Activity Report

1996
CONTENTS

1. INTRODUCTION

2. INTERNAL ORGANIZATION

3. PRESENTATION OF ACTIVITIES RUN DURING THE PERIOD JANUARY-DECEMBER 1996

3.1 Programs in the area of assistance for persons temporarily deprived of liberty

3.1.1 Supporting activities for the reintegration of persons temporarily deprived of liberty;

3.1.2 Monitoring the human rights in penitentiaries and in re-educational centres;

3.1.3 Theatre as a method of social therapy-sociological study

3.2 Promotion of Human Rights

3.2.1 Educational program of promoting the observance towards the principles of democracy;

3.2.2 Course: “The Planning and the management of the projects destined to refugees and asylum seekers”.

3.3 Individual Cases

3.3.1 The temporary privation of liberty for failure to pay a fine

3.3.2 Sudanese citizens’ issue.

4. PARTNERS AND FUNDERS
1. INTRODUCTION

GRADO is a non-governmental, non-profit association founded in 1994 by Court Decision No.63/1994. This association defends, by all legal means, the human rights as stipulated in the Romanian Constitution and in international conventions.

In 1996 the activities of The Romanian Group for the Defence of Human Rights were focused on:
- people in penitentiaries and in re-educational centres;
- teenagers who attend the courses in high-schools and industrial groups;
- persons whose rights were violated in the derulation of justice.

The association achieved its goal stipulated in the statute and in the mission declared through the programs run in 1996. Both the staff and the volunteers constantly participated to several kinds of activities:
- monitoring the imprisonment conditions;
- social and psychological assistance for persons temporarily deprived of liberty;
- promoting the observance of civic rights and liberties;
- civil education focused on the respect for the law and principles of democracy.

Comparative to 1995, when GRADO got two fundings, we obtained five fundings in 1996. The budget raised four times. In 1996 the organization worked with a number of 22 people comparatively 1995, when there were 10 people.

The organization’s activity was mediated in a Tv show (Tele 7abc), in three broadcasts, in eight reports within the written press.

Extending its activity, GRADO definitively involved in solving the Romanian society’s issues. Non-profit organizations from our country and from abroad showed their interest in working in collaboration.

Thus GRADO and European Council on Refugees and Exiles (ECRE) organized the course "The Planning and the management of the programs destined to refugees and asylum seekers".
Representatives of non-governmental organizations from countries of Central and Eastern Europe attended this course.

Although the state institutions generally showed the same reticence as regards the co-operation with non-governmental organizations for solving citizen’s problems, the co-operation with The General Direction of Penitentiaries carried on and developed.

The educational program focused on teenagers was well-received in School Inspectorates, in high schools and in industrial groups.

2. INTERNAL ORGANIZATION

The activities run by GRADO attracted many volunteers willing to support us in order to reach our goal. In December 1996 the number of staff and volunteers involved in our association's projects was 22.

Young people, with different professions, from Bucuresti, Ploiesti, Craiova, Botosani or Pitesti, expressed their wish of becoming members of this association in order to contribute more efficiently to observance of human rights and to development of the civilian society.
The organization’s structure:

High Decision Board: The general assembly including 25 members

Executive Committee: The executive including 5 members
- Mihai Popescu, president
- Gabriel Chelaru, vice-president
- Mihaela Draghici, vice-president
- Dan Fota, vice-president
- Gheorghe Serpoi, vice-president

Auditing Committee: - Dane Diana
- Mihai Stefanescu
- Marian Stancu

Programmes Co-ordinators:
- Mihai Popescu
- Mihaela Sasarman
- Gheorghe Serpoi

Office Address: str.Schitului nr.9, bl.40, ap.135, sector 3, Bucuresti

Working Office: str.Centurii nr.9, bl.133, sc.B, ap.77, sector 6, Bucuresti

Telephone: 401 772 73 44/401 430 32 00

e-mail: grado@mail.sfos.ro
3. PRESENTATION OF ACTIVITIES

3.1 Programs in the area of assistance for persons temporarily deprived of liberty

3.1.1 Supporting activities for the reintegration of people temporarily deprived of liberty.

In 1996 we kept on being present in penitentiaries, running activities destined to support the social reintegration of people deprived of liberty. GRADO representatives worked in Bucuresti (Jilava) and Targso Penitentiaries as well as in Găesti and Craiova Re-educational Centres. Our activities were focused on women and minors during the period of detention and after release. 76 persons deprived of liberty straightly benefited of GRADO assistance in 1996.

