

Transition facility programme for Romania
Assistance for enhancing the respect of human rights in prisons and improving the efficiency of the Romanian penitentiary system

1. Basic Information

1.1. CRIS Number: 2007/19343.01.08

Twinning Contract RO/2007-IB/JH/02

1.2. Title: Assistance for enhancing the respect of human rights in prisons and improving the efficiency of the Romanian penitentiary system

1.3. Sector: Justice and home affairs

1.4. Location: Romania

1.5. Duration: 12 months

2. Objectives

2.1. Overall Objective:

Stability and efficiency of institutions guaranteeing the rule of law, and respect of human rights in prison

2.2. Project purpose:

Assistance for the improvement of the human resources policy within the Romanian penitentiary system leading to a unitary enforcement of the Law no. 275/2006 on the execution of criminal penalties.

2.3. Justification

The Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (September, 2006) mentioned that progress has been made in improving detention conditions. In June 2006 a Law on the enforcement of criminal penalties was adopted that provides for a differentiated detention regime in prisons. The Law also facilitates improvements in prison conditions and strengthens oversight by judges over sentences served. However, certain concerns persist. There continue to be some reports of ill treatment by law enforcement and prison service staff, including the excessive use of force. Judicial review of such complaints remains rare and there have been no sanctions since May. The problems mentioned in the Commission's Report can be resolved by the accurate functioning of the delegated judge and a proper relation with the penitentiary system. However, the institution being completely new for the Romanian judiciary system, as the applying of the law on the execution of criminal penalties has only took place for a few months, its fine tuning needs time and good knowledge of their capacities by the stakeholders involved in its enforcement. Moreover, within the fifth Quarterly Report of the project - PHARE Project 2003/005-551.04.17 „Support for the improvement of the penitentiary system activity”, Spanish RTA Carmen Martinez Aznar recommended that judges who are appointed as delegated judges for serving sentence should participate in training courses with the penitentiary staff in order to ensure a close cooperation between the penitentiary administration and the judiciary one which can facilitate solving problems that affect both the institutions or only one of them

and finally lead to the proper implementation of the new law on the enforcement of criminal penalties.

Another important problem of the Romanian penitentiary system regards the human resources policy. Although important steps have been made, the management of human resources needs further improvement. Thus, within the **fifth Quarterly Report of - Phare Project 2003/005-551.04.17 „Support for the improvement of the penitentiary system activity”**, Spanish RTA Carmen Martinez Aznar mentions that taking into account the fact that the quality of the methodology for the training of personnel in the National Administration of Penitentiaries' training centres is quite modest and inefficient, it was decided that an analyse should be made in order to create a clear image of current situation and the content of the plans of formation from the centres. For this reason, the National Administration of Penitentiaries has elaborated the Strategy for Development of the Penitentiary System 2007 – 2010, which contains concrete measures to be taken for increasing the efficiency of the human resources. Due to the complexity and importance of a proper administration of NAP's human resources, further support is needed to implement the provisions of the strategy in this matter.

The shortcomings related to the execution of penalties and the human resources of the NAP have also been acknowledged at national level. This is the reason why the **Strategy for the Reform of the Judiciary 2005-2007** (adopted through the Government Decision no. 232/March 30th/2005) states, within the priority “Strengthening the Penitentiary System according to the European standards”, that a special consideration should be given to the social reintegration of offenders, by improving the execution of punishments' system. Regarding the human resources aspect, the reform shall be further carried on, with a view to supplementing the personnel scheme and filling in the vacant positions. In this context, the objective, the results and the activities of the present project fiche subscribe to the objectives of the previously mentioned Strategy and their accomplishment could bring a high degree of added value to the judiciary's reform.

Thus, the project on European Transition Facility Programme aims at providing assistance for the elaboration of a unitary working methodology and the best practices manual for the professionals dealing with the new law on the execution of punishments tools for ensuring a unitary enforcement of the law at national level. Moreover, the assistance provided by the EU experts in the framework of this project will complete the national efforts of the Romanian authorities in fulfilling the objectives stated within the Strategy for Development of the Penitentiary System 2007 – 2010 in terms of the human resources policy.

As for the mean for the implementation of this project, the twinning provides the necessary tools of intervention, for the achievement of the project results, such as the best practices existing in the counter partner institutions within the Member States as well as the international standards applicable in the field.

3. Description

3.1. Background and justification:

Aligning the detention conditions to the European standards and observing the provisions on human rights at the protection standards prescribed at European level, within the penitentiaries, has represented one of the main objectives in the process of Romania's reform of the Judiciary, as stated in the Strategy for the Reform of the Judiciary 2005 – 2007 (adopted by Government Decision No. 232, 1st of April 2005).

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Thus, for the past years, the National Administration of Penitentiaries focused on implementing the European Penitentiary Rules, on promoting a new mentality of the staff and improving the penitentiary standards by observing the human rights, creating living conditions similar to those existing at the level of European Union and professionalizing the penitentiary staff.

In order to comply with the European standards, both legislative and administrative measures have been recently taken.

The most relevant progress registered in this field was the adoption of Law no.275 on the execution of criminal penalties in June 2006 (published in the Official Journal no. 627 on July 20th, 2006, entered into force on October 18th, 2006), that radically changes the Romanian system of serving sentence focusing on the role of the penitentiary system to initiate a change in the social behaviour and beliefs of prisoners, having in mind the social reintegration perspective and the reduction of recidivism rate. A special consideration is given to social reintegration of offenders, with a view to drafting a new evaluation and planning system for the execution of punishments.

