

PRISON REFORM AND PERSISTENT RISKS TO PRISON LIVING CONDITIONS: EVIDENCE FROM ROMANIA

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Abstract

In recent years, some European countries have implemented prison reform to align prison environments with international human rights standards. However, some countries, such as Romania, have systematically failed to meet these standards and faced sanctions. This study explores the aspects of the Romanian prison environment frequently identified as non-compliant during two decades of reform. Characteristics of the living space, hygiene, social density, and relationships were observed in a survey in four large penitentiary units. The units varied in detention regimes, building characteristics, and monitoring frequency. Two aspects emerged as very important for the quality of prison life: the need to improve the built environment (as it can be aged, degraded and not up to the required standards) and the importance of its governance.

Keywords: prison conditions, detention standards, Romanian prisons, prison reform, penal reform.

1. Introduction

International human rights regulations (Nelson Mandela Rules, European Prison Rules) advocate for more humane prison treatment to avoid unnecessary deprivation and minimize the differences between life in prison and life in freedom: the normalization principle. In this respect, there is a set of minimum requirements for prison functioning, while human rights bodies flag deficiencies and guide the states in addressing them. Researchers have defined the ‘ethical prison architecture’ (Engstrom and Ginneken, 2022) or the ‘moral prison environment’ (van Ginneken *et al.*, 2019; Liebling and Arnold, 2004). The former refers to ways inmates’ well-being can be improved by focusing on spatial features such as but not limited to overcrowding. The latter examines the prison space alongside characteristics such as the quality of relations between prisoners, staff behavior towards prisoners, or how time is spent in prison as relevant dimensions in establishing a proper prison climate (which should be humane rather than degrading).

Establishing a correctional facility environment that prioritizes upholding human beings and dignity, subordinated by the social role that belongs to the criminal sanction in general and the prison in particular, often involves a reform process for adapting the infrastructure, the way of relating to prisoners, and the daily management of life in detention. Apart from the ideological shift from the aggressive-restrictive function of the prison to the current re-socialization and restorative justice approach, other vectors motivate the reform, too. These stem from societal development, which can change the expectations of society, prisoners, and prison staff related to the prison environment. These also stem from societal changes, such as international migration or technological development, which can strain national prison systems unexpectedly and offer new solutions for efficiently managing overcrowding, conducting searches, and addressing staff shortages. Altogether, these can change the profile of criminality and offenders. The appropriate sanction for the crime committed, as form, length, and place where it occurs, the higher degree of technologization, the degree of supervision, and their impact on everyday prison life, as a balanced response to opportunities, costs, simplicity, labor demand, and people’s health – all imply penal and prison reform.

Issues related to infrastructure, basic needs, programs offered, personnel, or detainees’ behavior occur in European prisons, varying in severity depending on the country or the detention institution (Burchett and Weyembergh, 2023; van de Rijt, van Ginneken and Boone, 2022; FRA, 2019). Indeed, in the transition from totalitarian regimes, Eastern European countries had to travel some of the longest roads to meet these requirements. Romania’s legal system underwent significant changes in custodial measures in the early 2000s, and a New Penal Code (NPC) was adopted in 2014.

In 2017, Romania became one of the countries subject to a Pilot Judgment due to the increased number of ECHR decisions against it and the corresponding sanctions. As a result, Romania was expected to set a timetable of measures to tackle non-compliant conditions, particularly overcrowding. However, reports from various national or international human rights bodies or academia (CPT, 2022; APADOR-CH, 2019b; Dâmboeanu

et al., 2017) have indicated that there have been delays in implementing the action plan to improve detention conditions.

The study joins concerns about monitoring the prison environment. It is based on a sociological study carried out in January-February 2020 as part of a Cooperation Protocol between the National Administration of Penitentiaries (ANP) and the Research Institute for Quality of Life (ICCV).

The survey (CVMP-ICCV) focuses on large prisons, referring, in this paper, to those housing more than 650 inmates. In the year of the study, such prisons housed 54% of the prison population in Romania, some managing all types of prison regimes. Larger prisons are complex systems, which tend to be more challenging to manage and potentially more vulnerable to rapid or profound change, generating higher risks of failing to meet the minimum requirements (Burchett and Weyembergh, 2023; Johnsen and Granheim, 2011; Coyle, 2002). Moreover, the temporary relocation of inmates would put pressure on other wards or units, creating risks for others. Without denying the importance of potentially specific issues smaller prisons face, the considerations mentioned above indicate the challenges larger prisons face as a good barometer for priorities and obstacles that must be addressed during a reform process.

The research considers the inmate's evaluation of the penitentiary environment. Unlike a regular monitoring approach, the present study operationalizes detailed aspects regarding the endowment and quality of the living space. It uses descriptive statistics and considers various criteria that may induce differences in the detention experience and assessment. The present study addresses the current knowledge gap regarding Romanian penal reform efforts (Cliquennois, Snacken and van Zyl Smit, 2021). Its results contribute to a better understanding of prison reform's practical challenges. It interests any European country where implementing current standards involves major legislative changes or significant financial effort.

2. Literature landmarks and the Romanian context

Based on systematic literature review, Engstrom and van Ginneken (2022) use the term 'ethical prison architecture' to depict an environment less harmful to the well-being of both inmates and staff. Some of the most important features include prison lighting, noise pollution, access to privacy, overall aesthetics, appropriate temperature, and air quality. Also, an 'ethical prison architecture' considers the size of available cell space and layout to avoid overcrowding, the age of the buildings, visitation spaces, security technologies, or access to natural surroundings.