GRADO representatives run different kinds of activities:

- During the period of detention -

Individual psychological and social counseling: weekly there took place individual meetings for about 50 minutes, with each assisted beneficiary.

The mediation of the relations between the beneficiary and his family materialized in:

- the estimation of family environment- following social inquiries;

- support for the children whose breadwinners are in prison: their registration in kindergarten or in school, the supervision of their conditions in the family where they were entrusted, the facility of the connection between children and their mother in prison, substantial assistance materialized in food or clothes;

- improving the connections between the beneficiary in prison and his family;

- informative-instructive activities: discussions in group were carried on around themes suggested by the beneficiaries: drugs, migration, HIV infection, selection of a job, civic rights and liberties;
- gifts for all the beneficiaries in prison: we offered little presents on Christmas holiday.

- After-release activities -

- assistance activities: social assistance services: social inquiries, support for obtaining identity documents, support for obtaining social assistance, direction and sustaining in finding a job, support in solving some family matters regarding the children, the offer of materials selected and synthesized by the staff of the project containing information with social utility;

- psychological counseling- granted by 2 psychologists at GRADO office and focused on : identification of the ways which can solve the beneficiaries’ issues, stimulation of their confidence in their skills of outrunning difficult situations.

- the mediation of the relations between the beneficiaries and the institutions: interventions for solving some problems at: polyclinics, hospitals, Housing Units, town halls, police stations, others.

Conclusion: The experience accumulated by GRADO representatives in their activity for reintegration of the persons temporarily deprived of liberty, confirms, by a lot of reasons, the necessity of specialized services before and after release. We found that the main obstacle against the reintegration of many people released from prison is the lack of support in regaining their social skills (often too little developed even before the imprisonment and almost totally lost in prison). As long as many imprisoned people are kept in their rooms most of their time of detention and the works they perform don’t suit either their skills, or their inclination, or their wish, when this exists, the natural consequence is the released people’s incapacity of rapid reintegration in the social life. Even the ones who perform skilled works during the period of detention, after release, are confronted with the same problems caused by the lack of any social support. Their reintegration need to be trained individually and started during the period of detention. The period after release is the most difficult for the individual and then he needs a real support from the society through the agency of specialized personnel. As regards our beneficiaries, we noticed that their chances of social reintegration were bigger when they benefited of assistance during the period of detention. From among 76 people assisted by GRADO only one relapsed, this fact suggesting that the existence of social and psychological support can contribute effectively to the decreasing of number of people who re-offend.
According to data from The General Direction of Penitentiaries' report on 31.12.1994, 32.98% of people deprived of liberty were people who relapsed. GRADO experience represents an actual proof for the necessity of a national program of promoting social reintegration of persons deprived of liberty based on a proper legislative framework. In this way criminal phenomenon will be kept under control and there will be created conditions for the growth of citizen’s safety.

3.1.2 Monitoring of human rights in penitentiaries and re-educational centres.

Promoting the observance of human rights in prison represents an important aspect of GRADO's presence in penitentiaries. The monitoring was realized constantly in the four places of detention where the supporting activities for the reintegration in the social life carried on. There were used the data supplied by: GRADO representatives, the project's beneficiaries, other people in prison or in liberty, representatives of penitentiaries' administration and of The General Direction of the Penitentiaries. Certain situations were followed from mass-media signals.

The lack of a law for the access to information created us difficulties in our gathering the very necessary data for a correct and accurate monitoring. We followed aspects as regards: the imprisonment conditions: accommodation, meal, hygiene, clothes, work and work conditions, programs of activities; imprisoned rights: petition, mail, package, the right to receive visitors, health assistance; the penalties carried out during the period of detention.

