

INTERNATIONAL AND NATIONAL NORMS IN THE FIELD OF JUVENILE JUSTICE

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This paper aims, on the one hand, to present the values and principles promoted by the international institutions and the national norms in the field of juvenile justice, as they are stipulated by legislation adopted in this regard. Secondly it aims to analyze whether the current organization of the Romanian juvenile justice system meets these values. It takes in consideration several elements, such as: the goal of the system, the length of the justice process, the sentences stipulated by the Criminal Code and the existence of alternatives to criminal proceedings, the programs and services for juvenile offenders, the role of the family or the elements the resocialization relies on.

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The formal reaction towards juvenile delinquency has changed significantly in the last 50 years. The welfare system implemented at the end of the XIXth century in the USA and extended then all over the world began to be criticized, contested and in the end changed. From this starting point every society created its own particular model of juvenile justice. If some countries have maintained a predominantly welfare protective model (although some provisions were introduced which have changed the traditional configuration of this model), others have returned to a punitive system where differences of adults to have faded significantly. In parallel a new way of coping with offenders started to be increasingly more often embraced – the restorative justice. The way the state decided to respond to the problem of juvenile delinquency is thus different not only in respects to the period of time, but also from one society to another. Many elements are considered in making this decision: the necessity to respect Children's Rights, the need to protect the community and the necessity to find an efficient solution that will lead to the reduction of number of crimes committed by juveniles. Based on these elements and the on the importance accorded to each one, every state created its own reaction to juvenile delinquency. In the end this lead to the existence of a variety of models and practices of juvenile justice in terms of

legislation, sentences, diversion ways or specialists and institutions involved in the implementation of programs.

Basic feature of recent years in the field of juvenile justice is precisely this variety of practices and possible solutions that make impossible to speak today of a single or unique model of juvenile justice, neither in terms of its endpoint (child protection or punishment), nor in terms of concrete mechanisms through which this goal must be translated into practice. In search of a way to cope with juvenile delinquency and to decrease the number of juvenile (re)offenders, new institutions were created, new penalties or educational measures were introduced and new programs have been implemented. It is not thus surprising that the social reaction to juvenile delinquency has experienced different forms and that there are different systems or models, each having, regardless of its basic orientation, certain peculiarities.

INTERNATIONAL NORMS IN THE FIELD OF JUVENILE JUSTICE

The frequent changes in the field of juvenile justice and the existence of important differences between the models implemented by various States claimed a reaction on behalf of the international bodies. In parallel with the attention accorded to the aspect of juvenile delinquency by the national decision factors, international institutions have also undertaken several actions to manage this problem and several laws were adopted in order to guide the response to the issue of juvenile justice. The acts adopted by United Nations (The Convention on the Rights of the Child adopted by the UN General Assembly United on 20 November 1989, Standard Minimum Rules for the Administration of Juvenile Justice - The Beijing Rules, United Nations Standard Minimum Rules for Non-custodial Measures - The Tokyo Rules, United Nations Guidelines for the Prevention of Juvenile Delinquency - The Riyadh Guidelines, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113 of 14 December 1990) play a main role in juvenile justice as they settled some guidelines in order to manage the State's response to juvenile delinquency and created a background for the particular systems to be built on. The legal instruments adopted by the:

On European level, it was also paid a particular attention to the problem of juvenile delinquency and to the mechanism to reduce it. These efforts materialized in the adoption of several legal acts and working documents on this theme, such as: Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on "the European Rules for juvenile offenders subject to sanctions or measures" (5 November 2008), European Parliament resolution of 21 June 2007 on juvenile delinquency, the role of women, the family and society, Opinion of the European Economic and Social Committee on "The prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the

juvenile justice system in the European Union”, Recommendation Rec(2003)20 of the Committee of Ministers to member states concerning “New ways of dealing with juvenile delinquency and the role of juvenile justice” (24 September 2003), Recommendation N° R (88) 6 of the Committee of Ministers to member states on “Social reactions to juvenile delinquency among young people from migrant families” (18 April 1988), Recommendation N° R (87) 20 of the Committee of Ministers to member states on “Social reactions to juvenile delinquency” (17 September 1987).

There are several elements that in our opinion are reinforced by these documents.

One of these is the educational aim of the decision adopted towards the juvenile offenders. According to The Convention on the Rights of the Child every decision regarding the child, including those adopted by the courts, should pursue the best interest of the child (art. 3 para.1) and promote the child’s reintegration and his constructive role in the society (art. 40 para.1). In the decision towards the juvenile offender the juvenile’s personality and the offence committed should be taken in consideration (art. 40 alin. 4).