National and international prison regulations regarding living conditions refer to most of the abovementioned aspects by setting operational minimum requirements. In recent years there have been flagged violations of various requirements, such as overcrowding, time for bathroom and privacy, and hot water availability (EPO, 2019; Dores, Pontes and Loureiro, 2019; Marietti, 2019; Kłodoczny and Wolny, 2013), inadequate ventilation/

light, and state of the infrastructure, often concerning the age of the buildings (van Ginneken and Nieuwbeerta, 2020; Kamenska, 2019), but also delay or insufficient quota for sanitary products (Ocaña and Cuéllar, 2019), the products that can be bought from the prison shops, and their prices (Graebisch and Schorsch, 2019), violations of the regulations regarding education or medical care (Graebisch and Schorsch, 2019; Marietti, 2019).

Detention costs range from less than €50/detainee/day, mostly in Eastern European countries, to over €200 in the Netherlands and the Nordic countries (EPO, 2019). Such differences in financial effort may explain the failure to reach the minimum standards in some countries or by some criteria. However, governments struggle to pursue the normalization principle, irrespective of the depth of the reforms they must undergo (van de Rijt, van Ginneken and Boone, 2022; Critoph and Prais, 2023).

Among the critical aspects of detention conditions (e.g., the amount of cell space available to detainees, hygiene and sanitary conditions; time available to detainees to spend outside their cells or outdoors, access to healthcare, and protection against violence), FRA (2019) points overcrowding as the main problem, including in Romania. Overcrowding is often mentioned in ECHR decisions spanning both Eastern European and non-Eastern European countries. Furthermore, it appears that improvements, when made, are only temporary.

Statistics show a wide variation in the incarceration rate among countries: alongside France, Bulgaria, and Spain-Catalonia, Romania occupies a middle position in this respect (105 ‰). Romania has no specific risks regarding the prison population: it does not face an influx of foreign prisoners (only 1% of the total number of prisoners), has a lower presence of prisoners over 50 than the European median level (13% *vs.* 14%), and has a share of non-sentenced prisoners at half the European average. Yet, it has a high overcrowding rate (112%). In the year of our study, only Romania, Slovenia, and Hungary from the Eastern European bloc were among the top ten EU-27 countries where the number of prisoners exceeded the custody capacity of the prisons (Aebi and Tiago, 2021). Meanwhile, the overcrowding rate (prison density) has increased in Romania, up to 123%, the highest level among the EU-27 member states (Aebi, Cocco and Molnar, 2023). This time, it is accompanied at the top by seven other countries, among which only Czechia and Slovenia are former Eastern European ones.

The unavoidable high social density has been associated with increased medical complaints due to the increased risk of psychopathologies; the latter were also seen as a way to cope with stress (MacDonald, 2018; Cox, Paulus and McCain, 1984). This is generated by reduced time for infrastructure facilities such as phone usage, meals, bathroom access, and limited access to programs and medical services. Additionally, slower staff response times and less efficient monitoring contribute to heightened tensions, potentially leading to increased violence among prisoners, particularly in the large bedrooms (Burchett and Weyembergh, 2023; Baggio *et al.*, 2020).

Penal Reform International (2023) appreciates that the primary cause of overcrowding is currently the excessive reliance on pre-trial detention. As shown above, this issue is not a

specific risk for Romania, nor is the exposure to criminality committed by foreign citizens. But, over the past few decades, there has been a consistent reporting of overcrowding issues in Romanian prisons, alongside concerns regarding the quality of infrastructure and equipment (cracking walls, dampness, malfunctioning equipment and pipes, as well as the presence of insects and pests in living spaces, albeit to a lesser extent, the lack of privacy). Furthermore, challenges extend to the quality of food and kitchen facilities, shortage of staff, and notable levels of violence, particularly in more severe regimes or among young inmates (Dâmboeanu *et al.*, 2017; APADOR-CH, 2014). Dâmboeanu (2015) identified 60% of the inmates in large-size prisons who declared that they were victims of aggression, from the mildest forms (such as theft) to the most severe. The author also found the phenomenon more prevalent among prisoners who had served five years or more and less prevalent among those over 35 years of age.

In response to such difficult conditions, Romania underwent a profound reformation process, outlined briefly below. Even before the first substantial changes in prison reform (2003), Romania opened up to the alternative of the probation service (Durnescu, 2013). After that, the demilitarization of the system was a landmark of the reform, accompanied by other significant changes, such as:

- confidentiality of communication;
- regulation of the right to information, petitions, visits, and correspondence;
- the principle of punishment individualization and the revision of the detention regimes;
- the abandonment of prison uniforms for inmates, the permission of bed linen from home;
- infrastructure modernization and new prison construction standards (e.g., MJO no. 2772/2017; Law no. 275/2006; Law no. 293/2004; GEO no. 56/2003);
- norms for food and hygiene products have been revised and differentiated by needs; daily food allowance has been increased to just over €1/day in recent years (MJO no. 1485/2020, GEO no. 3147/2018; ANP, 2018), and
- gradually, more attention has been paid to social intervention by enhancing engagement in social integration and increasing the number of dedicated programs (CPT, 2022; Durnescu and Poledna, 2020).

Order of the Ministry of Justice no. 433/2010 stipulates a minimum of 4m²/detainee for the maximum security (MSR) and closed (CR) regimes or 6m³ of air for the open (OR) and semi-open (SOR) ones. It explicitly stipulates that the rooms be endowed with tables, chairs, and cabinets for storing personal belongings and, *only exceptionally*, with bunk beds on three levels.

