RESPONSE OF THE GOVERNMENT OF ROMANIA\textsuperscript{1} TO NOTE CU 2011/26

\textsuperscript{1} This document is reproduced in the form and language in which it was received.
In the Romanian prison system the treatment of the inmates is focused towards the inmates needs, granting a special attention to the vulnerable ones (those who suffered physical, mental or sexual violence, minors, youngsters, women) respecting the principles of the punishments execution legality, human dignity, interdiction to torture, inhuman or degrading treatments or another ill treatments and discrimination during the punishment execution (art. 1 – 5 of the Law1).

The penitentiary regime applied is respecting the European Regulations and the CEDO Jurisprudence as concerns:
- **the activities developed** in close connection with repartition and detention spaces, hygiene, clothes, bedding, diet, rest, rewarding and sanction regime and generally by the respecting of the inmates rights;
- **the contact with exterior**.

In the Romanian practice the prison regime is a process where the inmates (in a planned, organised and controlled manner, without discrimination on race, colour, gender, religion, political opinion principles or other order, national or social origin, property, birth or other status) exercises the rights, achieves the lawful interests and fulfils obligations and benefits of the facilities granted with the purpose to contact the support environment, according to the execution regime it is included in2.

The process is planned, organised and controlled because is based on planning and organising documents– interior order regulation and daily programme3 – and developed under the personnel control.

Interior order Regulation is the document by which the detention place director establishes the regulation to be respected by the inmates and prison personnel, in order to ensure an appropriate environment of order and discipline and respecting the inmate’s rights.

The daily programme includes all the activities developed with the inmates during one day. It is differentiated on the execution regime, age, health, productive activities or other activities, season and resting days.

The prison regime applies immediately after the inmate’s arrival to the prison. The inmate is informed concerning the prison regime regulations for the category he/she belongs to, disciplinary requests of the detention place, authorised methods to get information and submit complaints and any other subjects that may allow him/her to know the rights and obligations and to adapt towards the prison life (art. 29 of the Law).

Activities safeguarding the human rights and dignity of the inmate’s refer to the **detention conditions and exercise of rights**.

The relevant requests for the assurance of detention conditions should refer to the dimension, lightening, heating, ventilation and adequate accessories for the inmate health

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1 Law 275/2006 regarding the punishment execution and measures disposed by the judiciary during the penal process

2 Romanian legislation stipulates 4 execution regimes: maximum security, closed, semi open, and open. For the pre-trial’s it is applied a distinct regime.

3 Documents provided by the Regulation fro the enforcement of the Law 275/2006, approved by Government Decision 1897/2006
and to communicate, at any moment, with the personnel. Systemically it is about the following aspects:

- ensuring individual bed and necessary bedding (art. 33 item. 3 of the Law);
- ensuring the natural and artificial lightening (art. 33 item. 2 of the Law);
- ensuring the heating during the cold season and ventilation during the warm season (art. 33 item. 4).
- ensuring the other utilities (toilets, bath, garbage disposal, cleaning the room) (art. 33 item. 4).
- room warming system (art. 33 item. 4).  
For the detention places administration there is the obligation that the detention spaces where the inmates have access should be maintained clean permanently.

- **conscience, opinions and belief freedoms** (art. 40 of the Law)  
The Romanian prison system recognises and respects inmate’s religious and moral cults. Based on his free consent, he/she may participate to services or religious gatherings organised in prisons and may get or have publications with religious character or religious objects.

- **access to public information** (art. 41 of the Law)  
It is achieved by the prison through publications, radio and TV broadcasts or by other authorised means.

- **Consulting personal documents** (art. 42 of the Law)  
Inmates or any other person, with the inmate agreement, have access to the individual file and may get, upon request, copies of it.  
By introducing the Info-Kiosks in all prisons and access ensuring based e-cards would streamline the inmate’s access towards information.

- **Petitions and correspondence** (art. 44 and 45 of the Law)  
In order to ensure the petition and correspondence rights, the prison director has the obligation to take all the measures in order to avail the inmates with all the necessary materials and to install mail boxes inside the prison. Letters collecting is done by the mail firm personnel.  
Answers to petitions and correspondence for the inmates are delivered to the recipient, at once upon arrival, under signature.  
Correspondence is confidential and can be opened or retained only in the limits and conditions provided by the law.

- **Contact with the exterior (phone calls, visits, goods, diplomatic assistance)** (art. 47, 48, 49 and 53 of the Law)  
The inmates have the right, under appropriate supervision, to communicate with them families and friends, on a regular basis, both by telephone and visits.  
Maintaining at high standards the programme for granting the visit right for the inmates, based on a telephonic, e-mail or at the gate prior schedule, means respect for the visitors, decreasing them waiting period of time and increasing the effective visit time and responsibility, achieving separation on regimes, age categories and gender and streamlining the access to the spaces for the inmates rights granting to parcels and visits.  
The intimate visit it is not provided as right in any international provision and it is not recognised as right neither by the CEDO Jurisprudence. (case Aliev vs. Ukraine, cause

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4 It is about the minister of justice order 433/C of 5 February 2010 for the approval of the minimal compulsory Regulations concerning the inmates accommodation conditions

5 minister of justice order 2714/2008
Dickenson vs. Great Britain). The intimate visit in the Romanian legislation has the juridical nature of a right under condition.

The implementation of the **access system to telephone services and shopping based on personalised e-card** ensures shopping and phone calls accessibility and efficiency and not in the least the electronic management of money.

According to national legislation, any inmate has the right to make weekly, by his own expense, at least one phone call from the phones placed in the detention area, with persons from the outside, both nationally and internationally. In practise, in the Romanian prison system, any inmate has the possibility to make phone calls daily.

In order to keep constant connections and to improve the affinities with the families of the youth from the centre of reeducation and youth juvenile centers, women that are in special situations and inmates that are hospitalized in prison hospitals, it is going to be developed a similar procedure to one of granting the right of phone calls through an “internet” network, that works on-line.

Money, valuable belongings, clothes and other objects belonging to the inmate that cannot be kept by him during the execution of the punishment are being kept in a safe place. The inventory book is signed by the inmate. All the necessary actions are being taken in order to keep the goods in great conditions. When the inmate is being discharged all these belongings and the money are given back, except the cases when he was allowed to spent the money or to sent them outside the penitentiary or when it was necessary to be destroyed due to hygienically reasons. Money or other things received by the inmate during the punishment that are given to him for use, are being kept using the same methods.

Inmates that are foreigners are granted some facilities to communicate with the consulates and diplomatic representatives of the nation they belong to.

The inmates that are foreigners and belong to states that has no consulate or diplomatic representatives in the country he is arrested and refugees or stateless persons benefit of some communication facilities with the countries that have consulates or diplomatic representatives or any other national or international authority with the purpose of protecting them.

- **everyday walk (art. 48 of the Law)**
  
  Any inmate has the right to at least one hour of outside walking, if the whether is good.

  The courtyards where they go outside have equipment for physical exercises.

  Starting with the second trimester of the year 2012, the Romanian penitentiary system will implement a calculation methodology for the time spent outside by the inmates.

- **the right of getting married (art. 54 of the Law)**
  
  The inmates have the right to get married while in prison. The administration of the penitentiary has the obligation to assure necessarily conditions for the inmate to get married. After getting married, the couple can stay in a special room, in penitentiary, for 48 hours.

- **hygiene (art. 55, par. 1 b of the Law)**
  
  The inmates must be clean, presentably and for this - water and also compulsory articles for hygiene and health are provided. The administration of the penitentiary offers to the inmates, in order to keep their self esteem, the facility of haircutting and regularly shaving.
- **Nutrition** (art. 35 of the Law)
  Every inmate has the right to get a good alimentation, proper for his health, with an adequate nutritional value of a good quality. Drinkable water must be available for the inmates at any time.

- **Clothing** (art. 34 of the Law)
  All the clothes must be cleaned and kept in decent conditions. Inmate’s clothes are always verified, in order to establish if they are clean and proper to be wear.
  
  The progress in assuring detention conditions at standards accepted by the European community and respect for the inmate’s rights will be assured by creating a database that refers to the CEDO causes, decisions of the delegate judge for the punishment execution and decisions issued by the courts.

- **The second groups of specific activities to the prison regime are the** activities that allows the inmates to execute the punishment accordingly and that **refers to discipline, order, complaints addressed to the detention place, rewards.**

- **Discipline and order** (art. 70 – 74 of the Law) are strictly kept, but not with more restrictions that is necessary, for a safe and well organised custody.
  
  No inmate has disciplinary powers. This does not means that for the good functioning of certain educational or sportive activities, responsibilities could not be given to certain inmates.
  
  In the interior order Regulation are provided:
  - the behaviour that represents an disciplinary misbehaviour;
  - the type and length of the sanction that could be applied;
  - the competent authority to apply the disciplinary sanction;
  - appeals.

  No inmate is disciplinary sanctioned if the act or action are not stipulated by the interior regulation, having the Law as background and in no case should be disciplinary sanctioned twice for the same offence.

  No inmate is disciplinary sanctioned until the moment he/she is informed by the disciplinary misbehaviour and did not get the possibility to defend. The Disciplinary Commission examines always the case.

  The body punishment or confinement to a dark cell or any kind of degrading and inhuman punishment it is strictly forbidden as punishment for disciplinary violations.

  The disciplinary sanction with isolation is never applied without the doctor examination on the inmate and certification in writing that the inmate is able to bear isolation. The doctor visits daily the inmates sanctioned with isolation and inform the director if he considers that the sanction should be ceased.

  Control over the appliance manner of the disciplinary sanctions is exercised by the delegated judge for the imprisonment punishments execution and the court.

- **Complaints** (art. 44 of the Law)
  Any inmate has the right to address certain requests or to submit complaints towards the director of the detention place or other person that represents him/her.

  Inmates may submit requests or complaints to the control bodies during inspections.

  The inmate can talk with the inspector or any person from its team without the detention place director or other member of the personnel to be present.

  Any request or complaint is examined and solved.

- **Rewarding System**, adequate to the execution regimes, is established in each detention place with the purpose to encouraging good behaviour; develop responsibility and co-operation between inmates.
Now, in the Romanian prison system is developed a Credit System for the inmates participation to the activities developed in the prison, meaning the rewarding and sanctioning of them behaviour, evaluating qualitative and quantitative them participation in activities.

In any detention place there is a library for all the inmates categories, with general and technical literature and the inmates are encouraged to read them.

More information concerning the activities and programmes developed for the social reintegration of the inmates could be found in English language the Annexes 1 and 2 enclosed to this document.

Also, attached to this document could be found the updated form of the Law 275/2006 in English language.

10 February 2012

Ministry of Justice
National Administration of Penitentiaries
Presenting the Education and Psychosocial Assistance Field
GENERALITIES

The detention places are endowed with classrooms, libraries, clubs, psychology labs, sports grounds, spaces for outdoor activities, place for religious activities, rooms to ensure juridical assistance, rooms for intimate visits.

The detention wing is divided in such a way to ensure the conditions necessary for separating detainees depending on the prison regime.

The National Administration of Penitentiary has in custody minors, youngsters and adults.

The minors have a different judiciary situation:
- admitted with disciplinary measures in 3 Reeducation Centres - Gaesti, Tg Ocna and Buzias,
- pre-trial minors /convicted to a prison sentence in prisons for minors and youngsters.

The minors and youngsters convicted to a prison sentence are in 3 prisons for minors and youngsters - Craiova, Tichilesti and Tg Mures.
The pre-trial are boarded in the different sections of these prisons for minors and youngsters.

There are 31 penitentiaries for adults ant 1 for women. The pre-trials are boarded in the separate sections.

Also, the medical assistance is provided in 6 hospital-penitentiaries.

The main goal in applying a prison sentence is moral and social recovery of people who have committed offences, by restructuring their personality, shaping and developing habits and attitudes necessary for their re-entry in society.
Social Reintegration Staff
Who are they? What do they do?

Psychosocial Assistance STAFF

- **The psychologist** organizes and unfolds psychological care programmes, evaluation and psychological counseling activities
- **The social worker** organizes and unfolds social care programmes, evaluation and social counseling activities

Education STAFF

- **The educator** organizes and unfolds educational programmes and activities, but also individual informing interviews.
- **The priest** organizes and unfolds religious activities, moral counseling and celebrates religious services
- **The sports monitor** organizes and runs programmes and sport activities.
- **The sports monitor** organizes and runs programmes and sport activities.
- **The technical agent** is the administrator of radio-tv set and ensures the function of radio-tv studio.
1. The stage of detainees evaluation
The period of evaluation starts once the detainees are lodged and lasts between 21 and 30 days, possible until 40 days.

What happens to the detainees?
They participate in *Evaluation and training programme for institutionalized life*.

What does the personnel from education and psychosocial assistance office?
The educator, social work and the psychologist evaluate the detainees to identify school situation, family situation and his personality. Based on the results, for each detainee they fill the education and psychosocial assistance file, compose/identify the profile for each of them and propose an individual evaluation, *Educational and therapeutic intervention plan*.