The re-socialization goal is also reinforced by The *Recommendation Rec(2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice*. It defines the principal aims of the juvenile justice as:

- to prevent offending and re-offending;
- to (re)socialize and (re)integrate offenders;
- to address the needs and interests of victims (art. 1).

The Convention on the Rights of the Child contains several provisions regarding the child that violated the criminal law. According to this act, the deprivation of freedom should be a last resort solution; it should be disposed for a period of time as short as possible and during its implementation the juvenile should be granted certain rights, such as the right to legal counseling, the right to challenge the deprivation of freedom, he should be separated of adult offenders and should be able to keep in touch with the family (art. 37). United Nations Rules for the Protection of Juveniles Deprived of their Liberty also states that detention before trial will be limited to exceptional circumstances, and during incarceration, juveniles will be considered innocent, will be held separately from those convicted, and their cases will be judged by priority and as soon as possible (art. 17).

The European legal acts recommend Member States to pursue the implementation of measures the keep the juvenile within the community. It is important to mention that according to Recommendation (2003)20 of the Committee of Ministers community sanctions shouldn’t be available only for minor offender, but instead it is recommended that to the Member states to develop this kind of sanctions in order „to address serious, violent and persistent juvenile offending” (art.8). The European Parliament Resolution of 21 June 2007

on juvenile delinquency, the role of women, the family and society also underlines the necessity to avoid the freedom privacy of the juveniles and requires Member States to develop alternative forms of punishment to confinement (art. 18).

Another important element underlined by the Convention on the Rights of the Child is the avoidance, whenever appropriate and desirable, of the judicial proceedings, that should be realized with the respect of the children's rights and legal safeguards (art. 40 para. 3).

The Recommendation (2003)²⁰ of the Committee of Ministers promotes the use of alternatives to formal prosecution, alternatives that should be "part of a regular procedure, must respect the principle of proportionality, reflect the best interests of the juvenile and, in principle, apply only in cases where responsibility is freely accepted" (article 7). On one hand, this will eliminate the prosecution of less serious cases and will promote the adoption of informal measures in the community, and on the other hand, it will avoid the over-loading the system and hence a long procedure, that has strong negative effects on children.

In facing the problem of juvenile delinquency the European actors stresses the necessity to have a scientific-based approach. In consequence development of instruments for assessing the risk of future re-offending is highly recommended – art. 13, Recommendation (2003)²⁰ of the Committee of Ministers. In the sentencing process, especially in serious cases where the juvenile faces the risk of custody it is recommended that the court undertakes a "full risk assessment based on comprehensive and reliable information on the young person's personality and social circumstances" (art.18). Practical data prove the necessity to have a fast and determinate answer to juvenile offending in order to favor the re-education process. Statistics published in some European countries show that "between 70% and 80% of juvenile delinquents who are punished when they commit their first offence do not re-offend" (European Parliament resolution of 21 June 2007 on juvenile delinquency, the role of women, the family and society). In consequence there is necessary to make efforts in order to guarantee a brief length of the judiciary process. Thus „short time periods for each stage of criminal proceedings should be set to reduce delays and ensure the swiftest possible response to juvenile offending. In all cases, measures to speed up justice and improve effectiveness should be balanced with the requirements of due process" (art. 14, Recommendation (2003)²⁰ of the Committee of Ministers)

As it was stated before one of the goals of the system is to prevent the re-offending so it's not surprising it is recommended that the preparation for the release of juveniles deprived of their liberty should begin on the first day of their sentence and that the re/integration plan should addresses the large spectrum of child's needs: education, employment, income, health, housing, supervision, family and social environment (art. 19). The measures pointed out constitute the ground for an effective social reintegration of the juvenile. They will allow him to develop

new skills and that will facilitate his participation to the educational system and on the labor market. In the same time, the connection to family and to community will favor this process and will limit the negative effect of the custodial measures.

The European acts emphasise the importance that family plays in the re-socialization process of the child. The studies realized so far demonstrated that family is one of the main factors in the etiology of juvenile offending so it is only nature to also play an important role in the re-socialization process of the juvenile. In consequence the „parents (or legal guardians) should be encouraged to become aware of and accept their responsibilities in relation to the offending behavior of young children. They should attend court proceedings (unless this is considered counter-productive) and, where possible, they should be offered help, support and guidance. They should be required, where appropriate, to attend counseling or parent training courses, to ensure their child attends school and to assist official agencies in carrying out community sanctions and measures”. *Recommendation Rec(2003)20 of the Committee of Art. 10*. The European Parliament Resolution also encourages the participation of the parents of juveniles and their involvement in criminal proceedings (from prosecution up to the implementation of sentences) and underlines the need to make parents more aware of their responsibilities (art. 7).