From our observations in Targsor Penitentiary and in Gaesti and Craiova Re-educational Centres we can declare that the situation of the observance of human rights in penitentiary system has not changed at all comparative to 1995. We established that the minimum standards of medical and hygienic assistance were not observed. The detainees have access to shower just once a week (and the time for this activity is much too short, they having no physical time to clean their entire body), the soap is insufficient, the bedclothes are changed once a two-three months. The right to correspondence is limited to a letter in and to a letter out a month as well as the right to receive a packet a month and when several
letters are sent to the detainee a month, he gets only one chosen at random, without any official criterion. As regards the right of minor detainees to correspondence this is limited to 4 letters in and 4 letters out per months.

Bucuresti (Jilava) Penitentiary constituted for GRADO team an unpleasant exception from the point of view of monitoring the detention conditions. The penitenciary governor did not allow us to talk to the selected beneficiaries in private, meetings where they could have complained, without any restraint, of the detention conditions and other matters. Our visits in penitentiary and the gathered data lead to the conclusion that in Bucuresti Penitentiary the detention conditions do not observe the European standards: overcrowding, unhygienic conditions of meal servicing and activity in rooms, the violation of the right to daily walk, the lack of any productive, entertaining or educative activity, tense interpersonal relations (between prison staff and detainees).

**Conclusion:** Being militarized, the penitentiary system is still an extremely reserved system, with a reduced transparency making possible the existence of abuses which remain unknown to the civil society. Thus, it is necessary the endorsement of a law which stipulates the free access to the reality in prison.

### 3.1.3 Theatre as a method of social therapy
- sociological study-

The study was done in collaboration with UNITER program "Theatre as Rehabilitation". The program was initiated by UNITER in 1993. GRADO collaborated with UNITER as part of the second stage, which consists in the production of a play "Robinson and his guests" for the audience in the prison’s environment. The play was acted in eight penitentiaries as well as in two theatres for independent audience. GRADO in collaboration with the experts of The General Direction of the Penitentiaries realized a study regarding the impact of the show on the persons deprived of liberty. The study was called "Theatre as Rehabilitation" and published in the textbook "Rehabilitation through theatre" edited by UNITER. The authors of the study are: Denisa Kerekes, Cristian Lazar, Carmen Mureanu and Dana Sicoe.

The analysis of the educational effects of the performances was made following the reason of the participation, the thematic preferences and also the perception level of the detainees.
There were chosen, at random, 218 subjects selected among the eight penitentiaries where the performances took place during the period 1995-1996.

The study was based on the answers to the questionnaires and on the interviews with the detainees.

The study pointed out the following:

- the theatre offered to the detainees the chance of reconsidering their position comparative to the outside world beside who they felt rejected;

- the occasion of thinking over their own deeds, when the theme which was presented made references to the situations they had been confronted with;

- there was confirmed the pertinence of the play comparative to the detainees' level and the level of conflicts consumed during the detention;

- from psychological point of view there was created the environment necessary for the initiation of a therapeutic program using alternative techniques – theatre and education;

- the psychic effects after seeing the performance can be speculated through the reconstitution of their way of thinking;

There was confirmed the compatibility between penitentiary environment and theatrical language; the detainees are extremely skilful as regards the lie, but their skill of lying in a theatrical language isn’t experienced.

The study offered a complex view over the detainees’ image about the theatre, over the positive expectations concerning this manner of education and, especially, it confirmed the theatre quality of establishing safely emotional relations with the detainees in the penitentiary environment.

This investigation also offered some decisive lines on the type of reaction generated by the artists’ presence in penitentiary environment, which was very useful later in the assurance of the psychological protection of those who started to work effectively.
The study was also a very good base of going on with UNITER program, when this advanced to work stage in permanent system all over the penitentiaries.

3.2 The Promotion of Human Rights

3.2.1 Educational program of promoting the observance for the principles of democracy

The program has two distinct goals: the education of young people from high schools and their familiarization with democratic manners of thinking and the delivery of an important set of legislative information.

