults).

A small number of juveniles benefits from an open or semi-open regim in re-education centres; most of them are placed in closed or semi-closed prisons for minors and, in specific cases, such as for presentation to the courts, the juvenile offenders are placed in prisons for adults inmates.

Weaknesses also includ: shortage and lack of sustainability of post-release assistance and victim-offender mediation; the lack of an integrated system of state

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<sup>19</sup> Law no.275 of 2006 on measures taken by judicial bodies in the course of the criminal trial.

<sup>20</sup> Appeared in m. Of. No. 162 of 30.12.1972.

<sup>21</sup> Under the penal legislation in force, the educative measure of internment in a re-education centre may be disposed for an undetermined period of time that may last until the minor turns 18 or, in exceptional cases, even two years after reaching 18 years of age. The release before the age of 18 is possible if should there be "strong proof of reform".

institutions and non-governmental sector for the prevention of crime, with effects on information, communication and inter-institutional coordination; deficiencies in implementing the national strategy for the protection and promotion of the rights of the child; the dissolution of the National Institute of Criminology, which has the effect lack of a national strategy for crime prevention.

**In terms of resources**, have been identified as weaknesses: limitations on the selection and training of the staff coming into contact with juvenile offenders, including law enforcement officers and prosecutors; a limited number of psychologists, social workers, educators working in the rehabilitation centers and prisons for minors; limited number of probation officers related to the complexity of their tasks; poor quality of services provided to juvenil offenders by lawyers appointed ex officio during the court proceedings and the inexperience of the mediators in victim-offender mediation.

**Opportunities** to be taken into account are: the accession of Romania to the European Union, with all the obligations and the benefits: the need for alignment to European standards, including with regard to juvenile delinquency and the use of mediation in civil, criminal, and family cases; access to financial resources; membership of the professional networking and exchange of best practices in the field of juvenile justice; training the staff who come into direct contact with juvenile offenders, in countries with tradition in juvenile justice.

#### **Threats**

Cannot be overlooked: that financial and economic crisis threatens including European countries; insufficient financial resources allocated from the state budget for implementation of the new provisions of the Criminal code relating to minority; poor public information with regard to the need for a juvenile justice system, based on measures in the community; the reluctance of the police officers, prosecutors, judges to refer to mediation in criminal cases that involved juvenile offenders.

### **3. CHILDREN'S OPINIONS ABOUT METHODS OF PREVENTION OF JUVENILE DELINQUENCY**

The methods set by experts were presented to 12 out of the 30 children deprived of their liberty interned in the 3 re-education centres in Romania – Buziaș, Găești and Târgu Ocna<sup>22</sup>. They were selected for the consultation process by the respective re-education centre staff members while taking into account the information about the objectives of the consultation process.

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<sup>22</sup> Consultation has been carried out during the period 17-22 August 2010 in Luncile Prigoanei re-socialization summer camp, Alba county, within the project "JUST. Juvenile Justice, ILSV2008\ISECVAG\097, partners: Save the Children, subsidiaries in Greece, Italy and Romania, and the ministries of Justice of the same countries. The camp was organized by the National Authority for Penitentiaries and the National Children Palace, with the support of the Alba County Council.

The participants were presented the general framework of the project, the process that led to the development of the methods of interventions and the purpose of the consultation process.

The working methods used were: guided discussions, questions and answers, free discussions, brainstorming, role play, individual work (writing and drawing). The methods had to be adapted since some members of the group were illiterates or had big difficulties to express themselves in writing.

#### **Poverty**

When discussing the reasons or the circumstances behind their conflict with the law and what could have prevented it, most of the participants mentioned the entourage. Surprisingly, none pointed at the lack of family support or the poverty although from the information they gave on their families it was clear that some of the children came what could be considered disadvantaged families (e.g. D. – 17 years old is the oldest child of a family with 10 children).

At the same time, poverty was mentioned as reason for having abandoned the school before the conflict with the law or as reason for which some of their colleagues in the centres are braking the internal regulations, have a violent behaviour or are relapsing into crime as soon as they are released: *“Some prefer to stay in the centre – they do not have families. Here (in the centre) they are provided food and shelter free of charge and they are respected. Outside they have none of that; they sleep in the garbage beans.”* (O. – 18 years old)

Poverty has also been mentioned as reason for not spending their vacation with the families and for rare visits of the families in the centre.

#### **Awareness of the consequences of the criminal behaviour**

When asked if they had known what the consequences of their behaviour were before having committed the unlawful act (e.g. arrest, trial, non-custodial sentences or interment in a re-education centre or detention in penitentiaries for minors and youth), most of the children answered positive.