The law mainly provides for the introduction of 4 **differentiated detention regimes** (maximum security, closed, semi-open and open); **increased rights for the detainees**, in line with European standards, and **strengthened judicial control** over enforcement of criminal penalties, through the creation of the institution of delegated judge for the execution of the penalties. Thus, in order to encourage and facilitate the social reintegration, the detention regimes are based on a progressive system as the detainees may pass from one regime to another, depending on their behaviour during detention. Among the increased rights for the detainees one can mention: the prison administration must take specific measures in order to actively guarantee for the detainees the exercise of their regulated rights and freedoms, the amount that the convicts may keep of the payment received from their work was tripled and the participation of convicts into educational or professional activities is remunerated.

As for the setting up of the delegated judge for the execution of the penalties, according to art.6 of Law no.275/2006, one or more judges from each court of first instance are appointed every year, by the president of the court of appeal, as delegated judge for the execution of the penalties. Among the tasks of the delegated judge one can mention: the supervision and control of the legality of the execution of imprisonment penalties in a penitentiary, solving the complains against the decisions of the commission for individualising the manner of executing of the detention penalties. Moreover, the delegated judge for the execution of the penalties from the court of first instance under the jurisdiction of which there is a confinement and preventive detention centre or a preventive detention centre supervises and controls the observance of the law in executing the preventive detention measures which have been taken in these centres and also solves all the complains made by the persons who are executing the imprisonment penalties or by the persons who are in preventive detention against the measures which have been taken by the administration of the detention centres with regard to the exercise of their rights and to the disciplinary sanctions.

Thus, the institution of delegated judge is also meant to be a legal guarantee for the respect of the rights of the convicted persons.

As this institution is completely new for the Romanian judiciary system undoubtedly some problems have occurred in the process of enforcing the law and in the proper functioning of the delegated judge institution. Furthermore, in order to ensure the unitary enforcement of the law and also provide an efficient interinstitutional functioning, a working methodology is needed.

Moreover, the **Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (September, 2006)** stated that „in June 2006 a Law on the enforcement of criminal penalties was adopted that provides for a differentiated detention

regime in prisons. The Law also facilitates improvements in prison conditions and strengthens oversight by judges over sentences served. However, certain concerns persist. There continue to be some reports of ill treatment by law enforcement and prison service staff, including the excessive use of force. Judicial review of such complaints remains rare and there have been no sanctions since May”.

Bearing in mind the crucial importance of the reforms that Law .no.275/2006 provides for, especially regarding the institution of the delegated judge for the execution of criminal penalties, ensuring its unitary and efficient enforcement is a matter of priority. In this context there is an urgent need for training of the delegated judges on the new challenges concerning the penalty serving and in order to fulfil accordingly the responsibilities provided for by the Law.

Furthermore, another important problem of the Romanian administration of penitentiaries system regards the human resources policy. The progressive demilitarization of the system provided by Law no. 293/2004 on the status of the civil servants of NAP, has lead significant number of changes regarding the human resources aspect. As results of the enforcement of the above mentioned law, *a new managerial system* in compliance with the European practices in the field was put in practice. As it mentioned in **Romania's 2005 Comprehensive Monitoring Report**, following the adoption of Law 293/2004, the structure of the prison system was reorganised. The NAP has continued to make progress in its demilitarisation programme and the new working culture has helped it recruit over 4 000 new staff.” The process of demilitarisation of the penitentiary administration system shall be further carried on, with a view to supplementing the personnel scheme and filling in the vacant positions, in order to arrive at optimum ratio detainee/ guarding and surveillance personnel. Although important progress has been made in the field of human resources important gaps still relate to the necessity to improve and professionalize the human resources management. The Strategy for Development of the Penitentiary System 2007 – 2010, provides for concrete measures to be taken in order to increase the efficiency of the human resources. Thus, within chapter 7 “Developing the Human Resources Policy” the strategy stipulates as specific objective the improvement of the procedures in the human resources field. Therefore, taking into account the complexity and the importance of this topic, external support is needed in order to identify the gaps and to take adequate measures for developing this sector.

Regarding the Structural Funds and other post-accession EU financial assistance, it has to be mentioned that the justice sector does not constitute either a priority axis or a main area of intervention within the Romanian Sector Operational Programmes and within the Romanian National Development Plan. Consequently, neither is included in activity envisaged by the current project. Thus, it can be clearly stated that there could not be any overlapping between the objectives envisaged by the present project and the objectives of any other projects that could benefit of the EU financial assistance mentioned previously.

3.2. Linked Activities

PHARE 2003/005-551.04.17 “Support for the improvement of the Romanian penitentiary system activity”, had as project purpose, to improve the capacity of prison system to fight against drug-related problems and also to improve the capacity of prison system to develop viable social reinsertion programmes for adult prisoners taking into consideration their prison regime.

In the Fifth Quarterly Report of the above-mentioned project, Spanish RTA Carmen Martinez Aznar pointed out the importance of a future training for the delegated judges on serving the penalties.

PHARE 2004/016-772.01.06 "Continuous Improvement of the Penitentiary System" has as purpose improving the management of the penitentiaries, improving means of transport of the prisoners and improving the capacity of the prison system to handle dangerous detainees. It has two components: a twinning convention with the General Direction of Institutions of Spain and an investment component for the acquisition of means of transport of the prisoners. An activity having in view the institution of the delegated judge took place. It referred to a meeting between delegated judges for the execution of criminal penalties, prison directors, prosecutors, professors of law and lawyers, having as goal a first contact of the delegated judges with the prison directors and promoting the institution in the legal environment. However, this isolated activity organised within the framework of the Phare 2004 Project does not alter the scope of the current project that has as purpose the unitary enforcement of Law no. 275/2006 on the execution of criminal penalties by elaborating an unitary working methodology, a practical manual and improving the knowledge of the delegated judges and penitentiary staff involved. Thus, no overlapping with previous or planned project is entailed by the implementation of the current project.