The goal followed by achieving the two targets is to change the relation between the minors in high schools and the representatives of the authorities. We chose this target-group because the young person’s lack of knowledge and their being still under the influence of an unidirectionate education make them the easiest victims of the authority’s abuses. They don’t know they can defend themselves, they have rights alongside of duties, and the typical behaviours for their age lead them in situations they cannot control anymore.

GRADO members identified the needs of this very important segment of our society in the previous program, when they found issues of minor offenders which could have been solved in a beginning stage if those young people had benefited of a proper education.

The program started in September 1996 with a series of meetings between GRADO members and collaborators, meetings whose goal was the very correct defining of the group target and its needs. We proposed ourselves to keep on paying good attention to young people’s reactions and problems all through the program’s running, so that we could avoid the only elaboration of another correct book otherwise out of the Romanian reality.

The first step was testing the teenagers (500 questionnaires in 6 high schools, classes IX-XII). The results provided us the orientative plan of the lessons, in number of 10, organized on 5 major themes and the areas of interest for the information organized in the pupil’s experimental copy book.
Both the text book including the plans of the lessons and the pupil's copy book were created as part of Sinaia seminar (14-15 December 1996) by the whole team of the program.

What makes the note of exception in this program is the utilization of a series of theatrical exercises, scripts of improvisation and acting parts, which represent educational methods in the program. The theatre stimulates the dialogue avoiding dissimulation and gross lies being also a principle of work which blends the control for the preservation of coherence with the democratic expression and participation.

The School Inspectorates and the high schools' headmasters responded positively, underlining that we come to prevent the total absence of legislative education from school program.

The lessons were to run with the form masters' agreement as part of their classes during the 2nd and the 3rd terms in the following high schools: Gh. Sincai High School, Octav Onicescu Industrial Group in Bucuresti, Sanitary High School and Nicolae Bălcescu High School in Pitesti, Elie Radu High School, Economic High School and The High School of Art in Botosani, at classes IX-XI, a class from each year of study. The themes included in the program are:

THEME 1: THE GROUP

THEME 2: OFFENCES

THEME 3: A. THE RELATION WITH THE AUTHORITY
            B. MEDIATION OF THE CONFLICTS

THEME 4: THE POTENTIAL OF BECOMING A VICTIM

THEME 5: REHABILITATION OF THE RELATION WITH THE AUTHORITY

3.2.2 The Course:
''The Planning and the management of the projects destined to refugees and asylum seekers''.

During the two stages, in February and May 1996, the course ''The planning and the management of the projects destined to refugees and asylum seekers'' took place at Sinaia.
The course was organized by GRADO in collaboration with European Council on Refugees and Exiles – ECRE. It was destined to the non-governmental organizations from Bulgaria, Czechia, Hungary, Poland, Slovenia, Slovakia and Romania, which offer assistance to refugees and asylum seekers.

The courses were based on the book written by George Gawlinski and Lois Graessle: "Planning together - the skill of an efficient work in team". The participants benefited of the presence of the authors as lectures assisted by Gabriela Chelaru, a GRADO member.

The themes debated were: development and sharing of an idea, becoming organized and remaining organized, providing help etc.

3.3 Individual Cases

3.3.1 The temporary privation of liberty for failure to pay a fine

According to the provisions of the laws 61/91 and 12/90 if a person does not pay a fine applied for a minor violation of the above mentioned law in 30 days since the time of being in the knowledge, the Court will turn it into contravention detention.

There’s no law regarding the conditions of serving the contravention detention in Romania and therefore the offenders actually execute the Court Decision in same conditions as the penal detention. In the 1996 Report of the General Direction of the Penitentiaries it was mentioned that 2279 offenders were in Romania's prisons on 31.12.1996.

Following the activities which GRADO runs in Targșor Penitentiary, we encountered several women in this situation. Studying their cases, GRADO found out that there were procedures and practices which violated the human rights, as regards the laws 61/91 and 12/90 were enforced.

6 cases of offences with 12 warrants for serving contravention detention benefited of juridical assistance. Some persons also benefited of the assistance offered by the association as part of the supporting program for the reintegration in the social life. For a better knowledge of the consequences which the present punitive
system of the minor offences has on the disadvantaged persons we shall illustrate with two cases assisted by GRADO.

