



## **Grupul Roman pentru Apararea Drepturilor Omului GRADO**

Consiliul de conducere

Mihai Ioan Popescu - Presedinte  
Rodica Niță – Vice-presedinte  
Daniela Dragomir– Vice-presedinte  
Elena Sălculescu – Vice-presedinte

Str. Cupolei 5, bl 2B, sc. 2, ap 55, sector 6, cod postal  
061153 Bucuresti

Telefon: +4021 430 02 16

Fax: +4021 430 02 16

e-mail: [office@grado.org.ro](mailto:office@grado.org.ro)

site: <http://www.grado.org.ro>

# **ACTIVITY REPORT**

# **2017**

## **I. INTRODUCTION**

In 2017, the Association the Romanian Group for the Defence of Human Rights - GRADO continued its activities within the funded projects and carried out volunteer activities according to its mission established at the founding of the Association in 1994.

GRADO's mission is to defend, through all legal means, human rights and fundamental freedoms and promote their knowledge and respect.

The objectives of GRADO are as follows:

1. To contribute to the implementation of a criminal justice system in line with European standards
2. Promote education for human rights, democracy and civic spirit
3. To contribute to the protection of persons whose rights have been violated
4. To contribute to the development of civil society

### **Significant results of GRADO activities in 2017**

In 2017, GRADO carried out 2 projects:

- "Stay Free!" in partnership with the VEBO Association and the National Administration of Penitentiaries, funded by the Zurich Canton Lottery
- Transparent Decision Process in Re-Offending Risk Assessment in partnership with the Department of Penitentiary Institutions and the National Probation Inspectorate of the Republic of Moldova, funded by the Canada Fund for Local Initiatives.

Within the "Stay Free!" Project, 170 people deprived of their liberty participated in programs to prevent relapse and 41 people benefited from release for release.

The GRADO Association has been actively involved in activities to prevent and combat violence against women in partnership with member NGOs in the VIF Network. This activity was carried out on a voluntary basis.

The Network for Preventing and Combating Violence Against Women and GRADO Association launched the "Exploratory Study on the Implementation of the Protection Order and the Family Violence Provisions of the Criminal Code of Romania in 2012-2016".

The adoption of Law 169/2017 amending and completing the Law 254/2013 on the execution of sentences and detention measures ordered by the judicial bodies during the criminal trial amends the provisions of art. 96 (1) (a) to (c) by increasing the number of days deemed to be executed for work. The GRADO Association submitted a proposal to the Ministry of Justice in 2016. The Association considered that this change could help reduce the overcrowding in the penitentiary system in Romania by a measure that stimulates participation of detainees in prosocial activities.

## **II. ACTIVITIES CARRIED OUT IN 2017**

The structure of the programs developed by the GRADO association is as follows:

### **1. LEGAL RESOURCES FOR HUMAN RIGHTS**

1.1 Legal Assistance Program

1.2 Penal Reform

### **2. MONITORING HUMAN RIGHTS**

2.1 Programs to monitor human rights and citizenship rights

2.2 Programs for the protection of women's rights

2.3 Programs to protect vulnerable groups

### **3. EDUCATION AND PROMOTION OF HUMAN RIGHTS**

3.1 Education programs for democracy in schools and high schools

3.2 Community education programs

3.3 Adult education programs

# 1. LEGAL RESOURCES FOR HUMAN RIGHTS

## 1.2 Penal Reform

The GRADO Association was present at the debates on the reduction of the number of persons incarcerated in the penitentiaries in Romania.

In January 2017, a public debate was organized by the Ministry of Justice on the draft Government Emergency Ordinance amending and supplementing the Criminal Code and the Criminal Procedure Code and the draft Emergency Government Ordinance on pardoning punishments. Representatives of NGOs, citizens and media representatives attended the debate. The debate was broadcast live online on various media channels.

The representative of the GRADO Association requested that, taking into account the importance of these normative acts, they should be adopted through the normal parliamentary procedure and not as emergency ordinances, and also demanded that the liberation of persons deprived of their liberty be made by increasing the number of days earned for the activities carried out and not by pardon.