CHARACTERISTICS OF THE ROMANIAN JUVENILE JUSTICE SYSTEM

As many countries all over the world, Romania is also seeking a new way of approaching the phenomenon of crimes committed by juveniles and is currently going through a moment of change. The present Penal Code has been adopted in 1968 and although some changes were introduced, a much deeper transformation of the legislative framework was required. In consequence a new Criminal Code was adopted and will soon enter into force. Beyond the change of legislation, in Romania there is a more accentuated concern for the rights of children, in general, and for the situation of juvenile offenders, in particular. As it will be presented in the next pages, many progress and positive aspects have been reported in the treatment of juvenile offenders.

1. Legal framework

The present Criminal Code stipulates that children under the age of 14 aren't criminal liable, minors from 14 to 16 are responsible only if it's proven that they committed the act in discernment while the minor over 16 is criminal liable (art. 99)

With regard to a criminally liable minor, the judges can pronounce an educational measure or apply a penalty. The law indicated that a penalty will be applied only if it is presumed/ deemed that educatory measures would not be sufficient for correcting the minor's conduct.

According to the legal provisions, there are several elements that must be taken into consideration in the sentencing process: the seriousness of the act

committed, the physical condition, the intellectual and moral development of the minor, his/her behavior, the conditions in which he/she was raised and lived and any other elements likely to characterize the child.

The educational measures that can be imposed to juvenile offender are both non-custodial (reprimand and supervised freedom) and custodial (admission into a re-education centre and admission into a medical-educatory institute), while the penalties stipulated by the Criminal Code are fine and imprisonment, with the execution of the sentence, or suspended conditionally or suspended under supervision. In comparison to the penalties in case of adults, the limits of the penalties for juveniles are reduced to half without the minimum limit exceeding 5 years. When the penalty prescribed by law for the offense is life imprisonment, it is transformed in case of the juveniles in the sanction of imprisonments for 5-20 years art. 109.

In juvenile offender cases, according to the Criminal Procedure Code it is optional for the prosecution and mandatory for the court to claim the Probation Service an evaluation report that characterizes the juvenile personality and that contains elements regarding: the medical condition and psychological profile of the minor; intellectual and moral development; family and social environment in which the child lived and grew; factors that influence child behavior and that favored its criminal behavior; the minor's criminal history; the child's behavior before and after committing the crime.

With regard to the educational measures of admission into a re-education centre and admission into a medical-educatory institute, it is important to mention that they are disposed for an unlimited period time, until the minor reaches the age of 18 years, with the amendment that the educational measure of admission in a medical-educatory institute is interrupted immediately after the disappearance of the medical cause that led to its implementation, the court being able to impose the measure of admission into a re-education centre (art. 106).

As the aim of the educational measure of admission into a re/education centre is the re-socialization of the juvenile, the juvenile can be realised after one year in case his conduct improved or the measure can be prolonged with maximum 2 years after the age of 18, in case this is necessary to accomplish the educational goal of the measure (art. 106-107).

In addition, during the implementation of the educational measure of supervised freedom, the court can impose several obligations to the minor: not to frequent certain established places; not to come into contact with certain persons and/ or to carry out an unremunerated activity in an institution of public interest decided by the court, for a period of 50 to 200 hours, for no more than 3 hours per day, after school, in non-working days and during holidays (art. 102 para. 3).

If during the implementation of the measure the juvenile does not fulfill the obligations imposed, or his conduct is not adequate or he commits a new offence,

the court revokes the measure and disposes the admission into a re-education centre or, in case he committed a new offence, it can pronounce a penalty (art. 102 alin. 4).

The sentenced that can be imposed to juvenile offenders will be changed once the new legislation comes into force. According to the new legal framework the court will dispose only educational measures to juvenile offenders, including measure that do not imply the deprivation of freedom of the juvenile (stage of civic formation, recorded on weekend, surveillance, daily assistance) and measures that involve the deprivation of freedom of the juvenile: admission into a educational center and admission in a detention center (art. 115 para. 1).

The new Criminal Code contains certain provisions that are presumed to favor the use of non-custodial measures as the law states that the court will dispose a custodial measure only in case of more serious offenses (when the penalty prescribed by law for the offense is imprisonment for 7 years or more, or life imprisonment) or in case he/ she commits a new crime during or after the implementation of an educational measure (art. 114 para. 2.).