* S. Ioana, 26 years old, residing in Bucharest, was condemned following the law 12/90 to 12 months of contravention detention for selling sweets for Christmas tree (Court Decision No. 7683/17.10.1995-The Court of sector 2) and seeds (Court Decision No. 10409/13.12.1995-The Court of sector 2) without license.

The beneficiary was taken under assistance by GRADO 4 months after starting the execution of judicial decisions. After the social inquiry made by GRADO it was found there happened the following events in the beneficiary's family:

- the husband, suffering from a serious illness, immobilized in bed at the moment of arrest, died 4 days after that moment. The beneficiary received the news with a delay of 2 weeks.

- The two minor children (of 6 and 9 years old) didn't get under the protection of the tutorial authority because this wasn't informed by any institution. Consequently, one of the children turned into a consumer of drugs, and the other one was hospitalized in Filaret Hospital suffering of tuberculosis, in a bad state.

Other consequences which came out of mother's arrest was the ceasing of the social assistance for children during the whole period of their mother's detention as well as during the period subsequent to the liberation until GRADO's intervention.

GRADO helped her to regain her social assistance, to obtain her identity documents and to take her dwelling back. During the detention period we mediated the contact with children, providing them the transport to the penitentiary.

The juridical assistance provided by GRADO through a lawyer determined the re-examination of the sentence and the beneficiary's liberation before the expiry of the initial term.

* G. Elisabeta, 36 years old, residing in Bucharest, was arrested and condemned to 6 months of detention for violation of law 61/91, insults against police officers. She was under GRADO assistance a month after her imprisonment when she informed us about the following problems:

- she suffered from a chronic degenerative disease (sclerosis), an illness which needed treatment and especially sparing from physical
effort. Because she wasn’t summoned in instance she couldn’t benefited of the right of requiring medical and legal examination.

Consequently, in detention place she was submitted to the same conditions with the detainees of penal law (performing agricultural work, isolation).

GRADO obtained a medical certificate which certified the illness G. E. was suffering and we registered it to the penitentiary surgery, thus contributing to the change of treatment method in prison

Conclusions:

- Laws 61/1991 and 12/1990 are much too repressive and they affect seriously a segment of the population obviously disadvantaged (poor, ill persons, with torn families, low cultural level)

- Although contravention is a deed with a lower social danger than offence, the individual doesn’t benefit of the legal protections given by the Penal Code and the Code of the Penal Procedure

- It is obvious this law must be essentially modified, being necessary the endorsement of penalties instead of contravention imprisonment, for sample the work for community.

3.3.2 Sudanese citizens’ case

On the 18th May 1993 a number of 8 Sudanese citizens was convened to the Embassy office for giving explanations regarding certain events which occurred with the occasion of Africa’s Day, where they were involved. Once arrived into the Embassy, between them and the Embassy staff there broke out a conflict manifested by yells and verbal violence, a conflict which ended with the police and the firemen intervention.

The consequence was Sudanese citizens’ convocation in Court by the chief of the diplomatic mission of Sudan in Romania under the charge of “destruction against public wealth ” – art. 231 and art. 321 – insult against good manners and the violation of public peace.

Accused were judged under arrest and they were refused the cancellation of this measure, although the file made by the prosecutor didn’t include eloquent evidence in favour of maintaining the preventive
arrest. The case was sent to be analyzed by the Committee for the human's rights from Strasbourg in the summer of 1994, and only in September of 1994 the instance disposed the liberation of detainees under judicial control and the change of the framing “destruction against the public wealth” to “destruction against private wealth”.

Concomitantly, the Embassy staff claimed that, during the incident which lies at the basis of this trial, they suffered body injuries and they asked for civil damages.

The file of suing those 8 people of Sudanese nationality at law as well as the whole manner of trial raise several notes of interrogation as regards the observation of human's rights:

- those 8 people were sued at law in group, answering collectively in front of the law, without observing the principle of individual responsibility;
- the innocence presumption was violated by the measure of restraint for 18 months without existing obvious evidence in favour of their guilt;
- there was violated the right to a trial in a reasonable period of time, right stipulated by the European Convention of the Human Rights;
- there were violated the rights of not being submitted to torture or cruelties, or inhuman treatment.

