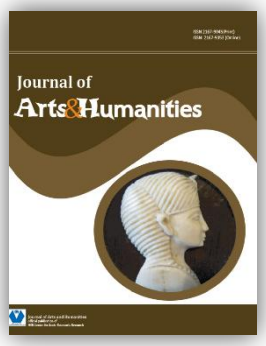

Journal of Arts & Humanities

"De jure" and "de facto" Situation in the Detention System Case study: Romania

Cristina Ilie[1]

ABSTRACT

The main purpose of this paper is to point out the major differences that are found between the situation imposed by the law norms in the area of detention and the facts found in the Romanian imprisonment system, using the technique of social documentsanalysis: specializedbooks, documents, legal acts and also the comparison method.In the beginning of the article I tried to capture the main legislative documents issued at international level and in Romania in the area of the mandatory conditions of detention.Thus, after making an overview of the internationally and nationally "de jure" situation in the specified field, I researched the "de facto" situation of the Romanian prison system. This analysis is performed in the light of the results of the most important reports issued by the specialized institutions and of several decisions of the European Court of Human Rights, in which the Romanian state was convicted of violating the rights of detainees, thus outliningdeficient aspects of the Romanian prison system.

Keywords: Detention system, international legislation, Romanian legislation.
Available Online: 25th February, 2015.
MIR Centre for Socio-Economic Research, USA.

1.0 Introduction

The article aims to highlight the differences discovered between the situation imposed by international and national law ("de jure" situation) in detention area and facts ("de facto" situation) found in the

[1]Assitant professor, PhD., Faculty of Law and Social Sciences, University of Craiova, Romania, Phone: 0040766291455, email: cristin_il@yahoo.com.

system, focusing on analysing the context from Romania, using for this purpose the comparative method.

We used the technique of "social documents analysis: specialized books, documents, legal acts" (Chelcea, Mărginean & Cauc, 1998), in order to highlight both the legislative framework and the actual situation encountered in Romanian prisons.

The paper starts with a survey of the main legislative documents issued by international institutions and with a detailing of the most important aspectsregulated by them in terms of the mandatory detention conditions.

The article will continue with a presentation of the main normative acts governing the detention system in Romania starting with the Constitution, the Criminal Code, the Criminal Procedure Code, Lawsetc.

In the final part of the article, we will discover the actual situation in Romanian prisons, by analyzing the reports of international and nation institutions and somedecisions of the European Court of HumanRights, inwhich Romaniawasconvicted for violatingtherights of personsdeprived of liberty, thushighlightingthemaindeficiencies of the Romanian detentionsystem.

As a branch of criminal law, criminal execution law consists of a set of rules governing the execution of criminal sanctions. Execution criminal law norms can be found in treaties, international conventions, Constitutions, Codes, Laws etc. (Chiș, 2013), all these legislating criminal penalties executions conditions, the rights and obligations of detainees.These norms of law governing legal relationships regarding the execution of criminal punishments,represent the main object of study of criminal execution law and that is why we focused on exposing them, in order to clarify the provisions that are viewed as a "sine qua non" condition of the organization of prison systems.

The theme of the rights of offenders began to be debated by the Enlightenment thinkers such as Beccaria, Montesquieu, Rousseauin the second half of the 18thcentury, strongly arguing the renunciation of torture and death penalty and determiningthe change of feudal criminal law (Sima, 1999).

In the book "Discipline and Punish. The birth of the prison", Michel Foucault presented the period 1330-1848 as being the historic interval that ended the medieval period, characterized by corporal punishment, torture and public executions, thus entering the modern era, in which penalty becomes more "humanized", focusing mainly on imprisonment, controlling the person and transforming the offender (Foucault, 2005).

Thus, we can speak in the beginning of the 19thcentury, of the emergence of classical criminal codes, which took into account the rights of defendants and convicts and imprisonment was massively applied, finding an "experimental fever" in the area of prison organization (Pașca, 1998).

Early 20thcentury brings a new trend in the punishment systems, the rights of the accused and condemned persons are starting to grow and thus in many European countries and the United States there are adopted modern criminal codes, which imposed new types of alternative sanctions to prison regime, like suspension ofpunishment and probation.Already after the second half of the 20thcentury such alternative systems develop and acquire new forms (Coraș, 2009), reaching a real "legislative explosion" in the area of execution penal law and rights of detainees.