A positive aspect is the fact that by establishing precise condition under which custodial measures can be imposed, the new legislation will lead to a greater uniformity in the decisions of the courts.

In order to establish the proper sanction for the re-socialization of the juvenile, the law requires the court to request the Probation Service an assessment report on the juvenile. In addition to the report the probation officers currently prepare, the future one will contain "reasoned proposals about the nature and duration of social reintegration programs that the child should follow as well as other obligations that could be imposed to him by the court" (art. 116 para. 1).

In accordance with the emphasis on juvenile rehabilitation, the new measures are designed to allow a better surveillance and to provide better support services for the offender during the implementation of the measure. Regarding the former conditions/ obligations the judge could impose the juvenile during the educative measures, the new Penal Code offers a larger number of alternatives:

- to attend a training course
- the interdiction to leave a certain area
- the interdiction to frequent certain places or events
- the interdiction to approach or communicate to the victim or the victim's family, to persons he committed the offence with or to other people
- to present himself to the probation service
- to obey control, treatment or medical care measures.

The number of educational measures that do not imply the deprivation of freedom increases in the new legislation as well as the degree of support and surveillance the court can impose during their implementation. In order to facilitate the re-socialization process, the court has the possibility to change the obligations during the implementation of the measures (to impose new obligations or to change their practical conditions) or to decide the elimination of the obligation if they are no longer necessary (art. 123).

In case the juvenile does not perform his obligation the court is allowed to: Also, greater flexibility is provided for educational measure or non-compliance. Thus, if they are not respected in bad faith, the court has

- a) “extend the educational measure until the maximum provided by law for it;
- b) replace the measure with another non-custodial educational measure more severe;
- c) replace it with the measure of admission into educational center, when the initial educational measure was the most severe” (art. 124, para. 1).

To summarize, the law brings several important changes in favor of the juvenile offender for the child who committed a crime: emphasizes the re-educational goal of the penalty system, gives priority to non-custodial measures and introduces a series of new measures that allow better supervision and effective support.

2. Trends in Juvenile Justice

In order to characterize the Romanian system, in addition to the legal provisions in favor of juveniles it is important to analyze the legal practice in this field.

The number of juvenile offenders has decreased in Romania in the last years. Right after the Revolution of December 1989 the figures started to grow until 1997-1998 (when the peak values were registered) in close relation to the socio-economic conditions that characterized the Romanian society. In 1999 the number of juvenile offenders dropped to 16,119 (a decrease with approximately 40%). After this moment the statistical changes were less intense. In 2008 and 2009, there were registered approximately 13,000 juvenile offenders.

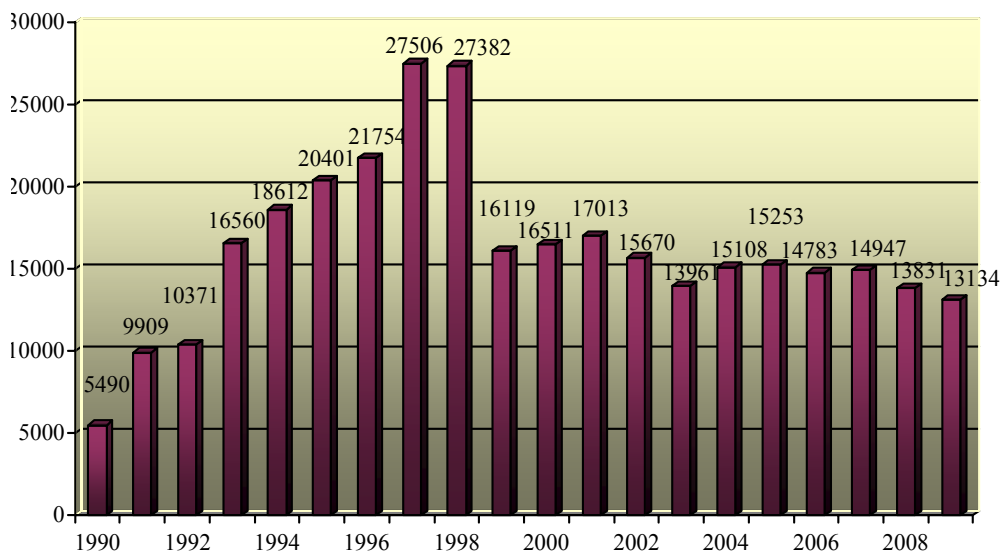


Figure 1. The number of juvenile delinquents in Romania 1990-2009.