The Committee on Human Rights, Cults and Minorities of the Chamber of Deputies held a debate on 21 March 2017 on "Identifying Sustainable Solutions for Human Rights in Romania, with regard to the execution of custodial and non-custodial sentences". The GRADO Association and Prison Fellowship Romania presented a number of proposals which, in the opinion of the authors, would contribute to reducing overcrowding in the Romanian penitentiary system. Our proposals include:

### I. Penal Code and Code of Criminal Procedure

1. Reducing the special limits of custodial sentences in the case of offenses not involving violence and those with damage up to a certain limit. According to the Council of Europe report, Romania has one of the highest durations of criminal penalties.
2. The use and effectiveness of Community measures and sanctions
3. Changing the rules on punishment in case of multiple offenses and in case of a repeat offense.

4. Rethinking the fraction and conditions for conditional release. (The New Penal Code, in force since 2014, provides for heavier conditions for obtaining conditional release than the old Criminal Code).

5. The observance by the judicial bodies of the exceptional character and, at the same time, the subsidiary character of remand in relation to the other non-custodial measures. Thus, the number of remand prisoners (1,337 persons in 2016) will decrease.

## II. Law 254/2013 on the Enforcement of Sentences and Custodial Measures ordered by Judicial Bodies in Criminal Proceedings

1. With a view to changing restrictive regimes, the Commission's first analysis of the establishment, individualization and change of the prison regime should be made up to 2 years from the assignation of the prison regime.

2. Increasing the number of prisoners employed.

3. Provide spaces free of charge in penitentiaries for companies employing more prisoners.

4. Supervision by employers of prisoners serving sentences in the semi-spen and spen regimes and working outside the penitentiary.

5. Make full use of the potential (that currently is hardly used) for prisoners' preparation for release, of the semi-open and open regime with regard to:

- accessing community resources for the reintegration of convicted persons – programme on reducing the risk of recidivism after release.

- awareness and involvement of the community (decision-makers, NGOs, employers and others) regarding their role in the reintegration of ex-detainees and thus in strengthening the security of their own community.

6. Organization of vocational training on professions in demand on the labour market

7. Legislative regulation whereby the work done by contract detainees constitutes a length of service and at the time of release they are entitled to a pension, unemployment allowance, etc.

8. Article 96 of L. 254/2013 mentions the part of the duration of the sentence that is counted as served based on the work done during detention. We propose to increase the number of days earned for the work performed during detention as follows:

a) if work is paid, it should be considered 6 days of sentence served for 4 days of work;

b) for unpaid work, 5 days are considered as served for 3 days of work;

c) if work is done during the night, it is considered to be 4 days served for 2 nights of work.

9. Allocation of adequate financial resources for food, health and hygiene

The full material can be found on the GRADO website <http://grado.org.ro/comisia-for-recunoa-drepturile-culilor-culiti-minoritati-nationalale/>



The Law 254 / 2013 was amended in 2017 by Law 169/2017 adopted by the Senate on 13 March 2017 and adopted by the Chamber of Deputies on 09.05.2017. The Law 169/2017 amended art. 96 par. 1 increasing the number of days considered to be executed for cases where paid or unpaid work is done. Unfortunately, the number of days considered to be earned for school attendance was not increased, despite the fact that not all detainees could participate in work.

### **The Network for Preventing and Combating Violence Against Women**

GRADO Association has actively participated in the actions taken by the Network for Preventing and Combating Violence Against Women throughout the year 2017. The ViF Network sent open letters to the Ministry of the Interior and IGPR, the General Prosecutor's Office, the Ministry of Justice for the adoption of the legislative amendments drafted on the basis of the Istanbul Convention which was ratified by Romania and which requires states to alter legislation in accordance with the provisions of the Convention.

Unfortunately, the efforts of the associative sector and not only, have not been successful.

### ***Transposition of Directive (EU) 2016/343 of the European Parliament and of the Council of 09.03.2016 on the strengthening of certain aspects of the presumption of innocence and the right to be present at the trial in criminal proceedings***

In December 2017, the Network sent a press release that drew attention to the impact of the proposed amendments in the Chamber of Deputies on the occasion of the debate on the transposition of Directive (EU) 2016/343 of the European Parliament and of the Council of 09.03.2016 on the strengthening of certain aspects of the presumption of innocence and the right to be present in the criminal proceedings. The network elaborated an analysis of the proposed changes and the impact these changes have on the victims, and called for the provisions of the Istanbul Convention to also be taken into account.