The prisoners' rights must be respected just as they are for anyone else, taking into account, of course, the limits imposed by the detention regime and the provisions of court decisions.When we talk about human rights, we refer to the inherent rights of any human being that are imposed by the documents issued by international institutions, beginning with the Universal Declaration of Human Rights (United

Nations, 1948) and the European Convention on Human Rights (Council of Europe, 1950), and ending with the laws of every country. These rights belong to every person and are indivisible, interconnected and interdependent.

To respect the rights of prisoners, who are considered as belonging to vulnerable groups, a series of standards have been imposed at international, European and national levels, ensuring their right and fair treatment.

Since the second half of the 20th century,important detention system reforms have taken place around the world.Criminal policies and those targeting the prison system have been reformed and redrafted according to the imposed standards.

Thus, after the approval of the Standard Minimum Rules for the Treatment of Prisoners, approved by the (United Nations, 1955), and of the Standard Minimum Rules for the Treatment of Prisoners approved by the (Council of Europe, 1973) the penal policies and those concerning the penal systems of the member states have been influenced by the standards included in these regulations.

In Europe, the dynamics of social changes and the increasing development of the human rights issue have led to the creation of a large number of norms, especially recommendations. Of these, the one that caused the most important changes has been the Recommendation Rec (2006)2.

2.0 "De jure" situation found at international level and in Romania inthe detention system

The "Standard Minimum Rules for the Treatment of Prisoners" were adopted in 1955, in Geneva, during the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders. This document was approved by the Economic and Social Council and promotes the principles and good practices for the management of detention establishments and the treatment of prisoners. The fundamental principle of these rules is that of non-discrimination, mentioning the fact that "there shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (United Nations, 1955).

The first part of this document presents the rules of general application and describes the conditions that the penitentiary institutions must follow:

- The keeping of a registration book containing information on the prisoners;
- The conditions for separating the prisoners based on gender, age (minors/adults), criminal record, reason for incarceration, as well as treatment needs;
- Maintenance (it recommends the use of a cell by a single person; the cleaning of the detention place; sufficient lighting of the cells etc.);
- Personal hygiene (maintaining an aspect compatible with self-respect);
- Clothing and bedding (they must be clean and kept in decent condition);
- Food (the schedule must be obeyed, the food must have nutritional value adequate for health and the water must be drinkable);
- Physical exercise and sports (at least one hour of physical exercise and sports in the open air);
- Medical services (at least one medical point must exist; sick people in need of specialist treatment must be transferred to specialized institutions etc.);
- Discipline and punishment (degrading and inhuman punishments are prohibited etc.);
- Instruments of restraint (the use of instruments such as strait-jackets, chains or handcuffsis prohibited);
- Information to and complaints bythe prisoners;
- Contact with the outside world (visitsprogram for family, friends etc.);
- Books (a library must exist);
- Religion (inviting or hiring a priest);

- Guarding the property of the prisoner (the money, valuables and other effects belonging to the prisoner must be kept, under inventory, in a safe place and returned upon release);
- Notifications concerning death, illness, transfer (the right of the family to be notified concerning cases of death, illness or transfer of a prisoner and the right of the prisoner to be notified in case of illness or death of anynear relative and even to visit these people under special conditions);
- Transfer of prisoners (protection of the transferee from insults or publicity, and use of conveyances appropriately outfitted, in order to avoid unnecessary physical hardship);
- The institutional staff (chosen in compliance with the conditions suitable for the work they must perform etc.);
- Inspection (the need for regular inspections of the penal institutions, performed by inspectors qualified in this field) (United Nations, 1955).

Another document that has influenced the area of detentions worldwide is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly Resolution no. 39/46 of December 1984 and coming into force on 26th of June , 1987. Article 1 of this Convention defines torture as "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions" (United Nations, 1984: art.1). This Convention also establishes a committee against torture, whose functions are provided in the same document (United Nations, 1984: art.17).

In Europe, given the situation in the region, the Council of Europe adopted in 1973, the Resolution (73)5 -Standard Minimum Rules for the Treatment of Prisoners (Council of Europe, 1973), which are a reiteration of the rules adopted by the United Nations in 1955.