3.3 Results

Result 1

An unitary working methodology in order to ensure the efficient and unitary enforcement of Law no.275 on the execution of criminal penalties and the Regulation for enforcement of Law no 275/2006 elaborated.

Result 2

Improvement of the professional training of the delegated judges and penitentiary staff involved, at a national level, in the enforcement of the execution of penalties relevant provisions as set forth by Law no 275/2006

Result 3

A practical manual on the efficient and unitary implementation of Law no 275/2006 elaborated.

Result 4

The human resources policy of the National Administration of Penitentiaries assessed and recommendation for its improvement provided.

3.4. Activities

Activities under Result 1

1.1.1. Performing an assessment of institutional and legislative framework on the execution of criminal penalties. The report will identify shortcomings and gaps of the existing legal framework and will contain proposals for its improvement based on Member States relevant best practices. A special attention will be paid to the recommendations related to the institution of the delegated judge, touching upon topics as professional career, specific training, and working methodology. The report will be circulated among the professionals concerned.

Estimated overall cost (Euro): 38 208

Experts involved: Resident Twinning Advisor, Expert 1, STE

1.1.2. Organizing workshops and relevant consultations with stakeholders in the field (delegated judges, penitentiary staff, representatives of the Ministry of Justice and the Superior

Council of Magistracy), in order to present and discuss the previously distributed report as well as the problems encountered in the practical implementation of the law and relevant by-laws.

Estimated overall cost (Euro): 28 634

Experts involved: Resident Twinning Advisor, Expert 1, STE

1.1.3. Elaborating an unitary working methodology for delegated judges as well as penitentiary staff for the enforcement of the legal framework on the execution of criminal penalties. The methodology will be elaborated based on the proposals issued following the consultations organized as provided in activity 1.1.2. and will be submitted for approval to the beneficiary.

Estimated overall cost (Euro): 21 988

Experts involved: Resident Twinning Advisor, Expert 1, STE

Activities under Result 2

2.2.1. Elaborating a training methodology and curricula for the delegated judges and penitentiary staff, based on the working methodology and continuous professional training needs identified.

Estimated overall cost (Euro): 21 172

Experts involved: Expert 1, STE

2.2.2. Delivering 9 training sessions of 3 days each for 9 distinct groups of 5 delegated judges and, respectively 20 penitentiary staff (total 9 training sessions of 3 days each for a total of 220 persons)

Estimated overall cost (Euro): 69 790

Experts involved: Resident Twinning Advisor, Expert 1, STE

2.2.3. Organising 2 study visits, each for 8 persons (15 delegated judges from each Court of Appeal and 1 representative from the Ministry of Justice involved in the elaboration of the law on the execution of the criminal penalties) in a Member State having a similar system for the execution of the criminal penalties. The visits will facilitate direct contact with other judiciary system where the delegated judge's institution has been an efficient and successful experience. As a result, the participants will be able to formulate proposal for the improvement of the delegated judge's activity within the Romanian penitentiary system, both in terms of regulatory framework and best practices.

Estimated overall cost (Euro): 32 700

Activities under Result 3

3.3.1. Organising 3 roundtables in which the 16 participants will present the best practices encountered in the study visits to the other delegated judges and penitentiary staff and discuss necessary measures to be taken for ensuring the unitary implementation of Law no 275/2006 at a national level.

Estimated overall cost (Euro): 16 240

Experts involved: Resident Twinning Advisor, Expert 1, STE

3.3.2 Elaborating a practical manual by the project experts and the participants in the study visits, comprising the conclusions drawn in the roundtables previously organised. The manual will also include the legislative framework, the working methodology already elaborated as well as the national and European relevant jurisprudence in the field.

Estimated overall cost (Euro): 25 972

Experts involved: Resident Twinning Advisor, Expert 1, STE

3.3.3. The manual will be printed in 100 copies and distributed to the institutions involved in this matter (delegated judges, penitentiary staff etc.).

Estimated overall cost (Euro): 2 500

Activities under Result 4

4.1.1. Assessing the operational functioning of the National Administration of Penitentiaries in terms of human resources, considering the activity of all the categories of personnel (magistrates, public servants, contractual personnel) and all types of positions (e.g. prison directors, deputy directors, psychologists, guardians, etc). The report will comprise the proposals for improving the effectiveness and efficiency of human resources management of the National Administration of Penitentiaries and recommendations on the regulatory framework, the recruitment policy and related methodologies.

Estimated overall cost (Euro): 71 984

Experts involved: Resident Twinning Advisor, Expert 2, STE

4.1.2 Organizing workshops with the stakeholders from the NAP, MoJ where the conclusions/recommendations of the report will be debated. The conclusions of these workshops will be used by the experts in drafting the proposal for the human resources policy.

Estimated overall cost (Euro): 11 136

Experts involved: Expert 2, Short Term Expert

4.1.3 Elaboration of a proposal for the HR policy on short, medium, long term, including specific tools such as evaluation standards and indicators for assessing the performance in the activity of the personnel National Administration of Penitentiaries.