Where can we find the activities and programmes which involve the detainees?
The proposal of activities and programmes are noted in Individual plan of evaluation, education and therapeutic intervention. The plan is submitted to the detainee, and the interventions on which he agreed become mandatory for him. By not respecting these obligations he shows lack of interest for social re-integration.
The Assessment and Training for Institutional Life Programme

- The programme's objectives:
  - the evaluation of the educational, social and personality needs
  - the establishment of the detainee's necessary interventions, for the period of conviction in the Individual Development Plan
  - informing the detainee on internal regulation and social rules

- Unfolded by the teacher, with the support of the psychologist, social worker and the priest

- Duration: the entire Evaluation period

- Frequency of the meetings with the inmates: daily

- Addressed to the newly arrived inmates
2. Intervention`s stage
What does the education and psychological staff?
Guides the detainee, evaluates his participation in activities, in programmes, establish the progress or involution and reasons.

The intervention stage lasts the entire detention period

What happens with the inmates?
They participate in programmes and activities established in the Individualized Evaluation, Therapeutical and Educative Intervention Plan, but also in other suggested activities.

POSSIBLE INTERVENTIONS

Psychological activities with one detainee:
- initial evaluation (performed during the evaluation period; psychological needs are established in order to plan for specialized intervention and evaluate risks), intermediate evaluation (during conviction; the results at the completion of the programs are used to measure the detainee`s evolution; also used by the Committee for tailored punishment) and final evaluation (performed in the preparatory (for liberation) period)
- the psychological counseling so that the detainee learns to better know himself, to face the problems that he is confronted with.

The psychological programmes are long term and aimed at gaining balance and developing personality.
Social activities with one detainee:
- **initial and intermediate evaluation** - aimed at identifying the social needs to plan for the specialized intervention, but also for monitoring
- **social counseling** - to help the detainee to better communicate with family and friends, to solve his social issues (pensions, social allocations, children custody, documents, etc).

The social programmes are long term and usually task-oriented - for instance, how to contact a firm, how to deal with a job interview, how to apply for a job, etc.

Educational activities with one detainee:
- **evaluation** - provides a diagnosis, an education and family profile, and is performed at the beginning, during and at the completion of the sentence execution
- **education talks** - help the detainee to find solutions for his problems (school, work, rights and obligations related)

The education programmes are long term, aimed at improving the education skills of the detainee.
SCHOOL Programme

- **The programme objective:** completing schooling level

- **Organized** by the educator in charge with schooling activities

- **Unfolded** by teachers from Primary School .../ High School

- **Duration:** a school year

- **Prisoner meeting frequency:** established by the prison depending on the education form (daily courses, extramural courses, low attendance courses, distance courses, etc.)

- **Designed for:** the sentenced people who have not concluded their school courses.

- **Venue:** classroom
JOB TRAINING Programme

- The programme objectives:
  - developing some specific skills / social competences
  - qualifying for a craft
  - getting information on the available workplaces requested by the labour market that they might obtain after release

- Organized by the educator altogether with the social assisnten

- Duration: from 3 to 6 months

- Prisoner meeting frequency: on a daily basis

- Designed for the sentenced people with craft skills and competences that are willing to obtain some job qualification

- Unfolded teachers from the Employment Agency

- Venue: classroom / workshop
READING AND WRITING SKILLS Programme

- The programme objectives:
  - developing writing and reading skills
  - shaping basic arithmetic calculation skills
- Organized and unfolded by the educator
- Duration: 8 weeks
- Prisoner meeting frequency: on a daily basis
- Designed for uneducated people
- Venue: the wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
HEALTH EDUCATION Programme

- The programme objectives:
  - acquiring individual and collective hygiene rules
  - adopting a healthy lifestyle
  - preventing outbreaks
  - preventing infestation with transmissible diseases - HIV virus

- Organized and unfolded by the educator

- Duration: 13 weeks

- Prisoner meeting frequency: twice a week

- Designed for all prisoners

- Venue: the wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
FAMILY LIFE EDUCATION Programme

- The programme objectives:
  - improving relationships with family members
  - developing marital, parental, family roles / responsibilities

- Organized and unfolded by the educator altogether with the social assistant

- Duration: 11 weeks

- Prisoner meeting frequency: twice a week

- Designed for all prisoners

- Venue: the wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
CIVICS EDUCATION Programme

Programme objectives:
- making prisoners be aware of their rights and teaching them to respect the rights of the others
- having the possibility to become a good citizen/to adopt a pro-social behaviour accepted by the ones around

Organized and unfolded by the educator together with the social assistant

Duration: 11 weeks

Prisoner meeting frequency: twice a week

Designed for: all the detainees

Place: the wing club

Proposals for compensations can be made for prisoners participating constantly, interestedly and seriously in the programme and having good results!
MORAL-RELIGIOUS EDUCATION Programme

Programme objectives:
- promoting the moral-religious values
- stimulating moral behaviours

Organized and unfolded by the priest

Duration: between 1 and 3 months

Prisoner meeting frequency: once or twice a week

Designed for all the detainees that want to live according to moral-religious values

Venue: prison chapel / wing club

Proposals for compensations can be made for prisoners participating constantly, interestedly and seriously in the programme and having good results!
SPORTING - RECREATIONAL Activities

Activities objectives:
- maintaining physical and mental tonus
- developing competitive and team spirit

Organized and unfolded: sport monitor/ responsible educator

Duration: permanent.

Prisoner meeting frequency: daily

Designed for all the detainees that wish to maintain their psychosomatic tonus; for some activities the physician’s approval

Venue: sports ground/ gymnasium/ walking yard/ wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
ARTISTIC AND CULTURAL Activities

Activity objectives:
- developing skills/competences such as painting, graphics, drawing, modelling, sculpture, musical/literary composition (poetry, novel, theatre), artistic manifestation (literary circle, stage/vocal-instrumental interpretation, dancing), lacing (tapestry), periodical magazines (articles), radio-tv shows (reports, documentaries), reading and analyzing literary texts, thematically contests, etc.
- Promoting the artistic results in the penitentiary/ community

Organized and unfolded by agent / responsible educator

Duration: permanent

Prisoner meeting frequency: established in every penitentiary depending on the room, human resources and detainees’ abilities.

Designed for all the detainees with specific abilities

Venue: section club / penitentiary’s library / reading room/ occupational workshop

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
INITIATION Courses

- The activity objectives:
  - Learning and fathoming the PC knowledge /and of an international circulation language etc.

- Organization and development by the agent / the responsible educator

- Duration: permanent.

- Prisoner meeting frequency: two times a week

- Designed for all inmates

- Venue: the wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
Activities unfolded in partnership with EXTERNAL COLLABORATORS

Models

- Moral-religious activities carried out periodically in prison by the representatives of the nongovernment organisations, NGO’s of the religious cults

- Activities related to the prevention of the infectious diseases, unfolded periodically in prison, by the volunteers of the specific NGO’s-Red Cross Romania

- Activities in the community which are organised by exhibitions/volunteer activities at museums, theatres, exposition halls, sports grounds, churches, camps for minors etc.
The therapeutical programme for the EX DRUG USERS

-The programme objective:
  - preventing relapses by developing change motivation

-Organised and developed by: a psychologist (psychotherapeutic module) in collaboration with the educator (information module).

-Duration: between 3 and 6 months

-Prisoner meeting frequency: two times a week

-Designed for those sentenced for drug traffic/drug abuse and other addictions (alcohol, tobacco)

-Venue: psychological parlour / wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
The psychotherapeutic programme for
PERSONS WITH AGGRESSIVE BEHAVIOUR

**Objectives:**
- developing self-control

**Organised and unfolded** by the psychologist

**Duration:** between 3 and 6 months

**Prisoner meeting frequency:** two times a week

**Designed** for the persons who can hardly control their anger and who speak aggressively and have an aggressive behaviour

**Venue:** psychological parlour / wing club

Proposals for compensations can be made for prisoners participating constantly, interestedly and seriously in the programme and having good results!
The psychotherapeutic programme for OLD PEOPLE

Objective:  
- learning how to use some social protection forms

Organised and unfolded by the psychologist together with the social assistant

Duration: between 3 and 6 months

Prisoner meeting frequency: two times a week

Designed for inmates older than 60 years (for 55-year women)

Venue: psychological cabinet / wing club

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
The psychotherapeutic programme for REDUCING RE-OFFENDING IN SEXUAL ABUSE

Objective:
- Prevention of recidivism and sexual abuse (rape or paedophilia)
- Respecting the rights of the others to intimate life and sexual freedom

Organised and unfolded by the psychologist
Duration: between 3 and 9 months

Frequency of the meetings with the inmates: two times a week

It addresses to the persons which committed sexual crimes

Unfolding place: psychological cabinet / club of the section

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
The psychotherapeutic programme for PREVENTING THE SUICIDE RISK

Objective:
- Preventing and diminishing the ideation/suicidal attempt

Organised and unfolded by the psychologist

Duration: between 3 and 6 months

Frequency of the meetings with the inmates: two times a week or how many times there is the need in risk situations

It addresses to the depressive persons with suicide risk

Unfolding place: psychological cabinet / club of the section

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
The psychotherapeutic programme for PERSONS WITH PSICHICAL AFFECTIONS

Objectives:
- To accept the problems that he has and to succeed living as the others

Organised and unfolded by the psychologist

Duration: between 3 and 6 months

Frequency of the meetings with the inmates: two times a week or how many times there is the need in risk situations

It addresses to the persons with mental health problems

Unfolding place: psychological cabinet / club of the section

Proposals for compensations can be made for prisoners participating constantly, interestedly and seriously in the programme and having good results!
DEVELOPING THE SOCIAL ABILITIES Programme

Objective of the programme:
- Developing the relational abilities and of the pro social ones

Organised and unfolded by the social assistant

Duration: 3 months

Frequency of the meetings with the inmates: two times a week

It addresses to the inmates with less relational possibilities

Unfolding place: social assistance cabinet

Proposals for compensations can be made for prisoners participating constantly, interestingly and seriously in the programme and having good results!
3. Preparing for release phase
The period for preparing for release, starts with at least 3 months before release.

What happens with the inmates?
The inmates participate to specific activities and programmes for preparing in order to simulate, especially, the social and professional abilities, but also the familial, schooling and relational ones.

What is doing the education and social assistance staff?
The social assistant is responsible and he is helped by the educator and psychologist. The specialists establish how prepared is the inmate for returning into the community and how can be helped by institutions: AJOFM (labour office), NGO’s which can assure housing and material support.

Helpful documents?
- the pathway and final assessments referring to his responsabilization and social independence.
PREPARING FOR RELEASE Programme

Objective of the programme:
- he's assisted regarding what he must do after release in order to be accepted into the community

Unfolded by the social assistant, in collaboration with the educator, the priest and the psychologist

Duration: at most 3 months

Frequency of the meetings with the inmates: two times a week

It addresses to the inmates who are going to be released
FILE
OF
EDUCATION AND
PSYCHOSOCIAL
ASSISTANCE
FILE I
INITIAL EDUCATIONAL FILE

1. Identification data:

Surname ___________________________________ Name__________________________
Birth date ________________________ Nationality ____________________________

Penal situation:
FAP ☐ AP ☐ R ☐ Number of imprisonment punishments: ☐

Data of arrest: _______________________________________________
Data of the last release from the prison: ___________________________

Specialised on a certain type of offence: YES/NO (which kind ______________)

Other kinds of offences in the criminal records: __________________________________________
________________________________________________________________________________

Being known as belonging to the organised crimes groups: (networks, clans etc.) YES/ NO

2. Education level on arrival in the prison:

Illiterate ☐ Elementary school ☐ (classes _________)

Gymnasium ☐ (classes _________) High school ☐ (classes _________)

University ☐ (year _________)

Last school graduated:___________________________________________

Existence of the documents that acknowledge the education level: YES/ NO

3. Vocational status on arrival in the prison:

Qualification __________ Existence of the documents that acknowledge the qualification: YES/ NO

Occupation __________________________

Previous working places (if necessary) ____________________________________________
________________________________________________________________________________
4. **Aptitudes and concerns:**

   Availability to participate in educational activities and programmes: **YES/ NO**

   Availability to participate in productive activities: **YES/ NO**

   **Aptitudes:**
   - Artistic
   - Technical
   - Sport
   - Science

   Others ___________________________________________

   **Domains of concerns:**
   ___________________________________________
   ___________________________________________
   ___________________________________________

5. **Conclusions and recommendations:**
1. Changes in the schooling/vocational situation during the imprisonment:

**Participation in schooling activities:**

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<th>Class / university year</th>
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**Participation in the vocational trainings:**

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**Participation in the productive activities:**

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2. Particular events during detention:

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<th>Date</th>
<th>Events</th>
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3. Conclusions and recommendations:

Date............................  Prison....................................................
Educator (surname, name, signature )...............................................................................................
1. IDENTIFICATION DATA:
Surname __________________________ Name ____________________________
Son of / Daughter of _____________ and of _______________ born on __________
Domicile / Residence ________________________________________________
Living without legal forms ____________________________________________
Home characteristics: apartment □ house □
Property type: property □ rent □ social house □
without house □ living with the relatives/friends □
Environment of origin: rural □ urban □
Civil status _________________________________________________________
Contact person (in special circumstances): ______________________________
Address/telephone __________________________________________________

2. DATA CONCERNING THE INMATE FAMILY:

Family of origin:

<table>
<thead>
<tr>
<th>Family members</th>
<th>Surname and name</th>
<th>Birth data / age</th>
<th>Address</th>
<th>Occupation and working place</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Father</td>
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<tr>
<td>Mother</td>
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<tr>
<td>Other persons</td>
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</table>

Brothers/sisters (no.) ________________________________
Other situations:

___________________________________________________________________________
______________________________________________________________________________

Material situation of the family:


Family environment:


Relations with the family members (after arrest):


The family (including the concubinage):

<table>
<thead>
<tr>
<th>Family members</th>
<th>Surname and name</th>
<th>Date of birth/age</th>
<th>Address</th>
<th>Occupation and working place</th>
<th>Comments</th>
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</thead>
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<tr>
<td>Wife/Husband Concubine</td>
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<tr>
<td>Children</td>
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</tbody>
</table>
Material situation of the family:

Familial environment:

Relations with family members (after arrest):

Other relevant information, identified after the initial evaluation (if necessary):

Other relevant information, obtained during the evaluation period of time from exterior sources – file, family, other persons etc. (if necessary):
3. IDENTIFIED NEEDS:

- social abilities:  training ☐ development ☐
- mediation of the interfamilial relationships (conflicts between parents and children, husband and wife, prevention of the ☐ domestic violence)
- development of the link with the support ☐ environment
- relapse prevention (development of the decisional abilities for the risk ☐ situations)

Other needs:

RECOMMENDATIONS:

Date............................ Prison....................................................
Social assistant (surname, name, signature, stamp)...........................................
FILE II
SOCIAL FILE
CONCLUSIONS OF THE PERIODICAL SOCIAL EVALUATION

IDENTIFICATION DATA:
Surname _____________________________ Name ____________________________________
Birth date_____________________Father_______________Mother_________________________

New identified elements/changes in the previous evaluated domains:

RECOMMENDATIONS:

Date......................... Prison........................................
Social assistant (surname, name, signature, stamp)....................................................................................
IDENTIFICATION DATA:
Surname _____________________________ Name _____________________________
Date of birth_____________________ Father _______________ Mother ________________

I. GENERAL PSYCHOLOGICAL ASSISTANCE DOMAIN

GENERAL ASPECTS (notable behaviour or resulted information after the interview):

I.1. Relationship pattern
Assertive
Passive
Aggressive
Passive-aggressive

Relevant example concerning the relationship pattern_____________________________________
________________________________________________________________________________
________________________________________________________________________________

I.2. Communication abilities (level)
Low
Medium
High

I.3. Emotional maturity (level, depending on the age)
according to the age
lower to the age

Main emotional mood (on the moment of evaluation)
positive
negative
balanced

I.4. Intellectual development correlated with the educational level
YES
NO

(If not, which in difference)___________________________________________________

Capacity in solving the problems______________________________________________

I.5. Attitude towards the offence (guilt, assuming the responsibility, manner of solving the problems)

II. DOMAIN OF THE SPECIFIC PSYCHOLOGICAL ASSISTANCE

RISCS IDENTIFIED ON EVALUATION:

II.1. Suicide/suicide equivalences
YES
NO

II.2. Aggression management
hetero-aggression
self-aggression
YES
NO
II.3. Substance/alcohol consumption

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<thead>
<tr>
<th>YES</th>
<th>NO</th>
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II.4. Mental illnesses

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<th>YES</th>
<th>NO</th>
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II.5. Sexual aggressiveness

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II.6. Victimisation

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<th>YES</th>
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</table>

Other relevant information, identified following the initial evaluation (if necessary):

Other relevant information, obtained during the evaluation period of time from exterior sources – file, family, other persons etc. (if necessary):

Date .................. Prison ..................................................
Psychologist (surname, name, signature, stamp) ..........................................................
FILE III
PSYCHOLOGICAL FILE

CONCLUSIONS OF THE INITIAL PSYCHOLOGICAL EVALUATION

IDENTIFICATION DATA:
Surname _____________________________ Name ____________________________________
Date of birth _____________________Father _______________ Mother _______________________

A. General psychological assistance domain

Will be completed only if there were identified relevant elements, which require psychological assistance (others than the identified risks)

B. Specific psychological assistance domain

Identified risks on the moment of evaluation:

Will be completed only if there were identified risks for the evaluated sub-domains

RECOMMENDATION:

Will be mentioned the programmes and/or activities which respond to the identified risks or needs for general psychosocial assistance underlined by the domain of the general psychological assistance.

Date ………………… Prison ………………………………………….
Psychologist (surname, name, signature, stamp) …………………………………………………………

Date ………………… Prison ………………………………………….
Psychologist (surname, name, signature, stamp) …………………………………………………………

13
CONCLUSIONS OF THE PERIODICAL PSYCHOLOGICAL EVALUATION

IDENTIFICATION DATA:
Surname _____________________________ Name ____________________________________
Date of birth_____________________Father_______________Mother_______________________

B. A. General psychological assistance domain

Identified elements:
Will be completed only if there were identified new relevant elements (others than the identified risks), which require psychological assistance.

B. Specific psychological assistance domain

Identified new risks:
Will be completed only if, at the moment of evaluation, were identified new risks for the evaluated sub-domains

C. Changes (significant) registered for the previously evaluated sub-domains as problematic:
Will be provided only the changes registered on the domains previously evaluated as problematic

RECOMMENDATIONS:
Will be mentioned the programmes and/or activities which respond to the identified risks or needs for general psychosocial assistance underlined by the domain of the general psychological assistance

Data………………… Prison ...........................................................................
Psychologist (surname, name, signature, stamp)……………………………………………….
FILE IV
FILE FOR MORAL AND RELIGIOUS ASSISTANCE

1. IDENTIFICATION DATA:

Surname ________________________________ Name _________________________________

Baptised  YES / NO  Weded  YES / NO

2. Religion (on the arrest moment and during the punishment execution):

<table>
<thead>
<tr>
<th>No.</th>
<th>Confession/Religion</th>
<th>Date</th>
<th>Comments</th>
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3. Moral and religious activities where participated during the detention:

<table>
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<tr>
<th>No.</th>
<th>Prison</th>
<th>Activity</th>
<th>Date/Period of time</th>
<th>Comments</th>
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</table>
4. Other interest data:

5. Conclusions and recommendations:

Table with the priests that are filling in the file:

<table>
<thead>
<tr>
<th>Surname, name</th>
<th>Prison</th>
<th>Date of completion</th>
<th>Signature</th>
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</table>
FILE V
INDIVIDUALISED PLAN OF EVALUATION, EDUCATIVE AND THERAPEUTICAL INTERVENTION

IDENTIFICATION DATA:
Surname _________________________________ Name _____________________________________________________
Birth date ___________________________ Father _________________________   Mother ________________________________________

<table>
<thead>
<tr>
<th>Educational</th>
<th>Activities and educational programs</th>
<th>Prison</th>
<th>Surname and name of the specialist</th>
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<tr>
<th>Social assistance</th>
<th>Counselling and social assistance programs</th>
<th>Prison</th>
<th>Surname and name of the specialist</th>
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<tr>
<th>Psychological assistance</th>
<th>Counselling and social assistance programs</th>
<th>Prison</th>
<th>Surname and name of the specialist</th>
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Members of the individualisation commission,

1. ____________________________________________ 5. ____________________________________________
2. ____________________________________________ 6. ____________________________________________
3. ____________________________________________ 7. ____________________________________________
4. ____________________________________________

(rank, surname, name)
FILE VI
PARTICIPATION COMMITMENT AT THE INDIVIDUALISED PLAN OF EVALUATION, EDUCATIVE AND TERAPEUTICAL INTERVENTION

Undersigned_________________________ born on ____________, son/(daughter) of_________________ and of __________________ have been informed concerning the offer of activities provided by the departments of Education and Psychosocial Assistance from the prison and concerning the Individualised plan of evaluation, educative and therapeutically intervention, which achievement I commit to participate.

I mention that I have been informed concerning the consequences that occur from the not compliance of the (tasks) obligations that are on my behalf following the signature of this commitment.

I agree _________________________________                               (signature of the inmate )

I disagree ________________________________                               (signature of the inmate )

Reason ______________________________________________________________________________________________________
____________________________________________________________________________________________________________
____________________________________________________________________________________________________________

Date __________________

Expressed in my presence,
Rank, surname, name ____________________________
Signature _______________________________
FILE VII
DEVELOPMENT OF THE EDUCATIONAL INTERVENTION

<table>
<thead>
<tr>
<th>Responsible of the programme (rank, surname, name, prison)</th>
<th>Programme/ Activity</th>
<th>Date of beginning</th>
<th>Date of ending</th>
<th>Final Evaluation</th>
<th>Comments</th>
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</table>
### FILE VII
DEVELOPMENT OF THE PSYCHOLOGICAL INTERVENTION AND SOCIAL ASSISTANCE

<table>
<thead>
<tr>
<th>Responsible of the programme (rank, surname, name, prison)</th>
<th>Programme/ Activity</th>
<th>Date of beginning</th>
<th>Date of ending</th>
<th>Final Evaluation</th>
<th>Comments</th>
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PROCEDURAL DISCIPLINARY ACTIONS

Date: __________________
Proposal:
________________________________________________________________________________
________________________________________________________________________________
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Deputy Director for education and psychosocial assistance /  
Head of Department/Office for education and psychosocial assistance  
Surname________________ Name ____________  
Signature _______________________________

Date: __________________
Proposal:
________________________________________________________________________________
________________________________________________________________________________
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___________________________________________________________________________

Deputy Director for education and psychosocial assistance /  
Head of Department/Office for education and psychosocial assistance  
Surname________________ Name ____________  
Signature _______________________________

Date: __________________
Proposal:
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
___________________________________________________________________________

Deputy Director for education and psychosocial assistance /  
Head of Department/Office for education and psychosocial assistance  
Surname________________ Name ____________  
Signature _______________________________

* Should be filled in only if it is proposed the modification of the execution regime of imprisonment.
TITLE I
General provisions

ART. 1
Lawfulness of enforcement of punishments
The enforcement of punishments shall be carried out in compliance with the provisions of the Criminal Code, of the Criminal Procedure Code and of this law.

ART. 2
Grounds of enforcement of punishments
The punishments shall only be served pursuant to certain final judgments of conviction.

ART. 3
Respect for human dignity
The punishments shall be executed such terms as to safeguard respect for human dignity.

ART. 4
Interdiction of torture, inhuman or degrading treatments or other ill-treatments
(1) It shall be prohibited to subject any person that is serving a punishment to torture, inhuman or degrading treatments or to other ill-treatments.
(2) Any violation of the provisions of paragraph (1) shall be punished according to the criminal law.

ART. 5
Interdiction of discrimination in enforcement of punishments
(1) While enforcing the punishments is shall be forbidden any form of discrimination on grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, political affiliation, beliefs, wealth, social origin, age, disability, non-infectious chronicle diseases, HIV/AIDS infection or other grounds.
(2) Any violation of the provisions of paragraph (1) shall be punished according to the criminal law.

ART. 6
Judge delegated for the enforcement of the imprisonment punishments and the delegated judge with the department of criminal enforcements
(1) The enforcement of punishments shall be carried out under the surveillance, control and authority of the delegated judge.

(2) The president of the court of appeals shall appoint on an annual basis one or more judges delegated for the enforcement of punishments involving deprivation of liberty for each penitentiary under the territorial jurisdiction of the court of appeals.

(3) The judge delegated for the enforcement of punishments involving deprivation of liberty shall supervise and control the lawfulness of enforcement of such punishments and shall exercise the other attributions established by this law.

(4) The judge delegated for the enforcement of punishments involving deprivation of liberty, designated for the penitentiary in the district of which there is a centre for arrest and remand in custody or a centre for remand in custody shall supervise and control the lawfulness of the enforcement of preventive imprisonment measures and shall exercise the other attributions established by this law.

(5) For the duration of exercising the attributions of the judge delegated for the enforcement of the punishments involving deprivation of liberty, he may not carry on other activities than those established by this law.

(6) The judge delegated at the department of the criminal enforcements within each court charged with the enforcement, annually appointed by the president of this court, shall supervise and control the lawfulness of the enforcements of the punishments not involving deprivation of liberty and exercises the other attributions established by the Criminal procedure code, the internal rules of the judicial courts and by this law.

TITLE II
Enforcement of the punishment to pay a fine

ART. 7
Manner of enforcement of the punishment to pay a fine

(1) The enforcement of the punishment to pay a fine in case of failure to meet the time limit for its full payment or of an instalment, when the payment of fine was spread over, shall be carried out according to the provisions on the enforcement of budgetary claims and with the proceedings provided by these provisions.

(2) The tax executors shall be obliged to communicate to the enforcement court, on the date of full payment of fine, its enforcement and to notify the court in respect to any circumstance that prevents its enforcement.

TITLE III
Enforcement of surveillance measures and of the obligations imposed by the court according to the Criminal Code
ART. 8

Control over the enforcement of surveillance measures and of obligations imposed according to the Criminal Code

1) The control of enforcement of supervisory measures and of obligations imposed according to the Criminal Code, that may be ordered in case of suspension of the enforcement of punishment under surveillance, shall be ensured by the judge delegated at the department of criminal enforcements from the enforcement court, directly or through the counsellors of the service of protection of victims and social reinsertion of offenders in the district of which the domicile, residence or dwelling of the convicted person is located.