After 1973, several recommendations were issued in Europe, such as: Recommendation R(75)25 on prison labor, Recommendation R(76)10on certain alternative penal measures to imprisonment; Recommendations R (79)14 and R (82)16 on prison leave.

In 1987, after the increase of the number of European Union member states, the Committee of Ministers adopted, through the Recommendation no. R(87)3, the European Prison Rules, which partially rephrased the Standard Minimum Rules for the Treatment of Prisoners, approved by the Resolution (73)5,taking into account the importance of establishing principles and common goals in the penal policies of the European countries (Council of Europe, 1987).

The Committee of Ministers of the Council of Europe adopted a significant number of Recommendations in the area of detention systems, as follows:

- Recommendations R(89)12 and R(2003)20 on education in prison;
- Recommendations R(88)13and R(92)18 concerning the application of the Convention on the transfer of sentenced persons;
- Recommendation no. R(93)6 concerning prison and criminological aspects of the control of transmissible diseases including AIDS and related health problems in prison;
- Recommendation no. R(92)16 on the European rules on community sanctions and measures;
- Recommendation no. R(97)12 on staff concerned with the implementation of sanctions and measures;
- Recommendation no. R(99)22 concerning prison overcrowding and prison population inflation;

- Recommendation no. R(98)7 concerning the ethical and organizational aspects of health care in prison;
- Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners;
- Recommendation Rec(2000)22 on the implementation of the European Rules on community sanctions and measures;
- Recommendation Rec(2003)22 on conditional release;
- RecommendationRec(2006)2 on the European Prison Rules (Council of Europe, 2006).

It must be noted that, since 1990, the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has visited each member countries several times, publishing reports on prison conditions and issuing recommendations.

Also, the European Court of Human Rights has admitted and trialed a lot of cases concerning the violation of the rights of prisoners.

In Romania, the detention regime is regulated by multiple legislative documents, beginning with the Constitution, the Criminal Code, the Criminal Procedure Code, the Law no. 254/2013 on the execution of sentences and measures ordered by the judicial bodies during the criminal trial, and continuing with approximately one hundred other laws, government decisions, government ordinances, ministry orders, decisions of the general director of the National Prison Administration, nomenclatures and instructions.

Apparently, all of the mentioned laws, underlining the fact that they form only one part of the norms regulating this system, did not have the expected results. The reports issued by the international institutions point out a significant problem, that of prison overcrowding, which has several consequences, such as poor hygiene, limited food resources, a small space for visits, problems in the prison education and labor systems.As mentioned during the 12th European Conference of Directors of Prison Administration, overcrowding is not a consequence of an increase in crime level, but a consequence of changes in penal systems, many countries increasing the number of crimes in the criminal legislation or the prison lengths.

A solution to this problem will be possible only in case of a penal system reform, through the passing of a softer criminal law (Kalinin, 2002). Even the Parliamentary Assembly of the Council of Europe promotes alternative systems to prison, seeing this practice as a solution to the prison overcrowding problem and its consequences, which are unacceptable because they do not protect the prisoners from inhuman and degrading treatments (Council of Europe, Parliamentary Assembly, 2013).

3.0 "De facto" situation in the Romanian detention system

The report issued in 2014 by the Association for the Defense of Human Rights in Romania - the Helsinki Committee, which describes the state of Romanian prisons in 2013, shows small improvements in prison conditions, but the main problems of the prison system of our country are overcrowding and the low quality of medical assistance (Association for Human Rights in Romania - Helsinki Committee, 2013).

The surface for every prisoner should be calculated, in accordance with the recommendations of theConvention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by taking into account a standard of 4m^2 for common accommodation and 9m^{2}for individual accommodation.

Law no. 254/2013 on the execution of sentences and measures ordered by the judicial bodies during the criminal trial and Order no. 433/2010 for the approval of the minimum obligatory norms concerning the accommodation conditions of prisoners in Romania provide for the prisoners, under the detention or high security regime, an area of at least 4m^2, and for people in the semi-open or open regime, for

minors, young people and people in remand custody, a volume of 6m^{3}of air (Law no. 254/2013; Order no. 433/2010, art. 1, paragraph 3).