In November 1996 The Court decided through the sentence 1006/29.11.1996 the acquittal of the detainees. The attorney Corps from Bucharest pronounced appeal against this solution.
4. Partners and funders

Partners

- **Governmental Institutions** -
  
  The General Direction of Penitentiaries
  Targsoar Penitentiary
  Bucuresti Penitentiary (Jilava)
  Craiova Re-educational Centre
  Gaesti Re-educational Centre
  The House of Teaching Staff – Botosani

- **Non-governmental Organizations** -
  
  Theatre Union of Romania - UNITER
  Romanian Helsinki Committee APADOR – CH
  European Council on Refugees and Exiles – ECRE

Funders

The European Community – PHARE Democracy Program
The European Community – PHARE LIEN Program
SOROS Foundation for an Open Society
GRADO- Grupul Roman pentru Apararea Drepturilor Omului

GRADO-Grupul Roman pentru Apararea Drepturilor Omului - este o organizatie neguvernamentală, independenta non-profit infiintata conform Sentinteii Civile nr. 63/1994. Asociatia include 34 de membri cu drepturi depline si cu practica in domeniile: juridic, medical, social si economic.

OBIETIVE CENTRALE :
* cunoasterea si respectarea drepturilor omului;
* dezvoltarea societatii civile si intarierea democratiei;
* protejarea si sustinerea grupurilor defavorizate;
* rezolvarea unor probleme regionale.

SCURTA DESCRIERE A ACTIVITATII DEJA INTREPRINSA:
- asistenta accordata femeilor in ultima perioada de detentie si dupa eliberare in vederea reintegrarii lor in societate;
- teatrul ca reabilitare-<Robinson si oaspetii sai>, piesa jucata in penitenciare si centre de re-educare;
- studierea conditiilor de viata ale solicitantilor de azil si ale refugiatilor si a posibilitatilor de integrare a refugiatilor in Romania.

PROGRAME IN DESFASURARE:

I. Programul de promovare a respectului fata de principiile ordinei democratice este indreptat catre tineri , in scopul cunoasterii si respectarii drepturilor omului, al evitarii victimizarii si a comiterii de infractiuni de catre acestia, si in vederea realizarii echilibrului in relatia lor cu reprezentantii autoritatilor. Proiectul consta in cursuri acordate de o echipa de pedagogi, juristi, oameni de teatru, psihologi elevilor din licee si grupuri industriale.

II. Programul de asistenta pentru persoanele private de libertate inlesneste revenirea la viata sociala, educarea beneficiarilor in scopul respectarii normelor societatii, introducerea sistemului alternativ de executie a pedepselor. Echipa acorda asistenta in penitenciarele Targsor, Jilava si in centrele de re-educare Gaesti si Craiova.

III. Programul de asistenta legala si monitorizarea justitiei are ca obiective identificarea legilor, regulamentelor si procedurilor care incalca drepturile omului, promovarea
modificarii acestora și asigurarea asistentei legale grupurilor defavorizate.

IV. Programul de asistența în penitenciare și după eliberare prin metodele clasice și alternative ajuta la scăderea numărului de recidive ca urmare a asistentei acordate detinuților. Proiectul se desfășoară în penitenciarele: Targșor, Slobozia, Arad și în centrul de re-educare Craiova.

Echipa de lucru pe programe constă în: juristi, asistenti sociali, medici,..............................

Consiliul de conducere format din: Nicoleta Druta Dan Fota Gheorghe

Serpoi Mihai Popescu - președinte

Director economic - Felicia Stancu

*Daca prin experienta si/sau calificarea dvs. puteti contribui la dezvoltarea democratiei, daca nu va este indiferenta situatia persoanelor ale caror drepturi sunt lezate, nu ezitati sa ne contactati la biroul nostru de lucru in:

Tel. 401/772.73.49
401/312.92.00