From both remarks made during the days of group work and informal discussions, it became clear that most of the 12 children had close relatives (up to 4<sup>th</sup> degree) or friends with previous experience of conflict with the law (including past arrest and detention episodes).

Also, most of the consulted children, before being interned in the re-education centres, had previous criminal experiences for which non-custodial sanctions had been applied.

#### **Role of the entourage**

All the children consulted mentioned the role of the entourage and the peer pressure as main reasons for offending (and as possible reason for relapse). From both group and individual discussions it came out that none of them committed the criminal act by them self's but as members of delinquent groups. When asked about the sanctions applied to the other members of the group, the answers and the reactions were different:

- some participants mentioned that their friends were also sanctioned for the misdoings (interned in centres of detained in penitentiaries). Those in this category of participants had intense debates on whether once out from the penal system they were going to fall again under the influence of the entourage and therefore maybe relapse into crime. While acknowledging the risk of re-offending under the peer pressure, some of the children seemed to value more the friendship and the feeling of belonging to the group;
- other participants felt like they were the only one to have suffered the consequences of the actions of the group. They were also some participants disappointed by the fact that their friends never kept contact with them during the deprivation of freedom and they seemed determined to stay away from the bad influence of their former entourage once out from the centre.

### **Education**

When asked about the situation of their education, most of the participants confessed that they had been having attendance problems or drop-out episodes. Only two out of twelve consulted children were attending school at the time of their arrest/internment in the centre.

*I. is 17 years old and he never went to school because “we did not have the capacity”. His mother lives abroad and his father is in jail. He was asked “Didn’t anybody come to ask about you, to enrol you?” “No”. When he was interned in the re-education centre (March 2010), after the 21 days of quarantine, he was enrolled, but he still cannot write. He has 7 more months in the centre and his intention is to continue the studies once released.*

*A. dropped out of school a year before being interned in the centre. His parents knew that he was attending school. He had repeated grade and then gave up completely. He run away from home and started stealing. The teachers contacted the family, but since he was a runaway there was nothing that the parents or the teachers could do.*

*B. had dropped school very early “because of the lack of financial possibilities”. Any local authority haven’t been interested, for years, of the fate of this child, nor relative or neighbour has asked why it has not been enrolled in school and did not take any action in this regard.*

*After 6 years of not attending the school he broke the law, got arrested, spent time in a penitentiary pending trial and then got interned in a re-education centre. During the pre-sentencing phase he benefited of no form of education.*

*C. dropped school in the 5<sup>th</sup> grade. He had a violent behaviour as pupil and caused several damages to the school propriety. When he was in his 5<sup>th</sup> grade, his mother who had been living abroad, wanted to take him with her but didn’t agree to cover the damages caused by the child. Therefore, the school management*

*refused to give her the school records of the child. As a consequence A. could not be enrolled in the foreign school. After several years of living abroad, he came back to Romania, got in conflict with the law and was arrested. He was enrolled in the re-education centre.*

*D. attended three grades. He did not like going to school and entered a bad entourage. After two and a half months spent in arrest, without access to any education form, he was interned in the re-education centre and enrolled in the 4<sup>th</sup> grade. He believes that should he have not dropped the school, he wouldn't be in conflict with the law. His parents "could have helped if they were more in charge".*

*E. is 17 years old and he goes to high school. He never abandoned his studies and was in the 10<sup>th</sup> grade when he got arrested (for repeatedly driving without licence). He is continuing his studies while being in the centre and has every intention to finish his education after being released. He likes his specialisation (vehicle mechanics) and he regrets not being allowed to continue the same training during the internment. Nonetheless he believes that "The school is not useful, one can make money though business that does not require education and financial resources, but rather intelligence".*

*F. had abandoned school, but he re-started in the centre and is now in the 8<sup>th</sup> grade. He will soon be released but he wants to continue his studies and become a social worker because "I went through a lot and I can do a lot for the others". He was already contacted by an NGO that offered him post-penal assistance in order to be determined to keep the right track and continue his education.*

Most of the participants agreed that continuing their studies outside the centre has a major role in keeping them away from the relapse into crime. Generally, they are aware of the possibility to attend "The second chance" schooling (educational alternative targeting children and adults who dropped school or never been enrolled and are years behind the grade corresponding to their age group), but do not have information on the availability of these programmes in their home locality.