Estimated overall cost (Euro): 34 098

Experts involved: Resident Twinning Advisor, Expert 2, Short Term Expert

3.5 Profile of experts

Profile of the RTA

She/he will have the following profile:

- min. 10 years experience in the judicial field, specific experience in the penitentiary field would be a plus
- previous experience as project coordinator/project manager
- capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- fluency in spoken and written English/French
- experience in acceding countries/new member states would be a plus

- participation in similar projects would be an asset
- communication skills
- computer skills

Duration of the secondment: 12 months

Expert 1:

She/he will have the following profile

- minimum 5 years experience as delegated judge for the execution of criminal penalties/ criminal justice/ penitentiary practice
- experience in organizing and providing training
- capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- fluency in spoken and written English/French
- experience in cooperation with EU acceding countries/new member states would be an asset
- participation in similar projects would be a plus
- communication and pedagogical skills
- computer skills

Expert 2

- university degree
- minimum 7 years experience in the field of human resources management in the judicial public institutions
- previous experience in similar projects
- capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- fluency in spoken and written English/French
- excellent inter-personal and communication skills
- computer skills

3.6 Lessons learned:

See annex 5

4. Institutional Framework

The National Administration of Penitentiaries is a legal person, a public institution of national interest, under the coordination of the Ministry of Justice. It aims at defending public order and national security by ensuring guard, escort, surveillance and at applying the detention regime as well as organising social and educational activities for social reinsertion of the imprisoned.

National Administration of Penitentiaries is headed by a general director who issues decisions and instructions and is liable to the Minister of Justice regarding the entire activity of NAP. For performing its tasks, under the coordination of NAP, penitentiaries, hospital-penitentiaries, re-education centres, are being organised and function, as well as The School for Training and Continuous Specialisation of the National Administration of Penitentiaries Personnel; The Centre for Training and Continuous Specialisation of the National Administration of Penitentiaries Officers, The Station for Supply, Administration and Repair

and The Subunit for the Guard and Escort of the Relocated Detainees. The new legislation in the field has led to a new structure of the prison system, as a result of which the NAP now comprises 35 prisons (including 25 maximum security prisons, 1 prison for women and 2 prisons for minors), 6 prison hospitals and 3 corrective training centres for minors.

The institutions having attributions in the enforcement of penalties are the execution courts, the courts in whose jurisdiction the detention place is located., the delegated judge for the execution of the penalties as well as the National Administration of Penitentiaries

The Romanian judicial system is hierarchically structured as follows: courts of first instance (177), tribunals (41, one for each county and one in Bucharest), specialized tribunals (3 commercial tribunals and one for minors and family), courts of appeal (15) and the High Court of Cassation and Justice. In general, cases enjoy a judgment in substance in the court of first instance and two degrees of judicial redress: appeal and second appeal (recourse).

Conforming with the provisions of art.418 of the Criminal Procedure Code "once declared final by the first instance, by the appeal instance or by the recourse instance, the decision of the criminal court is enforced by the first instance which tried the case. The decisions pronounced in first instance by the Supreme Court of Justice are enforced, according to the case, by the Bucharest Tribunal or by the territorial military court located in Bucharest. When the decision remains final before the hierarchically superior court, the latter immediately submits to the execution court an extract of the decision, with all the data necessary for the enforcement".

The delegated judge for the execution of criminal penalties is appointed every year, by the president of the court of appeal. His task is to supervise and ensure the observance of the law in the way punishments, as well as pre-trial arrest measures are served. Thus, the institution of delegated judge is also meant to be a legal guarantee for the respect of the rights of the convicted

Any appeals the detainees have against the decisions of the delegated judge are solved by the courts in whose jurisdiction the detention place is located

According to art.7 of the Regulation for enforcement of Law no 275/2006 (was approved by Government Decision no.1897/2006), the depriving of liberty penal punishments and the preventive custody measures are executed in penitentiaries and preventive custody centres and special sections of preventive custody. Moreover, art.222 states that the measures of detention and of preventive custody during criminal pursuit are carried out in detention and preventive custody centres under the coordination of the Ministry of Interior and Reform of the Administration and the measures of detention and of preventive custody during trial are carried out in special sections of the detention centres under the coordination of NAP or in preventive custody centres attached to them.

Thus, the main beneficiaries of this project are NAP, the delegated judges for the execution of criminal penalties, the penitentiary staff (directors and other specialists) involved in the enforcement of Law no.275 on the execution of criminal penalties as well as the judiciary system.

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5. Detailed Budget

MEuro	Transition Facility Support			Co-financing			Total cost (TF plus co-financing)
	Investment Support	Institution Building	Total Transition Facility (=I+IB)	National Public Funds (*)	Other Sources (**)	Total co-financing of the project	
Project 01 twinning	0.00	0.66	0.66	0.00	0.00	0.00	0.66
Project 01 parallel cofin	0.00	0.00	0.00	0.1*	0.00	0.1*	0.1*
Total	0.00	0.66	0.66	0.1*	0.00	0.1*	0.76

* Parallel co-financing.

Contributions from the Romanian administration for effective implementation of the twinning/twinning light/TA may be further detailed in the twinning contract/terms of references. To ensure smooth implementation of the project, the beneficiary will provide adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

VAT is not an eligible expenditure under both the Transition Facility and national cofinancing funds indicated in the above budget table. Where contracts are subject to VAT due to provisions of national legislation, these funds have to be provided from national resource outside and in addition to the amounts indicated in the budget table.

6. Implementation Arrangements

2.4. Implementing Agency

The Implementing Agency is the Central Finance and Contracts Unit (CFCU) which will be responsible for tendering, contracting, administration, accounting, payments and financial reporting.