## **2. MONITORING HUMAN RIGHTS**

### **1.1 Programs for monitoring the observance of human rights and citizenship rights**

#### **Prevention of torture in places of detention**

The GRADO Association is involved in the People's Advocate activity carried out under the National Torture Prevention Mechanism in detention facilities, based on the Government Emergency Ordinance no. 48 / 2014 for amending and completing the Law no. 35/1997 on the organization and functioning of the People's Advocate Institution. The two institutions signed a collaboration protocol on March 3, 2015, describing how to collaborate.

In 2017, representatives of GRADO were involved in visits to the Jilava Penitentiary, the Arrest and Remand Centre No. 1 (CRAP No. 1), CRAP No. 3, CRAP No. 10, Săpunari Psychiatric Hospital, Medical Centre for Diagnosis and Ambulatory Treatment "Dr. Nicolae Kretzulescu ". Visiting reports have been published or are being published on the People's Advocate website.

A GRADO representative also participated in the discussion with DGASPC Ilfov on the recommendations made during the visit by the National Torture Prevention Team to "Bălăcena" Ilfov Neuropsychiatric Recovery and Rehabilitation Centre on July 23, 2015. The 2015 visit was followed by a new visit on December 10 and 13, 2016, aimed at following up on the way the recommendations from the first visit report were implemented. Both reports can be found on the People's Advocate website. The purpose of the meeting with the DGASPC leadership was to clarify the need to implement all the recommendations made by the People's Advocate on the occasion of the two visits.

#### **Practical and Reflection Workshop 3-5 May 2017**

A representative of the association participated in the workshop organized by The People's Advocate and the Association for the Prevention of Torture with the objectives of increasing the competencies of the employees of the Domain, in preventing torture and optimizing the impact of the reports and recommendations made during the visits.

#### **Monitoring the detention sites by the Domain of Prevention of Torture in Places of Detention (MNP) results difficulties encountered**

Roundtable, November 23, 2017

The GRADO Association was invited to participate in the event held at the Parliament Palace with the participation of representatives of public institutions visited by MNP teams. Representatives of these public institutions who have custody of persons deprived of their liberty in some situations do not seem to give priority to the implementation of MNP's recommendations giving various excuses. Unfortunately, not even the higher hierarchical bodies do not seem to give greater priority to the implementation of recommendations that are made to prevent torture and ill-treatment in line with European practices.

## 2.1 Programs to monitor respect for human rights and citizenship rights

**"Exploratory study regarding the implementation of the protection order and of the provisions regarding family violence from the Romanian Penal Code, during 2012 to 2016".**

On the 20th of July 2017, with the support of the Embassy of Spain and the National Agency for Equal Opportunities, in the presence of some members of the Romanian Parliament, representatives of the relevant public institutions, representatives of the Courts of Justice and the media, was released the study conducted by the ViF Network member organizations. As in previous years, GRADO was actively involved.



The exploratory study can be found at <http://grado.org.ro/2319/>

## 2.3 Programs to Protect Vulnerable Groups

### **Project „Stay Free! – The Social Reintegration Of Persons Deprived Of Their Liberty”**

*General objective:* Develop a program for the social reintegration of detainees.

The project aims to contribute to the development of a system of services that contributes to increasing the chances of social reintegration of detainees, reducing the number of relapses and increasing the community's safety. The way in which the project works can be a practical basis for the National Strategy for Social Reintegration of Persons deprived of liberty developed by NAP and approved by the Government.

#### *Specific Objectives*

- Participation of detainees in reintegration programs
- Development of a network of institutions in a number of communities to be actively involved in post-detention assistance
- Development by NGOs of services for detainees during detention and post-detention

#### *Planned activities*



## 1. Providing training

Providing training for project staff doing group work with offenders to reduce the risk of violence and increase the motivation for change;

## 2. Providing programs for the development of pro-social skills for offenders

It will run in the Mioveni, Mărgineni and Bucharest-Jilava Penitentiaries.

## 3. Developing a network of institutions in the community

Implementation of reintegration plans for selected individuals.

## 4. Continuing post-release assistance

The project management will develop a strategy to finance project activities from the local budgets in accordance with the legal provisions.

## 5. Project Management

The project team will meet every 6 months with all partners to analyse the progress of the project.