From both the group and the individual discussions it became clear that precious time is wasted due to the lack of any education form during the arrest and the pre-sentencing detention. Some of the minors (mostly the illiterates) think that it would have been very useful for them if the time spent in detention before coming to the centre was allocated to some form of education (alphabetising courses). They proposed that the places of arrest/detention have an educator and a psychologist among their staff or cooperate with an elementary school in order to being able to provide these short time education forms.

Regarding the schooling inside the re-education centres, the children complained about the lack of resources (books, school supplies etc) but rated the schooling among the activities they like in the centres.

### **Vocational training and labour**

There were two main problems raised in relation to the vocational training and labour.

The first is concerning the relevance and the quality of the vocational training. Children expressed their concerns and their impression that the professions they are trained into while being in the re-education centres have no relevance on the current labour market. One of them declared during a private dialogue *“We don’t have much information about the labour market, but I find it hard to believe that my training in pottery will get me a job when I go out”*.

There were also voices that raised the subject of the quality of the vocational training (one of the children told that he had learned some masonry from his father before being interned in the centre where masonry courses are also given and the foreman does not take into account the previously acquired skills, insisting to limit his training to the basics and to focussing on the theory *“I cannot learn anything and it is very boring”* the child declared). When asked if they would be interested to have access to work-grants, all minors were enthusiast in welcoming this possibility. Among possible benefits of such work-grants, they mentioned: acquiring a relevant professional training and spending time outside the centre. One of the children declared *“I would do it even if they don’t pay me, but I would have the chance to get out of the centre and to learn a handcraft”*.

During private discussions, it was suggested that an improvement of the vocational training relevance could come from the establishment of the vocational counselling inside the re-education centres.

### **Mediation and violence**

The issue of mediation was first raised in connection with the frequently reported violent incidents in the re-education centres. Several of the group members mentioned that they were not allowed to spend the summer holidays home with their families because they had *“negative reports”* in their files. When asked why these reports were concluded, the minors admitted having been involved in fights and altercations with their colleagues in the centre.

Since the issue of fights and other forms of violence came over and over again during the discussions, the group members were asked to give their thoughts on the causes of the violence, on how the violence is dealt with by the centres’ staff members and also to propose their solution to this problem.

One of the children, 17 years old, said *“Some boys are playing cool, they want to forcedly impose their respect or to appropriate things that belong to their victims. The officers do not get involved. And those who are terrorised end up by terrorizing others”*.

As a rule, conflicts occur on weekends (Saturday and Sunday), when the children are not involved in many activities and get bored. One of them said: *“We are staying in the room without doing anything, so we take the fight out of all the crap”*. They also accused the daily routine of life in the center: *“The same kind of*

*activities, on the same day, in the same order*". Breaking the monotony by verbal or physical aggression, is actually a relief valve of frustration among them.

The children mentioned that there were attempts to mediate the conflicts, but from outsiders, not by the centres' staff. During a role play "*What I would do if I was the director of the centre for one day*". Another one suggested that instead of concluding the negative reports for those who fight, the staff should mediate the conflict, eventually by assigning the participants in the conflict to a common chore that would "force" them to spend time together, discuss and overcome their differences.

#### **Alternatives**

As mentioned above, most of the group members admitted that they had been sentenced before to a non – custodial measure, but nonetheless they relapsed into crime. But all agreed that alternatives to the deprivation of freedom must exist and been given priority in case of minors in conflict with the law.

All insisted that the sanctions must be enforced gradually, depending on the illegal act committed and all insisted that the reasons behind the choice of a sanction or another must be better explained in order for them to understand and "assume" their sentence. One of the group members declared "*I would never want to be a judge and always think 'what if I did an injustice'*"

The children suggested that a centre or a similar place of internment must exist in every city where there is a tribunal because "*When we were transferred for the court sessions, we travel 300-400 Km in "cages" of one square metre, one day and one night. Imagine this – just like somebody travels to Spain, we travel to the court and back*".

As alternatives to the deprivation of freedom, most of the group participants supported the idea of community work. B. said "*I would have preferred to work for the community for one year and continue my studies instead of entering the centre*".

When discussing the possibility of mediation with the victim, all minors underlined their availability to compensate the material damage caused through their illegal act (working for the victim, working elsewhere and paying back to the victim etc). More sensitive it seemed to be the moral aspect of the mediation – admitting the misdoing, repenting and demanding pardon. Several members of the group expressed their doubts that the victim could accept the mediation and be open to their repent.

#### **Prevention of the relapse**

The children were asked to draw a list of measures/services that could determine them to stay out of the conflict with the law, once out of the centre.