PAO:

Carmen ROSU, Director CFCU
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E-mail: carmenrosu@cfcu.ro

The Implementing Authority (IA)

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The responsibility for technical project preparation, implementation and control will remain with the beneficiary institution, i.e. the Ministry of Justice. The PIU from the MoJ will be responsible for overall procedural and administrative management of the project. Responsible persons for each component will be appointed from the institutions directly involved in the respective components.

SPO:

Diana Mihaela POPESCU, Director of the Department for European Programmes,
Ministry of Justice,
Bucharest, Sector 5,
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Fax: +40 (21) 3146407
E-mail: dpopescu@just.ro

Steering committee:

The Steering Committee (consisting of representatives of the Ministry of Justice, National Administration of Penitentiaries, Superior Council of Magistracy, National Institute of Magistracy,) will be responsible for approving the progress reports and will meet every three month in order to review project progress.

6.2. Twinning

Direct beneficiaries: Ministry of Justice, National Administration of Penitentiaries.

Contact Person:

NAP – Alexandru ȘERBAN, General Director of NAP

6.3 Non-standard aspects

The Twinning Manual will be strictly followed.

6.4. Contracts

1 TW Contract – 0.76 MEURO

7 Implementation Schedule

7.1. Start of tendering/call for proposals

October 2007

7.2. Start of project activity

July 2008

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7.3. Project completion

June 2009

8. Sustainability

The unitary working methodology and the best practice guide will be used on a long term as standard efficient tools for the delegated judges and the penitentiary staff leading to the unitary and proper enforcement of Law no.275/2006 on the execution of criminal penalties. The unitary strategic procedure as well as the guide on evaluation standards and indicators on human resources will facilitate the complex process of implementing the human resources strategy of the National Administration of Penitentiaries in order to increase the professionalism and efficiency of the personnel on a short, medium and long term.

Resources in terms of staff and budget to secure the sustainability of the project after its completion will be ensured.

9. Conditionality and sequencing

Most important milestones:

Elaboration of an unitary working methodology and of a best practice guide for delegated judges as well as penitentiary staff.
Elaboration of an unitary strategic procedure, the guide on evaluation standards and indicators on human resources of the National Administration of Penitentiaries' staff taking into account the gaps identified in the previously drafted report.
Elaboration of procedures for the administration of the human resources for the Human Resources Department.

Annexes to project Fiche

1. Log frame in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule, by quarter, for full duration of project (including disbursement period) (compulsory)
4. Reference list of relevant laws and regulations (optional)
5. Lessons learnt from previous years (compulsory)

Log frame
Transition Facility programme for Romania

LOGFRAME PLANNING MATRIX FOR Project Fiche		
Title of the project		Programme name and number
<i>Assistance for enhancing the respect of human rights in prisons and improving the efficiency of the Romanian penitentiary system</i>		2007/19343.01.08
		Contracting period expires 15 12 2009
		Disbursement period expires 15 12 2010
Overall objective		Total budget : 0.76 MEURO
Stability and efficiency of institutions guaranteeing the rule of law, and respect of human rights in prison	Relates to Copenhagen criterion and acquis chapter¹	List of other projects with same objective
	Regarding the enforcement of Law no.275/2006 on the execution of criminal penalties certain concerns persist. There continue to be some reports of ill treatment by law enforcement and prison service staff, including the excessive use of force. Judges for serving sentence should participate in training courses with the penitentiary staff in order to ensure a close cooperation between	
		TF budget 0.66 MEURO

¹ Please specify here the recommendation made in Comprehensive Monitoring Report or other relevant documents (SIGMA (financial control, procurement, Peer Reviews, Evaluation reports, Final reports of TW projects)

	<p>the penitentiary administration and the judiciary one which can facilitate solving problems that affect both the institutions. An analyse should be made in order to create a clear image of current situation and the content of the plans of formation from the centres.</p>		
<p>Project purpose</p> <p>Assistance for the improvement of the human resources policy within the Romanian penitentiary system leading to a unitary enforcement of the Law no. 275/2006 on the execution of criminal penalties.</p>	<p>Objectively verifiable indicators</p> <p>The number of infringements of human rights in Romanian penitentiaries decreased by 10% from end of 2007 to 2011.</p> <p>The number of detainees confident in the legality of their sentence increased by 5% by the end of 2010.</p>	<p>Sources of Verification</p> <p>Reports of the NGOs regarding the penitentiary detention conditions within the Romanian penitentiary system</p> <p>Governmental reports, annual reports;</p> <p>Evaluation of the improvement of activity in penitentiaries</p> <p>Evaluation forms (during the project implementation)</p> <p>Interim Quarterly and final project reports</p>	<p>Assumptions</p> <p>Good collaboration between the relevant institutions in their activity for enforcing the law on the execution of criminal penalties.</p>
<p>Results</p>	<p>Objectively verifiable indicators</p>	<p>Sources of Verification</p>	<p>Assumptions</p>