The 2014 National Penitentiary Administration Report, which includes the data available for 12/31/2013 shows that, by applying these national indicators to the existing infrastructure, a deficit of 4,055 places is noted, a decline in comparison with the previous years (6,248 places for 2011) (National Penitentiary Administration, 2011; National Penitentiary Administration, 2013).

If the standard imposed by the European Court of Human Rights and the European Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of at least 4m^2 would be respected, then the deficit would be of 14,383 places (National Penitentiary Administration, 2013).

According to the report "SPACE I–Council of Europe Annual Penal Statistics: Prison populations. Survey 2012" made for the European Commission, issued on 04/28/2014 and containing data available for 2012, in Romania there were 26,821 places in detention systems, calculated for a surface of 4m^2 for every person, noting an overcrowding of 118.9 people for 100 places (Aebi & Delgrande, 2014).

The European Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CPT) has issued until the present time 9 reports concerning the Romanian prison system, as a result of the visits made in our country in the years: 1995/ 1999/ 2001/ 2002/ 2003/ 2004/ 2006/ 2009 and 2010.Unfortunately for Romania, the reports issued by the CPT have been unfavorable, concluding that in most cases the detention space conditions can be described as degrading and inhuman. Attention is drawn on poor hygiene, lack in the medical system and the accommodation space in prisons, which has, in some prisons, an area between 0.6 m^2 and 1.5 m^2.

The last CPT report, in 2010, has pointed out multiple negative situations, concerning accommodation conditions, violence among the prisoners, mistreatments of minors, visits for minors, medical actions, foodetc. For this reason, an assessment tool has been created, which will help monitor the evolution of the prison system (National Penitentiary Administration, 2010).

Following the visit made in Romania in 2002 by the Human Rights Commissary of Europe Council, it has been noted the existence of an alarming situation in Romanian prisons, an occupancy rate of 137%, the situation being tragic in certain prisons, where this rate was close to 200%.In the years following this visit, the situation of Romania was monitored for the identification of any progress made and of the application of the recommendations. In the report for 2002-2005, the Human Rights Commissary of Europe Council has concluded that the situation in our country has remained difficult, despite the efforts made to remedy the situation. The conditions in certain prisons have been described as deplorable on all aspects: overcrowding, old infrastructure, inadequate medical services.

Concerning the compliance with human rights in accordance with the European Convention on Human Rights, the analysis can be donefrom the point of view of the decisions of the European Court of Human Rights.Even in the activity reports of the National Prison Administration, since 2010, we can find the records of ECHR decisions in which Romania is condemned because of improper prison conditions. Most of the cases are based on the violation of article 3 of the Convention.

In 2010, there were 32 ECHR sentences in which Romania was condemned for poor prison conditions, therefore the Romanian state was obliged to pay 230,470 euro and 10,000 Swiss Francs, representing moral damages to the plaintiffs and trial expenses (National Penitentiary Administration, 2010). In 2011, the European Court of Human Rights pronounced 19 decisions concerning the prison conditions in Romania and the Romanian state had to pay damages in the amount of 278,615 euro (National Penitentiary Administration, 2011). In 2012,the ECHR pronounced 10 decisions in which it condemned the Romanian state for the violation of the rights of prisoners, forcing it to pay the amount of 119,950 euro (National Penitentiary Administration, 2012). During 2013, the European Court of Human Rights has

condemned our country for the state of prisons through 32 court orders and the obligation to pay damages in the amount of 221,819 euro (National Penitentiary Administration, 2013).

By studying all the decisions of the European Court of Human Rights, we can see clear images of the situation of the Romanian prison system. Representative cases areNecula vs. Romania (European Court of Human Rights, 2011), Mihăilăvs. Romania (European Court of Human Rights, 2010) or IacovStânciuvs. Romania (European Court of Human Rights, 2005). In the justifications of these decisions, the court has thoroughly described every aspect specific to each case, analyzing the actual and legal situation, basing its arguments on the information found in the reports issued by the national and international institutions, thus showing a detailed and complex image of the Romanian prison system.

Unfortunately, the image of the Romanian prison system is a negative one, characterized by elements such as overcrowding, poor medical assistance, lack of access to hygiene, improper accommodation conditions, ill-chosen foodetc.