Their first reaction was mention that, as far as they know, most of those who are released are breaking the law again and end up in penitentiaries or back in the centre. "*We meet with them during our transfer to the penitentiaries, we know them*"!

Whereas there are no national statistics available on recidivism risk among children who have committed offences and have executed penalties involving deprivation of liberty, we do not have arguments to confirm or refute the perception with respect to this aspect<sup>23</sup>.

Bellow is the list of factors identified by the group members:

- support from the families for school attendance;
- support for poor families;
- better education and vocational training in the centres, because some of the handcrafts taught in the centres are helpful, while others are not and the methods of training should be improved. More school materials in centres for a better education;
- diversification of the activities in centres in order to be better prepared for life;
- the possibility to continue in the re-education centre the vocational training started before the internment;
- fix duration of the internment and better explaining of the reasons leading to postponement of the release<sup>24</sup>;
- having a job;
- changing the entourage;
- continuing the education.

#### **Deprivation of freedom prior to sentencing**

The problems raised by the children in relation to the treatment before sentencing were:

- detention in penitentiaries (including high security penitentiary) pending trial based on the proximity of the penitentiary to the court;
- transfer for long distances, together with the adults, in narrow vehicles for those not placed in penitentiaries close to the court;
- being accused by the criminal investigation officers of crimes committed by others;
- not benefiting of legal assistance or of the parents presence during criminal investigation procedures;

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<sup>23</sup> For details about the risk of relapse among juvenile offenders, see: Cottle, C., Lee, R., Heilburn, K., (2001), „*The prediction of criminal recidivism in juveniles: A meta-analysis*”, in *Criminal Justice and Behavior*, 28 (3), p. 367-394; Kingree, J.B. Phan, D. M. Thompson, (2003), „*Child Maltreatment and Recidivism Among Adolescent Detainees*”, in *Criminal Justice and Behavior* 30, pp. 623-643, quoted by Baciu, L., Larsen, T.A., „*The Role of Project Based Intervention in Preventing Recidivism among Delinquent Children and Youth -Case study-a life skills development programme*”, published in *Journal of the National Network for Professionals in preventing Child Abuse and Neglect “Today’s children are tomorrow parents”* –, *Modern trends in juvenile delinquency-Resilience of the delinquent child* No. 29, March 2011, pp. 5-13.

<sup>24</sup> Under the penal legislation in force, the educative measure of internment in a re-education centre may be disposed for an undetermined period of time that may last until the minor turns 18 or, in exceptional cases, even two years after reaching 18 years of age. The release before the age of 18 is possible should there be “strong proof of reform”.

- use of handcuffs by police officers;
- superficial or lack of support from ex-officio lawyers during trial (mentioned by several children during private discussions).

#### **Conditions in the centres**

As a closure of the consultation process, the group members were requested to draw a four leaf clove and to write or draw in each of the leaves: what they like in the centre, what they dislike, what they would change if consulted and a good-by message.

The good aspects mentioned were: Summer camps, movie projections, computer classes, activities organized outside the centre, visits in the city, Forum theatre and school.

The disliked aspects listed by the children were: deprivation of freedom, daily schedule, the food served in the centre, lack of a fix duration of the internment.

#### **4. CONCLUSIONS**

According to the new ways of addressing the juvenile delinquency<sup>25</sup>, the paradigms of education and self development, reintegration and compensation, mediation, and support victims must characterize the philosophy of the european system of juvenile justice, in order to prevent the escalation of crime and recidivism.

Juvenile justice does not mean only sanctioning and enforcement of the sentence in the special scheme. On the contrary, it means: avoiding, as far as possible, the involvement of the formal judicial system, and to grant efficient measures for reintegration in the community. From an ideal point of view, juvenile justice should involve family, friends, neighbors and schools for preventing juvenile delinquency.

In Romania, in institutional terms, juvenile justice is rather a theoretical concept, approached and analysed on a regular basis, especially at the national or international conferences.

In terms of practice, there is undeniable progress on addressing children in conflict with the law, especially at a time when they are in rehabilitation centers. At least in the execution of imprisonment sanctions, the practice ahead the law.

Building a professional network, made up of institutions and NGOs who are able to work in partnership, based on institutional procedures and practices and the wide scale use of restorative justice and mediation in juvenile delinquency cases should be indispensable conditions to ensure that juvenile justice would become form a theoretical concept to an efficient and coherent system.

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<sup>25</sup> European rules on children who have committed criminal offences and for which were laid down penalties or measures, adopted by the Council of Ministers of the Council of Europe by Recommendation 22 in 2008.

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