Data source: General Inspectorate of Romanian Police

In order to estimate the dimension of juvenile delinquency another important element is the number of juveniles definitively convicted by the courts. The evolution of this indicator is similar to the trend of minors accused of committing offences (increase until the 1998 and decrease in the former years). In 2009 a number of 3035 juveniles were definitively convicted.

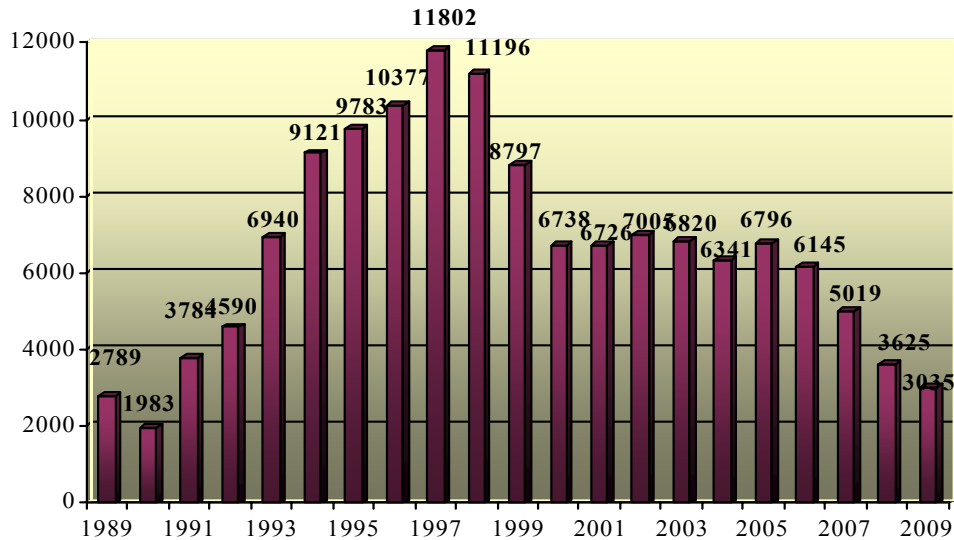


Figure 2. Juvenile offenders definitively convicted.

Source: Ministerul Justiției 1989-2003

An important indicator of the severity of the justice system is the percent of juveniles in preventive detention.

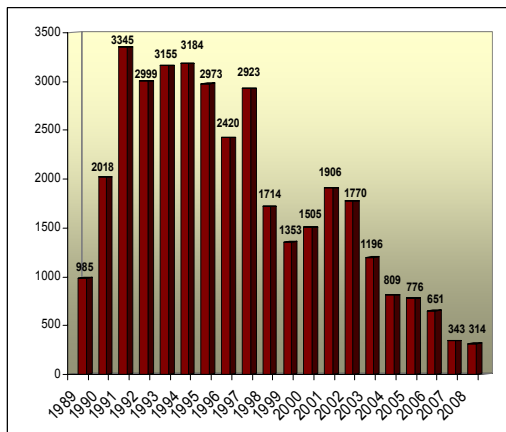


Figure 3. Number of juvenile offenders in preventive detention.

Data source: Public Ministry

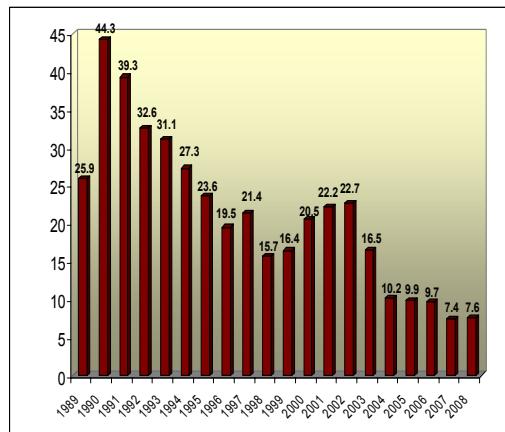


Figure 4. Percent of juvenile offenders in preventive detention.

Data source: Public Ministry

The statistics show a major decrease in the number of juveniles in preventive detention, from 3.345 in 1991 (year when the highest value was registered) to 314 in 2008. If right after the 1989 Revolution the number doubled and in 1991 the value was with 65% bigger than in 1990, since the 1991 the trend is descendent.

The percent of juvenile in preventive detention also decreased, from approximately 45% in 1990 to less than 8% in the last 2007-2008, this evolution being one of the positive changes in the favor of juvenile offenders.