2) During the suspension of the enforcement of the punishment under surveillance, the convicted may request for assistance and counselling, that shall be granted under the law by the counsellors of the service of protection of victims and social reinsertion of offenders.

ART. 9

Notification of court in case of failure to comply with the surveillance measures and with the obligations ordered by the court

In case of failure to comply with the surveillance measures or with the obligations provided in the Criminal Code, ordered in case of suspension of enforcement of the sanction under surveillance, the judge delegated at the department of criminal enforcements, ex officio or at the proposal of the counsellors of the services of protection of victims and social reinsertion of offenders, shall notify the enforcement court with a view to revoking the suspension.

ART. 10

Measures of surveillance and obligations ordered against the minor

The provisions of Article 8 and 9 shall apply accordingly in case of measures of surveillance and of the obligations ordered against the minor in case of suspension of the enforcement of the punishment under surveillance or under control.

TITLE IV

Enforcement of punishments involving deprivation of liberty

CHAPTER I

Organisation of enforcement of punishments involving deprivation of liberty

ART. 11

Penitentiaries
(1) The punishment of life imprisonment and of imprisonment shall be served in certain especially-designed places, hereinafter called penitentiaries.

(2) The penitentiaries shall be established by Government decision, shall have legal personality and shall be subordinated to the National Administration of Penitentiaries.

(3) The organisation and functioning of penitentiaries shall be established by a regulation approved by order of the minister of justice that shall be published in the Official Gazette of Romania, Part I, and on the website of the Ministry of Justice and of the National Administration of Penitentiaries.

(4) Within the penitentiaries there may be set up, by decision of the general director of the National Administration of Penitentiaries, inward and outward sections of penitentiaries, in connection to the regimes of enforcement of the punishments involving deprivation of liberty, the categories of convicted persons and the special requirements of protection of certain categories of convicted.

(5) The National Administration of Penitentiaries shall establish the penitentiary where the convicted person shall serve his punishment involving deprivation of liberty. When establishing the penitentiary it shall be had in view that it is located as near as possible to the town of residence of the convicted.

ART. 12
Special penitentiaries
(1) For certain categories of persons convicted to punishments that involve deprivation of liberty special penitentiaries may be established, under the terms of Article 11 (2).

(2) The special penitentiaries shall be:
   a) penitentiaries for minors and young people;
   b) penitentiaries for women;
   c) hospital-penitentiaries.

ART. 13
Special sections of remand in custody
(1) Within the penitentiaries there may be established special sections of remand in custody, by a decision of the general director of the National Administration of Penitentiaries.

(2) In the special sections of remand in custody from the penitentiaries may be detained only the persons convicted by a final decision to serve a punishment involving deprivation of liberty, that are investigated being remanded in custody for other causes, as well as the persons remanded in custody involved in a lawsuit still pending.

ART. 14
Commission for individualisation of the regime for enforcement of the punishments involving deprivation of liberty
In each penitentiary it shall be established a commission for individualisation of the regime for enforcement of the punishments involving deprivation of liberty, formed of: the warden, deputy warden for safe arrest and penitentiary regime, the penitentiary's doctor, the chief of the social and educational service and a counsellor within the service of protection of victims and social reinsertion of offenders, in the territorial jurisdiction the penitentiary is located, appointed on a yearly basis by the director of the service, the psychologist and the educator involved in the programme of social reinsertion of the convicted person.

ART. 15
National Administration of Penitentiaries

(1) The National Administration of Penitentiaries shall be the public institution with legal personality under the subordination of the Ministry of Justice, having as purpose the co-ordination and control of the activities of the units that are organised and function under its subordination.

(2) The organisation, functioning and attributions of the National Administration of Penitentiaries shall be established by Government decision.

(3) The management of the National Administration of Penitentiaries shall be ensured by a general director, appointed by order of the ministry of justice.

(4) The general manager of the National Administration of Penitentiaries shall be a secondary loan manager.

(5) The financing of the National Administration of Penitentiaries shall be ensured from subsidies granted from the state budget and from its own revenues.

(6) The revenues earned as a result of the work performed by the convicted persons shall be use to improve the arrest conditions.

ART. 16
Safety of penitentiaries

(1) The National Administration of Penitentiaries shall have the obligation to take the necessary steps for the safety of penitentiaries, as well as the measures of safeguard, surveillance, escort, preservation and reinstating of order and discipline among the persons convicted to serve punishments involving deprivation of liberty and of the persons remanded in custody, held in the centres of remand in custody or in the special sections from the penitentiaries.

(2) The measures necessary for the safety of penitentiaries shall be established by a regulation approved by order of the minister of justice.

(3) The penitentiaries must dispose of the facilities, appliances, staff and technical means necessary for the surveillance and control of the perimeters, inward spaces and access ways, as well as the necessary weapons and ammunitions.

(4) In case of manifestations that disturb the public order and peace within the penitentiaries or that endanger the life or body integrity of the persons or the safety
of goods and that go beyond the possibilities of intervention of the National Administration of Penitentiaries, the support of the Ministry of Administration and Interior may be requested.

(5) In the fulfilment of its attributions, the personnel from the penitentiaries may use the technical means with which they are endowed, including the weapons, under the law.

ART. 17

Protection of witnesses that serve punishments involving deprivation of liberty

The National Administration of Penitentiaries and the administration of penitentiaries shall be obliged to ensure, under the law, the protection and assistance of the witness put at risk and of the protected witness that serves a punishment involving deprivation of liberty or is remanded in custody.

CHAPTER II

Regimes of enforcement of punishments involving deprivation of liberty

ART. 18

General provisions regarding the regimes of enforcement of punishments involving deprivation of liberty

(1) The regimes of enforcement of punishments involving deprivation of liberty include the aggregate of rules that underlie the enforcement of punishments involving deprivation of liberty.

(2) The regimes of enforcement of punishments involving deprivation of liberty shall be based on progressive and regressive systems, the convicted persons going from a regime into another, under the terms of this law.

(3) The regimes of enforcement of punishments involving deprivation of liberty must safeguard the respect and protection of life, health and dignity of the persons deprived of liberty, of the rights and freedoms, neither without causing physical suffering nor to degrade the convicted person.

ART. 19

Types of enforcement of punishments involving deprivation of liberty

(1) The regimes of enforcement of punishments involving deprivation of liberty shall be:
   a) maximum security regime;
   b) closed regime;
   c) half-open regime;
   d) open regime.

(2) The regimes of enforcement of punishments involving deprivation of liberty shall be differentiated in relation to the degree of limitation of freedom of
movement of the convicted persons, the manner of carrying out the activities and arrest conditions.

ART. 20

Maximum security regime

(1) The maximum security regime shall be applied initially to the persons convicted to serve the punishment of life imprisonment and the persons convicted to an imprisonment punishment of 15 years.

(2) By way of exception, the nature and manner of committing the offence, as well as the convicted himself may determine the inclusion of the convicted in the regime of enforcement that is immediately below as concerns the severity degree.

(3) The convicted persons that serve the punishment under a maximum security regime shall be subject to certain strict safeguard, surveillance and escort measures, shall be usually accommodated by their own, shall perform work and carry on the educational, cultural, therapeutic, psychological counselling and social assistance activities in small groups, in spaces especially established within the penitentiary, under continuous surveillance.

ART. 21

Categories of persons to whom the maximum security regime does not apply

(1) The maximum security regime shall not apply to the following convicted persons:
   a) men who turned 60 and women who turned 55;
   b) pregnant women or women that have in their care a child up to one year old;
   c) minors;
   d) persons classified under the 1st degree of invalidity, as well as those with serious locomotors diseases.

(2) The convicted persons provided in paragraph (1) a) shall serve the punishment involving deprivation of liberty with closed regime. The convicted persons provided in paragraph (1) b) - d) shall serve the punishment involving deprivation of liberty, as long as the cause that imposed the non-application of the maximum safety regime lasts.

ART. 22

Closed regime

(1) The closed regime shall apply initially to the persons convicted to imprisonment for a period longer than 5 years but that does not exceed 15 days.

(2) By way of exception, the nature and manner of committing the offence, as well as the convicted may determine the inclusion of the convicted in the regime of enforcement immediately below as concerns the severity degree.

(3) The convicted that serve the punishment in closed regime shall be accommodated, as a rule, together, shall perform work and carry out educational,
cultural, therapeutic, psychological counselling and social assistance in groups, inside the penitentiary, under guard and surveillance.

(4) The convicted persons that serve the punishment in closed regime may perform work outside the penitentiary as well, under permanent guard and surveillance, with the approval of the warden of the penitentiary.

ART. 23

Half-open regime

(1) The half-open regime shall apply initially to the persons convicted to imprisonment for a period longer than one year, but that does not exceed 5 years.

(2) By way of exception, the nature and manner of committing the offence, as well as the convicted himself may determine the inclusion of the convicted in the regime of enforcement immediately below as concerns the severity degree.

(3) The convicted that serve the punishment in half-open regime shall be accommodated together, may walk unaccompanied inside the penitentiary, shall perform work and carry out educational, cultural, therapeutic, psychological counselling and social assistance, under surveillance, in groups, in spaces inside the penitentiary that are left open during the day.

(4) The convicted persons that serve the punishment in half-open regime may perform work outside the penitentiary as well, under surveillance.

ART. 24

Open regime

(1) The open regime shall apply initially to the persons convicted to imprisonment for a period of maximum one year.

(2) The convicted that serve the punishment in open regime shall be accommodated together, may walk unaccompanied inside the penitentiary, shall perform work and carry out educational, cultural, therapeutic, psychological counselling and social assistance outside the penitentiary, without surveillance.

ART. 25

Establishing the regime of enforcement of punishments involving deprivation of liberty

(1) The regime of enforcement of punishments involving deprivation of liberty shall be established upon admission of the convicted person in the first penitentiary where he is going to serve his punishment, by the commission for the individualisation of the regime of enforcement of punishments involving deprivation of liberty.

(2) Against the manner of establishing the regime of enforcement the convicted person may file a complaint with the judge delegated for the enforcement of punishments involving deprivation of liberty, within 3 days as of the date when he became informed about the set regime of enforcement of the punishment.
(3) The convicted person shall be heard mandatorily, at the place of arrest by the judge delegated for the enforcement of the punishments involving deprivation of liberty.

(4) The judge delegated for the enforcement of punishments involving deprivation of liberty shall settle the complaint within 15 days as of the date of receipt of such complaint and shall rule, by way of an interlocutory judgement with reasons, on one of the following solutions:
   a) he admits the complaint and orders the change in the regime of enforcement established by the commission for individualisation of the regime of enforcement of the punishments involving deprivation of liberty;
   b) he rejects the complaint, if it is not grounded.

(5) The interlocutory judgement of the judge delegated for the enforcement of the punishments involving deprivation of liberty shall be communicated to the convicted person within two days as of its delivery.

(6) Against the interlocutory judgement of the judge delegated for the enforcement of punishments involving deprivation of liberty the convicted person may file an appeal to the court of first instance in the jurisdiction of which the penitentiary is located, within 3 days as of the communication of the interlocutory judgement.

(7) The appeal shall be examined according to the provisions of Article 460 (2) - (5) of the Criminal procedure code that shall apply accordingly.

(8) The judgment of the court of first instance shall be final.

ART. 26
Changing the regime of enforcement of punishments involving deprivation of liberty

(1) The changing the regime of enforcement of punishments involving deprivation of liberty shall be ordered by the judge delegated for enforcement of punishments involving deprivation of liberty, at the request of the convicted person or at the intimation from the commission for individualisation of the regime of enforcement of punishments involving deprivation of liberty. The commission for individualisation of the regime of enforcement of punishments involving deprivation of liberty shall have the obligation to analyse, once in 6 months, the behaviour of the convicted person and its efforts for social reinsertion, by drawing up a report about which the convicted shall be notified, against signature. In case the commission appreciates that the change in the regime of enforcement is required, it shall notify the judge delegated for enforcement of punishments involving deprivation of liberty.

(2) The changing of the regime of enforcement of punishments involving deprivation of liberty immediately lower as regards the degree of severity may be ordered if the convicted person had a good behaviour and made serious efforts for
social reintegration, mostly within the educational, cultural, therapeutic, psychological counselling and social assistance activities, of school instruction and vocational training, as well as regards the work performed.

(3) The changing of the regime of enforcement of punishments involving deprivation of liberty into one more severe may be ordered if the convicted person has committed an offence or a disciplinary misbehaviour, that render him incompatible with the regime in which the punishment involving deprivation of liberty is served, and if he seriously affects, by his behaviour, the normal cohabitation in the penitentiary or its safety.

(4) The circumstances provided in paragraph (2) or (3) shall be established by the commission for individualisation of the regime of enforcement of punishments involving deprivation of liberty in a report that shall be enclosed to the application of the convicted person or the notification of the commission.

(5) The judge delegated for the enforcement of the punishments involving deprivation of liberty shall order by a reasoned interlocutory judgement, with regard to changing the regime of enforcement of punishments involving deprivation of liberty, only after hearing the convicted person, at the place of arrest, within 15 days as of the receipt of the application or notification.