4.0 Conclusions and recommendations

Despite the fact that the international, European and national laws impose rules that must be strictly followed in the field of detention, in order to avoid the risk of violation of the rights of prisoners, by analyzing reports issued by the national and international institutions, as well as the decisions of the European Court of Human Rights, we can reach the conclusion that at the present time, the Romanian prison system is still in a transition period, facing multiple problems, which start from financial problems and have consequences on the general conditions in the Romanian jails and penitentiaries.

We presented at the beginning of the paper the mainnorms of law governing legal relationships regarding the execution of criminal sanctions and have shown that they are the main object of study of penal execution law. But another object of study of this discipline is to examine the actions of objective laws operating in the development of society, "in order to identify the optimal action for compliance with these regularities, precisely in order to find a congruent conduct with them" (Chiș, 2013). Thus we see the dynamic nature of this science, steadily approaching thereality and evolution of social life in order to adapt to the needs of contemporary social life punishments. To fulfill this objective, we have tried to highlight the major differences that are found between the situation imposed by the law norms in detention and the facts found in the Romanian imprisonment system. Hoping that we managed to do so, we drew attention to a serious problem that the Romanian state has, in respecting criminal execution legislation.

Even though considerable efforts are made for repairing the problems in this field, it appears that even at the present time the image depicted by the above-mentioned institutions is a negative one. In order to fix this situation, the system must be improved, especially the infrastructure, meaning the expansion of the accommodation spaces, the improvement of the conditions in the prisons from the point of view of hygiene, furniture, joinery, as well as the services provided, emphasizing the improvement of the quality of medical services.

Although improving all these deficit aspects in the Romanian prison system is an imperative, the main problem is the financial part. And unfortunately, Romania is going through a very difficult financialsituation so investments in detention are far to be a priority of our state. What is there to do in these circumstances? From my point of view, the only solution at the moment is to save money allocated to the National Penitentiary Administration by decreasing the number of persons deprived of liberty and reallocatingthese funds in infrastructure investments. And here comes another obstacle: How can we reduce the number of persons in detention? In this sense, I believe that the solution to the problem is Romania'srallying to the current trend of punishment application, characterized by intermediate punishments -between probation and imprisonment, by probation that has an intense surveillance side, house arrest and semi-detention (Pradel, 1995). Another solution would be to

introduce a softercriminal law, allowing at the same time in a number of cases the application of the above intermediate punishments.

Although the new Criminal Code of Romania, entered into force on 1st of February 2014 provides here and there this type of punishment, unfortunately they cannot be implemented due to the lack of technique and the very harsh criminal laws, further based on the "imprisonment" as the main form of punishment.On the other hand, for corruption offenses, there are written instructions of the supreme court of Romania, High Court of Cassation and Justice (High Court of Cassation and Justice, 2009), which judges must consider in the individualizationof punishment and sentencing. These instructionsare in most cases an impediment to the application of the most favorablecriminal law, often ignoring mitigating circumstances and limiting the purpose of the punishment to general and special prevention. Also, such a guide is undoubtedly a major impediment to the implementation of intensive probation methods, house arrest or semi-detention.

Summarizing the elements presented above, I can say that, to attenuate the deficient situation currently found in the Romanian detention system, the following solutions may be adopted:

- Removingthe High Court of Cassation and Justice Guide of judicial individualization of punishments applied for corruption offenses, document that is an impediment in applying the more favorable criminal law;
- Adopting a softer criminal law;
- Adoptingnewconditions for punishment individualization, that allow for a greater number of offense the applicationof intense probation, house arrest and semi-detention.

Acknowledgment

This work was supported by the strategic grant POSDRU/159/1.5/S/133255 Project ID 133255 (2014), co-financed by the European Social Fund within the Sectorial Operational Program Human Resources Development 2007-2013.

References

Aebi, M. F. & Delgrande, N. (2014). *SPACE I – Council of Europe annual penal statistics: Prison populations. Survey 2012*. Strasbourg: Council of Europe.

Association for Human Rights in Romania - Helsinki Committee (2013). *The 2013 report, regarding the activity of the Association for the Defense of Human Rights in Romania - Helsinki Committee.* Association website:http://www.apador.org/wp-content/uploads/2014/04/Raport-APADOR-CH-2013.pdf.

Chelcea, S., Mărginean, I. & Cauc, I. (1998). *Sociologicalresearch. Methodsandtechniques.* Deva: Destin Publishinghouse.