The sentencing process has also undertaken several transformations in the past twenty years. Even though the legal provisions stipulates the priority of the educational measures, the statistics prove these are imposed only in a small percent of cases (approximately 15%). The main cause for this situation is the small number of alternatives. We shouldn't overpass the fact that one of the measures stipulated – admission in a medical-educatory centre is specific for juveniles with special medical problems, while another one – reprimand - is design for less severe cases when no form of support or surveillance is necessary.

A positive characteristic of the is the tendency to avoid the deprivation of freedom of juveniles, that is especially common in the late years. For example, in 2009 approximately one quarter of the juvenile offenders were condemned to prison while 5% were admitted in a re-education centre. The most common sentence pronounced by judges in juvenile offenders cases (around 50%) was the conditional suspension of the penalty.

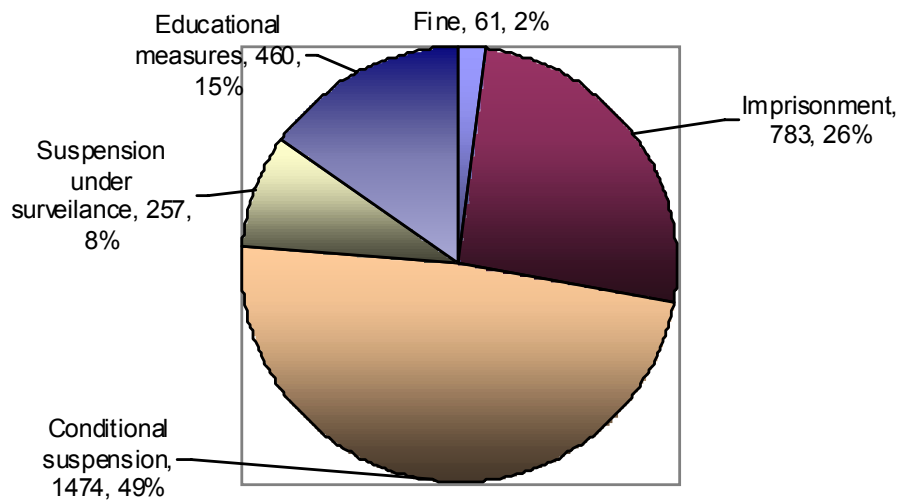


Figure 5. Sentences imposed to juvenile offenders in 2009.

Data source: Superior Council of Magistracy

There are slight differences between the sentences pronounced in function of the category of offences the juvenile committed. The percent of the conditional suspension and the suspension under surveillance is similar (45.4% and 9.4 % of the sentences pronounced in case of juveniles convicted for offences againsta the person in comparison to 47.3% and 8.5% in offences againsta the property). A slightly bigger percent of juveniles convicted for offences against the property were imposed the imprisonment penalty (28.3% comparative to 22.4%) and educational measures (15.4% comparative to 11.4%). The fine penalty was pronounced to 11.4% of juveniles convicted for offences against the person and only to 0.5% of juveniles convicted for offences against the property.

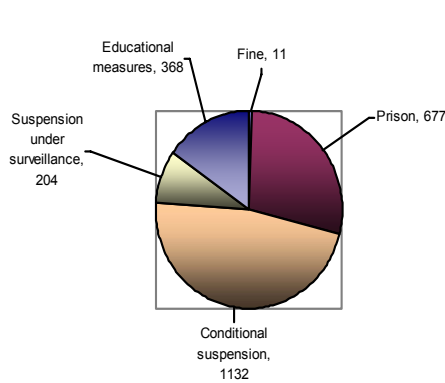


Figure 6. Sentences imposed to juveniles convicted for offences against the property 2009.

Data source: Superior Council of Magistracy

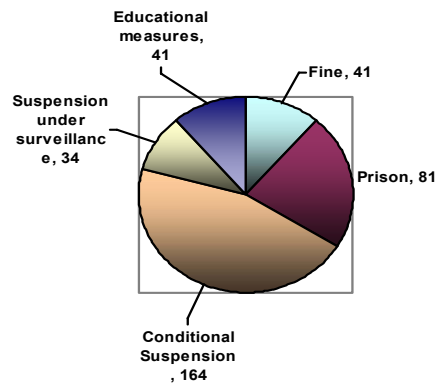


Figure 7. Sentences imposed to juveniles offenders convicted for offences against the person.