The NCP also positively impacted the prison population density by reducing the length of custodial sentences for some crimes and resorting to custodial sanctions only for severe and repeated offenses. In addition, many prison sentences of less than three years are suspended under the supervision of probation services, which was expected to alleviate overcrowding.

Investments in technology and infrastructure are added to them. Between 2008 and 2018, 5,546 places were newly created or upgraded, and several hundred more per year were targeted until 2023. Despite all these changes, the number of sanctions the ECHR applied to Romania increased from 32 to 968 between 2013 and 2018 (ANP, 2022; ANP, 2018).

As part of the Pilot Judgement against Romania issued in 2017, Romania introduced a compensatory mechanism (Law no. 169/2017) that allows for conditional release. By this law, six additional days were considered executed for every 30 days spent in non-compliant detention conditions between July 2012 and December 2019. As a result, the number of prisoners decreased sharply from almost 26,000 to 23,500 between September and December 2017 and around 20,500 in January 2020. The penitentiary administrations took the opportunity to permanently remove the 4th and even the 3rd level of beds. After the 2018 visit, the CPT delegation reported that 6m³ of air was assured rather than 4m² of space following the compensatory appeal.

The compensatory appeal law was repealed in December 2019 without being replaced by a similar provision when there were also delays in planned investments (APADOR-CH, 2019c; APADOR-CH, 2019b). The number of detainees has increased rapidly since 2020, reaching around 23,000 in 2021 and 2022. The deficit of detention capacity at 4m² also increased from 2,300 to 4,300 places between 2019 and 2021, but by completing some investments, it was reduced to only 2,900 in 2022 (ANP, 2022).

Monitoring reports following 2019 indicate a significant improvement in living conditions attributed to investments in infrastructure and facilities, along with reduced levels of violence. Despite these improvements, some non-compliant situations persist, including occupancy rates consistently exceeding 100%, poor conditions in certain holding areas or facilities (such as bathrooms and sports facilities), limited availability of useful/ relevant programs/ activities, a shortage of psychiatrists, inadequate access to or absence of refrigeration facilities, the absence of fresh fruits and vegetables, restricted access to showers, episodes of violence among inmates, and notably, inadequate capacity of certain facilities to their usage regime (overcrowded sanitary facilities and outdoor spaces). Reports also flag the conditions in the pre-trial regime as one of the most problematic and the need to reduce overcrowding (CPT, 2022; CPT, 2019; APADOR-CH, 2019a; APADOR-CH, 2019d; APADOR-CH, 2019c; APADOR-CH, 2019e).

3. Research design and data

The CVMP-ICCV survey (2020) explored aspects of infrastructure (space, sanitation, social density), relationships, facilities, and programs accessible to the detainees, emphasizing those frequently mentioned in reports and studies regarding Romania.

Assuming that the extensive presence of large prisons in Romania and their riskier nature to change played a role in the slow pace of prison reform's impact on the prison environment, we looked deeper to understand their context better. As a result, larger samples

per prison were chosen instead of more extensive prison coverage with smaller samples. The selection of four large-sized prisons was based on the following criteria:

- frequency of monitoring visits of the prison in the last decades (suggesting a risk of non-compliance with standards more or less accentuated over time);
- coverage of the detention regimes;
- prison construction periods, given previous studies that identified higher risks of living conditions in case of old buildings (Engstrom and van Ginneken, 2022; Beijersbergen *et al.*, 2016);
- regional locations, allowing the capture of possible influences of the general standard of living in the area (e.g., job opportunities, visits, access to legal aid).

Pairs of the selected prisons share similar features (Table 1). Vaslui and Jilava have the highest capacity usage and are more homogeneous regarding custodial regimes. The central custodial building of the Gherla Penitentiary dates from the middle of the 17th century. Alongside Craiova, Jilava dates from the second half of the 19th century, but only Craiova was designed as a penitentiary facility from its beginning. At Jilava, its military fort is no longer in use, with newer buildings being added over time. Investments in modernization in Craiova (around 2004 and 2014) and Jilava (2006) were significant.

Table 1: Penitentiary profile

Penitentiary unit (construction time; initial destination; region)	Detention regime; gender coverage	Monitoring visits	Poverty risk in PU region (%)	Capacity usage index at 4m ² (%)		In custody Jan 2020	Resulting sample size
				Oct 2017	Jan 2020		
Craiova (old; prison; SW)	All regimes type: Male & Female	Frequent	38.9	167	107	695	102
Gherla (old; military fort; NW)			19.3	124	123	845	133
Jilava (old; military fort; Bucharest/S)	OR, SOR, (CR); Male	Non-frequent	14.0	191	135	922	162
Vaslui (2012; prison; NE)	OR, SOR, Rd; Male		47.1	148	159	687	108

Sources: CVMP-ICCV; ANP (2020b); Eurostat (no date)

In each prison, questionnaires were administered to inmates, and staff were interviewed for additional information on the prison context. The sample of respondents in each prison was extracted randomly from the ANP anonymized records. Initial samples comprised approximately 24% of inmates in each facility. The detainees met the research team at the prison's premises. Each respondent was informed about the study, the randomness of the selection, the guarantee for the anonymity of the information provided, and the voluntary basis of participation. The questions were read to the inmate whenever the inmate's literacy level dictated. The response rate was approximately 67%. It resulted from an explicit

refusal to participate, the inmate's absence (due to involvement in productive activities, hospitalization, sanctions, or family visits), or superficial answers to the questionnaires. The survey ended with a sample of 505 respondents. The sample structure by regime type is presented in Annex 1a, while other criteria considered in the analysis are presented in Annex 1b. For the present study, data are weighted by prison and regime types.