Result 1 An unitary working methodology in order to ensure the efficient and unitary enforcement of Law no.275 on the execution of criminal penalties and the Regulation for enforcement of Law no 275/2006 elaborated.	The unitary working methodology for delegated judges as well as penitentiary staff elaborated.	Project quarterly and final reports Ministry of Justice and NAP reports Ministry of Justice and National Administration of Penitentiary web site Training seminars participation lists Project interim quarterly and final reports	Good collaboration between the representatives of the institutions involved in the enforcement of Law no. 275/2006 The knowledge grasped through the training is put into practice by the trainees
Result 2 Improvement of the professional training of the delegated judges and penitentiary staff involved, at a national level, in the enforcement of the execution of penalties relevant provisions as set forth by Law no 275/2006	45 delegated judges and 175 penitentiary staff trained on the working methodology	Project interim quarterly and final reports Ministry of Justice and National Administration of Penitentiary web site	Gathering of relevant jurisprudence in the enforcement of the Law no. 275/2006
Result 3 A practical manual on the efficient and unitary implementation of Law no 275/2006 elaborated	The practical manual elaborated and distributed by 2010.	Project interim quarterly and final reports Ministry of Justice and National Administration of Penitentiary web site	Capacity of the National Administration of Penitentiary to mobilise the necessary resources in order to implement proposed human resources policy
Result 4 The human resources policy of the National Administration of Penitentiaries assessed and recommendation for its improvement provided	The report comprising the present status of the human resources policy within the Romanian penitentiary system and further recommendations delivered by the end of the project.	Project interim quarterly and final reports Ministry of Justice and NAP reports	Assumptions
Activities Activities under Result 1 1.1.1. Performing an assessment of institutional and legislative framework on the execution of criminal penalties. The report will identify shortcomings and	Means Twinning contract	Monitoring reports Project interim quarterly and final reports Ministry of Justice and National	Proper collaboration between the involved institutions.

<p>gaps of the existing legal framework and will contain proposals for its improvement based on Member State relevant best practices. A special attention will be paid to the recommendations related to the institution of the delegated judge, touching upon topics as professional career, specific training, and working methodology. The report will be circulated among the professionals concerned.</p> <p>1.1.2. Organizing workshops and relevant consultations with stakeholders in the field (delegated judges, penitentiary staff, representatives of the Ministry of Justice and the Superior Council of Magistracy), in order to present and discuss the previously distributed report as well as the problems encountered in the practical implementation of the law and relevant by-laws.</p> <p>1.1.3. Elaborating an unitary working methodology for delegated judges as well as penitentiary staff for the enforcement of the legal framework on the execution of criminal penalties. The methodology will be elaborated based on the proposals issued following the consultations organized as provided in activity 1.1.2. and will be submitted for approval to the beneficiary</p> <p>Activities under Result 2</p> <p>2.2.1. Elaborating a training methodology and curriculum for the delegated judges and penitentiary staff, based on the working methodology and continuous professional training needs identified.</p> <p>2.2.2. Delivering 9 training sessions of 3 days each for</p>	<p>Administration of Penitentiary reports. Training seminars participation lists</p>	<p>Capacity to assimilate and effectively put into practice the knowledge acquired within the training sessions.</p>
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9 distinct groups of 5 delegated judges and respectively 20 penitentiary staff (total 9 training sessions of 3 days each for a total of 220 persons)			
2.2.3. Organising 2 study visits, each for 8 persons (1 delegated judges from each Court of Appeal and representative from the Ministry of Justice involved in the elaboration of the law on the execution of the criminal penalties) in a Member State having a similar system for the execution of the criminal penalties.			
Activities under Result 3			
3.3.1. Organising 3 roundtables in which the 16 participants will present the best practices encountered in the study visits to the other delegated judges and penitentiary staff and discuss necessary measures to be taken for ensuring the unitary implementation of Law no 275/2006 at a national level.			Gathering of relevant jurisprudence in the enforcement of the Law no. 275/2006
3.3.2. Elaborating a practical manual by the project			

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<p>experts and the participants in the study visits, comprising the conclusions drew in the roundtables previously organised. The manual will also include the legislative framework, the working methodology already elaborated as well as the national and European relevant jurisprudence in the field.</p> <p>3.3.2. The manual will be printed in 100 copies and distributed to the institutions involved in this matter (delegated judges, penitentiary staff etc.).</p> <p>Activities under Result 4</p> <p>4.1.1. Assessing the operational functioning of the National Administration of Penitentiaries in terms of human resources, considering the activity of all the categories of personnel (magistrates, public servants, contractual personnel) and all types of positions (e.g. prison directors, deputy directors, psychologists, guardians, etc). The report will comprise the proposal for improving the effectiveness and efficiency of human resources management of the National</p>		<p>Willingness and active interest of the NAP to improve its human resources policy</p>
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<p>Administration of Penitentiaries and recommendations on the regulatory framework, the recruitment policy and related methodologies.</p> <p>4.1.1.2 Organizing workshops with the stakeholders from the NAP, MoJ where the conclusions/recommendations of the report will be debated. The conclusions of these workshops will be used by the experts in drafting the proposal for the human resources policy.</p> <p>4.1.1.3 Elaboration of a proposal for the HR policy on short, medium, long term, including specific tools such as evaluation standards and indicators for assessing the performance in the activity of the personnel National Administration of Penitentiaries;</p>		
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Annex 2 - Detailed time implementation chart

	2007												2008												2009												2010											
calendar months	I	F	M	A	M	I	I	A	S	O	N	D	I	F	M	A	M	I	I	A	S	O	N	D	I	F	M	A	M	I	I	A	S	O	N	D												
Twinning activities																																																
	<div>D = Design C = Contracting I = Implementation</div>																																															

Annex 3

Annex 3a - Cumulative contracting schedule

	31/03/07	30/06/07	30/09/07	31/12/07	31/03/08	30/06/08	30/09/08	31/12/08	31/03/09	30/06/09	30/09/09	31/12/09
CONTRACTED Twinning						0.66 MEuro						
NB: All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FA.												

Annex 3b - Cumulative disbursement schedule

	31/03/08	30/06/08	30/09/08	31/12/08	31/03/09	30/06/09	30/09/09	31/12/09	31/03/01	30/06/01	30/09/01
DISBURSEMENT Twinning			0.30 MEuro	0.30 MEuro	0.60 MEuro	0.60 MEuro	0.66 MEuro		0	0	0
NB: All disbursements must be completed within 36 months of signature of the FA.											