Data source: Superior Council of Magistracy

In the attempt to characterize the juvenile justice system, besides the legal framework, the evolution of juvenile delinquency and the sentences imposed to this particular category of offenders, there are other elements that must be taken in consideration, such as: the length of the criminal proceedings, juveniles' perception on the procedures and services, the role of family etc. The assessment of these indicators was based on interviews with juvenile offenders admitted to the re-education centre of Targu-Ocna and imprisoned in the Craiova penitentiary for juveniles and young adults (May-June 2009) and interviews with professionals working within the system (November 2009-February 2010).

3. The duration of the legal procedures

An important element underlined by the legislation is the necessity of a fast reaction to the child's delinquent conduct. Even though the Romanian legislation requires that all juvenile offenders cases to be proceed the juvenile justice process should be fast, the judicial practice shows there are cases when the final sentence

and the implementation of the sentence take place long time after the moment when the offence occurred.

This situation is due to a serie of factors. The law provides certain special provisions for juveniles, who have committed crimes, and the duration of the process is significantly influenced by these and the lack of celerity is determined by the need to comply with procedural requirements, for example: to cited the child's parents/ tutors, the witnesses. Another factor is the insufficient human resource of the justice system: reduced number of judges, that means a higher volume of cases assigned to a judge and high load on the hearing that in the end determines the setting of new hearings and the delaying the process. The requests for adjournment brought by child advocates also conduct to a prolongation of the proceedings.

The long period of time between the (first) offence and the moment when a sentence is imposed and implemented has several negative consequences. On the one hand, during this long period of time, the minor can reach the age of 17 or 18 years, which limits the number of alternatives the court can pronounce. Another effect of the lack of celerity is related to the message it sends to the child, more precisely to the fact the system does not transmit him a clear warning regarding the consequences of offending. In most cases, the lack of a fast reaction from the institutional factors is seen as a lack of a conviction or as a prove he is not going to be punished: „I went with my father to police, to the prosecution office and it was over, that's what I thought. In 2008, during the summer, I don't know, the summer or the autumn, no, in the summer, I got a citation from the cort – in order to reintegrate the offender and protect the victim. I didn't know what it was and I didn't remember. I went by myself to the court.

You realize, a judge...Since I was a minor, the trial was privat and I was left the last one. There were only I, the public lawyer, cause I didn't even had a lawyer. And she asked me:

– Do you know why you are here? On the day of...

I did remember something...two years ago. And I said Yes.

– Do you maintain your statement?

– Yes.

I didn't even remember what had happened exactly, what I had declared and if I changed that declaration.... I went 3-4 times to the court"(juvenile, 17 years, re-education center).

In the same time, insted of a deterrence role, it gives the child the possibility to committe new offences that in the end will conduct to a more severe sentence imposed.

4. Juveniles' perception on the criminal proceedings

The procedures appear to be characterized by a high degree of formalism and poorly adapted to the age of the child so that the juveniles often do not fully

understand the way the system works, its mechanisms and aims. The juvenile doesn't always see the connection between the offences committed and the sanction pronounced. In some cases, he does not understand that his whole conducts (including former offences) are taken in consideration and the role of the different institutions:

“The police took my statement, took me to a placement center for a week...no, for two days, my tests, took my pictures, then said they would bring me here, to the re-education center

- But you didn't go to court before coming here?
- No, they said they would bring me here and that was all. After one week they brought me here
- but in the meantime did you not go ...
- I didn't even go home or anywhere else
- But have you never gone to court before coming here?
- Before they arrested me? I was, but for other offences, I went to trial, I finished that and I started to commit other offences. When they arrested me, they didn't take me to court. They just said: We're going to take you to the re-education center” (minor, 16 years, re-education center)

The institutions the child came in contact with during the criminal proceedings failed to provide him clear information and to enable him to understand how the justice system works. The absence of this information (that the lawyer, policeman, judge might have tried to transmit him, but in a manner not adapted to his age or level of understanding) represents an ignorance of the child's rights and personality. In these conditions, it is difficult to believe the judicial experience could have a positive impact on the re-education of the juvenile.

The juvenile is not always able to understand the proceedings and the decision pronounced is perceived as contradictory to the discourse of the judges

“Three-four times the judge told me – Be careful, don't do it anymore or you'll end up in prison

O'right. It was like she would have told me: I forgive you this time, be careful, next time I won't forgive you anymore

Then I got the sentence – the re-education centre [...]

Even on the last hearing the judge told me: – Good, don't do this anymore

It was like she would have told me – That's it, you are going home, and you forget about everything.

Don't do this anymore or you'll go to prison, next time I won't forgive you, that's exactly what she told me. I remember this: Next time I won't forgive you.” (minor, 17 years).