Descriptive statistics, mean differences, chi-square statistics (for $p < 0.05$), and standardized residuals in the contingency table ($> \pm 2$) grounded the present analysis using SPSS as a statistical tool.

Limits of the research. The study remains exploratory mainly as long as it covers non-randomly selected units. It does not address specific issues related to small-sized prisons, which may pose different risks or priorities for the prison environment. Additionally, the questionnaire used in the study covered only some of the requirements for current prison life regulations.

4. Results and comments

The resulting hierarchy (Figure 1) is based on the most 'problematic aspects' named by participants. At the bottom, with up to one-third identification rate, are aspects referring to management and relationships. These include communication for information or legal matters that concern the detainee (news, books, discussions with specialists, information points), the possibility to defend themselves outside or inside the prison when considering they have been mistreated, aspects of relationships (conflicts, domination, aggressivity between detainees), and the attitude of the staff. At the opposite end of the hierarchy, with a close and over 50% identification rate, there are aspects referring to the material dimension of prison life. At the crosspoint between overcrowding, management, and supervision, the 'tensions and thefts between detainees' is the sole non-material aspect close to the material ones. This profiles it as a result of the latter rather than a matter of management. Unlike items at the bottom, for those at the top of the hierarchy, consistent funding and time for implementation are necessary in addition to shifting the paradigm on the function of prison.

Food issues are the easiest of the most pressing aspects to deal with. Indeed, the slight increase in the food allowance shortly before had echoes in improving the assessment compared to 2016, when a representative national sample identified that less than 30% of the detainees rated the daily food as tasty, enough, and varied (Mihaiu, 2017).

Unlike tensions and quarrels between detainees, more aggressive forms, such as conflicts and dominance, are less signaled as a problem. However, even if this level of aggression is limited to only selected units, it is still a cause for concern.

The 'rule not applied the same way for everyone' is the only aspect of governance higher in the hierarchy of problems. It also registers notable differences by prisons, opposing Jilava (58%) to Craiova (28%). Distance to public transport is more frequently reported as a problem in Jilava (outside a small town) than in Gherla (in the city). Other aspects dependent on prison are related to infrastructure.

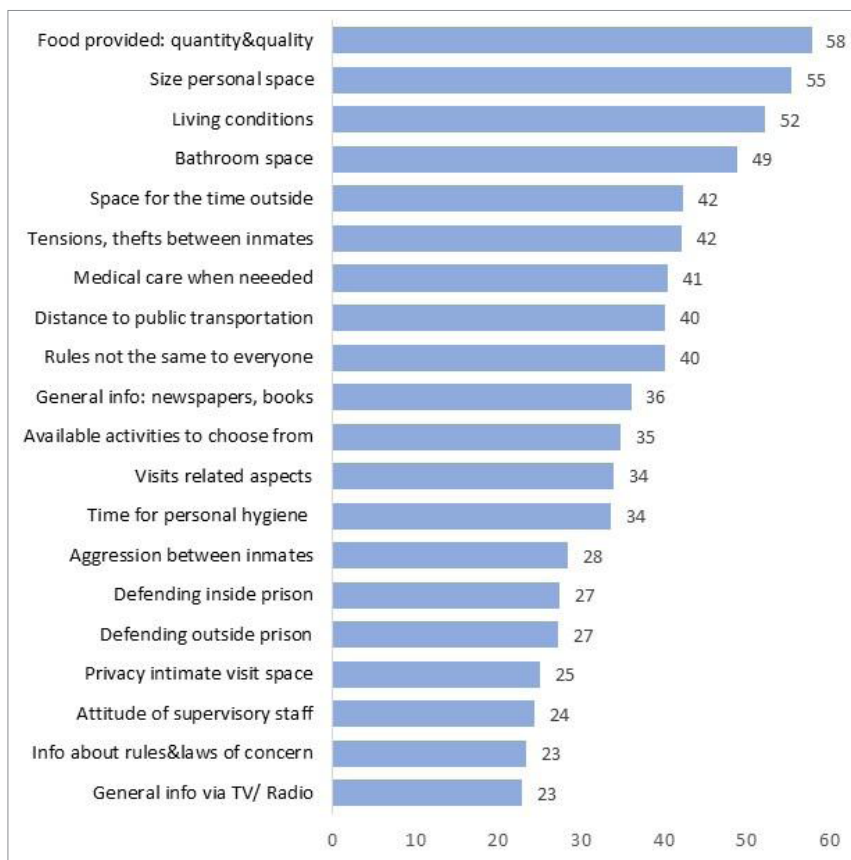


Figure 1: Hierarchy of aspects considered a problem in the prison (%)