Annex 5 - Lessons learnt from previous years

Note to the attention of the Head of PIU

Methodological Example

<i>Identified Gaps or Recommended courses of intervention</i>	<i>Action for covering the Gap or implement the recommended intervention</i>	<i>PHARE Programming (Project Reference)</i>	<i>Transition Facility</i>
<p>“Judges who are appointed as delegated judges for serving sentence should participate in training courses with the penitentiary staff.”. The fifth Quarterly Report of the project - PHARE Project 2003/005-551.04.17 „Support for the improvement of the penitentiary system activity”</p>	<p>Delegated judges and penitentiary staff trained on a working methodology in order to ensure the unitary enforcement of Law no 275/2006 at a countrywide level</p>	<p>2004-2006 PHARE RO04/IB/JH/03“ Further improvement of the penitentiary system”</p>	<p>Assistance in the proper functioning of the institution of the delegated judge and other stakeholders involved in the enforcement of Law no 275/2006 on execution of the penalties.</p>
<p>“A close cooperation between the penitentiary administration and the judiciary one can facilitate solving problems that affect both the institutions and only one of them and finally lead to the proper implementation of the new law on the enforcement of criminal penalties. - The fifth Quarterly Report of the project - PHARE Project 2003/005-551.04.17 „Support for the improvement of the penitentiary system activity</p>	<p>Performing an assessment of institutional and legislative framework on the execution of criminal penalties. The report will identify shortcomings and gaps of the existing legal framework and will contain proposals for its improvement based on Member States relevant best practices. A special attention will be paid to the recommendations related to the institution of the delegated judge, touching upon topics as professional career, specific training, and working</p>	<p>PHARE RO04/IB/JH/03“ Further improvement of the penitentiary system”</p>	

<p>"Progress has been made in improving detention conditions. In June 2006 a Law on the enforcement of criminal penalties was adopted that provides for a differentiated detention regime in prisons. The Law also facilitates improvements in prison conditions and strengthens oversight by judges over sentences served. However, certain concerns persist. There continue to be some reports of ill treatment by law enforcement and prison service staff, including the excessive use of force. Judicial review of such complaints remains rare and there have been no sanctions since May" - Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (September, 2006)</p>	<p>methodology. Organizing workshops and relevant consultations with stakeholders in the field (delegated judges, penitentiary staff, representatives of the Ministry of Justice and the Superior Council of Magistracy). Elaborating an unitary working methodology for delegated judges as well as penitentiary staff. Elaborating a practical manual for efficient and unitary implementation of Law no 275/2006.</p>	
<p>"Taking into account the fact that the quality of the methodology for the training of personnel in the National Administration of Penitentiaries' training centres is quite modest and inefficient, it was decided that an analyse should be made in order to create a clear image of current situation and the content of the plans of formation from the centres." fifth Quarterly Report of - PHARE Project 2003/005-551.04.17 „Support for the improvement of the penitentiary system activity”,</p>	<p>Elaboration of a proposal for the HR policy on short, medium, long term, including specific tools such as evaluation standards and indicators for assessing the performance in the activity of the personnel National Administration of Penitentiaries</p>	<p>PHARE RO04/IB/JH/03 "Further improvement of the penitentiary system"</p> <p>Developing an efficient and functional human resources policy for the National Administration of Penitentiaries.</p>

Note: The table should summarize all the interventions aimed at the application of the recommendations of the comprehensive Monitoring Report, SIGMA (financial control, procurement, Peer Reviews, Evaluation reports, Final reports of TW projects, specifying the sources of financing of the intervention, i.e. IFIs or state budget (see the examples in the table). Please insert in the table only those gaps/recommendations relevant for the interventions planned for current exercise, in a most synthetic way. Obviously, the column for PHARE 2004-2006 will be completed only if the intervention spans over all the three programming years - i.e. there are projects to be financed from Phare 2004, respectively 2005 and 2006 under the same recommendation.

Detailed budget

Activities	Quantity	Unitary cost	Total costs
1.1.1. Performing an assessment of institutional and legislative framework on the execution of criminal penalties.			
<i>3 missions of 5 days of 2 experts</i>			
Short Term Experts - fees	30	250	7.500
Project management costs - 150%	30	375	11.250
Per diem	36	228	8.208
Travel	6	800	4.800
Other costs (interpretation - 1 interpreters for 15 days , translation of materials)	1	6.450	6.450
Total activity 1.1.1			38.208
1.1.2. Organizing workshops and relevant consultations with stakeholders in the field (delegated judges, penitentiary staff, representatives of the Ministry of Justice and the Superior Council of Magistracy), in order to present and discuss the previously distributed report as well as the problems encountered in the practical implementation of the law and relevant by-laws.			
<i>3 workshops of 3 days and 2 days preparatory session of 2 experts</i>			
Short Term Experts - fees	22	250	5.500
Project management costs - 150%	22	375	8.250
Per diem	28	228	6.384
Travel	6	800	4.800
Other costs (interpretation - 2 interpreters for 11 days , translation of materials, reproduction of materials)	1	3.750	3.700
Total activity 1.1.2			28.634
1.1.3. Elaborating an unitary working methodology for delegated judges as well as penitentiary staff for the enforcement of the legal framework on the execution of criminal penalties. The methodology will be elaborated based on the proposals issued following the consultations organized as provided in activity 1.1.2. and will be submitted for approval to the beneficiary.			
<i>1 mission of 10 days of 2 experts</i>			
Short Term Experts - fees	20	250	5.000
Project management costs - 150%	20	375	7.500
Per diem	26	228	5.928
Travel	2	800	1.600
Other costs (interpretation - 2 interpreters for 4 days , translation of materials, reproduction of materials)	1	1.960	1.960
Total activity 1.1.3			21.988