(6) When the judge delegated for the enforcement of punishments involving deprivation of liberty establishes that the conditions for changing the regime of enforcement of punishments involving deprivation of liberty have not been met, he sets, by the interlocutory judgement of rejection, the time limit after the expiry of which the request or notification may be renewed, time limit that may not exceed 6 months.

(7) The interlocutory judgment of the judge delegated for the enforcement of punishments involving deprivation of liberty shall be communicated to the convicted person within two days as of the date of its delivery.

(8) Against the interlocutory judgment of the judge delegated for the enforcement of punishments involving deprivation of liberty the convicted person may file an appeal to the court of first instance in the jurisdiction of which the penitentiary is located, within 3 days as of the communication of the interlocutory judgment.

(9) The appeal shall be examined according to the provisions of Article 460 (2) - (5) of the Criminal procedure code that shall apply accordingly.

(10) The judgment of the court of first instance shall be final.

ART. 27

Individualisation of the regime of enforcement of punishments involving deprivation of liberty

(1) The individualisation of the regime of enforcement of punishments involving deprivation of liberty shall be established by the commission for individualisation
of the regime of enforcement of punishments involving deprivation of liberty, depending on the behaviour, personality, age, health condition and possibilities of social reinsertion of the convicted person.

(2) The convicted person shall be included, having regard to the criteria provided in paragraph (1), in programmes that are mainly aimed at:
   a) the carrying on of educational, cultural, therapeutic, psychological counselling and social assistance;
   b) school instruction;
   c) vocational training.

(3) The programmes provided in paragraph (2) shall be carried out by the services of education, psychological counselling and social assistance within the penitentiaries, with the participation of the counsellors for the protection of victims and social reinsertion of offenders, voluntaries, associations and foundations, as well as of other representatives of the civil society.

(4) For each convicted person it shall be drafted a plan of valuation and educational intervention by the service of education, cultural, therapeutic, psychological counselling and social assistance within the penitentiary.

ART. 28
Individualisation of the regime of enforcement of punishments involving deprivation of liberty in case of minors and young people

(1) The minors and young people that serve a punishment involving deprivation of liberty shall be included, while serving the punishment, in special counselling and assistance programmes, depending on the age and personality of each. For the purposes of this law, young people shall mean convicted persons that have not turned 21 yet.

(2) The special programmes provided in paragraph (1) shall be carried out by the services of educational, cultural, therapeutic, psychological counselling and social assistance from the penitentiaries, with the participation of the counsellors for the protection of victims and social reinsertion of offenders, voluntaries, associations and foundations, as well as of other representatives of the civil society.

(3) The provisions of Article 39 shall apply accordingly to the convicted persons provided in paragraph (1).

CHAPTER III
Arrest conditions

ART. 29
Admission of convicted persons
The admission to penitentiary of the convicted persons shall be carried out based on the warrant of enforcement of the punishment involving deprivation of liberty, after their identity is established.

The convicted persons shall be admitted with the individual files drawn up by the enforcement bodies of the warrant of enforcement of punishments involving deprivation of liberty.

The admission of the convicted persons shall be carried out in especially-arranged spaces, the women being separated from men, and the minors being separated from the adults.

Immediately after the admission of the convicted person, the administration of the penitentiary shall be obliged to communicate to the person appointed by the convicted person the place of its arrest.

The communication provided in paragraph (4) shall be carried out in writing or by telephone, and such communication shall be written down in an official report.

ART. 30

Place of enforcement of punishments involving deprivation of liberty

(1) The punishment of life imprisonment or the punishment with imprisonment shall be carried out in specially-arranged penitentiary.

(2) The punishment with imprisonment of for a period of maximum 15 years shall be served in specially-arranged penitentiaries.

(3) In the cases provided in Article 62 of the Criminal code, the punishment with imprisonment shall be enforced in disciplinary military units.

ART. 31

Transfer of convicted persons

(1) The transfer of convicted persons to another penitentiary, as a result of changing the regime of enforcement of the punishments involving deprivation of liberty or for other grounded reasons, shall be ordered, at the proposal of the commission for individualisation of the regime of enforcement of the punishments involving deprivation of liberty or at the request of the convicted person, with the opinion of the commission for individualisation of the regime of enforcement of the punishments involving deprivation of liberty, by the general director of the National Agency of Penitentiaries.

(2) The transfer of the convicted persons to another penitentiary, if it is necessary for the activity of a judicial body, shall be ordered, at the request of the judicial body, by the warden of the penitentiary, and in case of convicted persons requested by more judicial bodies at the same time period, the temporary transfer shall be ordered by the general director of the National Agency of Penitentiaries.

(3) The provisions of Article 29 (4) and (5) shall apply accordingly.
(4) It shall be forbidden to transfer to penitentiaries, for a period longer than 5 years, of the minors that execute the education measure of admission to a re-education centre or a medical and educational institute.

(5) Likewise, it shall be forbidden to transfer, for a period longer than 5 days, the minors convicted to punishments involving deprivation of liberty, in other penitentiaries others than for minors and young people.

(6) The amounts set and advanced by the National Administration of Penitentiaries under the terms provided in paragraph (5) shall be withheld from the 10% quota consigned on behalf on the convicted person according to Article 62 (1) a). For the difference left unpaid, if it is not paid by the convicted person until their release from penitentiary, the National Administration of Penitentiaries shall issue an order of imputation that is a writ of execution. The provisions of Article 63 (3) shall apply accordingly.

ART. 32
Manner of enforcement of the punishments involving deprivation of liberty by men and women

(1) The women convicted to punishments involving deprivation of liberty shall serve their punishment separately from the male convicted.

(2) The minors and the young people convicted to the punishments involving deprivation of liberty shall serve their punishment separately from the adult convicted or in special places of arrest.

ART. 33
Accommodation of convicted persons

(1) The convicted persons shall be accommodated individually or together.

(2) The rooms for accommodation and the other rooms destined to the convicted persons must have natural light and the necessary installations for an appropriate artificial light.

(3) Each convicted person shall receive a bed.

(4) The minimum mandatory rules regarding the accommodation conditions of the convicted persons shall be established by order of the minister of justice.

ART. 34
Outfit of convicted person

(1) The convicted persons shall wear civil outfits, irrespective of the regime of enforcement of the punishments involving deprivation of liberty.

(2) In case the convicted persons do not have civil outfits, it shall be provided free of charge by the administration of the penitentiary.

ART. 35
Nutrition of the convicted persons
(1) The administration of each penitentiary shall ensure adequate conditions and the necessary personnel to prepare, distribute and serve the meal according to the hygiene nutrition rules.

(2) The minimum mandatory rules on food shall be established by order of the minister of justice, after consulting certain nutrition specialists.

ART. 36
Refusal to eat

(1) In case a person convicted to a punishment involving deprivation of liberty refuses to receive food, the judge delegated for enforcement of punishments involving deprivation of liberty, at the intimation of the warden of the penitentiary, shall be obliged to hear the convicted person at once and to request a written declaration to find out the reasons that underlie such decision. If the convicted person refuses to give a statement, this shall be consigned in an official report drawn up by the judge delegated for enforcement of punishments involving deprivation of liberty.

(2) After hearing the convicted person, the judge delegated for enforcement of punishments involving deprivation of liberty shall order the legal measures that are required or shall make proposals for this purpose to the warden of the penitentiary.

(3) The warden of the penitentiary shall take measures so that the convicted person that refuses to receive the food be transferred to the sick room of the penitentiary, where it shall be kept under the careful surveillance of the medical staff that provides for the convicted person the appropriate medical assistance so that his life is not put at risk.

(4) Coming out of the refusal to eat shall be recorded in a written statement and signed by the convicted person, given in the presence of the judge delegated for enforcement of punishments involving deprivation of liberty.

ART. 37
Immobilisation of the convicted persons

(1) The convicted persons may be temporarily immobilised, with the private endowments, to prevent a real and concrete danger in the following cases:
   a) to prevent the breakout or the violent acts of the prisoners;
   b) to interrupt the actions involving the body injury of another person or of their own or of destruction of certain assets.

(2) It shall be prohibited to immobilise in chains the convicted persons, and the immobilisation with handcuffs, straitjacket or other forms of immobilisation of the body shall be allowed only in exceptional situations.

(3) The use of means of constraint must be proportional to the state of danger, must be applied only for the necessary period and only when there is no other modality to remove the danger and must not have the character of a sanction.
(4) The use of means of constraint must be authorised in advance by the warden of the penitentiary, except for the cases where there is an emergency situation that does not allow it, situation which shall be notified forthwith to the warden.

(5) The use and cessation of use of any mean of constraint shall be communicated forthwith to the judge delegated for enforcement of punishments involving deprivation of liberty, by indicating in detail all facts that determined such measures.

CHAPTER IV
Rights and obligations of persons serving the punishments involving deprivation of liberty

ART. 38
Exercise of rights of persons convicted to punishments involving deprivation of liberty

(1) The exercise of rights of persons convicted for punishments involving deprivation of liberty may not be limited more than within the limits and under the conditions provided by the Constitution and law.

(2) Against the measures concerning the rights provided in this chapter, taken by the administration of the penitentiary, the persons convicted to punishments involving deprivation of liberty can file a complaint with the judge delegated for the enforcement of punishments involving deprivation of liberty, within 10 days as of the date when they were informed about the measure taken.

(3) The convicted person shall be heard mandatorily at the place of arrest by the judge delegated for enforcement of punishments involving deprivation of liberty.

(4) The judge delegated for enforcement of punishments involving deprivation of liberty may proceed to hearing any other person to find out the truth.

(5) The judge delegated for enforcement of punishments involving deprivation of liberty shall settle the complaint, by a reasoned interlocutory judgement, within 10 days as of its receipt and shall rule, by way of an interlocutory judgement with reasons, on one of the following solutions:
   a) he admits the complaint and orders the cancellation, revocation or change of the measures taken by the administration of the penitentiary;
   b) he rejects the complaint, if it is not grounded.

(6) The interlocutory judgement of the judge delegated for the enforcement of the punishments involving deprivation of liberty shall be communicated to the convicted person within two days as of its delivery.

(7) Against the interlocutory judgement of the judge delegated for the enforcement of punishments involving deprivation of liberty the convicted person may file an appeal to the court of first instance in the jurisdiction of which the
(8) The appeal shall be examined according to the provisions of Article 460 (2) - (5) of the Criminal procedure code that shall apply accordingly.
(9) The judgment of the court of first instance shall be final.

ART. 39
Safeguarding the respect for the persons who serve the punishments involving deprivation of liberty
(1) The respect for the persons who serve the punishments involving deprivation of liberty shall be safeguarded by the judge delegated for the enforcement of punishments involving deprivation of liberty.
(2) The representatives of the trade union organisations that carry out activities in the field of protection of human rights may visit the penitentiaries and may contact the persons who serve the punishments involving deprivation of liberty, with the agreement of the general director of the National Administration of Penitentiaries.
(3) The meetings among the representatives of the non-government organisations provided in paragraph (2) and the persons serving the punishments involving deprivation of liberty shall be carried out under strict confidentiality terms, under visual surveillance.

ART. 40
Freedom of conscience, opinions and freedom of religious beliefs
(1) The freedom of conscience and opinions, as well as the freedom of religious beliefs of the persons who serve the punishments involving deprivation of liberty may not be constrained.
(2) The convicted persons may participate, based on free consent, in services or religious meetings organised in penitentiaries and may buy and hold religious publications, as well as cult object.

ART. 41
Right to information
(1) The right of the persons who serve the punishments involving deprivation of liberty to have access to public information may not be constrained.
(2) The access of persons who serve the punishments involving deprivation of liberty to public information shall be carried out according to the law.
(3) The National Administration of Penitentiaries shall have the obligation to take all necessary steps to ensure the application of the legal provisions on free access to public information for the persons who serve the punishments involving deprivation of liberty.
(4) The right of the persons who serve the punishments involving deprivation of liberty to have access to public information shall be realised also by publications,
radio shows and television shows or by any other means authorised by the administration of the penitentiary.

ART. 42
Right to consult personal documents
(1) The convicted person or any other person, with the consent of the convicted person, shall have access to the individual file, to the medical file and to the incidental reports and may obtain, upon request, photocopies.
(2) The consultation of the documents provided in paragraph (1) shall be made in the presence of a person appointed by the warden of the penitentiary.

ART. 43
Measures for ensuring access to the legal provisions and documents regarding the enforcement of punishments involving deprivation of liberty
(1) The provisions of the Criminal code and of the Code of criminal procedure referring to the enforcement of punishments involving deprivation of liberty, this law, the regulation of application of its provisions, the orders issued pursuant to the law, the Law No. 544/2001 on the free access to the public information and the Government Decision No. 123/2002 for the approval of the Rules of application of the Law No. 544/2001 on the free access to the public information, as well as the internal regulations of the penitentiary shall be made available to the persons that serve punishments, in Romanian or in a language they understand, immediately after they are admitted to the penitentiary.
(2) The texts of the legal provisions referred to in paragraph (1) shall be made available to the persons who serve the punishments involving deprivation of liberty, in penitentiaries, in accessible places.
(3) In case of persons convicted to punishments involving deprivation of liberty, who have communication deficiencies, the enforcement of the legal provisions referred to in paragraph (1) shall be carried out by using certain means that allow their understanding.
(4) The enforcement of the provisions of paragraphs (1) - (3) shall be written down in an official report.