Source: Survey CVMP-ICCV

Table 2: Room's characteristics and time spent outside it

	Criteria Characteristics	Penitentiary unit				Regime type				
		Jilava	Craiova	Gherla	Vaslui	OR	SOR	CR	MSR	On remand
Room size (m ² , average)	Administrative data	25	19	22	11	17.8	25.7	32.8	11.9	25.6
	Detainees' estimates	24.6	25.5	25.1	10.4*	17.7	19.2	30.5*	13.5	20.1
People per room	Existent (avg.)	12.3	12.5	11.6	3.8*	8.0*	9.1*	13.1	5.3*	14.5
	Optimal (avg.)	5.6	5.6	5.8	2.4*	4.2*	4.5*	6.3	2.9*	5.9
	< 4 people (%)	4.3	11.6	9.6	32.6	16	16.2	2.6	54.8	1.6
	> 16 people (%)	6.3	27.7	31	0	0	5.2	36.6	4.5	40.4
	Average number	6.5	5.0*	4.7*	4.5*	7.0	5.4	5.0*	4.5*	3.3
Hours/ day spent outside the room	< 3 hours (%)	20.9	25.4	45.8	36.7	15.5	28.1	36.4	38.9	45.7
	> 8 hours (%)	23.5	4.6	17.7	8.0	13.9	16.9	18.1	4.5	3.6

*) significantly different of the highest value per criteria; Tukey test ($\alpha = 0.05$)

Source: Survey CVMP-ICCV; ANP (2020b)

Available space varies significantly within and between prisons. The smallest (6m²) and, respectively, the largest room is found at Craiova Penitentiary. Here, the MSR rooms are 6m² (on average), and those for all other regimes are over 30m². On the other hand, at the Gherla Penitentiary, the average size of the OR rooms is 10m², compared to approximately 17m² for MSR (but with a median value of less than 13m²). Depending on the PU, the variation within the same regime type results in different detention experiences. However, MSR inmates have the smallest rooms in terms of footage and housing density (Table 2).

The highest density per room is in closed and on remand detention, with 13-14 people (on average) sharing a room. They also have the lowest hours outside the room and available space, proving their relatively disadvantaged situation.

Both estimations of the room size result in a little over 2m² available per detainee. Asked about what they think should be the optimum number of detainees/cells, the inmates tend to halve their current number (a 48–55% reduction). Such reduction would allow for the minimum 4m² recommended/ detainee. The exception is the pre-trial detainees, who drag down the optimal number to 40% of the existing average number. The optimum for 24% of inmates is two people/cell, and 34% see it up to 4. The option for individual housing was present in only 2% of the cases. It can be assumed that the existing situation mediates the response, and that separate custody is associated with isolation.

Table 2 also reveals notable differences between prisons regarding time spent outside the room. It depends on the regime type. However, one can notice considerable dissimilarities between prisons of the same profile (like Jilava *vs.* Vaslui or Craiova *vs.* Gherla) or the frequency of the monitoring visits. This points to the role of other factors, such as the prison infrastructure, socio-educational and therapeutic programs offered within the prison, and work opportunities inside and outside it. Despite functioning much more on open regimes, Vaslui has the second highest rate of detainees spending less than 3 hours outside their cell, which is worse than Jilava. On the other hand, inmates who spend more than 8 hours outside the cell are more likely to work outside the prison in regular productive activities. The lowest share is in penitentiaries located in the poorest regions of Romania (Table 1); it expresses the generally low demand for labor in the local economy rather than a matter of prison governance.

National regulations provide for the provision of all elements specified in Figure 2 and Figure 3. As in the 2016 survey, access to information and contact with the outside world is the most widely full-field requirement by extensive access to radio/TV programs (94% *vs.* 97%; Mihaie, 2017). Given that the general and most popular news channels are available, interrupted only for announcements of inmates' interest made by the management and during night rest, it results that the level of 23% of inmates who consider it a problem has a notable subjective or contextual load (e.g., regional infrastructure problems, lack of consensus regarding TV channels to watch). It is followed closely by permanent cold running water, unconditional access to a toilet with running water, and hot water by schedule.

Some no or do-not-know responses may seem intriguing, as in the latest case. However, the empirical evidence, joining other sources (APADOR-CH, 2019c; APADOR-CH,

2019e), led to the understanding that these could be interpreted as insufficient or inadequate rather than absent.

Expressly, in prisons for males, hot water is provided twice a week for 1–2 hours. In the case of large dormitories and even bathrooms located outside the room (Gherla), more than the allotted time may be required. Moreover, the hot water schedule may not be adapted to the hours of departure/ arrival from work or during outdoor activity, so *de facto* access to hot water may not exist. Similarly, the inmates may not have access to radio and TV sets, or these may be damaged, so the detainees might not have confirmed the item. One table with 2–4–6 chairs is insufficient in large dormitories. Often, the detainees' personal belongings lay in bags in the available space under the 1st out of the three levels of beds. Indeed, the agreement decreased for those housed in large dormitories for the last two aspects. If there are, refrigerators may be placed in the corridors with access only during the day.