### *Expected results*

Number of persons who will benefit from the project:

- 300 detainees,
- 700 persons - family members of detainees,
- 12 persons - prison staff from the prisons where new reintegration activities with detainees will be carried out,
- Capacity building of NGOs to provide programs to reduce the risk of offenders' relapse
- Developing the capacity of NGOs to prepare a social reintegration plan for prisoners to implement after release

Project duration: 01.02.2017 - 31.01.2019

Project budget including: 221.250 CHF

### **Activities in the year 2017**

#### *Training activity for programs to reduce offending behaviour*

In May 2017, two training programs were carried out involving the penitentiary staff and the staff of the association.

In the first training session, the "Modular Prosocial Skills Development Program", 3 modules with a duration of 10 to 15 work themes. This is a program of general psychology and participants (prisoners) receive 25 credits on the completion of each module. 22 people participated in the training.

The second training activity focused on the "Working with Persons Serving a Sentence of Deprivation of Liberty for Sexual Offenses" consisting of 3 modules for persons sentenced for paedophilia deeds and from modules for rape. 11 people participated in the training.

The study visit to Switzerland, of a group of 6 participants in the project activities was aimed at knowing how another justice system works and how it addresses issues such as overcrowding of the penitentiary system, recidivism and social reintegration.

The group visited: the Saxerriet Penitentiary, the Probation Service, the University of Applied Sciences, and the Team 72 NGO. The team has also been in contact with 2 institutions organized as social economy structures.

From 14 to 16 November 2017, a workshop focused on the social reintegration of persons deprived of their liberty took place. The workshop was attended by representatives of the penitentiary institutions involved in the project, representatives of the Social Assistance and Child Protection Departments in Arges, Bucharest and Prahova, with a total of 19 participants.

#### *Preparation for release activities*

The preparation for release programs that have been the subject of the training activity are carried out in the Maximum Security Penitentiaries of Mărgineni and Mioveni and in the Bucharest Jilava Penitentiary with semi-open and open regime. In 2017, 118 convicts were selected and participated in group programs.

The project team has conducted 41 interviews with convicted persons to identify the needs of convicted persons to be released and to assist them in social reintegration and combat recidivism.

#### Post release assistance activities

To carry out this activity, GRADO obtained an accreditation as social services provider to be licensed in 2018. The process of signing partnership agreements with DGASPCs in Bucharest and Argeş was started.

### **Project „Transparent Decision Process in Re-offending Risk Assessment”**

The project proposes the development of a model of relapse risk assessment for persons who are convicted of an offence and who are eligible for early release from prison. The recidivist risk assessment tool can help reduce the number of people serving custodial sentences while ensuring the safety of community members. The project is carried out in partnership with the Department of Penitentiary Institutions and the National Probation Inspectorate of the Republic of Moldova.

A workshop took place during 24 to 27 October, attended by 25 experts from the partner institutions from the Republic of Moldova and 5 experts from the GRADO Association. The workshop identified the static and dynamic risk factors for which there is already information gathered in the partner institutions' databases and for which of these factors additional information has to be gathered.



Based on this information, a first version was developed to be tested on a relevant sample.

Project Duration: August 2017 - February 2018

Project Budget: 37,010 CAD

### 3. EDUCATION AND PROMOTION OF HUMAN RIGHTS

#### 3.3 Adult Education Programs

##### The march "Together for Women's Safety"



The Network on Preventing and Combating Violence Against Women, organized on 15 October 2017 a march to raise public awareness on the phenomenon of violence against women. The meeting place of the participants was the University Square on the corner of Coltea Hospital and the group took the University - Roman Square - Victoriei Square route. The whole action lasted about 3 hours. The number of people participating increased every year reaching in 2017 to about 800 people.



#### **4. PARTNERSHIPS**

Partnership agreements signed in 2017:

- The National Administration of Penitentiaries - for the project "Stay Free! - The social reintegration of the persons deprived of liberty"
- The Department of Penitentiary Institutions of Moldova for the project "Transparent Decision Process in Re-offending Risk Assessment"
- The National Probation Inspectorate of Moldova for the project "Transparent Decision Process in Re-offending Risk Assessment"
- De Montfort University Leicester, UK for the project "Transparent Decision Process in Re-Offending Risk Assessment"

Partnership agreements in force in 2017

- People's Advocate - National Mechanism for Torture Prevention
- VEBO Switzerland Association

#### **5. FUNDERS**

Zurich Lottery through the VEBO Foundation

Canadian Fund for Local Initiatives – CFLI

#### **6. BUDGET**

Total revenue: 290,385.33 Lei

Total expenditures: 311,960.02 Lei

Deficit: 21.574,69 Lei