ART. 44
Right to petition
(1) The right to petition of the persons who serve the punishments involving deprivation of liberty shall be safeguarded.
(2) The petitions and the answer to the petitions are confidential and may not be opened or retained.
(3) For the purpose of this law, the term petition shall include any request or intimation addressed to the public authorities, judicial bodies, courts or international organisations.

ART. 45
Right to correspondence

(1) The right to mail of the persons who serve the punishments involving deprivation of liberty shall be safeguarded.

(2) The mail shall be confidential and may not be opened or retained unless the limits and conditions provided by law are complied with.

(3) For the purpose of preventing the bringing into the penitentiary, by mail, of toxic substances, explosives or other similar objects whose possession is forbidden, the mail may be opened, without being read, in the presence of the convicted person.

(4) The mail may be opened and retained if there are solid evidences in respect of committing an offence. The person who serves the punishments involving deprivation of liberty shall be notified in writing forthwith with regard to taking such measures, and the mail retained shall be classified in a special file that shall be kept by the administration of the penitentiary.

(5) The opening and retaining of mail, according to paragraph (4), may only be carried out based on the orders issued, in writing and motivated, by the judge delegated for the enforcement of punishments involving deprivation of liberty.

(6) The provisions of paragraphs (3) and (4) shall not apply in case of mail with the counsellor for the defence, with the non-government organisations that carry on their activity in the field of protection of human rights, as well as with the courts or international organisations whose competence is accepted or recognised in Romania.

(7) The persons who serve the punishments involving deprivation of liberty may receive and dispatch letters in their mother tongue, in compliance with the provisions of paragraphs (1) - (6).

ART. 46
Measures for ensuring the exercise of the right to petition and the right to mail

(1) In order to ensure the right to petition and the right to mail, the warden of the penitentiary shall be obliged to take all measures to make available to the convicted person the necessary materials, as well as to install mailboxes inside the penitentiary.

(2) The petitions and mail shall be collected by the personnel of the provider of postal services, to whom access inside the penitentiary is ensured.

(3) The personnel of the provider of postal services shall be accompanied inside the penitentiary by a person specially appointed by the warden of the penitentiary.

(4) The answer to petitions and mail addressed to the persons who serve the punishments involving deprivation of liberty shall be handed over immediately to the addressee, against signature.

(5) The expenses occasioned by the exercise of the right to petition and the right to mail shall be covered by the persons who serve the punishments involving
deprivation of liberty. In case such persons do not dispose of necessary funds, expenses for the exercise of the right to petition by expenses and intimations addressed to the judicial bodies, courts or international organisations whose competence is accepted or recognised in Romania and those for the exercise of the right to mail with the family, the counsellor for the defence and the non-government organisations that carry on their activity in the field of protection of human rights shall be covered by the administration of the penitentiary.

ART. 47
Right to phone calls
(1) The persons who serve the punishments involving deprivation of liberty shall have the right to make phone calls from the public card phones installed in the penitentiaries. The phone calls shall be confidential and shall be made under visual surveillance.

(2) In order to ensure the exercise of the right to phone calls the warden of the penitentiary shall be under the obligation to take all necessary measures to install public card phones inside the penitentiary.

(3) The expenses occasioned by making phone calls shall be covered by the persons who serve the punishments involving deprivation of liberty.

(4) The persons who serve the punishments involving deprivation of liberty can make phone calls in their mother tongue, in compliance with the provisions of paragraphs (1) - (3).

ART. 48
Right to daily walk and right to receive visitors
(1) For each convicted person a walk outdoors of maximum one hour shall be ensured, when the climatic conditions allow it. If the climatic conditions do not allow the walk outdoors, it shall be ensured in another appropriate space.

(2) The persons who serve the punishments involving deprivation of liberty shall have the right to receive visits, in specially arranged spaces, under the visual surveillance of the personnel of the administration of penitentiary.

(3) The persons visiting shall be subject to a specific control.

(4) The duration and periodicity of the visits shall be established by order of the minister of justice that shall be published in the Official Gazette of Romania, Part I.

(5) The persons who serve the punishments involving deprivation of liberty shall have the right to receive at any time, under confidentiality conditions, visits of the defender.

(6) The persons who serve the punishments involving deprivation of liberty may communicate both to each other and to the persons visiting them in their mother tongue.

ART. 49
Right to receive goods
(1) The persons who serve the punishments involving deprivation of liberty shall have the right to receive goods.

(2) The number and weight of the packages that may be received by the persons who serve the punishments involving deprivation of liberty, as well as the goods that may be received, kept and used by such persons shall be established by order of the minister of justice, that shall be published in the Official Gazette of Romania, Part I.

(3) The persons who serve the punishments involving deprivation of liberty may receive amounts of money that shall be entered in the nominal accounting sheet.

(4) The quotas of the amounts of money due to the persons who serve the punishments involving deprivation of liberty for the work performed, the amounts received from the natural or legal persons during the enforcement of the punishment and the amounts they had on them when they were admitted to the penitentiary may be used to exercise the right to petition, the right to mail and the right to phone calls, to carry out the medical examination provided in Article 51 (4), to buy goods, support the family or other similar purposes, to repair the damages caused to the goods made available by the administration of the penitentiary and to pay the transport to the domicile, upon release.

(5) In case the persons who serve the punishments involving deprivation of liberty do not have any money at their release, the National Administration of Penitentiaries shall ensure for such persons the equivalent value of the transport to domicile, at the level of tariffs practised by the National Company of Romanian Railways.

(6) The goods banned and the amounts of money found on the prisoners, on the occasion of searches, shall be seized. The seized goods shall be capitalised or destroyed according to the law, and the amounts of money shall be kept and used under the terms provided in paragraph (4).

ART. 50
Right to medical assistance

(1) The right to medical assistance of the persons who serve the punishments involving deprivation of liberty shall be secured.

(2) The medical assistance in penitentiaries shall be ensured, whenever necessary or upon request, with qualified staff, free of charge, according to the law.

(3) The persons who serve the punishments involving deprivation of liberty shall benefit by free medical treatment and medicines.

ART. 51
Medical examination

(1) The medical examination of the persons convicted to punishments involving deprivation of liberty shall be carried out upon the admittance to penitentiaries and while serving their punishment, periodically.
(2) The medical examination shall be carried out under terms of confidentiality.

(3) The doctor that makes the medical examination shall be obliged to notify the prosecutor in case it finds that the convicted person has been subjected to torture, inhuman or degrading treatments or to other ill treatments, as well as to write down in the medical record the facts found and the declarations of the persons convicted in relation to these and with any other aggression declared by the convicted person.

(4) In the cases provided in paragraph (3), the person convicted to a punishment involving deprivation of liberty shall be entitled to request an examination, at the place of arrest, by a forensic doctor or by a doctor outside the penitentiary system, designated by the convicted person.

(5) The expenses occasioned by the medical examination provided in paragraph (4) shall be covered by the applicant.

ART. 52

Medical assistance in special cases

(1) The women convicted to serve punishments involving deprivation of liberty, who are pregnant, shall benefit by antenatal and postnatal medical assistance, taking measures so that the birth take place outside the penitentiary. The administration of the penitentiary shall take measures so that the convicted person, upon her request, be able to take care of her child up to the age of one.

(2) When turning one year old or before that, the child may be entrusted, with the mother's consent, to the family or person indicated by her.

(3) In case the child can not be entrusted to the family or person indicated by the mother, the child may be entrusted for the entire period of arrest of the mother, with its consent, to a specialised institution, by informing the competent authorities for the child protection.

ART. 53

Right to diplomatic assistance

(1) The persons convicted to punishments involving deprivation of liberty, who have other citizenship than Romanian, shall have the right to address to the diplomatic or consular representative offices in Romania of the state whose citizens they are and to be visited by the officers of such diplomatic or consular representative offices, under conditions of confidentiality.

(2) The administration of the penitentiary shall be obliged to co-operate with the institutions provided in paragraph (1) to achieve the diplomatic assistance of the convicted persons.

(3) The persons convicted to serve the punishments involving deprivation of liberty, with a status of refugees or stateless persons, as well as the convicted persons, that have other citizenship than Romanian, whose state does not have diplomatic or consular representation in Romania, may request from the administration of the penitentiary to contact the competent internal or international
authority and may be visited by its representatives, under confidentiality conditions.

ART. 54
Right to contract a marriage
(1) The persons who serve punishments involving deprivation of liberty shall have the right to contract a marriage in the penitentiary, under the law.
(2) The administration of the penitentiary shall have the obligation to ensure the conditions necessary to conclude a marriage.
(3) After concluding the marriage the spouses may stay in the penitentiary, in a separate room, for 48 hours, with the consent of the warden of the penitentiary.
(4) In the marriage certificate, at the place of marriage it shall be filled out with the locality in the territorial jurisdiction where the penitentiary is located.
(5) The convicted persons who serve the punishment in a half-open or open regime may conclude the marriage in the locality where they have their domicile or in the locality in the territorial jurisdiction of which the penitentiary is located, with the agreement of the warden of the penitentiary, and they may receive for this purpose a permission of up to 5 days.

ART. 55
Obligations of the convicted persons
(1) The convicted persons who serve punishments involving deprivation of liberty shall have the following obligations:
   a) to comply with the provisions of this law, of the regulation of application of its provisions, of the orders issued pursuant to the law and to the internal regulation of the penitentiary, after making them available according to Article 43;
   b) to comply with the rules of collective and individual hygiene;
   c) to consent to the body search whenever this measure is deemed necessary, under the terms provided in the regulation of application of this law;
   d) to adequately maintain the goods entrusted by the administration of the penitentiary and the goods in the endowment of the units where work is performed.
(2) The persons convicted to serve punishments involving deprivation of liberty shall have a civil, material, disciplinary or criminal liability, as the case may be, for facts committed during the enforcement of the punishments involving deprivation of liberty, according to the law.

ART. 56
Rights and obligations of persons admitted to re-education centres or medical and educational institutes
The provisions of this chapter shall apply accordingly to the persons admitted to re-education centres or medical and educational institutes.
Work performed by the persons convicted to punishments involving deprivation of liberty

ART. 57
General provisions on the work performed
(1) The work performed by the persons convicted to punishments involving deprivation of liberty shall be remunerated, except for the household activities necessary for the penitentiary and of those carried on in case of disaster.

(2) The persons convicted to punishments involving deprivation of liberty who are fit to work, with their consent, may perform work depending on the qualification and aptitudes, as well as unskilled activities.

(3) The minors convicted to serve punishments involving deprivation of liberty, who turned 15 years, may perform work fit to his physical development, aptitudes and knowledge, only at their request and with the agreement of the parents or of the legal representatives, unless their health is put at risk.

(4) The minors convicted to serve punishments involving deprivation of liberty, who turned 16 years, may perform work only at their request.

(5) The convicted persons who turned 60 years of age for men and 55 for women may perform work only at their request.

(6) The doctor of the penitentiary shall give his advice on the use of any person convicted to work.

(7) The legal provisions referring to the labour protection shall apply accordingly.

(8) The convicted who, while serving his punishment, became unfit for work after an accident or an occupational disease shall benefit by an invalidity pension, under the law.

(9) The diplomas, certificates or any other documents that attest the learning of a trade, professional qualification or requalification while serving the punishment, under the law, by the Ministry of Labour, Social Solidarity and Family or by the Minister of Education and Research.

(10) The participation of the persons convicted to activities of school instruction and vocational training shall be assimilated to work performed.

ART. 58
Work performed in exceptional cases
The women convicted to serve punishments involving deprivation of liberty who are pregnant, those who gave birth during the period of arrest and have in their care children up to one year of age, as well as the minors convicted to serve punishments involving deprivation of liberty can not perform night work or in harmful, dangerous places or in places that present a degree of risk for the health or integrity of convicted persons or for the development of the convicted minors.
ART. 59

(1) The work performed by the persons convicted to serve punishments involving deprivation of liberty shall be of 8 hours per day and not longer than 40 hours per week.

(2) For the persons provided in Article 58, the work day may not exceed 6 hours per day and 30 hours per week.

(3) The persons convicted to serve punishments involving deprivation of liberty may perform work after a schedule of 10 hours per day but not longer than 50 hours per week, based on the written agreement of such persons, and they shall be granted the money rights due to this work schedule.

(4) The night work may be provided with the written consent of the convicted persons, but not more than 7 hours per night and 35 hours per week.

(5) The convicted persons shall benefit by at least one day of rest per week.

ART. 60

Regime of performing work

(1) The work of persons convicted to serve punishments involving deprivation of liberty in penitentiaries shall be performed:
   a) in a regime of service provisions for economic operators, natural or legal persons, inside or outside the penitentiary;
   b) under his own management;
   c) to the benefit of the beneficiary, for household activities necessary for the penitentiary;
   d) in case of disaster.

(2) The administration of the penitentiary may conclude contracts of service provisions with economic operators, natural persons or legal persons, interested to use the convicted persons at work.