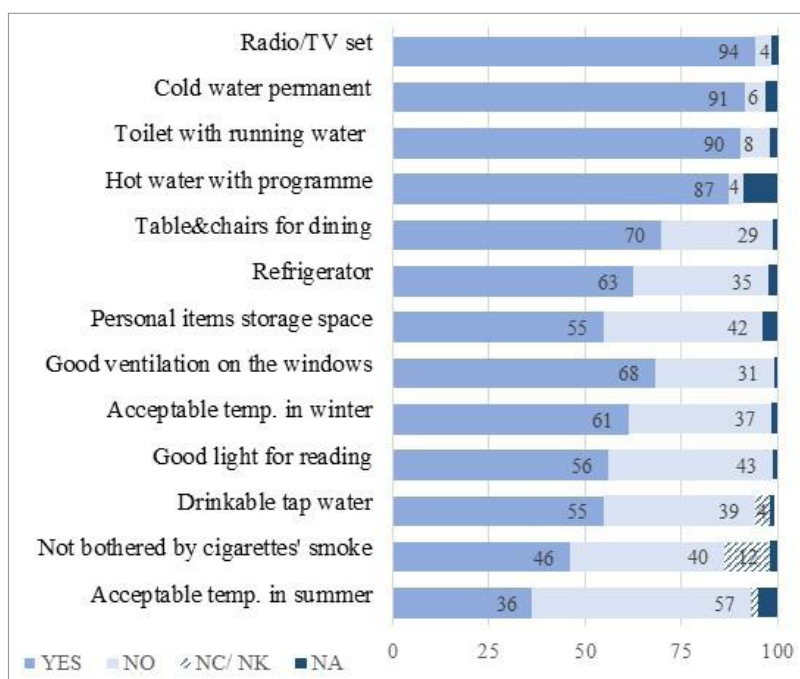


Figure 2: Room equipment and living conditions in the prison, recently (%)

Source: CVMP-ICCV

Light is more disturbing than ventilation: 56% *vs.* 68% agree with the statement (Figure 2). Both seemed slightly improved compared to 2016, when about 35% of the inmates indicated them as adequate (Mihaiu, 2017). Comparatively, the room temperature is more acceptable in winter than in summer (61% *vs.* 36% agreement). Nevertheless, neither seems to be as frequently an adverse condition as the temperature in summer does (31% and 43% *vs.* 57% disagreement). Concerning both quality of air and light, Jilava, with older age

buildings and large dormitories, tends to be at higher risk of inadequacy compared to the overall situation, with 38% and 51% of the detainees not agreeing they are adequate (+2.5, the value of the adjusted standardized residuals in corresponding cells). Comparatively, 68% of inmates reported 'good light quality' at Vaslui. Importantly, this prison was built more recently and allows a maximum of 4 people in a cell. Looking deeper, lower agreement about the light appears for those with 3 to 10 years of prison experience (45%) and those with more than ten years (45%), respectively. Both light and air evaluation qualities depend on the room size (chi-square: $p = 0.00$, $p = 0.02$). The acceptance rates for the quality of the ventilation decreases from 78% among those in cells of at most eight people to 51% for those in dormitories with at least 17 people sharing the space, while for the quality of light from 65% among those in cells of at most three people to 48% in dormitories of more than 17 people.

The acceptability of the winter temperature seems locally dependent, too. Gherla is the most affected prison, with 53% of the population not considering the temperature acceptable. This percentage rises to 49% for those under CR. On the other hand, in Craiova, which also has CR, there is no significant overrepresentation of people who find the temperature unacceptable. Locally dependent also seems to be the access to drinkable tap water, with only 25% of Jilava detainees agreeing with the statement, compared to 72% in Craiova and Gherla and 65% in Vaslui.

The most acknowledged therapeutic and health programs were related to anger management. Somewhat less known are the programs to control various addictions and to protect against sexually transmitted diseases. The inmate's individualized plan responds to detainees' specific medical, educational, and therapeutic needs, and announcements keep them up-to-date with such programs. Consequently, it is not surprising that in different prisons, different programs are better acknowledged: controlling anger at Vaslui (74%), support and treatment for sexually transmitted diseases at Craiova (38%), and coping with addictions (alcohol, tobacco, drugs) at Jilava (46%). Reasons, such as medical secrecy, the specific needs of the inmates, and the latest running program, may influence detainees' awareness of them.

Over 60% of the respondents had their latest medical check within the previous six months, while almost one in three detainees found out they had health problems precisely due to regular medical examinations during incarceration. Expectedly, the share of the latest is significantly higher for those with more extended detention experience, as health problems come with age, and the last ones have been more dependent on the penitentiary health care system. This increases to 38% for those from 3 to up to 10 years and 54% for those in prison for 10 years or more.

The survey questioned about knowing detainees who steal from others or who are intimidated (threatened, scared of, blackmailed) by others. This does not equate to being stolen or bullied, but the figures confirm aggressivity between detainees as potentially high. When it is not seen as a problem, but only its level of awareness, the rate of aggression among inmates increases considerably (50%): it can be said that in approximately half of the cases, the aggression either takes severe forms or is so frequent that it negatively

burdens the daily life of the prisoners. In addition, 30% admit they know detainees who were sexually assaulted by others. While neither the regime nor the PU induces differences in the occurrence of the risk of stealing and sexually assaulting, the acknowledgment of intimidating behavior is significantly associated with the type of regime: its risk increases for those in the SOR, of which 56.8% admit it (+2.5, the value of the adjusted standardized residuals in the cell). The share rises with the years spent in detention, up to 64% for those with at least ten years of imprisonment.

To a lesser extent, detainees admit that there are corruptible members of the prison personnel, and an equal share reveals there are members of the staff subject to threats or hits by inmates. None of the two is significantly associated with the type of regime. However, both are associated with PU, demonstrating that it is a matter of governance rather than an inherent risk of criminal behavior among detainees.

The smallest validation (15%) is for direct, personal injuries as a consequence of aggression in the present prison. The risk rises for those 31–39 years of age (23%), those spending less than 2 hours outside the room (22%), and those living in dormitories of 9–16 people (19%).

As a tendency, those in prison for less than one year tend to be overrepresented among those who do not know about supporting programs or various forms of aggressive behavior toward inmates or staff. The awareness about the latter is (significantly higher) for those who have a more extended stay in prison (more than ten years) and even more than five years, in the case of knowing detainees sexually assaulted by other detainees.