Sometimes the children see the absence of a resolution or final sentence on the hearing as a prove of the fact that they are going to be convicted: “I went to the court before, but – how to say it- he(the judge) didn't impose the admission, he didn't tell me that I am convicted or something, he didn't tell me anything” (juvenile, 16 years, the re-education center).

An important role during the criminal proceedings, especially in order to explain the juvenile the procedures and to make him aware of the possible consequences of his behavior should have the child's lawyer. With regard to the legislative framework, the Romanian law guarantees children's right to legal counsel, through the lawyer institution. However, the mere guarantee of a lawyer, in the absence of quality standards and precise rules does not automatically lead to a good protection of the children's rights, aspect underlined by the juveniles during the interviews.

Also, some other aspects seem to be still insufficiently understood by the minor and, therefore, perceived as unfair or unjust, for example, the criteria taken in consideration in the sentencing process. They do not realize that measures adopted are based on the analysis of their past behavior and not just on the last offence committed. In consequence they consider unfair that the sentence imposed to them is similar to that imposed to juveniles tried for more facts, although in reality the number and characteristics of the offences, as well as the social context are comparable.

5. The connection with the family

During the implementation of the sentence, family constitutes an important support factor for the juvenile. At the same time its role is equally significant after the release of the juvenile, when the family must farther continue the rehabilitation process began in the institution. The family's reaction can help or hinder the process of social reintegration, often has no financial means to ensure that there so that will appeal to family support.

The importance of maintaining a constant link with the family was transposed into the Romanian legislation, so the *Ministry of Justice Order no. 2714 / C of 20 October 2008 on the duration and frequency of visits, weight and package number and categories of goods that can be received, bought, stored and used by persons in the execution of custodial sentences* gives some additional rights to the children deprived of liberty. The first aspect to be mentioned refers to the higher number of visits that they have 8 per month for minors in prisons, while for minors in rehabilitation centers are guaranteed the right to an unlimited number of visits.

At the same time, the concrete organization of the visit has certain peculiarities in the case of minors. Thus, if the duration of a visit is commonly from 30 minutes to 2 hours, for minors the length of the visit varies from one to 3 hours (art. 2). Notwithstanding the provisions seeking to promote a direct link with the community, especially with the family, the interviews with the juveniles in custody show that in many cases, they rarely maintain contact with the family (especially the number of visits is particularly low. Thus one of the main negative elements experienced by children in custody (as shown in interviews) is the separation from family and friends of those interviewed mentioned constantly.

The most common reason is the precarious economical situation of the families. The juvenile offenders are detained in custody in the closest rehabilitation

center or penitentiary for juveniles and young adults. The purpose of this regional distribution is precisely to promote the connection with the family and the community. However, their small number (six facilities) while juvenile delinquency is a national phenomenon, makes like a part of juvenile to be at a considerable distance from place of residence.

Another factor is the lack of interest of the family. In other cases, family relationship is complicated by the fact that parents or one of them is / was held in prison or gone abroad, therefore visits are very difficult. The meetings with the family are more frequent when the juveniles are transferred for different legal problems (call, appeal, and other cases pending) in adult prisons that are closer to their place of residence.

6. The educational process in the case of juveniles deprived of their freedom

The level of education is one of the factors associated to social non-integration and delinquency. The practical data showed a low level of education in case of minors in custody, aspect the current organization of the system aims to combat. In fact, perhaps the most important advantage of these institutions is that children are able to continue or begin school facts that will implicitly support the future social reintegration process. School attendance is positively assessed by the juveniles in custody, both as a way of spending time as well as for its practical purpose/ advantages. Still school is perceived less as a means of social integration and mobility, but rather for its immediate practical value: they learned to write, read.

The positive attitude towards school is also determined by the influence the school attendance and performance has on the release of the juvenile. In the case of imprisoned juveniles, the completion of a school year translates into a reduction of the sentence, so their motivation to continue (or, as case, start) school is decisively influenced by this. Similarly, in the case of minors admitted to the re-education center, the successful involvement in the educational process is a positive factor that contributes to an earlier release of the child.

Whatever the reasons, it must not be overlooked that school attendance (especially when it is completed with a diploma) is a central factor in the re-socialization of the juvenile and in the reintegration process and efforts made so far in this field must be continued.

The short description of the juvenile justice system revealed a number of positive aspects so far introduced in order to better protect the juvenile offenders and to facilitate the re-socialization process (legal provisions concerning the legal counseling, the tendency to avoid the deprivation of freedom, the new series of educational measures introduced by the new legislation).