ART. 61

Payment of the work performed

(1) The incomes realised by the persons convicted to serve punishments involving deprivation of liberty for work performed shall not represent wage incomes and shall be taxed according to the legal provisions that regulate the taxation of the incomes earned by the natural persons.

(2) The incomes obtained can not be lower than the minimum wage on the economy, depending on the work schedule.

(3) The persons convicted to serve punishments involving deprivation of liberty who attends schooling classes or professional qualification and requalification shall receive on a monthly basis, during the courses, remuneration equal to the minimum wage on the economy.

ART. 62

Distribution of incomes
(1) The incomes provided in Article 61 shall be collected by the administration of the penitentiary where the convicted person serves the punishment involving deprivation of liberty and shall be distributed as follows:
   a) 30% of the income shall go to the convicted person, that may use throughout the period of serving the punishment 90% of this income, and 10% shall be recorded to its name, following to be collected, together with the related interest, at the time of release;
   b) 70% of the income shall go to the National Administration of Penitentiaries, establishing own incomes that are collected, entered to accounting books and used according to the legal provisions on public finances.

(2) In case the convicted person serves the punishment involving deprivation of liberty was forced to pay civil damages, not paid by the date of admission to the penitentiary, a 50% quota of the percentage provided in paragraph (1) a) shall be used to repair the prejudice caused to the civil party.

ART. 63
(1) The persons who serve the punishments involving deprivation of liberty shall be liable for the prejudices caused by their own guilt at the place of arrest or at the work place.

(2) The prejudice caused at the place of arrest shall be repaired based on the imputation order issued by the warden of the penitentiary. The order shall be a writ of execution.

(3) Against the imputation order, the convicted person may file an appeal within 30 days as of its receipt, with the court of first instance in the jurisdiction of which the penitentiary is located.

(4) The convicted persons shall not be liable for the damage caused by the normal use of the goods entrusted for use or for those arisen from the normal risks which work usually involves.

CHAPTER VI
Educational, cultural, therapeutic, psychological counselling and social assistance activities, school training and vocational training of the persons convicted to serve the punishment involving deprivation of liberty

ART. 64
Educational, cultural, therapeutic, psychological counselling and social assistance activities

(1) The educational, cultural, therapeutic, psychological counselling and social assistance activities shall be organised in each penitentiary and have as purpose the social reinsertion of the persons convicted to serve the punishment involving deprivation of liberty.
(2) In each penitentiary there is a library. The stock of books shall be ensured by the National Administration of Penitentiaries, from its own incomes, sponsorships and donations.

ART. 65

School instruction

(1) In penitentiaries there shall be organised schooling classes for the primary, secondary and high-school education.

(2) The schooling courses of the persons convicted to serve the punishment involving deprivation of liberty shall be organised and carried out under the terms established by the Minister of Education and Research together with the Ministry of Justice, with the teaching staff insured and remunerated by the school inspectorate in the territorial jurisdiction of which the penitentiary is located.

(3) The diplomas shall not mention whether the courses have been graduated under a state of arrest.

(4) The persons convicted to serve the punishment involving deprivation of liberty may attend part time university education courses.

(5) The expenses related to the school instruction shall be covered by the Ministry of Education and Research and the National Administration of Penitentiaries, and in case of university education courses, by the convicted persons or by other natural or legal persons.

ART. 66

Vocational training

(1) The vocational training of the persons convicted to punishments involving deprivation of liberty shall be carried out, depending on their options and aptitudes, through the qualification and requalification courses, established by the administration of the penitentiary together with the National Agency for Employment or territorial structures of this agency. In the certificate of graduation there shall be no mentions with regard to the courses taken during the period of arrest.

(2) The courses shall be organised in the units that function within the penitentiaries or units established for this purpose by agreements concluded between the administration of the penitentiary and each unit separately.

(3) The expenses related to the vocational training shall be covered by the Ministry of Education and Research, the Ministry of Labour, Social Solidarity and Family, the National Administration of Penitentiary or of other natural or legal persons.

(4) The conditions regarding the school instruction and the vocational training shall be established by the regulation of application of this law.

ART. 67
Special provisions regarding the minors convicted to serve punishments involving deprivation of liberty

(1) The minors convicted to serve punishments involving deprivation of liberty shall be ensured conditions for the participation to educational, cultural, therapeutic, psychological counselling and social assistance activities adequate to their needs and personality, as well as for carrying out studies and obtaining a professional qualification, depending on their options and aptitudes.

(2) The courses of professional qualification and requalification of minors convicted to serve punishments involving deprivation of liberty shall be established by the administration of the penitentiary together with the National Agency for Employment or with the territorial structures of this agency.

(3) The expenses related to the school instruction and the vocational training of the persons provided in paragraph (1) shall be covered by the Ministry of Education and Research, the Ministry of Labour, Social Solidarity and Family, the National Administration of Penitentiary or of other natural or legal persons.

CHAPTER VII
Rewards, disciplinary misbehaviours and sanctions

SECTION 1
Types of rewards

(1) The persons convicted to serve punishments involving deprivation of liberty, which have a good conduct and have proven perseverance in work or within the educational, cultural, therapeutic, psychological counselling and social assistance activities, of school instruction and vocational training, may be rewarded as follows:

a) to be entrusted with a duty within the activities provided in Article 64;
b) to have a disciplinary sanction previously applied to him raised;
c) to have supplementary rights to parcels and visits;
d) to be granted prizes consisting in materials for occupational activities;
e) to get permission to get out of the penitentiary for one day, but not longer than 15 days per year;
f) to get permission to get out of the penitentiary for maximum 5 days, but not more than 25 days per year;
g) to get permission to get out of the penitentiary for maximum 10 days, but not more 30 days per year.

(2) The rewards provided in paragraph (1) a) - e) may be granted by the commission for individualisation of the regime of enforcement of punishments involving deprivation of liberty, at the proposal of the chief of section where the convicted is held, and the rewards provided in paragraph (1) f) and g) may be
granted by the general director of the National Administration of Penitentiaries, at the proposal of the commission for individualisation of the regime of enforcement of punishments involving deprivation of liberty.

ART. 69
Permission to go out of the penitentiary
(1) The permission to go out of the penitentiary may be granted under the conditions of Article 68 in the following cases:
   a) if the convicted person applies for a job after his release;
   b) the convicted person sits for an exam;
   c) the convicted person must maintain his family relationships;
   d) the convicted person is prepared for social reinsertion;
   e) the convicted person participates in the burial of the spouse, a child, a parent, a brother/sister or grandfather.

(2) The permission to go out of the penitentiary for one day, for the cases provided in paragraph (1) a) - d), may be granted to the convicted persons who serve punishments involving deprivation of liberty in closed regime.

(3) The permission to go out of the penitentiary for maximum 5 days, for the cases provided in paragraph (1) a) - d), may be granted to the convicted persons who serve punishments involving deprivation of liberty in half-open regime.

(4) The permission to go out of the penitentiary for maximum 10 days, for the cases provided in paragraph (1) a) - d), may be granted to the convicted persons who serve punishments involving deprivation of liberty in open regime.

(5) The permission to go out of the penitentiary, for the cases provided in paragraph (1) e), may be granted for a period of 5 days to all convicted persons, disregarding the regime of enforcement, if they meet the conditions provided in Article 68 (1).

SECTION 2
Disciplinary misbehaviours and sanctions

ART. 70
Disciplinary misbehaviours
(1) The following deeds shall be considered as disciplinary misbehaviours:
   a) the presence in restricted areas or on restricted hours in some areas of the penitentiary or the failure to comply with the hour set for return to the penitentiary;
   b) the disturbance in any way of the work schedule, of the social and educational programmes carried on in the penitentiary;
   c) to obtain or hold money, goods or other values, under other conditions than the ones provided by law;
d) the communication with the world outside by distance communication means, in other conditions than those provided by law;

e) the use under other conditions than those provided by law of the goods made available by the administration of the penitentiary;

f) the failure to comply with any obligation devolving on the convicted person to serve a punishment involving deprivation of liberty, according to the provisions of this law, of the regulation of application of this law, of the orders issued pursuant to the law and of the internal rules of the penitentiary, after making them available according to Article 43, if it gives rise to a real danger for the safety or order in the penitentiary.

(2) The disciplinary liability shall not preclude the criminal or civil liability of the convicted persons.

(3) For the deeds that, according to the criminal law, are offences, the personnel of the administration of penitentiaries shall be obliged to notify the criminal prosecution bodies. In this case one of the sanctions provided in Article 71 may be temporarily applied.

ART. 71
Disciplinary sanctions

(1) The sanctions that may be applied in case of disciplinary misbehaviours shall be:

a) warning;

b) suspension of the right to participate in cultural, artistic and sports activities, for a period of maximum one month;

c) suspension of the right to perform work, for a period of maximum one month;

d) suspension of the right to receive and buy goods, except for those necessary for the personal hygiene, for a period of maximum two months;

e) suspension of the right to receive visitors, for a period of maximum 3 months;

f) isolation for maximum 10 days.

(2) The money, goods and other assets, bought or possessed under other terms than those provided by law, shall be seized and capitalised according to the law.

(3) The application of the disciplinary sanctions may not restrict the right to defence, the right to petition, the right to mail, the right to medical assistance, the right to food, the right to light and the right to daily walk.

(4) The limits of the disciplinary sanctions provided in paragraph (1) b) - e) shall be reduced to half in case of minors.

(5) The sanctions provided in paragraph (1) d) shall not apply to pregnant women or to those who have in their care children of up to one year.

(6) The disciplinary sanction provided in paragraph (1) f) can not be applied to minors, pregnant women or women who have in their care children up to one year old.
The disciplinary sanction provided in paragraph (1) f) may only be applied with the doctor's advice. The doctor of the penitentiary shall visit on a daily basis and whenever necessary the convicted persons who undergo such disciplinary sanction.

(8) The collective sanction and the physical sanctions shall be forbidden.

(9) Any means of immobilisation in their endowment, as well as any degrading or humiliating means can not be used as disciplinary sanction.

ART. 72
Establishing the disciplinary misbehaviours
(1) The disciplinary misbehaviours shall be established by the personnel of the administration of penitentiaries and shall be written down in an incident report.

(2) The incident report shall be submitted to the chief of section where the convicted person is held, within 24 hours as of the date when the misbehaviour was established.

(3) The failure to comply with the time limit provides in paragraph (2) shall bring about the disciplinary liability of the guilty person for the non-compliance with the time limit.

ART. 73
Disciplinary proceedings
(1) The disciplinary proceedings shall be initiated by the chief of the section where the convicted is held, who shall notify the discipline commission.

(2) The discipline commission shall be formed of the warden of penitentiary, as president, its deputy, responsible with the application of the regimes of arrest, and with a supervisor elected on an annual basis by the other supervisors, as members.

(3) The warden of penitentiary shall appoint, within 24 hours as of the notification of the commission of discipline, a person within the personnel of the penitentiary, other than a supervisor, to make a preliminary investigation. Within 5 days, the person appointed shall submit to the commission of discipline the results of the preliminary investigation.

(4) The commission of discipline, after hearing the convicted person and any other person that knows the circumstance in which the deed was committed, shall apply by written decision one of the disciplinary sanctions or, as applicable, shall classify the file of disciplinary research.

(5) Upon establishing the disciplinary sanction the seriousness of the misbehaviour, the convicted, the previous disciplinary misbehaviours, the attitude of the convicted person after the misbehaviour took place and during the disciplinary proceedings shall be had in view.

(6) The disciplinary sanctions applied shall be written in a special register, and the disciplinary file and the decisions of the discipline commission shall be included in the individual file of a convicted person.
(7) In case that, during the disciplinary proceedings, the discipline commission shall take note about the fact that an offence was committed, shall notify the criminal prosecution body.

ART. 74
Complaint against the judgement of the commission of discipline
(1) Against the decision of the commission of discipline, whereby a disciplinary sanction was applied, the convicted person can file a complaint with the judge delegated for the enforcement of punishments involving deprivation of liberty, within 3 days as of the communication of the decision.

(2) The convicted person shall be heard at the place of arrest mandatorily for the examination of the complaint.

(3) The judge delegated for the enforcement of punishments involving deprivation of liberty may proceed hearing any other person, in view of discovering the truth.

(4) The judge delegated for the enforcement of punishments involving deprivation of liberty shall settle the complaint, by an interlocutory judgement, within 3 days as of its receipt, ruling on one of the following solutions:
   a) he admits the complaint and orders the cancellation, revocation or change of the measures applied by the commission of discipline from the penitentiary;
   b) he rejects the complaint, if it is not grounded.

(5) Against the interlocutory judgement of the judge delegated for the enforcement of punishments involving deprivation of liberty the convicted person may file an appeal to the court of first instance in the jurisdiction of which the penitentiary is located, within 3 days as of the communication of the interlocutory judgement.

(6) The appeal shall be examined according to the provisions of Article 460 (2) - (5) of the Criminal procedure code that shall apply accordingly.

(7) The complaint filed according to paragraph (1) and the appeal filed according to paragraph (5) shall not suspend the enforcement of the disciplinary sanctions, except for the one provided in Article 71 (1) f).