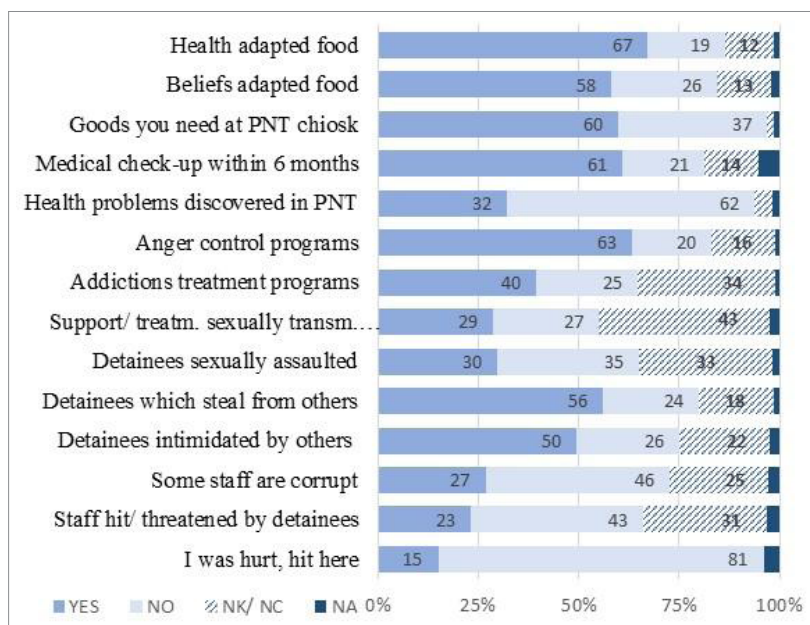


Figure 3: Relationships and programs offered in the prison within the last year (%)

Source: CVMP-ICCV

Table 3: 'Where do you usually get the following goods?' (% , multiple responses)

	standardized request forms	medicines/ medical treatment	hygiene items	food	sanitation items	bedding	stamps, envelopes	seasonal adequate shoes	seasonal adequate clothes
from PU	82.6	70.4	38.0	37.6	37.3	25.9	8.9	2	2
from kiosk	6.8	8.7	80.6	79.6	75.2	5.1	92.2	8.9	4.8
from visits	4	24	13.3	65.9	3.6	77	7.8	84.1	89.1

Source: CVMP-ICCV

60% of the detainees agree they find the goods they need at the prison's kiosk, while detainees' comments on the topic brought up their prices, sometimes double that of outside. These goods could replace or complement food (drinkable water, refreshments, coffee, canned products, sausage products) or various non-food products (items for hygiene, for cleaning) provided in monthly quotas or by request (envelopes, stamps) by the PU (Table 3). The disapproval of the statement increases with the duration of the time served, up to a significant difference (48%) for those with at least ten years of detention. They may find relief from prison limitations in (food or non-food) products bought at kiosks, rely more on them than others, or not have equal access to them as others (lack of money or time). Whatever the case, the significant relationship between the time spent in prison and alternative goods available at kiosks ($p = 0.017$) indicates that kiosks have more than a commercial role in the prison environment. Indeed, as the access and the shopping at kiosks are monitored, access to it may be (and sometimes it is) included in the reward-penalty system.

Along with the standardized forms for requests addressed to the PU administration, only medicines and medical treatments are usually obtained from the prison; food, hygiene, and sanitary products follow at a significant distance (around 38%). In the Romanian PUs, the food is prepared on their premises. It is supplemented or provided for by what inmates can buy from kiosks or receive on visits. Some inmates admitted that they do not eat the food provided by the PU because they are visited (e.g., receive frequent visits from relatives), so they rely entirely on what they can get this way.

Along with food, comments from inmates indicated that the hygiene or sanitation products provided by the prison may be either insufficient or of inappropriate quality in cases where both are used for room sanitation. Inmates rely on the prison for bedding more than other personal items (clothes or shoes), although all can be brought from home. Hygiene comes into question from the perspective of the laundry service, too. This does exist in prisons; it is provided by the work of detainees and dedicated staff and takes over the need to wash once a month or every two weeks per room. An alternative to this service is for inmates to wash their clothes in the cell. This implies washing with cold water/ splitting the time for hot water, and drying laundry in the cell. Sometimes, the nets of the windows do not allow hanging clothes on the outside, with the alternative of having them inside the window frame. This negatively affects the ventilation, increases the risk of mold, and, therefore, non-compliant conditions.

5. Concluding comments

The paper brings to attention risks for the quality of the penitentiary environment in Romania but does not provide a comprehensive picture of the overall system. Its main findings align with previous works' conclusions, identifying improvements in some aspects of the penitentiary climate while highlighting the persistence of situations that fail to comply with current regulations.

Overcrowding is still present, as is the high social density and reduced time spent outside the cell for those who do not have a final sentence, at a level similar to those in the closed regime. By being under 3m², the average available space per detainee defines a context that falls within the presumption of violating the regulation on torture, inhuman, and degrading treatment (FRA, 2019). Inmates' assessment of the optimal number of inmates that should be in the cells they are currently in increases the available space to 4m². At the same time, with a prevalence of only 2 percent, the situation of housing one prisoner per cell is *de facto* rejected. This contrasts the openness of national regulations concerning individual custody and that of other countries where this may be the norm. Cultural differences may influence what is considered optimal social density in detention rooms.

Although food provision improved after the daily allowance increase, it has remained a significant source of dissatisfaction. This finding reiterates the need for increased attention to the assortment and prices of products sold at prison kiosks, given that they play a significant role in the prison environment.