2.2.1. Elaborating a training methodology and curricula for the delegated judges and penitentiary staff, based on the working methodology and continuous professional training needs identified.			
<i>2 mission of 5 days of 2 experts</i>			
Short Term Experts - fees	20	250	5.000
Project management costs - 150%	20	375	7.500
Per diem	24	228	5.472
Travel	4	800	3.200
Total activity 2.2.1			21.172
2.2.2. Delivering 9 training sessions of 3 days each for 9 distinct groups of 5 delegated judges and, respectively 20 penitentiary staff (total 9 training sessions of 3 days each for a total of 220 persons)			
<i>9 training sessions of 3 days of 2 experts -</i>			
Short Term Experts - fees	54	250	13.500
Project management costs - 150%	54	375	20.250
Per diem	80	228	18.240
Travel	10	800	8.000
Other costs (interpretation - 2 interpreter for 27 days, translation of materials, reproduction of materials)	1	9.800	9.800
Total activity 2.2.2			69.790
2.2.3. Organising 2 study visits, each for 8 persons (15 delegated judges from each Court of Appeal and 1 representative from the Ministry of Justice involved in the elaboration of the law on the execution of the criminal penalties) in a Member State having a similar system for the execution of the criminal penalties.			
<i>2 study visits of 5 days for 8 participants each</i>			
Other costs (per diem for 16 part for 7 days, 16 MS inter-city, small incidental costs 16)	1	32.700	32.700
Total activity 2.2.3			32.700
3.3.1. Organising 3 roundtables in which the 16 participants will present the best practices encountered in the study visits to the other delegated judges and penitentiary staff and discuss necessary measures to be taken for ensuring the unitary implementation of Law no 275/2006 at a national level.			
<i>3 roundtables of 2 days of 2 experts</i>			
Short Term Experts - fees	12	250	3.000
Project management costs - 150%	12	375	4.500
Per diem	20	228	4.560
Travel	2	800	1.600

Other costs (interpretation - 1 interpreter for 6 days , translation of materials, reproduction of materials)	1	2.580	2.580
Total activity 3.3.1			16.240
3.3.2 Elaborating a practical manual by the project experts and the participants in the study visits, comprising the conclusions drew in the roundtables previously organised.			
<i>2 mission of 5 days of 2 experts</i>			
Short Term Experts - fees	20	250	5.000
Project management costs - 150%	20	375	7.500
Per diem	24	228	5.472
Travel	4	800	3.200
Other costs (interpretation - 1 interpreter for 3 days , translation of materials)	1	4.800	4.800
Total activity 3.3.2			25.972
3.3.3 The manual will be printed in 100 copies and distributed to the institutions involved in this matter (delegated judges, penitentiary staff etc.)			
Other costs (reproduction of materials)	100	25	2.500
Total activity 3.3.3			2.500
4.4.1 Assessing the operational functioning of the National Administration of Penitentiaries in terms of human resources, considering the activity of all the categories of personnel (magistrates, public servants, contractual personnel) and all types of positions (e.g. prison directors, deputy directors, psychologists, guardians, etc.). The report will comprise the proposals for improving the effectiveness and efficiency of human resources management of the National Administration of Penitentiaries and recommendations on the regulatory framework, the recruitment policy and related methodologies.			
<i>3 mission of 10 days each of 2 experts</i>			
Short Term Experts - fees	60	250	15.000
Project management costs - 150%	60	375	22.500
Per diem	78	228	17.784
Travel	6	800	4.800
Other costs (interpretation - 1 interpreter for 5 days , translation of materials)	1	12.000	11.900
Total activity 4.4.1			71.984
4.4.2 Organizing workshops with the stakeholders from the NAP, MoJ where the conclusions/recommendations of the report will be debated. The conclusions of these workshops will be used by the experts in drafting the proposal for the human resources policy.			
<i>2 workshops of 2 days each of 2 expert</i>			
Short Term Experts - fees	8	250	2.000
Project management costs - 150%	8	375	3.000
Per diem	12	228	2.736
Travel	2	800	1.600
Other costs (interpretation - 1 interpreter for 5 days , translation of materials)	1	1.800	1.800

	Total activity 4.4.2		11.136
4.4.3 Elaboration of a proposal for the HR policy on short, medium, long term, including specific tools such as evaluation standards and indicators for assessing the performance in the activity of the personnel National Administration of Penitentiaries			
3 missions of 5 days of 2 experts			
Short Term Experts - fees	30	250	7.500
Project management costs - 150%	30	375	11.250
Per diem	36	228	8.208
Travel	6	800	4.800
Other costs (translation of materials, reproduction of materials)	1	2.350	2.340
	Total activity 4.4.3		34.098
RTA Remuneration (12 months)			108.000
6 % of salary and non-salary			6.480
RTA Allowances			82.750
RTA Training			1.250
RTA Assistant			12.000
Project Preparation			28.600
Project Co-ordination Costs			32.000
SUB - TOTAL			639.022
Provisions for changes in prices (2,5% of the Sub-Total)			15.976
TOTAL			654.998

The Romanian partner will cover the parallel co-financing costs incurred by the implementation of the project, in accordance with the provisions of the Twinning Manual.

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