(8) The judgment of the court of first instance shall be final.

CHAPTER VIII
Release on probation

ART. 75
Conditions of granting release on probation
The convicted person, who is persevering in work, well-behaved and gives solid proofs of improvement, also having in view his criminal records, may be released
on probation before the full enforcement of the punishment, under the terms of Criminal code.

ART. 76

Part of the punishment considered as served based on the work performed or on the school instruction and vocational training

(1) The punishment that is considered as executed based on the work performed or school instruction and professional training, in view of granting release on probation, shall be calculated as follows:

a) in case it is performed work remunerated under the terms provided in Article 59 (1) and (2), it shall be considered that 5 days were executed for 4 days of work, in case of convicted adults, and 3 days executed for 2 days of work, in case of minor and young convicted;

b) in case it is performed work not remunerated under the terms provided in Article 59 (1) and (2), it shall be considered that 4 days were executed for 3 days of work, in case of convicted adults, and 2 days executed for one day of work, in case of minor and young convicted;

c) in case work is performed under the terms provided in Article 59 (3), it shall be considered that 4 days were executed for 3 days of work;

d) in case work is performed under the terms provided in Article 59 (4), it shall be considered that 3 days were executed for 2 days of work;

e) in case of participation to schooling courses or professional qualification or requalification, it shall be considered that 30 days were executed to graduate a school semester and 15 days executed to graduate a course of professional qualification or requalification;

f) in case of elaborating scientific works published or inventions and innovations patented, it shall be considered that 3 days were executed for 2 days of work.

(2) Reducing the fraction of the sanction considered to be executed based on the work performed or on the school instruction and vocational training can not be revoked.

ART. 77

Procedure of granting release on probation

(1) The release on probation shall be granted according to the procedure provided in the Criminal procedure code, at the request of the convicted person or at the proposal of the commission for the individualisation of the regime for enforcement of punishments involving deprivation of liberty.

(2) The commission for the individualisation of the regime for enforcement of punishments involving deprivation of liberty, with the participation of the judge delegated for the enforcement of the punishments involving deprivation of liberty, in his quality as president, shall propose the release on probation having in view the fraction of the punishment actually served and the part of the punishment that is
considered as served based on the work performed, the conduct of the convicted
person and his efforts for social reintegration, mostly within the educational,
cultural, therapeutic, psychological counselling and social assistance activities, of
school instruction and vocational training, the responsibilities entrusted, rewards
granted, disciplinary sanctions applied and his criminal record.

(3) The proposal of the commission of admission of release on probation,
included in a motivated official report, together with the documents attesting the
mentions in the official report, shall be forwarded to the court of first instance in
the jurisdiction of which the place of arrest is located and shall be communicated to
the convicted person.

(4) In case the commission finds that the convicted person does not meet the
conditions for the release on probation, in the official report drawn up according to
paragraph (3) it shall set a time limit for the re-examination of its situation that may
not be longer than one year. Likewise, the commission shall communicate the
official report to the convicted person and informs him, against signature that he
may address directly to the court with an application for release on probation.

(5) When the convicted person addresses directly to the court, asking the
conditional release, at the same time with the application it shall also be sent the
official report drawn up by the commission for the individualisation of the regime
for enforcement of punishments involving deprivation of liberty, together with the
documents attesting the mentions included in this.

(6) In view of settlement of the application for release on probation of the
convicted or of the proposal formulated by the commission, the court may consult
the individual file of the convicted person.

CHAPTER IX
Documents drawn up by the administration of the penitentiary

ART. 78
Individual file of the convicted person

(1) The administration of the penitentiary shall make up for each convicted
person that serves a punishment involving deprivation of liberty in the penitentiary
an individual file, to which the file provided in Article 29 (2) shall be enclosed.

(2) The individual file of the convicted person includes:
a) the data and identity documents of the convicted person;
b) photos frontal and in profile;
c) a copy of the judgement of conviction to the punishment involving deprivation
of liberty;
d) the warrant for enforcement of punishment;
e) the year, month, day and hour when the punishment began to be enforced;
f) the criminal record;
g) the dactyloscopic record;
h) the documents drawn up as a consequence of the medical examination;
i) the documents reflecting the carrying out of the obligations provided in Article 43 (1) - (3);
j) the documents referring to the measures taken by the administration of the penitentiary with regard to the exercise of the rights of the person convicted to the punishment involving deprivation of liberty;
k) the documents referring to the participation of the convicted person to educational, cultural, therapeutic, psychological counselling and social assistance activities, of school instruction and vocational training of such person;
l) the documents referring to the grant of rewards, discipline file and disciplinary sanctions applied during the enforcement of the punishment involving deprivation of liberty;
m) other documents drawn up during the enforcement of the punishment involving deprivation of liberty that concern the regime of its enforcement.

(3) The person convicted to serve a punishment involving deprivation of liberty and his defender have shall have access to the individual file, in the presence of the person specially appointed by the warden of the penitentiary.

(4) The individual file may be consulted, except for the situations when he is requested by the authorised bodies according to the law, only with the agreement of the convicted person and of the judge delegate for the enforcement of punishments.

(5) The personal data of the persons convicted to serve punishments involving deprivation of liberty shall be confidential, according to the law.

ART. 79
Registers regarding the persons convicted to punishments involving deprivation of liberty

The administration of each penitentiary shall draw up the following registers on the persons convicted to serve punishments involving deprivation of liberty:
a) the register of admission of the convicted person, where the year, month, day and hour on which the convicted person was admitted to the penitentiary;
b) the register of rewards granted to the convicted persons;
c) the register of disciplinary sanctions applied to the convicted persons;
d) the register of release on probation of the convicted persons;
e) the register of release of the convicted persons.

ART. 80
Documents regarding the death of the persons who serve punishments involving deprivation of liberty

(1) In case of death of a person who was serving a punishment involving deprivation of liberty, the manager of the penitentiary shall notify at once the
family of the deceased or a person close to the deceased, the judge delegated for the
enforcement of punishments involving deprivation of liberty and the National
Administration of Penitentiaries, that notifies the Joint Commission of the Ministry
of Justice and the Ministry of Public Health for analysis of deaths occurred in the
penitentiary system.

(2) The certificate of death and the official report of the Joint Commission of the
Ministry of Justice and of the Ministry of Public Health for analysis of deaths
occurred in the penitentiary system shall be mandatory.

(3) After the death of the convicted person, the spouse or a kinsmen up to the 4th
degree inclusive or another person assigned by these shall have access to the
individual file, the medical file, the incident reports, the death certificate and any
other act regarding the death of the convicted person and may obtain, upon request,
photocopies of these acts.

(4) The structure, organisation and functioning of the Joint Commission of the
Ministry of Justice and the Ministry of Public Health for analysis of deaths
occurred in the penitentiary system shall be established by joint order of the
minister of justice and the minister of public health.

(5) The burial of the deceased shall be carried out by his family, kinsmen and
any other persons close to him. In their absence and in case of refusal, the burial of
the deceased shall be carried out by the mayoralty in the locality in the territorial
jurisdiction of which the penitentiary is located.

(6) In case of occurrence of death of the convicted person, as a result of an
accident at work or of an occupational disease occurred during the enforcement of
punishment, his successors shall benefit by a survivor's pension, under the law.

(7) The warden shall be under the obligation of notification provided in
paragraph (1) and when the convicted persons suffers from a serious body injury,
from a serious disease or is transferred in a medical institution to treat a mental
disease.

TITLE V
Enforcement of preventive measures involving deprivation of liberty

ART. 81
Centres for arrest and remand in custody and centres for remand into custody
(1) The arrest and remand in custody during the criminal prosecution shall be
carried out in centres for arrest and remand in custody, that shall be organised and
function under the subordination of the Ministry of Administration and Interior,
and the remand in custody during the trial shall be carried out in the special
sections of remand in custody from the penitentiaries or in the centres for remand
in custody next to the penitentiaries, who are organised and function under the subordination of the National Administration of Penitentiaries.

(2) The centres for arrest and remand in custody shall be set up by order of the minister of administration and interior, and the centres of remand in custody shall be established by order of the minister of justice.

(3) By an order of the minister of administration and interior it shall be established the penitentiary in the jurisdiction of which the centres for arrest and remand in custody will function, and by order of the minister of justice it shall be established the penitentiary in the jurisdiction of which the centres for remand in custody will function.

(4) The organisation and functioning of the centres for arrest and remand in custody, as well as of the centres for remand in custody shall be established by a regulation approved by joint order of the minister of administration and interior and the minister of justice.

(5) The measures necessary for the safety of the centres for arrest and remand in custody, as well as for the safety of the centres for remand in custody shall be established by a regulation approved by joint order of the minister of administration and interior and the minister of justice.

ART. 82

Enforcement of arrest and remand in custody

(1) The arrest shall be executed pursuant to the ordinance that ordered the arrest, according to the provisions of Code of criminal procedure.

(2) The remand in custody shall be enforced pursuant to the warrant for arrest, issued according to the provisions of Code of criminal procedure.

(3) The admission in the centres of arrest and remand in custody of the persons for which such preventive measures have been ordered shall be carried out pursuant to the ordinance provided in paragraph (1) or, as applicable, of the warrant for arrest provided in paragraph (2), after their identity is established.

(4) The centres of arrest and remand in custody and the centres for remand in custody shall be obliged to ensure the exercise of the rights provided in the Code of criminal procedure.

(5) The provisions of Title IV Chapter III - IV, referring to the arrest condition, right and obligations of the convicted, work, educational, cultural, therapeutic, psychological counselling and social assistance activities, reward, except for the permission to go out of the penitentiary and disciplinary sanctions shall apply accordingly, unless they are contrary to the provisions provided in this title.

(6) The persons arrested or remanded in custody shall wear civil outfits.

(7) The persons remanded in custody, at their request, may perform work or may carry on educational, cultural, therapeutic, psychological counselling and social assistance activities, inside the centres of arrest and remand in custody or of centres
for remand in custody, with the opinion of the judge delegated with the enforcement of punishments.

ART. 83

Individual file of the arrested person or of the person remanded in custody

(1) The administration of the centre of arrest and remand in custody or of the centre of remand in custody shall make up for each arrested person or for each person remanded in custody an individual file, to which the file provided in Article 29 (2) shall be enclosed.

(2) The individual file of the arrested person or of the person remanded in custody:

a) the data and identity document of the arrested person or of the person remanded in custody;

b) photos frontal and in profile;

c) a copy of the enacting terms of the judgement ordering the remand in custody, the extension or preservation of the remand in custody;

d) the order of arrest and warrant for remand in custody;

e) the year, month, day and hour when the arrest or remand in custody began to be enforced;

f) the criminal record;

g) the dactyloscopic record;

h) the documents drawn up as a consequence of the mandatory medical examinations provided in Article 51;

i) the documents reflecting the carrying out of the obligations provided in Article 43 (1) - (3);

j) the documents referring to the measures taken by the administration of the centre of arrest and remand in custody or of the centre of remand in custody with regard to the exercise of the rights of the arrested person or of the person remanded in custody;

k) the documents referring to the grant of rewards, disciplinary file and disciplinary sanctions applied during the enforcement of the arrest and remand in custody;

l) other documents drawn up during the enforcement of the arrest or remand in custody.

(3) The person arrested or remanded in custody and his counselor for the defence shall have access, in the presence of a person specially appointed by the chief of the centre of arrest and remand in custody or of remand in custody, at the individual file.

(4) The court and the prosecutor shall have access to the individual file of the person arrested or remanded in custody.
The file may be consulted by the bodies authorised according to the law, without the consent of the arrested person or of the person remanded in custody.

(6) The personal data of the persons arrested or remanded in custody shall be confidential, under the law.

ART. 84

Registers on the persons arrested or remanded in custody

The administration of each centre of arrest and remand in custody and of each centre of remand in custody shall draw up the following registers on the persons arrested or remanded in custody:

a) the register of admission of the persons arrested or remanded in custody, where the year, month, day and hour on which the person arrested or remanded in custody was admitted to the penitentiary;

b) the register of disciplinary sanctions applied to the persons arrested or remanded in custody;

c) the register of rewards;

d) the register of disciplinary sanctions.

TITLE VI

Transitory and final provisions

ART. 85

Transitory provisions

Within 3 months as of the entry into force of this law, the Commission for individualisation of the regime of enforcement of the punishments involving deprivation of liberty shall be established for each person convicted to serve a punishment involving deprivation of liberty the regime of enforcement, according to the provisions of the Criminal Code and of this law.

ART. 86

Final provisions

(1) This law shall enter into force within 90 days as of its publication in the Official Gazette of Romania, Part I.

(2) Within 10 days as of the entry into force of this law, the Government shall adopt, by decision, the regulation of application of its provisions.

(3) On the date of entry into force of this law the Law No. 23/1969 on the enforcement of punishments, republished in the Official Bulletin, Part I, No. 62 of 2 May 1973, with the subsequent amendments and additions, except for the provisions regarding the enforcement of the punishment at the work place, the Government Emergency Ordinance No. 56/2003 on certain rights of the persons who serve punishments involving deprivation of liberty, published in the Official
Gazette of Romania, Part I, No. 457 of 27 June 2003, as well as any other contrary provisions shall be repealed.