The level of aggression remains potentially high, close to previous findings. Nevertheless, comparisons on this topic are limited due to the different approaches used. The present study's merit is its complex treatment (of various natures, and targets), even though it does not seek a confirmatory check. The study draws attention to the risks of the SOR regime for the first time. Surprisingly, awareness of power relations among inmates is the highest among those in SOR. It may be the expression of a potential higher exposure to violence, but also of a more accurate picture of the prison environment in this respect. This regime is one of the lenient ones, allowing the detainees to leave the prison under supervision, to spend more hours outside their cells, and to move freely in the corridors during the day. It is also a regime where prisoners with lighter sentences can live near prisoners who have committed serious crimes but who (in certain circumstances) have been transferred to SOR from more restrictive regimes as their sentences come to an end. In addition, for such a dynamic and heterogeneous context, there can be only 1-2 supervisors for 250 people, as we found out during the study.

An important conclusion is that one's lived experience of imprisonment depends on the specific prison establishment in which one is incarcerated. Age of imprisonment is undoubtedly a risk factor for environmental quality. Risks in old infrastructure arise from the initial purpose of the building or the cultural and architectural norms concerning the sentence in prison at the time of their construction. Such facilities often result in high social density in large dormitories, sometimes improvised space for the bathroom, conditional

access to the bathroom, poor quality of light compounded by the possible habit of drying clothes in the room, and the constant need for repairs.

Gherla Penitentiary's central custodial building is labeled a historical monument, making modernization and repairs legally complicated. Most of the envisaged changes to its infrastructure need the approval of the Commission of National Monuments, a body with a different hierarchical institutional authority than that governing the penitentiary system. Latvia faced similar barriers, while the financial constraints affected investment plans in Hungary as well (Juhász, 2020; Kamenska, 2019; APADOR-CH, 2019b).

The effectiveness of the decision to compensate for the time spent in non-compliant detention conditions as an immediate solution that responded to the Pilot Decision in Romania (ECHR, 2017) proved fragile. Since there has been significant inter-prison traffic in the last decade (ANP, 2018; ANP, 2013), it is possible that an inmate may not have served his entire sentence in a single prison. As a result, personnel from all the prisons in the chain through which the inmate might have passed since 2012 have been computing compensatory entitlements for the eligible inmates in a relatively short time. Less known is that a regulation was issued forbidding the transfer of detainees to non-compliant accommodation: as such conditions continued to exist in some wards, the detainees were ready to sacrifice their relative comfort and made transfer requests to such spaces in the hope of hastening their release. In addition, the number of inmates quickly rebounded after 2019, indicating the poor effect that inadequate prison conditions have in deterring crime.

The pace of investments (which depend on approvals, amounts allotted, and various crises and contexts) can delay the reform results or counteract the management's commitment to change in reforming a system otherwise characterized by great inertia.

The Romanian prison system has significantly changed since the 1990s (Ilie, Tomescu and Rotariu, 2019; Ștefan, 2006), but reforming efforts are still necessary. Among directions to follow can be mentioned:

- continuing efforts to reduce overcrowding through direct investments, improving the quality of the space and of the endowments;
- ensuring that the detention experience depends only on the nature of the crime committed rather than being influenced by the specific prison environment, irrespective of whether it derives from infrastructure or governance particularities;
- information and training for specialists such as judges, probation officers, notaries, social workers, and other local and central representatives to be aware of the urgent problems of the penitentiary system: costs, overcrowding, and pace of investment, in particular. This would serve for a more tailored intervention on their part by opening up to alternative measures and to the use of technological infrastructure to solve some of the problems of post-sentence prisoners (whenever possible), improving probation, social services, and other professional support to enhance chances for social inclusion and reduce pressure on the prison system;
- the inclusion in prison staff training courses of the historical perspective on the evolution and role attributed to the custodial sentence, along with the presentation of

- prison practices in countries with fuller compliance with international legislative instruments aimed at promoting respect for human rights in prisons, may have a positive impact on prison governance; and
- cooperation with the academic environment to develop longitudinal studies regarding the need for change and the perception of reform within the system.

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Annex 1

a. Detainees by type of regime (%)

Detention regime	In total		Sample (unweighted)
	System	Four selected units	
Open (OR)	18.7	13.8	15.8
Semi-open (SOR)	36.4	46.9	43.2
Close (CR)	26.9	23.3	24.2
Maximum security (MSR)	7.4	4.5	5.3
On remand (RR)	10.5	11.3	11.5

Source: CVMP-ICCV; ANP (2020b)

b. Criteria (%)

Number of people per cell/ dormitories		Years in detention*		Detainee's age	
maximum 3	12.9	at most one year	25.2	under 30	26.9
4 to 8	30.2	1.1 to 3	27.6	30–39	34.1
9 to 16	39.1	3.1 to 10	26.7	40 to 49	24.2
17 and over	15.5	10 and over	19.4	50 and over	14.9
Valid cases	97.8	Valid cases	98.9	Total	100.0
NA	2.2	NA	1.1		
Total	100.0	Total	100.0		

*) It considers the cumulated time in prison against all criminal sanctions the inmate had up to the time of the study.

Source: CVMP-ICCV

Abbreviations:

ANP – National Administration of Penitentiaries
 CR – Closed Regime
 GEO – Government Emergency Ordinance
 MSR – Maximum Security Regime
 MJO – Ministry of Justice Order
 NPC – New Penal Code
 OR – Open Regime
 PU – Penitentiary Unit
 SOR – Semi-open Regime