Chiș, I. (2013). *Criminal executionallaw.* Bucharest: Universul Juridic Publishinghouse.

Coraș, L. (2009). *Alternative criminal penaltiestoimprisonment* (*Sancțiuni penale alternative la pedeapsa închisorii*). Bucharest: C. H. Beck .

Council of Europe (1950). European Convention on human rights/ Convention for the protection of human rights and fundamental freedoms. Council of Europe website:http://www.echr.coe.int/Documents/Convention_ENG.pdf.

Council of Europe (1973). Standard minimum rules for the treatment of prisoners. Council website: https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet. CmdBlobGet&InstranetImage=588982&SecMode=1&DocId=645672&Usage=2.

Council of Europe (1987). European Prison Rules, Recommendation no.R (87)3.Council website:https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1977676&SecMode=1&DocId=692778&Usage=2.

Council of Europe (2006). *European prison rules*. Strasbourg: Council of Europe Publishing House.

Council of Europe, Parliamentary Assembly (2013). *Promoting alternatives to imprisonment.* Council of Europe website: http://www.assembly.coe.int/Communication/ajdoc02_2013.pdf.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. *Officialvisits*. Committee website:http://www.cpt.coe.int/en/visits.htm .

European Court of Human Rights (2005).*Case of Iacov Stânciuagainst Romania (Application no. 35972/05)*.Court website: http://www.judecat.ro/jurisprudenta_cedo/1000041_Cauza_IACOV_STANCIU_impotriva_ROMANIEI_nr_35972_05_Hotarare_din_10_iulie_2012 .

European Court of Human Rights (2011). *Case of Necula vs. Romania (Application no. 33003/11).* Court website: http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{%22itemid%22:[%22001-140930%22]} .

European Court of Human Rights (2010). *Case of Mihăilăvs. Romania (Application no. 66630/10).* Councilwebsite: http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{%22itemid%22:[%22001-140749%22]}.

Foucault, M. (2005). *Discipline and punishment. The birth of the prison*. Translated by Bogdan Ghiu. Pitești: Paralela 45.

High Court of Cassation and Justice (2009). *Recommendations for individualization of penalties for corruption offenses.* National Institute of Magistracy website: http://www.inm-lex.ro/fisiere/d_176/Recomandari%20privind%20individualizarea%20cauzelor%20de%20coruptie%20-%20ICCJ.pdf.

Kalinin, Y. (2002). *The Russian penal system: Past, present and future*. London: ICPS.

Law no. 254/2013 on the execution of sentences and measures ordered by the court in criminal proceedings. Ministry website: http://www.just.ro/LinkClick.aspx?fileticket=w7Fc9pTwSyk%3D&tabid=2604 .

National Penitentiary Administration (2010). *Balance 2010*.Administration website:http://anp.gov.ro/documents/10180/18750/BilantANP2010.pdf/20689442-acfe-4a58-8bd6-01204898fed6 .

National Penitentiary Administration (2011). *The public policy document on improving conditions of detention.* Administration website:http://www.cpt.coe.int/documents/rom/2011-32-inf-fra-annexe2.pdf.

National PenitentiaryAdministration (2012). *Activity report 2012*.Administration website:http://anp.gov.ro/documents/10180/18750/Bilant+ANP+2012/6818a833-3b2e-4af4-8e08-e98f5f354520 .

National Penitentiary Administration (2013). *NPA activity report 2013.* Administration website:http://anp.gov.ro/documents/10180/2256331/Bilant+ANP+2013+Rom.pdf/16418a7b-9258-4f2d-9320-1baea7a7f61f.

Order no. 433/2010 for the approval of mandatory minimum accommodation rules of persons deprived of their liberty.

Pașca, V. (1998). *Safety measures. Criminal penalties.* Bucharest: Lumina Lex.

Pradel, J. (1995). *Droit penal compare.* Paris: Dalloz.

Sima, C. (1999). *Safetymeasures in modern criminal law*. Bucharest: All Beck.

United Nations (1948). The universal declaration of human rights.United Nation website: http://www.un.org/en/documents/udhr/.

United Nations (1955). Standard minimum rules for the treatment of prisoners. United Nation website: http://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf.

United Nations (1984). *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.Office of the High Commissioner for Human Rights website:http://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf.