



# Journal of Community Positive Practices

Year IX • No. 3-4/2009



**Adrian Marcel IANCU**

*Actual Onsets in the Enforcement of the  
Delinquents*

**Ion Daniel POPA**

*The Social Policies of the European  
Union*

**Daniela NICOLĂESCU**

*The Psychosocial Recovery of the Child  
as Victim of the Human Traffic*

**Gabriel OANCEA & Andreea FAUR**

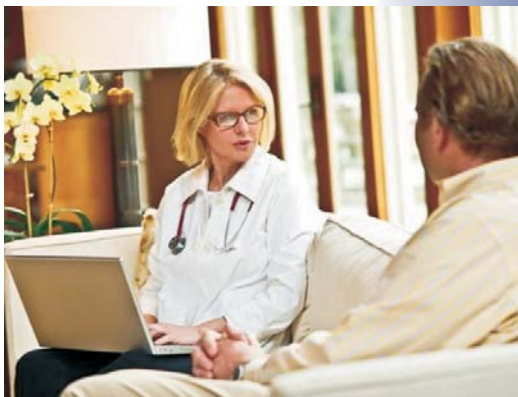
*Evolutions of the Concept of  
Delinquent's Rehabilitation*

**Daniel ARPINTE**

*Evaluation of the Projects Addressed to  
the Disfavoured Groups*

**Otilia DANDARA & Iulia ADAM**

*The Influence of Empathy as an Integral  
Part of the Social Competences on  
Successful Social Integration*





YEAR IX

No. 3-4/2009

---

# Journal of Community Positive Practices

---

ASSOCIATION FOR SOCIAL AND ECONOMIC DEVELOPMENT AND PROMOTION  
CATALACTICA



**JOURNAL OF COMMUNITY POSITIVE PRACTICES**

**COMMUNITY DEVELOPMENT REVIEW**

**Director:**

PhD Sorin CACE - President,  
ASSOCIATION FOR SOCIAL AND ECONOMIC DEVELOPMENT AND PROMOTION  
CATALACTICA

**Editorial Board:**

Radu MIRCEA  
Victor NICOLĂESCU  
Corina CACE  
Andreia-Nicoleta SCOICAN

**Editorial:**

Paula NEACȘU – editor  
Luminița LOGIN – layout and editing  
Nicolae LOGIN – cover

---

**Edited by**

ASSOCIATION FOR SOCIAL AND ECONOMIC DEVELOPMENT AND PROMOTION  
CATALACTICA

Colentina Road, no. 26, block 64, B2 ladder, apartment 97, sector 2, postal code 021181, Bucharest;  
Phone: 0040-21-240 73 03; Fax: 0040-21 240 73 03  
e-mail: [www.catalactica.org.ro](http://www.catalactica.org.ro); [corsorin@mailbox.ro](mailto:corsorin@mailbox.ro)  
ISSN 1582-8344

# CONTENT

ACTUAL ONSETS IN THE ENFORCEMENT OF THE DELINQUENTS .....	5
Drd. Jurist Adrian Marcel IANCU	
THE SOCIAL POLICIES OF THE EUROPEAN UNION .....	24
Ion Daniel POPA	
THE PSYCOSOCIAL RECOVERY OF THE CHILD AS VICTIM OF THE HUMAN TRAFFIC.....	40
Drd. Daniela NICOLĂESCU	
EVOLUTIONS OF THE CONCEPT OF DELINQUENT'S REHABILITATION.....	65
Gabriel OANCEA, Andreea Simona FAUR	
EVALUATION OF THE PROJECTS ADDRESSED TO THE DISFAVOURED GROUPS .....	76
Daniel ARPINTE	
THE INFLUENCE OF EMPATHY AS AN INTEGRAL PART OF THE SOCIAL COMPETENCES ON SUCCESSFUL SOCIAL INTEGRATION .....	93
Otilia DANDARA, Iulia ADAM	



# ACTUAL ONSETS IN THE ENFORCEMENT OF THE DELINQUENTS

*Drd. Jurist Adrian Marcel IANCU\**

*Abstract: The increasing interest of the authorities for the efficient rehabilitation of the delinquents is also reflected in the diversification of the alternatives to the punishment of imprisonment. According to most of the penal researchers, the punishment has several functions: penitence, intimidation and readapting. The basic characteristic of the punishment display four basic principles: legality, equality, individualization and the moralizing role of the punishment. Unlike the retributive justice which sees the crime as a violation of the state by breach of the rules and where the punishment is administered within a real competition between the offender, on the one hand, and the state, on the other hand, the restorative justice is a philosophy which includes a range of human feelings among which the need to cure, compassion, forgiveness and pity. It involves mediation, reconciliation and, when really necessary, sanctions. Regarding the systems of detention, there is consensus among the penitentiary experts as well a historic experience which shows that the system of progressive freedom seems the best treatment for the inmates, being consecrated by all the penitentiary legislations of the European states.*

*Keywords: penitentiary, inmate, rehabilitation, justice, crime*

## **1. The definition and the classification of the punishments**

The criminal law persons talked in different ways about the etymology of the word "punishment". So, in his work, Th. Mommsen said that the Romanians didn't have beside them any general term to define the contravention and not even the punishment, but for this latter one they adopted the name "poena" and they named later the contravention "crimen" and "delictum".

---

\* PhD student public order and national security Police Academy "Alexandru Ioan Cuza" Bucharest, National Antidrug Agency, Ministry of Administration and Interior, email: ady\_iancu62@yahoo.com.

As for the word “poena” it is said that the Romans borrowed it from the Greek language because, before prevailing the term poena in the Roman law, some punishments were expressed by the word “supplicium” and others by the word “damnum”. After Mummsen, both words meant compensation, repair<sup>1</sup>.

According to this point of view, the idea of repairing and compensation was the one that created the word *punishment* which in its initial sense meant compensation, material indemnity because at the beginning, in the old societies was said that the “crime”, the “contravention” wasn’t a bad deed, then being no difference between good deeds and bad deeds. The “crime”, the “contravention” was a purely private problem that could lead to compensation such as the author of a “contravention” wasn’t considered an immoral person.

To the Romanians, the word punishment has a more recent origin. In Vasile Lupu’s Pravila from 1646, the concept of punishment is mentioned under the concept of “scolding”. So there are to be distinguished terrible scoldings, more terrible, bigger, even more terrible, easier ones, body scoldings, money scoldings<sup>2</sup>. The word punishment was introduced after the XVII century in the Romanian language.

Tanoviceanu I. sustains that “punishment” is a Greek word that was brought into the country by phanariot influence from “Taverw” which means to learn. Because the Greek scholars didn’t understand the study without punishments there was adopted for punishment the word “learning”<sup>3</sup>.

Along the time the criminal law persons gave more definitions to the punishment:

- Vidal: “*The punishment is a bad thing that is applied in the name of the society and as the execution of judicial conviction, to the author of a delinquency because he is wrongful and socially responsible for this crime.*”
- Liszt considers that: “*The punishment is by the law in force, the bad thing that the judge mentions against the delinquent because of the delinquency to express the society’s disapproval against the deed and the offender.*”

The thesis in this field of the Romanian authors express themselves more opinions:

- Traian Pop considers that: “*the punishment is that juridical prejudice that is preestablished by law or other incorporating spring which the state with its competent organs with the purpose of a judgment, applies against the guilty*”

---

<sup>1</sup> Pop, Traian (1924), *Comparative Criminal Law*, vol. III, Cluj, typed by the Ardealul’ Graphics Institute, p. 8.

<sup>2</sup> Pop, Traian, op. cit. p. 10.

<sup>3</sup> Tanoviceanu, I.; Dongoroz V. (1926), *Treaty of law and criminal procedure*, vol. III, Curierul Judiciar printing house, Bucharest, p. 16.

*person for a delinquency as a sign of opprobrious and with the purpose of protecting the established juridical order<sup>1</sup>.*"

- According with the Romanian Penal code, art. 52: *"the punishment is a measure of constraint and a way of re-education of the convicted."* The purpose of the punishment is to prevent new crimes, reason from which it distinguishes from any other juridical sanction.

The punishment isn't anything else but a way of rejecting violence, crime as to the action that causes bad things there follows another action of suppression of this created bad thing which is accomplished by what we name punishment. So, there is an indissoluble relation between punishment and crime, the punishment being the immediate way of fight against crime. As the Penal law creates in a clear way such a link between crime and punishment, it means that we are in the presence of some juridical compulsive regulations and therefore anytime there are made crimes there has to be applied the punishment that is established by the law. This way, the punishment being linked with the crime represent the main and compulsory way of disproof and protection against the crimes, criminality reason for which the "punishment" isn't considered only a simple "reaction" or a way of "control" afferent to the crime and criminality manifested by the society.

Although the punishment is a typical term for the Penal law, it is often enough used to designate extra penal sanctions (which are not correct<sup>2</sup>), such as:

- a) Civil repairing;
- b) Nullity of acts
- c) Incapacities and forfeiture of rights;
- d) Disciplinary measures and contraventions.

Generally, the philosophy of the penal law didn't refuse the right of the society and of the state to punish the one that making a delinquency trespassed the written penal laws, this right being denied by some scholars hardly in the XIX century. The researches concerning the foundation of the right of punishing gave birth to different ideas that along the time expressed them one by one depending on the society's evolution trying to find an answer to one of the most important problems of the penal law science.

---

<sup>1</sup> Pop, Traian, op. cit. p. 26.

<sup>2</sup> The punishment doesn't have to be confused with the civil repairing. This latter one has as purpose not the punishment of the guilty person but the repairing the loss caused to the victim. Moreover, the punishment is pronounced by a penal section of a court while the civil repairing can be granted even by a civil section.



This path that the penal law concept of punishing to the primitive form of punishment crossed and which was the revenge to the most advanced form of punishment applied by the institutions of the state that were based on the principles of validity, individuality, etc. and which represents the index of the notion, the character of the punishment or of the right of punishing from each epoch reflecting the physiognomy of the respective period of time: if the society, the state have the right to punish the delinquent, there appears the problem of establishing which is the philosophical – legal and moral foundation of this right.

## ***2. The jobs, characteristics and the punishments' classification***

According to the majority of the penal law persons the punishment has more functions such as penance, intimidation and readaptation. The penance function supposes that the delinquent has a “duty” towards the society and the punishment urges him to pay it. The intimidation function has two components: the delinquent’s intimidation, meaning that the punishment must give him the fear for another punishment preventing this way the relapse (personal or special prevention) and the intimidation of some other persons – the punishment given to a delinquent is a example for the others that are somehow tempted to commit at their turn a crime to reflect to what could happen to them if they choose such a behaviour (collective or general prevention). The rehabilitation function is a direct consequence of the law makers to “restore” the delinquent on the good way and to prepare his rehabilitation to the society life. This function dominates more and more the penitentiary reform that started even from the end of the XI century. Actually it means the regain of honesty of the delinquent.

As for the fundamental characteristics of the punishment, we have to take into account the existence of the four essential principles: legitimacy, parity the personalization and the moralizing role of the punishment.

The Latin dictum “*nulla poena sine lege*” is found in the majority of the legislations and is sustained both by the constitutions of all the democratic states and of some of the international programmatic documents such as the universal charter of the man’s rights. This principle of validity sustains that no punishment can be pronounced if it isn’t predicted by the penal law. Moreover, the penal law doesn’t establish the punishment in a rigid way but just a maximum of the punishment and to a apply a punishment under surveillance grants its individualization, the law maker leaving this way to the judge the power to appreciate and decide about the quantum and the type of punishment that will be applied.

The principle of the punishment’s parity supposes that “to the same deed the same punishment”, it means that two persons that committed similar deeds, in the same conditions, are subject to the same punishment but it doesn’t mean that they will be

convicted to the same one. Actually this kind of equal treatment is more theoretical than real because when it is about differentiation of punishments, the court has to take into account more factors, including the delinquent's personality (the social environment, antecedents, resources/subsistence possibilities, etc.), meaning to create conciliation between the principle of parity and the one of personalizing the punishment.

The personalization of the punishment supposes that only the guilty one is going to be punished and this should elude the persons that are not guilty. In reality a family will always suffer the repercussions of the punishment applied to one of its members:

- From a financial point of view, the lack of the wages of the convict during his detention has often major pecuniary repercussions over the family;
- From the moral point of view, the shame of the conviction is falling to the members of the convicted family.

The moralizing role of the punishment is to be found in the respect of the human dignity and has to be compatible with the moral concepts of the society that applies it.

As for the punishments' classification, from the multitude of existent qualifications, we consider as being good to take into account the three big categories: juridical (main punishment and accessories), legal and objective that counts on the nature of the pursued purpose of the punishment – freedom, rights, patrimony (punishments that are deprived of freedom and possible rights, restrictive of rights, pecuniary).

The giving of a punishment has to take into account two fundamental principles: to suppress the accessory punishments, meaning no punishment can be applied if it wasn't especially predicted, respectively the judge's freedom of choosing it – he can choose just one of the punishments that are provided by law for the delinquency that he was solicited for.

### **3. *The restorative justice***

*The restorative justice* is the name that was given to a movement that started to cover not only the penal law systems but entire societies. A part of its practitioners and supporters consider it to be a new paradigm or a new mentality. It is trying to convince the societies to ask themselves about crime, to look for answers and to find the most efficient methods to react against it: *"The restorative justice is an answer given to delinquency that offers opportunities to those who are the more affected by this – the victim, the delinquent, their families, and the community – to be directly involved in answering the bad thing that the delinquency created. The restorative justice is counting on values that accentuates the importance of offering possibilities to be more actively involved in the process of: offering support and assistance to the delinquency's victims; to make the delinquent feel responsible for the persons and the communities*

*that they harmed; to restore the emotional and material losses of the victims (in the limit of the possibilities); to offer a wider range of dialogue opportunities and of problems solving between the victims and the delinquents, families and other persons; to offer better possibilities for the delinquents to evolve in a proper way in the future in the communitarian life; to strengthen the public safety by communitarian building.”<sup>1</sup>*

All the discussions concerning the restorative justice always start from comparing it with the actual penal justice systems and it is invariably used the classical example offered by Dr. Howard Zehr:

THE JUSTICE'S PARADIGMS	
RETRIBUTIVE JUSTICE	RESTAURATIVE JUSTICE
1. The crime attacks the state and its laws	1. The crime is a harm done to the people and to the relations between them
2. It emphasizes and concentrates on establishing the guilt such as the pain and suffering levels that are applied by punishment to be quantified	2. It tries the identification of the rights, needs and engagements of the delinquent and the victim
3. The justice act is taking place through a conflict between the prosecutor and lawyer, the victim and the delinquent being liable and often ignored	3. There is an accent on the problem's solving so as the created situation to be able to be corrected materially and emotionally, the victim and the delinquent having the main and active roles
4. The delinquent is excoriated only by punishment and the reaction is concentrated over a past behaviour	4. The delinquent is responsible proving empathy and helping personally to the repairing of the harm done, the reaction being concentrated over the consequences of the delinquent behaviour and in the perspective of the future behaviour
5. A strict and rational process that is addicted on rules and intentions that influence and coordinate the results in the deserved direction by the state: one of the parts loses and the other wins	5. It grants the free exposure of the emotions and feelings, it includes all the persons that were affected – directly or indirectly – by the delinquency, responsibilities are assumed, the needs are satisfied and there is encouraged the healing both of the victim, the delinquent and of the community as well as of the relations between those parties

In Howard Zehr's vision, the retributive justice – considered as being characteristic to all the actual penal systems – starts from a particular way of interpretation of the

---

<sup>1</sup> Umbreit, M. (1994), *Victim meets offender: The Impact of Restorative Justice and Meditation*, Criminal Justice Press, Monsey, New York.

delinquency: it is looked at as a violation of the state defined by not observing the laws and the feeling of guilt. The justice establishes the blaming and administers the sufferance in a competition between the delinquent and the state, a competition that is held on systemic<sup>1</sup> rules. The restorative justice watches the things in a different way. So, "the delinquency is something bad made to the people ant to the relations between them. It creates the obligation of making things right. The justice implies the victim, the delinquent and the community in looking for solutions to promote the solving, reconciliation and reassurance."<sup>2</sup>

The retributive justice is concentrated on laws' violation while the restorative justice is concentrated on the peoples' aggression and of the relations. The retributive justice looks for protecting the law by blame determining and administering the punishment while the restorative justice looks for the victims' protection by admitting they have been harmed and creating responsibilities for the ones that are responsible to make the things go right. The retributive justice implies the state and the delinquent in a formal process of pronounciation a sentence, while the restorative justice implies the victims, the delinquents and other members of the community in searching and finding solutions. Although along the years there were tried different representations and definitions of the Restorative Justice, the comparative analyze offered by Howard Zehr is used everywhere then when there is about the concept's presentation as it proves very clearly how "watching the old problems with new eyes helps us to understand differently and to get new answers. The restorative justice is a process by which all the parts implied in a delinquency gather to a common place to decide collectively the way the consequences of the crime have to be solved and the future<sup>3</sup> implications.

The restorative justice represents a philosophy that encounters a wide range of human feelings including the need of healing, compassion, forgiveness and pity. In implies mediation, reconciliation and when there is really the case, the punishment. Moreover, this concept represents a recognition of the fact that we all are interconnected and that all that we do whether it is something good or bad, it has a surprising impact to all those that are around us. It offers the possibility of a process in which all the affected persons by the delinquent behaviour – victims, delinquents, their families, and the community as a whole – are all integrative, active parts of the process by means of which there is tried the solving of the problems that caused the crime and of the consequences appeared after their commission<sup>4</sup>.

In opposition with the retributive justice that considers the delinquency as a state's violation by not observing the laws and the guilt is established and also the

---

<sup>1</sup> Zehr, H. (1990), *changes Lenses: A New Focus for Crime and Justice*, Herald press.

<sup>2</sup> i.e.

<sup>3</sup> i.e.

<sup>4</sup> Wright, M. (1999), *Restoring respect for justice*, Waterside Press.

punishment is given and it is administered inside a competition between delinquent on a side and the state on the other. On the account of the concept of restorative justice, the delinquent and the victim are encouraged towards a direct implication in solving the conflict by dialogue and negotiation, in the presence of the family of the delinquent, of the victim's family and of some other persons that can offer active support to this process of reconciliation. This is one of the main characteristics of the "new" concept: the possibility given to the victim and the delinquent to meet and discuss while watching each other eye to eye.

In the traditional system of penal law the victim is used in the best side of the case as a witness of the state – of the prosecutor – in the try of establishing the delinquent's guilt and of asking his or hers conviction and the delinquent that is represented by the lawyer that talks in his place fights to prove his "innocence" and not to assume the responsibility for the committed deed. All this gives the impression of something artificial, moreover the final of the process when almost undoubtedly the delinquents announce the judge that they feel sorry for their deed and let the court to decide for it. Bothe the delinquent and the victim leave the judgment hall with a strong feeling of dissatisfaction: the delinquent almost invariably because he yet sustains he is not guilty and considers that the punishment is too hard, and the victim because no one asked her which are her real feelings, the real problems that she confronts with. Nor the victim neither the delinquent takes part to the process in which actually their lives are the main subject.

By using the term of restorative justice, even the action of punishing gets a moral burden, the whole process and the subsequent activities that took place with the victims and with the convicted persons having as purpose the solving of some things such as: accountability, respect reconciliation, reintegration, repairing, to avoid labeling, etc. As it may be noticed there are followed the same objectives that we find in the traditional systems of the penal law from all around the world, with the difference that the imposed mentality by the restorative justice grants for the realization of these actions.

So, we may notice a whole series of different practices depending on the country and on the legislative regulations that there are on; all the programs, more or less experimental – in the field of restorative justice count on the mediation delinquent – victim. Although they are named conferences, meetings or sessions, although it is named mediation or reconciliation, whether they are or not imposed to the delinquents, even though they end with an understanding or a contract between the two parties, the actions that are taken to support the restorative justice concept are characterized by a face to face meeting between the delinquent and his victim. This meeting takes place in the presence and coordination of a mediator, to it being allowed to participate with the acceptance of the two parties their families or other persons that can offer moral support to the victim and the delinquent. More than this,

depending on the nature and complexity of the case, the mediator may invite to this meeting representatives of the different local institutions that have as objective to protect the public order, the social assistance, public health, education and schools, the communitarian growth, etc.

#### ***4. The treatment of the prisoner inside the modern, progressive penitentiary systems***

Among the different regimes that were suggested and applied along the time, we have to distinguish besides the regime of common detention and the Pennsylvanian cellular system that oppose one to each other, mixed regimes such as the auburnian regimes, the progressive regimes and finally the open ones named trust regimes<sup>1</sup>. The contemporary penitentiary science knows the following types of penitentiary systems:

- The system of the common prison;
- The cellular system with two possibilities:
  - Solitary;
  - Of separation.
- The auburnian system;
- The progressive system with two possibilities: English and Irish;
- The reforming system.

##### *A. The regime of the common detention*

Inside this regime, the most simple and economical, the prisoners (with the mention of separation of the women and men and of the minors and the adults) they live together at day and at night. They sleep in common bedrooms, have their meals together and also work together in the penitentiary's workshops.

This detention regime presents numerous advantages but also inconveniences. It has the advantage that it is less expensive: the prisons where the detention is common are the most cheap to build. It is also very easy and makes it function in the plan of the great collectivities that are free and finally it allows the work's organization in similar conditions to those of the industrial life.

---

<sup>1</sup> Huguency, Louis, Donnedieu de Vabres, H., Ancel., Marc (1950), *Les Grands Systèmes pénitentiaires actuels*, Paris Librairie du Recueil Sirey, p. 430 – 438.

Its problems in exchange are even more and bad. Morally talking it first corrupts than ameliorates, the promiscuity that it holds doesn't help too much to the individual's rehabilitation: it exposes him to improper influences and instead of reeducating him it takes the risk of changing him morally and psychically. Despite the psychological counseling and a bigger number of the surveillance personnel, this way of vitiation can't be avoided because the communication between the convicted that live together is eminent. So, there can be created real associations of delinquents inside the prison with the purpose of organizing mutinies and escapes or even to prepare "strikes" for the outside world after they are released.

Moreover, for the convicted that repent for their mistake and wish sincerely to rehabilitate, the common life together with the "bad" ones is just embarrassing if not even unbearable; it stops them from meditating/reflecting about the deeds they committed and the way of rehabilitation.

And finally the solidarity between the convicted that is an inevitable result of the life in common, exposes the good ones – the ones that want to have a clean life after their liberation and to forget about their criminal behaviour – the blackmail of the "old detention colleagues" if they refuse to join the future strikes that they prepared during the detention or as a result of this.

This system dominated more years in many European countries, including our country. So, I. Tanoviceanu said in 1926<sup>1</sup>: "Although the common imprisonment is much criticized, this is anyway the usual regime, with little exceptions of our country".

This regime of common detention has to be totally destroyed. There isn't impossible to reduce the problems if we apply it to a lower number of convicted that are selected and given to the surveillance of a qualified staff. The experience that was made in some countries proves that it may have good results without exposing the convicted to some psychic and mental problems that risk creating a complete cellular detention the reason of choosing the common imprisonment is because of its fewer expenses. The common imprisonment, economically talking, is the less expensive.

It isn't surprising to show that our existent penitentiary system at the beginning of the third millennium yet have the characteristics of the common prisons since 100 years ago, and one of the reasons is the economical one, the lack of the financial funds. Actually, this way of execution of the common private freedom punishment was and is characteristic to all the states from the Eastern Europe.

#### *B. The cellular detention regime – the Pennsylvanian regime*

---

<sup>1</sup> Tanoviceanu I., Dongoroz, V. (1926), *The treaty of the law and penal law*, vol. III, Curierul Judiciar Expenditure, Bucharest, p. 342.

This regime is opposed to the common one and consists of a total isolation of the convicted (in the cellular prison) at night and at day. The prisoner is kept in a cell where he works, eats and sleeps and when he is taken out of the cell to walk in the yard, he must wear a hood not to be recognized by the ones that he meets.

The cellular system has two forms:

1. The absolute cellular system;
2. The separation cellular system.

The absolute cellular system or solitary supposes the total isolation of the convicted. He can't communicate with anyone, not even with the guardian, he has his walk in an isolated yard, the divine training or service being listened by each of the convicted separately, the convicted can't see or meet with each other.

The separation cellular system consists of separation of the convicted but they communicate with the prison's personnel, with the priest, with the ones that assure their theoretical or practical preparing, they can't hear, know or see.

This kind of detention was applied for the first times in the ecclesiastic prisons. The church, institution that look for the condemned "rehabilitation" by penitence and believed in the moralizing virtues of the solitary imprisonment, with the spiritual help of a priest, regular visits of the brotherhoods named "penitent", work and lecture imposed the detention in monastic cells, following a regime of which basis it established to Aix la Chapelle in the year 817 before they were mentioned in the Beziers council from year 1246.

As it follows, inspired by the church, the regime was put into practice in many laic prisons; in the XVI century in Holland (the Amsterdam prison), at the end of the century XVII in Italy (the Saint Michel prison from Rome) and in the XVIII century in the correction house built in 1759 in Milano de Maria Tereza and the prison founded to Grand in 1775 by the viscount Vilain the XIV.

Under the influence of the English John Howard (1726-1790) – the sheriff of the Bedford committee (that sacrificed his life and work to the penitentiary life and who was a real partisan of the individual separation of the convicted) – the cellular detention will find its most perfect realization in the model prison that was built in Philadelphia in Pennsylvania state at the end of he XVII century from where there comes the name of Pennsylvanian or Philadelphian system<sup>1</sup>.

Comparing with the regime of the common detention, the cellular regime, if doesn't always favors as its promoters hoped, the meditation that leads to regret and by this

---

<sup>1</sup> Sherman, Michael, Hawkins, Gordon J. (1983), *Imprisonment in America: Choosing the Future*, University of Chicago Press, p. 32-33.



to the condemned reeducation has at least the enormous advantage to avoid promiscuity and corruption. Moreover, to apply this regime represent an aggravation of the affective character of the detention, at least for the worse convicted that don't stand that easily the solitude and under this name is more intimidating for the recidivist delinquents. At least, with this regime there is possible the establishment of the harshness of the punishment depending on the behaviour of each convict, promoting the individualization of the privative freedom punishment on the execution plan.

On the other hand, this cellular regime is very expensive, supposing special arrangements and also has a great deficiency in making the rentable, interesting work's organization difficult, a work that the convicted may perform after his liberation.

The cells are inappropriate for making an industrial work without thinking about the necessary spending for its functioning and the control of the works executed into the cell. But before all these, the cell detention seem to be harmful for the physical health (it favors especially the tuberculosis) and very depressing morally talking: except some powerful personalities that could have a profit from a rigorous isolation, for the majority, this regime leads to mental disorders more or less bad, going even to madness or suicidal.

In spite of its problems, the Pennsylvanian regime was in great search beginning with the second half of the XIX century especially in Belgium and France. In Belgium, the journalist Edouard Ducpetiaux<sup>1</sup>, who after he was sentenced to a year of prison in 1828, becomes after a revolution the general director of the prisons on the idea that the separate imprisonment corresponds to the triple purpose of the punishment (repression, detention and rehabilitation), parting the detention in night and day cells. He builds more cellular prisons among which the one from Louvain in 1860 and after his death in 1868 a law that was emitted in 1870 adopts the cellular imprisonment for all the prison punishments. The finding of the bad effects of the cellular regime over the physical and moral status of the convicted will bring between 1918 and 1938 the taming and sweetening of this regime and even its abandon after 1945 for the long time privative freedom punishments.

On the other side, France, who also supported the complete isolation system, replaces numerous cellular prisons<sup>2</sup>, until a circular of the Internal Minster, the duke Persigny<sup>3</sup>, emitted on 17 April 1853, not only refuses the building of new cellular prisons but also orders the demolishing of the already existent cells and substitutes

---

<sup>1</sup> Aristotel says that: "to live alone you have to be a god or a brute".

<sup>2</sup> [http://fr.wikipedia.org/wiki/%C3%89douard\\_Ducp%a9tiaux](http://fr.wikipedia.org/wiki/%C3%89douard_Ducp%a9tiaux).

<sup>3</sup> In the year 1853 there were in France 4.485 cells in 49 departmental prisons.

the individual detention regime with the one of common detention, with a separation on “quarters”. For applying this circular being given the multitude of types of imprisoned persons, there had to be created in each prison 25 different quarters.

In reality nothing was created. After the war from 1870 as a result of the criminality's recrudescence (over 25 000 recidivists were among the insurgents of the Common), an investigate commission over the penitentiary reform was established in a law from 24 of March 1872. The reports asked after this investigation by Paul Gabriel Othenin de Cléron, Hounssonville count and Felix Voisin<sup>1</sup> lead to the laws vote from 5 June 1875 with a limited character because it referred only to the departmental prisons that imposed the cellular regime to these prisons where there were imprisoned only the ones that had short penitence's<sup>2</sup> and the preventive condemned. Actually, the application of the cellular regime prescribed by law in 1875 had financial problems, reason for which it was never entirely realized: in 1939, from 75 prisons in service there were only 50 cellular prisons. Even more, even in the cellular prisons, because of the overpopulation, the practice of the cellular detention wasn't possible, the authorities being obliged to close more convicted in the same cell.

We have also to underline the fact that in the last century, exactly the countries in which this regime took birth (the United States and Belgium) protested against the cellular regime.

### *C. The auburian regime*

It was this way named because it was registered for the first time in 1816, in the prison from Auburn, New York state; the auburian regime is a combination between the two precedent regimes. It supposes the night isolation – as well as the cellular regime – but also the common life during the day as well as work, meals physical exercises and the free time and not in the last time the regime of the common detention. The commander isolated physically at night in a cell, on the daytime he is morally isolated because he lives and works with the others but is forced to keep silence, this rule being actually one of the regime's characteristics.

Because of the fact it supposes the common living during the day, this mix regime is less harmful than the cellular one as well from the physical point of view and also morally; as it asks the convict to observe the discipline of an organized group, it doesn't give away the habit of living in society, it readapts him in a mere way socially

---

<sup>1</sup> [http://fr.wikipedia.org/wiki/F%C3%A9lix\\_voisin](http://fr.wikipedia.org/wiki/F%C3%A9lix_voisin).

<sup>2</sup> Othenin de Cleron, Paul – Gabriel, comte d'Hausonville (1875), *Les établissements pénitentiaires en France et aux colonies*.

talking and also grants a better and more rational organization of the work than the Pennsylvanian system.

Actually, this regime has as defect the fact that it doesn't stop the communications between the convicted and because of this it doesn't protect them against the contamination danger in spite of the silence law. Another defect of this kind of imprisonment that led to its rejection in 1840 by the Room of Pairs, and of the governmental project that asked its adoption, is the fact that the law of silence imposes a constraint that includes the risk of compromising the health or the mental coherence as it is against the human's natural need to express his impressions to the ones that are around him. This rule represented also a way of harshening the discipline in the situation in which its failure led punishments as the convicted detention in a cell or a discipline hall with reduced alimentary ratios for soup and bread. To apply the auburian regime was possible only with some drastically, inhuman measures such as body punishments; in the Auburn's workshops, the silence could be kept only by the power of whip but not even like this the communication couldn't be stopped entirely because they used the signs language. These punishments, instead of reeducating the convict, replaced him in an antagonistic position in comparison with the personnel of the prison.

So, the auburian system as a way of imprisonment imposed inhuman ways so that it was concluded that not even this system in his typical severe form was not agreed but it could be applied on a short period of time, in a progressive system. The rule of silence tends to disappear in the countries that use this kind of regime, it being imposed just during some other phase of some other mix regime, the progressive one.

#### *D. The progressive or Irish regime*

Comparing with the auburian and Pennsylvanian systems, the progressive system includes a "treatment" program. The freedom deprivation isn't a purpose itself, made with more or less rigor it is used as "a means of progressive rehabilitation, as a gradual preparing and on steps to the coming back to the free life". By successive steps, watching the reintegration progress, the convict passes from day and night cellular detention to complete freedom.

This system doesn't have to be matched with the progressive one that was practiced beginning with 1828 in the French sea mines and in witch few thought that they can see the origins of the progressive system. The French system was represented by the convicted partition to life work in more different classes with the possibility if changing the class; the ones from the first class could be proposed for punishment switching. This was in reality a pure disciplinary system (depending on the class, the

work was more or less embarrassing), that didn't have any educative value, because the way of living of the convicted was the same no matter the class.

The Irish regime is totally different by the French one because of the fact that the convicted are passing through many steps, in which the applied regime differs, going from the cellular detention to freedom, passing through intermediary steps.

This kind of system that experimented for the first time in 1840 on the convicted from the English island Norfolk by the captain Alexander Maconochie<sup>1</sup>, was previously applied successfully in Ireland by the major Wlter Krofton<sup>2</sup>, from where its name of 'Irish' system. Beginning with the end of the XIX century, this system was adopted by numerous countries from Europe (Denmark, Finland, Norway, Greece, Italy, and Hungary).

In its primary shape, the system was formed of different successive favors having as purpose the stimulation of the convict to regain his freedom as quickly as possible. In its modern form, the progressive system has as purpose the avoidance of passing from the complete isolation or from the communitarian life in a closed environment to a free life; it supposes more steps and the crossing from one to the other is made in the conditions in which there are sufficient controls and guarantees to sustain them as concerning the social rehabilitation of the convict. It also has to be mentioned that the reward idea wasn't abandoned completely, the relegation to a previous step being considered a disciplinary punishment. Anyway, the fundamental purpose of this detention system is to note the social adapting progresses of the convict and implicitly his gradual coming back to freedom.

The progressive system has two forms:

1. English progressive system;
2. Irish progressive system or Crowton.

1. The English progressive system has three periods:

- a) Severe day and night isolation for a period of time, that can be expressed in months or years, that can be raised or lowered depending on the convicted behaviour;
- b) Cellular separation during the night and the common work during the day on a determined period also expressed in months or years, a period that can be raised or shortened;

---

<sup>1</sup> [http://en.wikipedia.org/wiki/Alexander\\_Maconochie\\_\(penal\\_reformer\)](http://en.wikipedia.org/wiki/Alexander_Maconochie_(penal_reformer)).

<sup>2</sup> <http://www.britanica.com/EBchecked/topic/143755/Sir-WalterCrofton>.

- c) The on parole liberation of the convict, that means to let the convict free but under the control and surveillance of the authorities. The on parole freedom or temporary is the most precious element of the progressive system.
2. The Irish progressive system has four periods: the periods are similar and only between the second and the third period is mentioned the time for imprisonment in intermediary establishments (institutes). The period for the intermediary establishment is “the bridge on which the convict passes from the prison environment to the freedom<sup>1</sup> one.

### *E. The reforming system*

This system is of American origin and its author was considered Z.R. Brockway that applied it first in 1876 in the Elmira reformatory (New York State). After the location where the reformatory's residence was, the system is named Elmira. Brockway, the system's initiator became the director of this prison named significantly “Reformatory of Elmira”. This system was afterwards adopted by other American states: Ohio, Massachusetts, Pennsylvania, Minnesota, Illinois, Indiana and Wisconsin. According to Couché's<sup>2</sup> affirmations, the reforming system consists of using the prison's punishments by reforming the convict through moral, intellectual and physical education.

The Elmira reformatory had 1580 cells and the convicts' parting was made depending on two criteria: age and penal crimes. At night, the convicts were isolated in cells and during the daytime were trained in professional, physical and intellectual activities. The ways of rehabilitation of the convicted persons were the work, professional training, intense intellectual preparing, moral education and physical education. Daily, the convicts made a few hours of physical exercises, some other hours were for the manual labor. The instructive – educational activity was about both the elementary learning and the gymnasium and superior one. There were held conferences on social and political problems, classes of political economy, physics, chemistry, mechanics, and the reforming system being a progressive one, improved and adapted to the purpose to reform the convicted through the punishment.

The importance of the penitentiary systems is more of historical origin because they show the evolution of the privative freedom punishment and of its way of execution. In our conditions there aren't necessary any more the rigid environments of the different penitentiary systems but the methods of individualization that are not linked with the typical fix forms.

---

<sup>1</sup> Pop, Traian, op. cit. p. 187

<sup>2</sup> Couché, P. (1905), *Traité de science et de législation pénitentiaires*, Paris, p. 315 – 318.

The creation of the penitentiary system in a country is made by law or by other normative regulations and is determined by many factors that they have to take into account. One of the most important factors is the legislator's conception concerning the purpose of the penitentiary politics concerning the privative freedom punishment execution. In the state in which there is a great accent on the social reeducation, on the convicted rehabilitation, there is elaborated an adequate penitentiary system for this purpose, underlying the elements and the sides of a favorable system for rehabilitation and resocialization of the convicts<sup>1</sup>.

A second factor is represented by the system of the judgment instances which is formed of judges, courts, courts of appeal, etc. These courts have a certain territorial competence.

Another factor is considered the existence of many different types of convicted persons, depending on the nature of the crimes done, by the type of punishments that are applied, by the characteristics of the condemned ones (men, women, minors, recidivists, etc.).

To the different categories of convicted persons should correspond different categories of penitentiaries. This is the reason why there is an affirmative tendency in the penitentiary science to suggest the diversification of the penitentiaries specialization and to create special penitentiaries, for the convicted with a certain profile, characteristic, depending on the nature of the crimes committed, the period of the punishment to be followed, sex, age etc. As it follows, there may be special penitentiaries for women, minors or penitentiaries for recidivists.

There is an understanding between the penitentiaries' subject's experts and a historical experience that proves that from the number of different kinds of penitentiaries examined, comparing the advantages and the inconveniences that it implies, from the Pennsylvanian system to the auburian one and from these to the progressive system that combines the Pennsylvanian system with the auburian one but in successive steps during the execution of the punishment, the progressive or progressive freedom system seem to be the most favorable treatment for the convicted persons, being adopted in all the penitentiary legislations from Europe.

Through this one there is to be seen also the types of the penitentiaries for the punishment's execution, the legislator taking as forming criterion of the system the different categories of convicted (condemned for long periods to prison, condemned to prison for a short period of time, minors, women, etc.).

---

<sup>1</sup> Oancea, I. (1996), *Executorial penal law*, All expenditure, Bucharest, p. 56.

### *Selective literature*

---

- Ancel, M. (1964), *Revue de sciences criminologique*.
- Ancel, M. (1973), *e peine dans le droit classique et selon les doctrines de la défense sociale*, in *Revue de science criminelle*.
- Beccaria, Cesare (2001), *About crimes and punishments*, Rosetti expenditure, Buchares.
- Cuché, P. (1905), *Traité de science et de législation pénitentiaire*, Paris.
- Foyer, J. (1963), *Revue penale*.
- Huguenev, Louis, Donnedieu de Vabre, H., Ancel, Marc (1950), *Les grands systèmes pénitentiaires actuelles*, Paris librairie du Recueil Sirey.
- Mira Y Lopez, Emilio (2009), *Manual of juridical psychology*, Oscar Print expenditure, Bucharest.
- Oancea, I. (1996), *Executory penal law*, All expenditure, Bucharest.
- Othenin de Cléron, Paul – Gabriel (1875), comte d'Haussonville, *Les établissements pénitentiaires en France et aux colonies*.
- Pop, Traian (1924), *Compared penal law*, vol. III, typed by the Graphics Institute "Ardealul", Cluj.
- Sherman, Michael, Hawkins, Gordon J. (1983), *Inprisonment in America: Choosing the future*. University of Chicago Press
- Tanoviceanu, I., Dongoroz, V. (1926), *A treaty of lae and of penal law*, vol. III, Curierul Judiciary expenditure, Bucharest.
- Umbreit, M. (1999), *Victim Meets Offender: The Impact of Restorative Justice and Meditation*, Criminal Justice Press, Monsey, New York.
- Wright, M. (1999), *Restoring respect for justice*, Waterside press.
- Zehr, H. (1990), *Changing Lenses: A New Focus for Crime and Justice*, Herald Press.

### CEDO Decisions

1. Golder Decision, 21 february 1975.
2. Silver Cause – The Commission’s Report from 10 November 1980.
3. The Newmeister decision, 27 June 1968.
4. The Stgmüller decision, 10 November 1969.
5. The Schiesser decision, 4 December 1979.
6. The Engel decision, 24 November 1776.

### Internet resources

[http://fr.wikipedia.org/wiki/%C3%89douard\\_Ducp%C3%A9tiaux](http://fr.wikipedia.org/wiki/%C3%89douard_Ducp%C3%A9tiaux)

[http://fr.wikipedia.org/wiki/Victor\\_de\\_Persigny](http://fr.wikipedia.org/wiki/Victor_de_Persigny)

[http://fr.wikipedia.org/wiki/F%C3%A9lix\\_Voisin](http://fr.wikipedia.org/wiki/F%C3%A9lix_Voisin)

[http://en.wikipedia.org/wiki/Alexander\\_Maconochie\\_\(penal\\_reformer\)](http://en.wikipedia.org/wiki/Alexander_Maconochie_(penal_reformer))

<http://www.britannica.com/EBchecked/topic/143755/Sir-Walter-Crofton>

[http://www.penal.org/?page=mainaidp&id\\_rubrique=13&lang=en](http://www.penal.org/?page=mainaidp&id_rubrique=13&lang=en)

[www.un.org](http://www.un.org)

[http://www.onuinfo.ro/documente\\_fundamentale/declaratia\\_drepturilor\\_omului/](http://www.onuinfo.ro/documente_fundamentale/declaratia_drepturilor_omului/)

<http://cedo.md/?go=articole&n=13>

[http://www.coe.int/t/dghl/monitoring/execution/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/execution/default_en.asp)

<http://www.baroul-bucuresti.ro/>



# THE SOCIAL POLICIES OF THE EUROPEAN UNION

Ion Daniel POPA\*

*Abstract:* The establishment of a single European market and the definition of European social policies which to facilitate the gradual closing up of the social policy of the member states and which to promote within the entire community a fast growth of the standard of living and tighter relations between the member states, is a priority and a challenge at the same time. In a broad meaning the social policy includes the activities of the state whose purpose is to change the characteristics of the social life of a community. The social policy of the European Union consists of the European labour legislation, of the legislation against discrimination, of dispositions regarding the health state and education, particularly from the dispositions and actions funded from the Structural funds. The fact that the last social agenda of the EU is structured on two priorities which regard decent jobs and social justice proves more and more the distinction between the active employment policies and the other types of social policies. The provisions of the European social agenda are to be transposed within the European employment strategy and then in the programs of each member state, function of the specific features of each country.

*Keywords:* social policies, member state, employment, social agenda, community

## 1. Arguments of the social politics of the European Union

*“The most first challenge for the tomorrow Union will be the finding of a solution to the problems concerning the compatibility necessity of the social security systems and of industrial relations of our states, taking also into account the obligations that the international competitiveness imposes to Europe as a system.”<sup>1</sup>*

(Romano Prodi)

---

\* Expert on social policies and absorption of structural funds, Ministry of Labour, Family and Social Protection, email: iondanielpopa@yahoo.com.

<sup>1</sup> Prodi, Romano (2001), *A vision over Europe*, Iasi, Polirom expenditure, p. 51.

Into the context of the economical politics at European and global level, a great challenge for the European Union is the definition of some social European politics. Taking into account the general evolution of the European Union as well as of the social politics from inside of it that I will subsequently talk about, there could be issued two hypotheses concerning the formation of this kind of policies:

- A) The social European politics represent a necessary consequence of the creation of the unique European market, but not the result of solidarity of the citizens from the member states.
- B) The dialectics between the solidarity and equity characteristic to the national status was detailed also at the level of the European Union. So the poor countries and regions or the rich ones take the place of the classes from inside the state.

For supporting the first hypothesis there can be brought more arguments that are also recognized by the sustainers of some common European social politics. From another perspective these arguments become causes of the common policy.

1. **The assurance of the free workers' movement** (the official term "worker" refers to all the types of workers no matter the field and the qualification level) obviously results from the fundamental principle of the free movement of the persons inside the European Union. For this principle to be plainly functional there was necessary to ensure "the transferability of rights of the workers beyond the national borders" so as the persons that get a job in another country not to lose their social security that they had in their origin country. This mobility in the field of work market – labour mobility – is maybe the only important social measure that the Treaty from Rome was mentioning in art. 48-51, in the sense that, the workers that move from a country to the other will benefit of the existent social rights in the host country. In the 60's under the effect of the Rome Treaty, there wasn't yet existent the problem of the supranational social politics but only of the "coordination of the national security systems with the purpose of reducing the incompatibilities.
2. **The social dumping and tourism**, as major risks of the inequalities concerning the life standards from the member states, appeared in the 60s and intensified in the 70's and 80's just as a reaction to the workers' moving on the European Union's territory. These situations were signed by the countries that were strongly evolved from the north – west of the continent, that were forced to confront with a wave of workers from the southern parts of Europe. In the context of the borders disappearance, the countries with low levels of social protection could effectively to export the surplus of work force towards the countries that were strongly evolved by this form of social tourism. The adhesion of Greece, Spain and Portugal in the 80's in the European Economical Community raised

the fear of the rich countries from the north - west of Europe and made that by their representatives from the European Commission to make pressures for adopting a reasonable social policy at a communitarian level.

3. The economical efficiency. Although it may appear paradoxical, the economical efficiency constituted a strong argument in the evolution of the social policy of the European Union. By the specific services that it assures, the social policy may represent by the political legitimacy for the industrial – capitalist regime a healthier and better educated workforce which means a raise of the economical efficiency. This argument that is obviously of a neomarxist provenience sensitizes the decision factors of the Occidental Europe and led in time to the adoption of a bigger budget and to some simulative measures that raised considerably the performances in education and medicine.
4. The social cohesion – the most recent and comprehensive concept from the base of the social policies according to the Treaty from Amsterdam (1997) – supports actually a larger policy of the European Union: the cohesion policy. As it may be noticed all these arguments or causes of the social policy are linked by the work rights and the work force occupancy.

For supporting the second hypothesis, there are brought arguments by the existence and management of the Structural Funds that have as target the disadvantaged regions and implicitly their inhabitants. This type of socioeconomic help underlines the idea of a solidarity Europe but also keeps a high level of solidarity at the level of the national states, by the lack of some strong institutions at a central level to coordinate the policies and the resources of the Community.

The 'fight' from inside the Council for the Structural Funds allotment and the local management of the regional evolution come to support the idea that the place of the citizen or of the organizations is taken at the EU level by the concerned states or regions.

## ***2. The social policies – conceptual delimitations***

In a broad sense, the social policy holds activities of the state that have as objective the modification in a specified sense, of the characteristics of the social life of a collectivity<sup>1</sup>. From a more detailed perspective, the social policy is formed of the placed activities by the help of the state (strategies, programs, projects, institutions, actions, legislation) that influences the individual's welfare, family's or community's in

---

<sup>1</sup> Zamfir, Elena, Zamfir, Cătălin (1994), *Social policies. Romania in an European context*, Bucharest, Alternative expenditure, p. 22.

a society<sup>1</sup>. The activities of the NGOs, syndicates, patronages, professional associations or of other organizations enter in the sphere of the social politics only if they enter in the field of the social policies system organized by the state.

There must be operated the distinction between the social European policies and the social policy of the European Union. The European social policies represent a general field including both the supported social policies by the European Union and the policies of the member states

The social policy of the European Union is formed of the work European legislation in the fight against discrimination, in disposal about health and education and especially from the financed regulations and actions of the Structural Funds.

By this kind of policy the Union doesn't grant any material or financial help or free services, but, by these funds it supports countries or regions less evolved just to have positive effects to the different social groups (workers menaced with unemployment, unemployed, women, disabled persons).

This way, the main dimensions of the European Union's social policies stay the policy of the work force engagement and the right for work (legislative measures).

The communitarian spending in the field of the social policy is still low comparing with the national ones for the safety of the welfare status. The national governments provides the allowances, unemployment benefits and other social supports (social assurances), as well as the protection system and the social assistance.

The legislation at the European level takes into account firstly the member states workers parity no matter their sexual orientation, ethnical, religious membership or their citizenship. There is also taken into account the security and the social protection at the work place of the workers. Although there they talk about a higher life level of the European citizens, there aren't yet clear regulations from this point of view. Because the coordinating of the social protection system stays at a national level it may be said that the territorial sovereignty is still alive in the field of the social policies.

### ***3. The legal support and programmatic documents of the European Union's social policy***

The social policy of the European Community appeared at the same time with the Treaty of its own constitution in 1957.

---

<sup>1</sup> Preda, Marian (2001), *The social Romanian policy – between poverty and globalisation*, Polirom expenditure, Iasi, p. 8.

The community has as a mission, by establishing a common market and by a step by step proximity of the economical policies of the member states, to promote all around the Community a harmonious evolving of the economical activities, a long lasting and equilibrated growth, an accelerated raise of the life level and closer relations between the states that reunites<sup>1</sup>.

The treaty of Rome establishes the social policies by:

- Regulations about the free movement of the workers and their free stops:
  - (1) *The free movement of the workers is guaranteed inside the community no later than at the end of the transition period.*
  - (2) *The free movement includes implicitly the elimination of any discrimination because of citizenship principles between the workers of the member states, as it also concerns the employment, payment and all the other work conditions<sup>2</sup>.*
- To improve the work and life conditions, general principles of harmonization of the coordinating system in the idea of creating a common market:

The member states agree over the necessity of promoting the life and work conditions of the work force just to grant them the equalization for progress. The member states consider that such an evolution will result from the common market functioning that will be a support for the social systems harmonization as well as from the regulations established by the present treaty and from keeping close the papers that have the law power, the administrative papers. (...) The Committee has the mission to promote a tight cooperation between the member states in the social field, especially in problems concerning: employment, the rights of work and the work conditions, the orientation and professional training, social security, the protection against professional illness and accidents, the occupational, the right of collective association and negotiation between the employees and employers<sup>3</sup>.

- The creation of the European Social Fund, as instrument for financing the social policy<sup>4</sup>.

The communitarian institutions had an important role in facilitating the free movement of the work force by priority economical reasons. Work is an important production factor and it's under using was a way of blackmailing the economical raise process which was generating welfare for the integration system.

To complete the regulations from the Rome Treaty, there were adopted a series of directives in the social field: directives that referred to the equal access for guidance

---

<sup>1</sup> The treaty of Rome, Principles, art. 2.

<sup>2</sup> i.e., title III, chapter 1, art. 48.

<sup>3</sup> i.e., title III, chapter 1, art. 117 - 118

<sup>4</sup> i.e., art. 123.

and engagement, the right to benefit of the social protection. In this first period, the social policy concentrated on the next two axes:

- Stipulations about the technical problems – measures of sustenance for the free movement of the work force, the inter industrial relations and the technical aspects of the social security.
- The liberal vision according to which the guidance in the social system in CE will automatically result from the positive answer of the mechanisms of the market for the integrationist approach. In this category were the identification and fighting against the actions of stopping the free movement of the workers.

Step by step, the social dimension begins to have a more important role in the European agenda. In 1974 is adopted the first Program for social action which actually didn't have the expected results because of the structural and district crisis from that period even if the number of the member states was bigger and also their social problems. The action program was targeting some new types of measures: *the workers' protection in a Europe that was passing through a recession, especially of those fired because of the bankruptcy, the actually equal treatment for women and men, the strengthening and enriching of the social dialogue between the workers and patronage*<sup>1</sup>. The economical pressures that the member state were subject to in this period determined the coming back to finding solutions at national level.

The Spain's and Portugal's subscription in 1986 reiterated the emergency of creating a communitarian answer to the social problem. So, the adoption of the Unique European Act (AUE) brings new perspectives for the health and the work protection, the introduction of the social dialogue and of the concept of economical and social cohesion. The main objective stays the encouragement of the free moving of the persons for creating the unique market. AUE extends the use of the qualified majority both to the work's legislation and the health one.

In the year 1989, there is established the first programmatic document of the social policy. The community's charter concerning the fundamental social rights of the workers (the social chart), that filled a legislative communitarian gap. This important document was adopted as answer to the danger of evolving an integrated economy in which some social groups risked to be disadvantaged. The member states granted the following objectives: to make better conditions for work and life, the right of free establishment of the resident workers from the EU, in one of the member states, the right to a correct righteous remuneration, the right to social

---

<sup>1</sup> Miron, Dumitru (2002), *The European Union's Economy*, Luceafarul expenditure, Bucharest, p. 393.

protection even for the employees, the right for study and guidance, even chances for men and women, the children's' and adolescents' protection<sup>1</sup>.

The declared purpose of the Social Chart was to offer a better harmonization of the national social practices and policies and to strengthen the mobility of the work force inside the European Union. This was following to attack the following action fields:

- The protection of the workers that move inside the Community's territory;
- The righteous payment of the workers;
- To enrich and gather the conditions of work of the employees;
- The social security;
- The liberty of association and of collective negotiations;
- Alternative qualification;
- Even chances for men and women;
- Engagements of informing, consulting and participation;
- Health and safety at work;
- The employment of the young persons;
- The pensioners;
- The disabled persons.

None of these fields of action is new and the Chart doesn't hold a list of the recommendable legislations. Because of its wish to be accepted by all the member states the Convention was written in evasive terms loosing from its force of creating a break in the social field. There were rumors from some of the countries, especially from Great Britain who sustained that the social legislation stops the market principles from functioning while the Belgian authorities underlined the fact that there weren't done too many things by this Chart. All the states took care that their own industries to stay competitive and not to be affected by the regulations of this document.

In spite of these opposing discussions the member states adopted in 1990 the second program for social action to lead to the Chart's application. The program's initiatives had as support the following principles:

- Subsidiary;

---

<sup>1</sup> i.e., p. 396.

- The principle of keeping the diversity inside the systems, cultures and national practices;
- The principle of maintaining the competitiveness without the essence of the actions to menace the social and economical dimensions<sup>1</sup>.

The result on the short term of this program was the initialization of over 40 proposals from which only 21 were applicable. The regulations that resulted gave birth to other controversies, especially the ones that referred to the work time, the protection of the pregnant women at the workplace and the social protection of the young persons. Because of this there were left many unsolved problems that were repeated in the Third Action Program in 1995.

The Maastricht treaty reviews the social regulations since that moment and introduces the concept of economical and social cohesion:

*“The community has as mission by establishing a common market, the creation of a monetary and economical union and, by applying the policies or the common actions that are mentioned at the articles 3 and 3a to promote (...) a high level of engagement of the workforce and of social protection, a better life level and of the life’s quality, social and economical cohesion” (art. 2).*

There is accentuated the necessity of creating the social cohesion, as determining element for promoting the progress at the level of the entire Union. There is established as wish the assurance of a high level of engagement of the workforce, but not yet said in absolute numbers.

The articles 39 – 42 (Workers undercharged) refer to the workers’ right to work in any member state benefiting of an equal treatment as concerning the wages, of the work conditions or of the employment and the exclusion of any obstacles for their free moving inside the EU. The articles 125 – 130 (title VIII, The workforce’s engagement) support the evolving of the strategy for the work market, with qualified work force, trained and adapted to the economical changes. The articles 136 – 145 (chapter I, Social preventions) has as a start point The European Social Chart and suggest: *“the promotion of the workplaces, better life and work conditions so as to possible an harmonization of the work at a high level, corresponding social protection, dialogue between the employees and the employer, the evolution of the human resources and the omission of the social exclusion.”*

When applying these principles there is to be taken into account by the characteristics and the legislation of each state but with a priority of maintaining the Community’s competitiveness. It is admitted the fact that the social and economical

---

<sup>1</sup> Jones, Robert A. (2001), *The Politics and Economics of the European Union*, Second Edition, Edward Elgar Publishing Ltd., Cheltenham, p. 416 – 417.



progress won't be obtained only because of the existence of the unique market that will help the harmonization of the social systems, but practicing the social regulations of the Treaty and of the other legislative preventions.

If till this moment the discussions were only about the workers' rights, The Maastricht Treaty establishes in the Article no. 8 a citizenship of the Union such as, each citizen (any person that has the nationality of a member state) may use the rights and assumes the regulations inside.

In 1991 there was added to the Maastricht Treaty a Protocol and an agreement concerning the social policy that offers progresses on the line of the social policy objectives' accomplishment<sup>1</sup>. The protocol extends the possibility of adopting with a qualified majority of the conditions of work, to inform and guide the busy persons, to integrate the unemployed on the labor market and holds unanimity for the measures about the social security. The type of the problems discussed in the Social Protocol (art. 2, point 1) is about:

- Actions that are meant to enhance the work climate, including measures concerning health and work security;
- Activities that are about the work conditions, including the work time and the leaves;
- To inform and talk with the workers;
- Actions of promoting the even chances and of integration of the excluded persons from the work market.

Art. 2 points (2) and (3) talk about the support that the Community offers to the member states in the actions mentioned above by the Council's adopting of some regulations with minimal prescriptions that are available in a progressive way after a reference limit with the Economic and Social Committee.

By the Consultative green book about the options for the social policy (Green Paper) since 1983 there was open the discussions' process about the future of the social policies at a communitarian level. The document was followed by the **White Book** concerning the economical growth (White Paper) that established the priorities of the social policy to the year 2000. The purpose of these documents was the recovering of the European economy by measures for the labor force. The main problem was considered the creation of premises for the work market to be able to adapt itself to the changes from the production systems and to the organizational management<sup>2</sup>.

---

<sup>1</sup> i.e., p. 419.

<sup>2</sup> Cram, Laura (1999), *Developments in the European Union* Macmillan Press, London, p. 174.

The action plan didn't hold any details about the legislative changes at a communitarian level but presented a general action vision that the member states had to apply. There was given a special attention to the assurance of the works flexibility tightly linked with the maintenance of an integrated package of social rights. The action program was structured on the following directions<sup>1</sup>:

1. *Economy:*

- Healthy integrated economy – stable economical and monetary policies, nationally coherent, controlled public spending and a moderated inflation with the purpose of creating an economical climate good for investments and economical evolution;
- Open economy – the interdiction of the disloyal concurrencies practices;
- Decentralized economy – to allow the evolution of the IMMs.

2. *The work force's engagement:*

- To evolve the educational process and of professional guidance;
- The introduction of a greater degree of flexibility in the field of engagement by disorders of the labor market;
- To use efficiently the public funds for active informing policies concerning the employment conditions;
- Measures of encouraging the unqualified young people for attending the guidance courses;
- Fiscal measures concerning the environment that represent a way of compensation for the social costs.

The priorities from the White Book concerning the economical evolution were the base of the measures included in the third Program of social action adopted in 1995. The measures talk about:

- the use in the most efficient way of the European Social Fund for supporting the programs for more work place;
- the growth of work's efficacy;
- even chances for the work behaviour;
- to promote an active civil society and the growth of the democratized process for decisions' adoption so as, all the social partners to be implied<sup>2</sup>.

The Treaty from Amsterdam since 1997 repeals The Social Protocol from 1991 and changes the responsibility for the emittance of the social policies to the level of each

---

<sup>1</sup> Miron, Dumitru (2002), *The Economy of the European Union*, Luceafarul expenditure, Bucharest, p. 397.

<sup>2</sup> i.e. p. 399.

member state, as well as the possibility of applying some pilot programs for a growth of the labor force's engagement financed from the resources of the European Social Fund.

*The community and the member states that are aware of the fundamental social rights as well as of the ones mentioned in the European Social Chart signed at Torino on 18 October 1961 and from the Communitarian Chart of the fundamental social rights of the workers adopted in 1989 have as objectives the labor force's engagement, the growth of the living and work conditions, permitting their harmonization in progress conditions, an adequate social protection, social dialogue, the evolution of the human resources to allow a high and long lasting level of the labor force's engagement and the exclusion of marginalization (art. 136).*

The treaty holds a chapter that concerns the elaboration of a coordinated strategy for the labor force's engagement (title VIII). Even though, the ways used for applying this strategy are modest. There is for the first time when there appear in European Treaty regulations for the work force's using.

An important step is made by admitting the fundamental rights of the citizens. The citizenship implies rights that are not conditioned any more by the employee quality, offering the possibility to change the residency of the citizens in a country with a system of social protection more useful. Anyway, for getting the residency right there must have been done the proof of holding the means of living, this way limiting this right of free movement of the citizens.

Year 2000 represents a major moment in the social policy's evolution by emitting the Lisbon Strategy (Lisbon Strategy) where there is established the ten year objective of the Union, represented by the transformation of the EU economy in the most competitive one, being based on knowledge by *the economical European competitiveness's growth and on its capacity to sustain the economical growth, the engagement growth and a bigger social cohesion*<sup>1</sup>, establishing as final object in the social plan the growth of engagement to over 70% till 2010.

The Lisbon Strategy represented the basis for the debate of the European Social Agenda 2000-2004 and of the future social architecture. The Agenda of the Social Policy was debated to Lisbon and adopted to Niche in 2000 and represented the programmatic document and degree of implementation of the communitarian social policy between 2000 and 2004. This takes the objectives and the elements of the strategy that are linked with the social policy and changes the in an action plan for five years. The base principle is *the enforcement of the social policy as a productive*

---

<sup>1</sup> *Jobs, Jobs, Jobs, Creating more employment in Europe* (2003), European Commission, Directorate General for Employment and Social Affairs, p. 5.

*factor*<sup>1</sup>. Moreover, the Agenda reflects the change and the cross of this policy from an approach that concentrated on the negative social consequences minimization (appeared at the same time with the structural change) to one concentrated on quality and having as purpose “*the modernization of the social system and the people investment*”, that integrates the social policy with the economical policy and the policy of labor force engagement.

The priorities of the social policy for the period 2000 – 2004 were the following:

- the high level of labor force engagement – to create and promote new places of work;
- *the work quality* – better places of work, equilibrated ways of combining the professional life with the private one which includes the existence of a better employment policy, reasonable wages and an organization of the work adapted to the needs of the employers and employees at the same time;
- *the quality of the so – said social policy* – a high degree of social protection, the existence of some quality social services all over the Union and that are accessible for everybody, to create real opportunities for all the persons and to guarantee for the fundamental and social rights – aspects that play an essential part in accomplishing the ten years objective of the social policy, by matching the productivity with the personal – professional satisfaction;
- *the quality of the industrial relations* – to adapt to the industrial changes that represent the impact of “knowledge”, of the new technologies and of the research in the economical progress<sup>2</sup>.

To solve these priorities represented a major challenge and imposed their classification on specific objectives and to adopt real and adequate measure actions.

The first two priorities – *the high level of labor force engagement* and *the quality of work* – are linked with the dynamics of the labor market and of the professional area. They were elaborated together and got common action coordination, such as:

- to create a higher and better number of places of work with the purpose of raising the general level of engagement to 70% and the women’s engagement level to 60%;
- the anticipation and the change management, to adapt to the new work environment represented by the society oriented towards knowledge and

---

<sup>1</sup> Communication from the Commission, *Social Policy Agenda 2000*.

<sup>2</sup> *Politique sociale et de l’emploi européenne: une politique par les citoyens*, Direction générale de l’éducation et de la culture, Office des publications officielles des Communautés Européenne, Luxembourg, 2000, p. 9.

technological evolution by a corresponding and efficient information both of the employers and the employees with the purpose of weighing the flexibility and the safety of the workplace;

- to exploit the offered opportunities by the society based on knowledge, by promoting the common learning, of new form of work organization and bigger chances of employment for the disabled persons;
- to promote the labor force's mobility by implementing the free movement of the workforce, to eliminate the geographical obstacles, to create mechanisms that facilitate mobility.

The priority that refers to *a better quality of the work force* is represented by measures that concern different fields of the social life and it is tightly correlated with the way in which it interfere with the professional life:

- the modernization and enrichment of the social protection for a sure income, to secure the pensions and to create some long lasting pension systems, to evolve a performante teaching system;
- to promote the social inclusion – to prevent and eradicate poorness, everybody's participation in the economical and social life;
- to promote the gender parity and to promote women's participation to the economic, scientific, social, politic and civic life;
- to strengthen the fundamental rights and to exclude discrimination.

The Social Agenda 2000 – 2004 was evaluated annually and the conclusions of *The Report of the Group at the High Level* presided by the ex Dutch Prime-minister Wim Kok, published in may 2004, were at the basis of its reform in the next year. The Report had as objective an independent evaluation of the social policies at the end of the 2000 – 2004 and suggested the following recommendations in this field for the next period:

- a) a bigger power of adaptability of the workers and plants;
- b) to attract as many as possible persons to enter and remain on the labor market;
- c) to invest as efficiently as possible in the human capital;
- d) to assure the real implementation of the reforms by a good coordination<sup>1</sup>.

The change of the structure of the European Commission beginning with 2005 brought a new action program at the level of the European Union policies. The

---

<sup>1</sup> *Report of the High Level Group of the future of social policy in an enlarged European Union* (2004), European Commission, Directorate General for Employment and Social Affairs, p. 52.

coordinating document of the Commission named “*The economical growth and new places of work*” (Growth and Jobs) considers the reviewing of the Lisbon Strategy, by a coherent response to the new challenges of the globalization as well as to the complete unaccomplishment of some previous objectives<sup>1</sup>. The Commission’s program grants a very big importance to the work engagement policies as a key factor of the economical<sup>2</sup> evolution. Inside this program was launched the Social Agenda 2005 – 2010 <sup>3</sup>that goes on with the precedent efforts but also brings new solutions.

For catching the proposed targets there are imposed and observing and application of the following essential principles:

1. **The intergenerational approach** (*intergenerational approach*) targeting the policy’s changes for supporting the young persons. With this purpose there was elaborated the “Green Chart of the demographical changes”<sup>4</sup>, with the purpose of analyzing the demographical tendencies o and of the establishment of a strategy. Moreover, by creating the European Initiative for the Young People (*European Initiative for Youth*) there is intended the inclusion of the youth’s dimension in the social and engagement strategies.
2. **The partnership for change**, by a greater involvement of the national governments, of the social partners, of the civil society and by organizing an annual meeting of all the persons implied with the purpose of reevaluating the Agenda.
3. **The external dimension** – to take into account the offered opportunities by globalization by experience changes and good practices in the field of the social and economical progress as well as with the national governments of other states from the world as well as with the international organizations.

The Social Agenda is structured on two priority fields:

- a. “**The full engagement**” by transforming works in a real option for everybody, to increase the quality of the work productivity and to anticipate the positive management of change.

---

<sup>1</sup> Communication au Conseil Européen de printemps, *Trevaillons ensemble pour la croissance et l’emploi. Un nouvel élan pour la stratégie de Lisbonne*, Bruxelles, 2.02.2005 COM (2005) 24 final.

<sup>2</sup> *Questions and Answers on the Social Agenda*, (MEMO/05/41).

<sup>3</sup> *The Social Agenda 2005-2010*, European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities, Office for Official Publications of the European Communities, Luxembourg, 2005.

<sup>4</sup> *Green paper, Confronting demographic change: A new solidarity between the generations*, 16.03.2005.

The measures suggested for this objective considers the renewal of the European strategy for the occupation and the reform of the European Social Fund to assure the convergence, the engagement and competitiveness in the regions less evolved. It is also taken into account the immediate following period for the growth of the social policy's legal field, by suggesting for discussion inside the social dialogue of some legislative regulations concerning the accidents' risks at the work place and the protection of the workers' personal data. Inside this chapter there were appreciated the precedent successes of the social dialogue and there underlined the importance of the corporative social responsibility as a positive factor of the progress of the social policies.

b. "A cohesive society – equal opportunities for everybody".

The second priority field of the Agenda has the following components:

- To modernize the social protection in the member states of the European Union by using the open coordination method. Taking into account the previous successes of this, inside of which beginning with 2000 there is discussed the exclusion and poverty problem and in 2002 the problem of pensions was suggested as, beginning with 2006 to be discussed also the problem of the health services but by simplifying this procedure and by integrating the whole three fields;
- The beginning of a debate concerning the minimum level of the social support for the persons menaced with the social exclusion;
- The completion of the legal and institutional field in the fight against discrimination and the creation of an European Institute of Gender.
- The establishing of the role and characteristics of the social services for the general interest.

Comparing with the previous social agendas, the last document is better structured and more coherent as a pillar of the Commission's program for the present period. The fact that it is structured on two priorities proves more and more the distinction made between the engagements active policies at the European level and the other kinds of social policy. The two priorities were summarized as *decent jobs* and *social justice*.

In the introduction of the Bulletin about the social agenda there is talked about the taking into consideration of the costs of the absence of the social policy (*the cost of lack of the social policy*) that can be interpreted both from the social point of view but also from the economical one. So there is estimated that the costs' level of the inappropriate conditions of work is of 3% from the communitarian PNB<sup>1</sup>.

---

<sup>1</sup> *Questions and Answers on the New Social Agenda*, p. 3.

The recommendations from the Social Agenda were transposed in the directorial lines 2005 – 2008 of the Program “Growth and jobs” which were structured on three fields: macro economical policies, micro – economical policies and policies for work engagement<sup>1</sup>. These guidelines are to be applied in each member state depending on characteristics, following to be presented in the European Strategy of the engagement of the work force and then in the programs of each state.

### *Selective literature*

Jones, Robert A. (2001), *The Politics and Economics of the European Union* Second edition, Edward Elgar Publishing Ltd.

Miron, Dumitru (2002), *The European Unions’ Economy*, Luceafarul Expenditure, Bucharest.

Preda, Marian (2001), *The Social Romanian Policy – Between poverty and globalisation*, Polirom Expenditure, Iasi

Prodi, Romano (2001), *A Vision over Europe*, Plirom Expenditure, Iasi.

Zamfir, Elena, Zamfir, Catalin (1994), *Social policies. Romania in European Context*, Alternative Expenditure, Bucharest.

---

<sup>1</sup> *Integrated Guidelines for Growth and Jobs (2005 – 2008)*, Communication from the President, in agreement with the Vice – President Verheugen and Commissioners Almunia and Spidla, Brussels, 12.04.2005 COM (2005) 141 final.



# THE PSYCOSOCIAL RECOVERY OF THE CHILD AS VICTIM OF THE HUMAN TRAFFIC

Drd. Daniela NICOLĂESCU\*

*Abstract: In the article explains the main paradigm that guides and guide specific interventions psychosocial recovery of trafficked children and how to intervene if the child victim of trafficking in human beings have certain features specific age data of different periods of cognitive development, emotional, social and biological. In the psychosocial recovery activities of the child victim of traffickingumen being highlights the importance of case management is the complex method of cooperation of specialists from different fields of activity. An important role in the recovery of child victims are identified and preventive measures and mechanisms should be part of a strategy to reduce the standard risk factors that lead to trafficking and re-trafficking of children.*

*Keywords: children, human trafficking, case management, counseling, recovery.*

The children, victims of the traffic are persons that present a complex of problems caused from one side by the traffic's history and from other side by the environment they came from. The children's needs are multiple: medical, psychological, social, juridical whose severity varies from case to case. Each child has different reactions after a traumatic event. The intensity and the gravity of the reactions depend on the nature of the event (if it was an isolated event or a repeated one), the coping/adaptation resources that the child is capable of (the protective abilities of the child, the sources of emotional and social support), the child's age. So, a child can

---

\* PhD student of University of Bucharest, expert in child rights protection, email: nicoldana@yahoo.com.

evolve minimal reactions from a socio-psychological point of view while some others may develop problems or severe emotional disorders such as the posttraumatic stress or attachment for the abuser (Stockholm syndrome). The way the children learn how to cope with the traumatic event depends on the adults' help in learning the coping mechanisms, to adapt to the trauma situation.

The main paradigms that orient and guide the specific interventions for the psychosocial of the trafficked children are:

- The humanistic paradigm;
- The cognitive behavioural paradigm;
- The psychodynamic paradigm.

The humanist paradigm is associated with the name of Carl Rogers, George Kelly and Abraham Maslow (1950 – 1960) and it is named “the third force” in psychology” appearing as a reaction to the psychoanalytic and behavioral trend. The humanist psychology considers the man a fundamental good person, and the emotional problems represent the result of the blockage of his positive forces.

From the perspective of the humanist perspective<sup>1</sup>, the man:

- Is a value himself and this is why he deserves respect;
- He has the capacity of auto targeting and auto actualization (the reach of the superior levels according to the needs pyramid proposed by Abraham Maslow);
- He has the capacity of selecting his own values;
- Can learn to be responsible;
- Can control his own thoughts, emotions and behaviours;
- Has the potential of making constructive changes and of auto evolving.

The main ideas of this paradigm are:

1. **Nondirective conciliation (concentrated on the person)**, was created by Carl Rogers and contains all the principles of the human paradigm;
2. **The Gestalts therapy** elaborated by Firtz Pearls;
3. **The transactional analysis** elaborated by Eric Berne who, although initially had a psychiatric orientation, he adopted in time the humanist principles;

---

<sup>1</sup> Miclea M. (2003). Course Support: *Cognitive – behavioral changes*, UBB Cluj.

4. The elaborated realistic therapy by William Glasser which considers that the people have the ability to satisfy their needs themselves and to become responsible persons;
5. Logo therapy elaborated by Victor Frankl and it actually means “therapy by understanding”. The central idea that is at the basis of the logotherapy is that the man has a fundamental need of meanings;
6. Psychodrama conceived and evolved by Jacob L. Moreno, the psycho dramatic trend has at its base the premises that the inter human conflict situations can be solved beyond the simple verbalization by a theatre play or a dramatic presentation;
7. The neuro linguistic programming (NLP) evolved by John Grinder and Richard Bandler (1976). These two created a linguistic model by which they studied the verbal habits of some science men: the therapist Milton Eriksson, the gestalts therapist Fritz Perls, the anthropologist Gregory Bateson and the therapist Virginia Satir. The authors start from the hypothesis according to which that the human being receives information constantly by the senses (visual, hearing and kinesthetic) and that one of these channels tends to be the favorite one at a time.

The psychodynamic paradigm. At the end of the XIX century and the beginning of the XX century, Sigmund Freud sets the basis of the psychoanalytic theory. Subsequently, Alfred Adler and Carl Gustav Jung evolve Freud's theory but eliminate some of the Freudian concepts, bringing some new ones (ex. inferiority complexes, the collective unconscious). Among the ones that put an accent on the ego's study (ego psychoanalysis) are: Ana Freud, K. Horney and M. Klein.

Slowly there is also developed the perspective of the cultural psychoanalyses (social one) by the contribution of H. Marcuse and E. Fromm. In this study there is put an accent on the role of the over ego, of the values and social norms in the psychical life of the individual (the individual's mental disorder is a reaction of the social illness).

The Freudian psychoanalysts consider that all the actions and emotions of the people are determined by the unconscious psychical activity (sexual or aggressive reactions) and that all the problems and disorders appears as a result of the unconscious repressed conflicts.

The basic concepts of the Freudian theory are:

- Conscious – unconscious – subconscious;
- Id – ego – superego;
- The evolution's stages (oral, anal, phallic, latent genital);

- A behaviour coordinated by contradictory principles: the principle of pleasure and reality/the moral principles;
- The analysis of the dreams that are “the royal way to unconscious”;
- The analysis of the missed acts and the free associations/coordinated;
- Protection mechanisms;
- The transfer and the ant transfer, etc.

Presently, the psychoanalytic “orthodox” onset is rarely met. There are preferred the methods that adopt some psychodynamical elements without using them in an exclusive way. More often there are chosen just some of the methods or techniques of intervention so as it is to happen in the case of conciliation where the onset is eclectic.

**The cognitive – behavioural paradigm.** The behaviorist trend was dominant in psychology between 1920 and 1950 and is associated with the name of E. Thorndike, J. Watson and B. F. Skinner. The main idea of the behaviourism is that the psychology is the science of behaviour and not of the mind. So, as follows, the behaviour may be described and explained without alluding to internal psychical processes (thoughts, feelings) because the source of the behaviour is external (the environment) and not internal. The central behaviourist idea is that all our behaviours are the result of conditionality and for being able to study seriously the behaviour we don't have to know the thoughts and the feelings of the others. The behaviourists consider that the people's actions and behaviours are under the control of the contingencies.

Contingencies represent systematical associations between the environmental stimulation that precede the behaviour (antecedents) and the stimulation that follows to the behaviour (consequences).

The fundament of the cognitive – behavioural therapy is that the behaviours, actions and emotions of the people are determined by their way of thinking and interpreting the events around. The things that create disorders in the people's lives aren't the events themselves but the way of judging, evaluate and interpret these events.

The human experience may be analyzed in four levels: cognitive, behavioural, biological, methods and techniques of intervention. Specific strategies of a certain paradigm are useful in establishing the therapeutic relation, some other methods and techniques are useful for expressing the supportive attitude while some others allow the efficient intervention, focused on the problem.

The success of the process of psychosocial recovery of the child victim of the traffic with human beings is issued in the identification and accurate explanation of the

mechanism of starting and of the problem's maintenance and also in applying the specific techniques that allow the reestablishment of the adequate functioning of the respective mechanism and less in following a certain paradigm.

These major paradigms that fundament the recovering strategies of the trafficked child we find as work methods in the clinical sociology. The clinical sociology is "a field with a multidisciplinary character that has as objective the critical analysis and evaluation of the social problems, with the purpose of a practical intervention for their amelioration or solving"<sup>1</sup>.

In 1930 the American pathologist Milton C. Winternitz introduces the notion of clinical sociology and suggests the creation of a special department of clinical sociology which is dedicated to the "social" therapeutically activity (sociotherapy) in medicine, having as main objectives the recovery and social insertion of the patient. In 1931, the American sociologist Louis Wirth brings Winternitz proposal in the sociologists' debate, publicizing an article that characterizes the new discipline as being "one of the main fields of the sociology"<sup>2</sup>.

Subsequently, the clinical sociology became a distinct orientation in the sociology of the social problems and targets three main objectives<sup>3</sup>:

- a) The clinical analysis of a collective state of mind with critical character, resulted in a diagnostic established by the experts that consider this state of mind a problem aspect of the social life;
- b) The study of the reasons and conditions that lead to this state, to evaluate the public's opinions, of the existent social policies and practices concerning its amelioration and exclusion;
- c) The activity of practical intervention concerning the finding of some operational solutions.

The clinical sociology implies the use of the analytical perspective (the clinic – operational character rendering) in most of the problem areas of the social life such as the collective incidence of illnesses, the crime state, "the third age" (old age), divorces, abortions, abandoned children, children that are ill – treated, etc.

What distinguishes the activity of the clinical sociologist by the one of some other professionals in the field of social assistance or policy is the priority use of the participant remark which has as consequence the adoption of an inherent

---

<sup>1</sup> Zamfir, C., Vlasceanu, L. (1998). *Sociology dictionary*, Babel expenditure, Bucharest, p. 566.

<sup>2</sup> Wirth, L. (1931), *Sociology and clinical procedure*, America journal of sociology, no. 37 (1), p. 49 – 66.

<sup>3</sup> i.e. 132.

perspective over the social problem and identifies with the populations or the implied groups' point of view.

In all, the used diagnosed evaluations from the clinical sociology matches the systems' theory with the orientations of the phenomenological sociology considering the social problem as a situation of life experienced in a dramatic way by the participants and whose reactions can be clarified only from the perspective of an integral, systemic and functional onset, that links aspects of the problem that are related. From this reason, the theoretical interpretations from this field have an eclectic character being a result of the conceptual transfers and borrowings from other disciplines and theoretical orientations: as for example the theory of conflicts and the behaviourism, the symbolical interactionism and the structural – functionalism, etnomethodology and the theory of the systems.

The main contributions that the clinical sociology brings for the amelioration of the social problems are the following<sup>1</sup>:

- a) The theoretical analysis – the elaboration of a complex and integral evaluation of the problem on the account of underlining the main theoretical models existent in the disciplines that deal with the studied area (psychology, sociology, demography, medicine, criminology, etc.)
- b) The practical research – the attainment of some data and information about the studied population, the investigation of its opinions and of the experts concerning the different ways of solving the problem, to confront these opinions with the social politics official measures' efficacy, the summoning of the measures for the social assistance, etc.;
- c) The operational intervention by the effective support granted to the individuals or groups in changing their life situation.

The main technique used in the clinical sociology is the case study; the application of the systemic perspective extends the analysis and the practical intervention at the level of entire groups, organizations or local communities.

The fundamental purpose of the clinical sociology is actually the starting of an activity of useful intervention before the effects of some social problems to affect the entire community and this action takes place on the basis of an elaborated decision as a result of the objective conditions confrontation that creates the problematical social state of mind with its kind of perception from the implied population. As Jonatan Freedman underlines, the clinical sociologist “tries to understand the nature of the societal factors that stop the individual or the collectivities to act effectively”, and, on

---

<sup>1</sup> Zamfir, C., Vlasceanu, L. (1998), *Dictionary of sociology*, Babel expenditure, Bucharest, p. 567.

this purpose, he “has to be able to pass over the interpretation of the problem created by the client, just to take into account the social tendencies with a wider character”<sup>1</sup>.

### ***General principles of work in the recovering process for children, victims of the human beings traffic***

The ways of intervention in the case of a child victim of the human traffic have some characteristics given by the age’s peculiarity of the different stages of cognitive, emotional, social and biological evolution. This process will be coordinated by the objectives and principles that are at the basis of this activity.

We will present above the most important principles of work according to the national standards:

- a) The children are guaranteed all the fundamental human rights expressed in the Convention of the United Nations about the human rights;
- b) The activities, interventions and attitudes of the protection centers are concentrated on the child’s needs, each child is treated individually and personally and the complex process of healing is coordinate with the approval and full participation of the child;
- c) The children are permitted the access into the society (taking into consideration all the aspects of their protection) including the family, the community and friend, and, they are offered the chance to interact and to learn from this experience, relaxing in the outside world;
- d) All the centers’ interventions and activities are in agreement with the degree of culture of the child, his age, sex, language, ethnicity, social class and religion;
- e) The staff of a protection centre is oriented towards the circumstances that brought the child there, especially the sexual abuse. Anyway, the traffickers aren’t seen as they should, treated in a discriminator way or separated by the other children with different pasts;
- f) All the centers have established procedures and have well trained personal able to answer to the situations that need a special treatment for the victims of the abuse and sexual exploitation, including: the crises’ coordination, the abuse or harassment from the part of the employees, confidentiality, emergency medical or psychological situations, as well as the protection from the unknown persons;

---

<sup>1</sup> i.e. 135

- g) All the operations from the centre are transparent, monitored and open to the routine presence of the independent professionals, including the doctors and psychologists;
- h) The operations and interventions from inside the protection centers are consistent, standardized and run in accordance with the procedures and documents of protocol. These include among other the case management, the prevention of victimization, crisis interventions, confidentiality, documentation and the consultations to the specialist;
- i) Each child is destined an individual management of the case, since he entered the centre till his leaving. The case management is leaded by an interdisciplinary team and supposes routine case conferences. The management team has experience in taking decisions concerning all the interventions of medical or psychological nature;
- j) The roles and responsibilities of the members of the personal, including the members of the team of the case management and of the personal that do not belong to the centre, will be clearly established and brought to their knowledge. Each part will be completed on the basis of the competences of study and experience;
- k) Because of a stressful work and also difficult of helping the children that were abused and exploited, the personal that work with them is offered all the necessary support, counseling and the means to express their emotions;
- l) According to the work accomplished, different protection centers are designed for the different needs of the abuse's survivors and of the ones sexually exploited (taking over/evaluation, emergency/intensive therapy, etc.). except the "intensive therapy", the existent centers and the new ones will be guided towards the evolution of a smaller uninstitutionalised community, to the familiar types of centers, to the family's medium or the orphanages;
- m) The planning of the case management for children will count on a rich professional help that leads to a rapid "deinstitutionalization" and an effective reintegration. The reintegration plans will be included in the Case Management Plan for each child separately and the members of the team will themselves assure even in collaboration with some other organizations, the support and the child's monitoring during the reintegration process.



*The case management and the monitoring of the child's progress, victim of the human beings traffic*

The case management supposes mainly the evolving and pricing of the child's and family's value, by a process that includes the scroll of some episodes. For example, the obtained data will be organized on factual (representing facts – i.e. identity) and contextual (information about the extended family, health, education, profession, friend, religion, how they spend their free time, qualities, strong qualities, positive aspects, specific needs) data categories. there are also the same important the medical data that reflect the health situation, the potential and the medical risks, the psycho-pedagogical evaluation that offer information about the intelligence level, attention, memory, level of information processing, cognitive strategies, behavioural language, the scholar path – levels and types of study that the child followed, supporting pedagogical measures.

The complex evaluation of the case supposes a maximum use of the expertise made by all members in assuring the specific services needed by the case. For these services to be efficient the professional persons have to involve permanently in a continuous process of evaluation of the situation and of the problems that the clients confront with, the coordination of the communitarian services and of some other specialized services and also the permanent evaluation of the decisions while some new information may appears concerning that case.

It is very important that the complex evaluation of the child to include the *family's evaluation* (when it exists), of the problems, resources and the needs when it functions properly.

Each implied person has to know exactly and to accomplish his obligations that refer to solving a problem, to offer an assistance service or even to specialized therapy. The members of the multidisciplinary team work in partnership. The case manger has to ensure the client's participation in all the steps of the service's plan, including the establishment of the choirs. This thing is very important for obtaining the client's autonomy. The services', treatments and therapy's offering for children and family has as a purpose their assistance for their social rehabilitation and reintegration.

The end of the professional relation must be discussed with the client from the beginning of the intervention and must be prepared during the service's plan's evolution. The case manager has to assure himself that the child and the family understood the terms of the end of the professional relation and that, this thing doesn't mean that when there is needed he or she won't have any access to any services. These steps are not imperative to follow in this order but permit to the professions to guide him during the intervention.

## *The purpose of the case manager*

The main attributions of the case manager are the following:

- The permanent monitoring of the case;
- To ensure the direct, permanent contact with the victim;
- To ensure the communication between the members of the team (to convene and organize the case discussions);
- To coordinate and document the services plan, a plan realized in collaboration with the assisted person;
- To evaluate the resources and services offered by the services supply agencies;
- To establish a set of criterions that will be used in evaluating the objectives and the purposes. A clear reevaluation and changes of the purposes and initiated objectives program must be taken into account from the beginning.

For planning the services and establish the interventions there is necessary the scroll of the following steps:

### *1. To identify the problem*

- To make a priorities list concerning the solving of the problems from inside the family;
- The objectives must be accomplished in time and oriented towards the realization of the purpose; the expected results are measurable and realistic.

### *2. To establish the purpose*

*Indirect advantages:*

- It offers the possibility for the child/family to change and proves the connection between the existence of a problem and its solution.

*Direct privileges:*

- To eliminate the anxiety, stress and pressure from the child/family;
- To strengthen the capacity of adjusting the child/family to the reality of his needs.

### *3. The objectives establishment*

*The objectives' definition:* characteristic activities for accomplishing the purpose and the mentioning of the responsibilities of the implied parties. The objectives have to be: specific, measurable, realistic, and flexible, in a time limit.

The objectives have to be formed by using a language that has to be clear both for the professionals and the children.

#### *4. To establish the responsibilities*

Each implied person has to know precisely and accomplish his duties that refer to the solving of a problem, at the supply of an assistance service or even to the specialized therapy. The members of the multidisciplinary team work in partnership. The case manager has to ensure the client's participation in all the steps of the services' plan's evolution, including in establishing the responsibilities. This is very important for obtaining the client's self-sufficiency:

- To offer the services and interventions: to assist the child and the family in getting and using the necessary services and, where there is necessary to start some legal procedures. The services will be offered to the child and also to the family. The use of the services, treatment or the therapy for the child or the family has as a purpose their assistance for rehabilitation and social reintegration.
- To monitor and evaluate permanently the registered progresses, the decisions and specialized interventions. For these services to be efficient the professional have to involve all the time in a continuous process of evaluating the situations and the problems that the clients are confronting with, to coordinate the communitarian services and of other specialized ones, the permanent evaluation of the decisions while there appears new information about the case in discussion.
- The closing of the case includes all the activities from the final stage of the process of offering the specialized services and interventions for the child and the family.

The assistance is necessary since when the child and the family have the capacity to manage themselves without any help in obtaining the services necessary in satisfying the specific needs and for the social reintegration. The end of the professional relation has to be discussed with the child even from the beginning of the intervention and has to be prepared during the evolution of the services plan.

The members of the multidisciplinary team work in partnership. The case manager has to ensure the participation of the client in all the steps of the plan's services evolution, inclusively in establishing the responsibilities. This thing is very important for obtaining the client's anatomy.

#### *Elements<sup>1</sup> of the case management process*

The individual case management has to be coordinate on the account of the standardized assistance management of the case for each child, beginning with its taking over and ending with the child's complete integration:

---

<sup>1</sup> Femish, T. (1992), *the Multi-Professional Handbook of Child Sexual Abuse: Integrated Management Therapy and Legal Intervention*, New York, NY: Routledge, Chapman and Hall, Inc.

- a) The written policies and the standards will be established concerning the taking over and evaluation procedures, the purpose and the purpose and the treatment plan the requirements for the files recording, confidentiality of the relation with the client and the transmission of the information as well as the keeping of the files;
- b) The individual case management, including the rigorous analyze and planning of the case has to be guided by a case management multidisciplinary team that will be formed from persons from inside and outside of the centre;
- c) The permanent personal from each centre has to be trained in the case management and the whole social assistance personal has to know the process of applicability of this kind of management.
- d) In the process of the case management appliance, only the persons that are well forms professionally may authorize the decisions/plans that refer to the medical and psychological assistance and also the legal representation;
- e) The case management team that includes at least a psychologist, a counseling person or a social assistant from outside the centre has to analyze the child's case in no more than 15 days from its taking over and at each 60 days after or even less as long as the child is resident inside the centre. A case management plan has to be structured with the total participation of the child and if there is possible, of his/hers family.
- f) The plan of the case management includes a reintegration plan (see it below). This plan has to be applied with the child's help and if it is possible even with the help of his family, the reintegration plan has to be applied in no more than 60 days from his/her admittance and revised at each 60 days after.
- g) If that is necessary for the child's welfare, there has to be evolved a protection plan in 15 days from his admittance into the centre and revised at each 30 days until there won't be necessary the social protection.
- h) The good faith and the hard efforts will be made to find the parents in 30 days from the child's admittance into the centre and only if there aren't strong rationalities to prove the opposite, to encourage the presence of the family inside the case. Any reason of discouragement or interdiction about the parents' implication has to be discussed both with the parents and the child, registered in the child's file and approved by the team of the case management.

### *The process of the evolution of the case management*

Theoretically, the case management is a step-by-step<sup>1</sup> process that solves the problem which follows a series of counseling sessions, interviews, decisions and

---

<sup>1</sup> Alexandrescu, Gabriela, Nicolaescu, Daniela, (2003), *Abilities of Children's Interviewing, victims of the human beings traffic*, in the Journal of the Positive Community Practices no. 3-4, The Association for Evolution and Catalactic Socio-Economical Promoting, p. 4-42.

many other processes, assumed and distributed to the team, at different levels of the personal contact. The main characteristics of the problem's solving onset are much known in the practice and theory of the support professions.

Essentially, the paradigm comes from the fields of psychology and sociology, especially from the creativity one, with deep roots in the creative psychology of the problem. It has a "natural" place in the space of the case management of the trafficked persons because it concentrates on change. In its simplified shape, the process has three basic steps:

*Step 1: to establish the relationship.* The main objective of the process is to establish and maintain a supportive therapeutically relation of caring. The basic purpose is to make the clients (in our case the trafficked persons – the victims, children and adolescents) to open, to recover their self esteem and to prove trust in themselves and in the others.

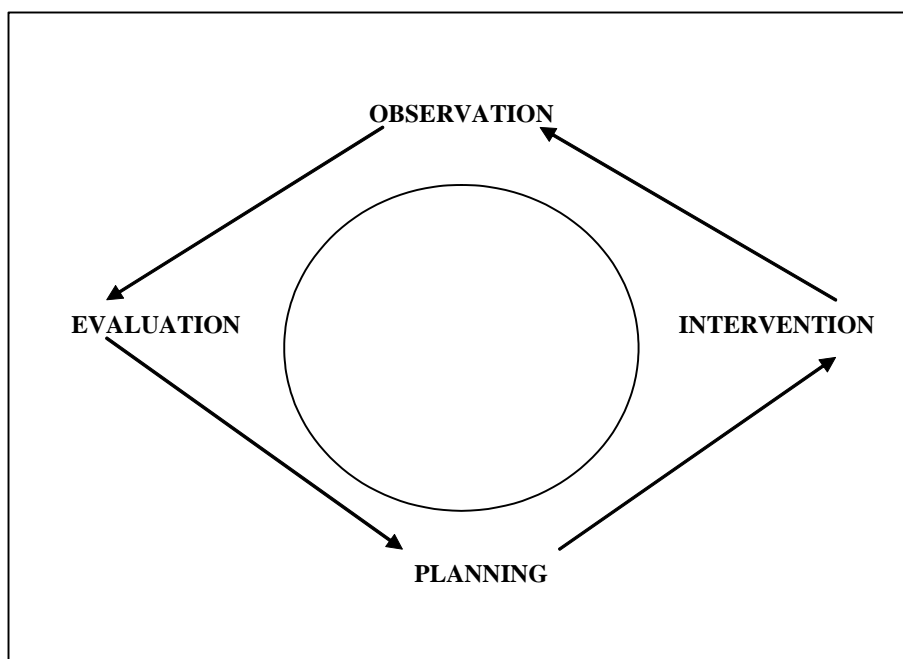
*Step 2: to identify and evaluate the problem.* In this step there is important the identification and evaluation of the problems of the person from different perspectives, such as from his own perspective, from the perspective of a person that is important for him and of the way that the support person notices and interprets these perspectives.

*Step 3: to facilitate the change.* The objective of this process implies the strategies' initiation and interventions to facilitate the change that is acceptable, adequate and corresponding from the person's perspective, and as well acceptable (constructive) from the side of some other members that help. Along of this faze the victim and the closest support person (the case manager) will create alternative action plans, will evaluate the possible consequences of the various alternatives and will decide how to act in a certain moment.

*Step 4: evaluation and finalisation.* The objective of this process implies the evaluation of the results of him actions and interventions in comparison wit the short or long term objectives. The evaluation of the significant objectives for the case manger includes: Does it really help the relation between me and the victim? If it doesn't, then why?

Moreover, the communication and the empathic report as essential parts of the supporting relation, represent two parts of the same point of view representing the human fundamental elements of the case management. These elements have behavioural parts which are very different and we should learn them by heart, practice them and check them at every meeting with the trafficked persons.

*The model of the “circular” feed-back in the case management*



Trainers Workshop. Budapest, International Organization for Migration.

The monitoring component is present even after the end of the intervention, the children being checked for preventing the “relapse” and for observing the scholar situation. This way, the children’s cases aren’t “closed” after the end of the intervention but only after a monitoring period, a sufficient period to realize that the changes produced in their situation are consistent and for long term. In the same time, the social assistant has to avoid encouraging their addiction to the social services.

The *community* term is used in the text with a double acception: it refers both to the rural community as a whole and to the urban community as a town’s section as local group of individuals. So, both types of communities represent groups of individuals that live in some area, existing between them neighborhood relations that communicate with the institutions existent in the space they live: local authorities, school, church, medical cabinets, police section.

So, by a case management carefully realized, the intervention tem has to offer the best existent services and support to the victims of the human beings traffic as well as to their families, there where it is needed.

The case management offers an operational structure by which the social assistants can determine the needs, wishes and child's abilities, they may plan the most adequate methods of help in recovering and reintegrating the child and may coordinate the interventions using the most efficient methods. By the help of the case management there is offered to the social assistants a continuous image of the child according to the way he or she evolves during the recovering and reintegration process, and they are offered the possibility to adjust or evolve the protection mechanisms, support and child strengthening. The process allows to the children to participate to their own rehabilitation process while there are taken into consideration even their individual responsibilities and capacities. By the discussing of the eventual reintegration of the child during the rehabilitation program, the case management assures not only the immediate psychosocial well estate of the child but also facilitates his reintegration in the society successfully.

*The rehabilitation* is a complex process that addresses to a multitude of factors, generally not to the present interventions. The effects over the trafficked child from sexual reasons are more extinguished than the "psychological damages" that are to be "repaired" by counseling. The most important ones are those that affect the child's personality: his or her sense of being, in who they can trust, and how they expect the world to answer them. The interventions for the children's help reestablish the suitable identity that passes over the conciliation towards the creation of a "healing environment" where the children find order, coherence, positive answer, friendship and security. While the severe emotional complications may appears, these may be guided only towards a personal well trained and experienced. The majority of the interventions implies anyway well prepared and experienced personal. The majority of the interventions imply the assurance of an environment for the child, to oppose the effects of the traffic situation and to offer types of familiar experiences, play, amusement, personal interaction, the participation and the liberty to respond to a sure world in a way specific to a child.

During the rehabilitation period of the child, the meetings for the case's management that are organized constantly concentrate over the monitoring and evaluation activity of the victim-child's progress depending on the previously established indicators in the rehabilitation program. According to this information The Case Management Team can suggest modifications over the Rehabilitation Program. This process goes on till the case's solving. For example, Krueger (2002)<sup>1</sup> mentioned that the activities of treatment and rehabilitation may be framed in the following activities categories:

- The crisis situations and of immediate intervention;

---

<sup>1</sup> Krueger, A. (2002), *A new approach for community – Based Reintegration: the International Rescue Committee's Experience in Ruanda*; papers presented in the Technical Meeting in Nepal.

- The main rehabilitation activities;
- Specific rehabilitation activities for palpable signs and symptoms;
- Activities for supporting the evolution of the child and his family.

After a child ended his rehabilitation process, the obligation of his protection won't end. This is just the beginning of the reintegration process that needs continuous efforts, well coordinated of the team that supervises the case. The reintegration process supposes unconditioned efforts of the doctors, lawyers, social assistance and considerably to the members of a community network such as the professors, the civil protection sections, hospitals and the local clinics, the administrative-political leaders but also of some other interested implied voluntaries. The list also includes the neighbors, relatives and family members of the child.

**The reintegration process of the child victim of the human beings traffic into the society supposes the scroll of the following steps<sup>1</sup>:**

- a) Each reintegration program of the child has to be created with the child's participation and will count on an evaluation of his abilities and orientations under the surveillance of a prepared councilor or of an assistance specialist;
- b) The child and, if it is possible, his family, has to participate to all the decisions concerning the reintegration activities that are on in his behalf;
- c) The reintegration program for each child has to include activities for life organization, occupational evolvement and pre-reintegration orientation.
- d) During the reintegration plan, the case's management team has to realize an evaluation of the community's/familiar situation's objectives and the reintegration plan has to be revised by the management team before the child leaves the association;
- e) The activities of planning the child's life have to be coordinated with the purpose of his assistance for determining the target, wishes and strategies about his future. These have to be integrated in the Personal Reintegration Program.
- f) The professional evolving has to include the career's planning together wit the child's participation and, if there is possible, his family; the training of the child for a job that offers an adequate place of work, assistance in finding an apprentice position if it is appropriate and assistance in the placement of a work place or in opening a personal business;

---

<sup>1</sup> Fernish, T. (1991-1992), *The Multiprofessional Handbook of Sexual Abuse: Integrated Management Therapy and Legal Intervention*, New York, NY: Routledge, Chapman and Hall, Inc.



- g) Each rehabilitation centre has to offer training only for the jobs that are proper for an adequate work, protected and viable for the child;
- h) The professional orientation has to be accompanied by the basis knowledge in the business management field, the saving and management of the money in the house, as well as the relationship with the bank and other financial institutions.
- i) The protection centers don't have to use the children's work in their own financial purposes and the children don't have to work in the name of the professional orientation just if this is adequate to the future place of work;
- j) The professional orientation doesn't have to interfere with the basic education of the child, relaxation or free time;
- k) If the centre gets profits from selling the products or from the work inside the activities that have as purpose the children's professional orientation, the children have to have access to a part of the incomes, equal with their individual work, to have the control over this part that will be supervised and controlled by the centre;
- l) Before the reintegration, the protection centre has to offer to each child the pre-reintegration orientation, if he goes back to his family or will be undertaken by an adoptive family, or in any alternative life situation;
- m) The pre-reintegration orientation has to include the conscience of some social, economical opportunities and challenges that the child has to confront with, adequate life abilities, contacts with persons and "help" organizations and also explanations about the mechanisms of going/keeping outside the centre;
- n) After the reintegration, the centre has to coordinate the activities of getting/keeping outside of it, or has to delegate these activities to other organizations or individuals according to the Reintegration Program. The supporting actions outside the centre have to take place only with the child's permission;
- o) The activities of maintaining outside the centre have to include: counseling visits to help the psychosocial reintegration, the visits for the occupational support to help to the economical reintegration and for creating a personal business, etc., and the crisis intervention in case of abuse or trauma, etc.
- p) After leaving the centre, each child has to have the transcript/the scholar file, the medical file, the legal documents, savings and all the personal effects/objects.
- q) The protection centers have to do all the necessary efforts to ensure that during the reintegration period are taken into account the dignity, self esteem and the welfare of the child. If these are not existent, each child has to receive clothes, shoes and new appropriate luggage.

### *The multidisciplinary teams*

The collaboration between specialists doesn't represent only a benefit in some of the situations, but it also becomes an ethical necessity. There would be desirable to exist three basic professional fields inside the recovery and reintegration system for the child victim of the human traffic, especially at the level of the protection centers:

- *The medical field:* the team has to be formed imperatively by the future specialists: a psychiatrist (that is specialized on the young peoples' problems), a podiatrist, a coroner medic, an obstetrician, other specialized medical personal in treating and evaluating the abused children, a medical assistant, a psychologist, a councilor or a medical assistant;
- *The social assistance field:* the team is formed of a social assistant that is responsible with the case, a social assistant that is specialized in the communitarian services and other qualified and specialized persons in the work with such cases;
- *The legislative field:* the team is formed of a lawyer, police agents, ex prosecutor, judges and forensic expert.

Besides the previously mentioned professionals there are some other specialized persons that play a very important part in realizing with success the protection and rehabilitation program of the victim-child, such as professors, the community's leaders, the important persons of the civil society that the child is part of, etc. all these persons contribute directly and have direct specific responsibilities beginning with the stage of bringing the child and then his placement in a program, during the whole rehabilitation program, till the moment of the total social reintegration of the victim-child. The members of the intervention team collaborate efficiently with those persons along the schedule by organizing constantly consulting meetings, planning, monitoring and evaluating meetings, evaluations of the social environment and the assistance granted in the period of social reintegration.

In the situations of traffic as concerning the children, of creating the protection, rehabilitation and prevention programs there is needed the organization of some multi-disciplinary teams that are formed of professionals that cooperate for accomplishing a common purpose, meaning to assure the welfare of the child.

As follows, we will present with an explaining title what should be the responsibilities of the key members of the intervention and protection teams for the child's rights<sup>1</sup>:

---

<sup>1</sup> Hallet, C., *Inter-agency Coordination in child protection*, Chichester, England: John Wiley and Sons, Ltd. Karp, C.L., Butler, T.L. (1996). *From Victim to Survivor: Treatment Strategies for Abused Children* (Includes text and activity manual). U.S., U.K. and India: Sage Publications.

### The social assistant

- He answers to the emergency calls in the case of the children risk situations;
- Offers consultancy for the social services and the advantages of their use;
- Gathers and verifies the information and the preliminary paves to type a relevant file about the case. This step supposes the research of the cases and reasons of the committed crime, to analyze the relations between the aggressor and the victim-child, as well as to analyze the information about the people that are around the child, including the data about the aggressor;
- Evaluates the situation of the child-victim and his family and in comparison with the child's safety problem determines measures of urgent and immediate intervention such as the temporary exit of the child from the abuse situation;
- He assures the accomplishment of the medical exam and evaluates the impact of the abuse from the psychological and social point of view by the psychiatrists and other specialists; confronts the offered information by the implied specialists in coordinating the case;
- In collaboration with the lawyer prepares the child to fight with the juridical system austerity;
- Together with other persons implied in coordinating the case, organizes activities that ensure the best protection ever for the victim-child during the testimony along the process;
- Offers support for the victim child to alleviate the suffering created by the investigation process;
- Asks the organization of consultative meetings at the level of the multidisciplinary team especially when the aggressor is one of the parents, a close relative or a friend with the purpose of identifying the best approach and strategy;
- He analyses the problems and looks for the best solution to offer adequate social and psychological support to the victim-child in the situation in which the judge considers as being guilty for the abuse one of his family members;
- Begins the process of social reintegration of the victim-child, in the case in which he is not admitted in the program offered by a protection centre.

### The psychologist

- Leads the preliminary psychological evaluation of the child and assumes the role of the necessary interventions in the crisis situations;

- Organizes conciliation sessions with other specialists from the same field for a future research of the psychological status, of the intellectual level, emotional and of the social evolution as well as the evaluation of the behavioural models;
- Monitors and documents himself carefully about the existence of some disorders or of some notable psychological or social behaviours and transmits the observations and the opinions further to the professionals and employees of the centre preoccupied by the case;
- Offers consultancy for the accomplishment of the group activities or individual in the family/community, in the moment in which the child is not admitted in a shelter and the evaluations show that the victim needs special activities;
- Advises and supports the victim psychologically if he or she is negatively affected by the procedures of the juridical system;
- Collaborates with other members of the intervention team and accredited professionals to establish the child's situation and of his family.

#### The supervisor – the person than assures the child's care and evolution

- He supervises the daily schedule and the child's activities, including the feeding way, the sleep schedule, physical education, discipline, if there are followed the health conditions, evolution, security and the relaxation program;
- Controls and assures the child's program scoring to the medical examinations schedule, of the physical controls, of the therapy meetings, and of the meetings with the specialists for the evaluation;
- Organizes recreational activities such as outside travels, museum visits and some other games;
- He offers to the victim-Childs a model to follow, and maintains a familiar, friendly environment inside the rehabilitation centre;
- Takes notes, makes registrations and writes reports about the child's evolution from the physical, psychological and social point of view, about his or hers progress inside the rehabilitation program, about the personality changes etc. for the use of the case management team;
- Organizes special activities to stimulate the positive, intellectual and social evolution of the child;
- He takes part actively to the organized meetings by the coordinating team of the case, in the work seminars and the advisory meetings;

- Monitors the social relations of the victim-child with the other children and adults from inside the protection centre or shelter and sends reports and novelties to the team for the case's coordination;
- If there is necessary, modifies the schedule of the daily activities from inside the centre just to answer correspondingly to the needs and progress of the victim child.

#### The lawyer

- Answers to the emergency calls in the cases of child's victimization;
- Offers assistance and legislative counseling about the rights, welfare and benefits of the child;
- Gathers information taking into account two purposes: to prepare a strong case against the aggressor and to offer to the social assistant a bigger quantity of information for this to be able to accomplish the preliminary requests the social services;
- He realizes all the legal necessities to assure the security and the safeness of the victim child while he gives the child protection against some future abusive situations;
- He teaches the child how to adapt to the environment and to the juridical system regulations, assists and supports him all along the process;
- He cooperates with the social system, with the doctor and/or the therapist to create the rehabilitation schedule necessary to the child and his family;
- Is careful at the augment's results and writes a report of the case for admittance if there is needed the continuation of a more ample legal action<sup>1</sup>.

#### Essential practices for the child's preparing as witness<sup>2</sup> in the process:

- To familiarize the victim child with the juridical system's procedures;

---

<sup>1</sup> Femish, T. (1992), *The Multi-Professional Handbook of Child Sexual Abuse: Integrated Management Therapy and Legal Intervention*, New York, NY: Routledge, Chapman and Hall, Inc.

<sup>2</sup> Monteleone, J.A. (1998), *Quick Reference: Child Abuse for Health Care Professionals, Social Services and Law Enforcement*, St. Louis, Missouri: G. W. Medical Publishing, Inc.

- To help the victim child to understand the benefits of getting the real data and the telling of the truth about the realities that happened for investigating the case;
- The possibility for the victim child to participate or to have a role during the process of establishing the good side;
- Before the victim child is implied in the legislative procedures, there has to be reduced any constraint over the child, such as his immediate physical and emotional needs;
- Offer psychological consoling and support to the victim child so as he can resist against the impact of the legal procedures;
- Offer support and assistance to the victim child and his family, making them to feel safe and protected.

Each step of this process needs collaboration and coordination between all the governmental agencies and the organizations worried about this problem, as well as governmental and nongovernmental organizations with the purpose to offer all the services of assistance and expertise necessary for supporting the activity in evolution for the victim child. *In a functional program for the child's protection there works a great number of persons as witnesses as they belong to a network that is internationally active. This network is formed of specialists and experts dedicated to this problem, from fields such as medicine, legislation, psychology and police together and qualified voluntaries also. Each member of the network has a well established part inside the program and gives an important contribution for a common cause.*<sup>1</sup>

With such a network of specialists, the program for the witness children protection can be offered in different regions of the country with the purpose of acting effectively and efficiently in the name of many victim children of the human beings traffic.

The policeman and the prosecutor are parts of the inter-institutional team and not really of the multidisciplinary team of intervention. These professionals "offer" services that are circumscribed to their professional orientation and which are part of their individualized plan of services and intervention.

In this equation of coordination of the problem of the human beings traffic exists also the major risk that the pluridisciplinary team that was selected carefully and also professionalized to become abusive for the victim. The demand for the victim from all

---

<sup>1</sup> Hallet, C. (1995), *Inter-agency Coordination in Child Protection*, Chichester, England: John Wiley and Sons, Ltd. Karp, C.L., Butler, T.L. (1996), *From Victim to Survivor: Treatment Strategies for Abused Children*, (Includes text and activity manual), U.S., U. K. and India: Sage Publications.

the team members to tell his history, the reliving of the traumatically experience by verbalization represent traps that have to be avoided categorically. So, the team has to elaborate the plan individualized by the services and the intervention so as the victim to tell just once the traumatic experience to just one person, preferably the psychologist. He has the capacity to coordinate the possible crises generated by the reliving of the trauma.

The victim child of the human beings traffic who registered repeated experiences of neglect, physical/sexual abuse has a big risk of victimization. The most important factor of maintaining the risk of victimization was qualified as being the malfunctions at the level of the perception of the risk situations. The social intervention has to imply also the prevention of victimization by teaching the children to evaluate and estimate correctly different situations of risk. Child victim of the traffic with the purpose of exploiting by work or the sexual exploitation has a bigger risk to be implied in illicit works such as drug traffic and because of these cognitive underestimations of some risk situations. The discussing and analyzing of these situations/contexts of risk and even the practice of a correct expressing of some events and consequences represent intervention objects that lower the risk of involvement for the child in other exploiting situations. The origin of the risk behaviours such as the drugs input and the sexual unprotected behaviours of the children that were victims of the traffic, represent the analysis of the risk perception and of the situations/contexts of risk<sup>1</sup>. In the case of a child that was a victim of the human beings traffic, as for example, there has to be taken into consideration the permanent presence of the trafficker inside that community. The risk factors can be identified in the family, school, community but also in the extended family. Even though the family passed through a rehabilitation process, there may still exist some conditions that are not favorable to that coming back of the victim child in the middle of the family being this way exposed to retrafficcking.

In the case of the prevention of the retrafficckation, the family is the most important factor. From this point of view there has to be established an intervention plan to include the encouraging of the proper relations between the child and the family members, to offer the materials necessary to cover the basic necessities, to ensure the counseling concerning the way of being a parent, and to ensure the training of the family's members about some things such as the abilities of solving some problems and the communication abilities. The social assistants play an important

---

<sup>1</sup> Nicolaescu, Daniela, Rodica, Moise, Ioana, Grigorescu (coord.), (2005), *Specialized manual of training for the involved professionals in the psycho-social counseling of the children victims of the traffic for work and sexual purposes*, Course Support, Mangalia, October 2005, Save the Children, ILO/IPEC Romania.

role in this process, and they may help for the material and non-material assistance demand for the family.

The measures and the prevention mechanisms have to be part of a standard strategy for reducing the risk factors that lead to the trafficking and re-trafficking of the children.

The discussion and analyze of these situations/contexts of risk as well as the practice of the correct estimation of some causes and consequences, represent objectives and prevention measures that lower the risk of the child's implication in other exploiting situations. To prevent the risk behaviours at an individual and family level by applying some quality standards of the social protection will lead to the reduction of the victimization risks of the child.

### ***Bibliography***

- Alexandrescu, Gabriela; Nicolăescu, Daniela (2003), *Interviewing abilities of the children victims of the human beings traffic*, in the Journal of the positive communitarian practices no. 3-4, The Catalactica Association for Socio-Economical Evolution and Promotion expenditure, p. 4-42
- Fernish, T. (1991, 1992), *The Multi-Professional Handbook of Child Sexual Abuse: Integrated Management Therapy and Legal Intervention*, New York, NY: Routledge, Chapman and Hall, Inc.
- Fernish, T. (1992), *The Multi-Professional Handbook of Child Sexual Abuse: Integrated Management Therapy and Legal Intervention*, New York, NY: Routledge, Chapman and Hall, Inc.
- Hallet, C. (1995), *Inter-agency coordination in Child Protection*, Chichester, England, John Wiley and Sons, Ltd. Karp, C.L., Butler, T.L. (1996), *From victim to survivor: Treatment strategies for abused children*, (Includes text and activity manual), U.S., U.K. and India: Sage Publications.
- Krueger, A. (2002), *A New Approach for Community – Based Reintegration: The International Rescue Committee's experience in Rwanda*, papers presented in the Technical Meeting in Nepal.
- Miclea M. (2003), *Course Support: Cognitive- behavioural Modifications*, UBB, Cluj.



- Monteleone, J.A. (1998), *Quick Reference: Child Abuse for Health Care Professionals*, Social Services and Law Enforcement, St. Louis, Missouri: G. w. Medical Publishing, Inc.
- Nicolăescu, Daniela; Rodica, Moise; Ioana, Grigorescu (coord.), (2005), *Specialized Manual of Training for the Professionals Implied in the Psycho-social Counseling of the Children Victims of the Work Traffic and with Sexual Purposes*, Course Support, Mangalia, October 2005, Save the Children, ILO/IPEC Romania.
- Wirth, L., (1931), *Sociology and Clinical Procedure*, American Journal of Sociology, no. 37(1), p. 49-66.
- Zamfir, C. Vlăsceanu, L. (1998), *Sociology Dictionary*, Babel Expenditure, Bucharest, p. 566.

# EVOLUTIONS OF THE CONCEPT OF DELINQUENT'S REHABILITATION

*Gabriel OANCEA\**,  
*Andreea Simona FAUR\*\**

---

*Abstract: The apparition of prison is due the need of finding new and less brutal methods of punishment and due to the desire of rehabilitating delinquents through making a change in their behavior. Among the negative effects of the attempt we can note the apparition of the delinquent's category, classification which stops the achievement of what you desire in what regards the rehabilitation of the individual. Some research reveals the fact that prisons are the places of violence of aggressiveness. It is considered that depriving punishments and probation can really facilitate rehabilitation. Romania has taken a part of the experience from the community countries in what regards delinquent's rehabilitation. In collaboration with partners from the Holland probation systems and England, a process starts of elaborating structural work programs for delinquents and forming the probation advisors. The participation of the sentences persons to this activity is assured by the national legal frame.*

*Key words: sanctions, attempt, probation, delinquents, rehabilitation.*

## ***1. The apparition of rehabilitation in the system of legal justice***

The function of rehabilitation the punishment has been included in the results followed by the legal sanctions ever since the XVIII-XIX centuries (Crow&Robinson, 2009, p.2). As Foucault shows in his book *To watch and punish* (Foucault, 2005) the apparition of prison would be tied not only to the necessity of identifying new ways of

---

\* PhD student of University of Bucharest, Head of Probation Service of Bucharest, email: oancea.gabriel@gmail.com.

\*\* Probation counsellor, Probation Service of Bucharest, email: andreeaotto@yahoo.com.

punishing which would substitute the brutal methods of punishment from the antique and medieval age, but also the wish of producing a change in the delinquent's behavior, so that he would not commit any crimes. One, as Foucault described, the place of the executioner would be taken by medics, psychologists or social assistants, and the commander's body wouldn't be kept for repressions, their intervention aiming for the delinquent's soul.

An ideal of delinquent's rehabilitation is shaped, which would guide the activities of those who practice in the correctional system, according to which the achievement in behavior is possible for those who are in conflict with the law, so that in the future they do not commit crimes. In these conditions, prison does not aim only to exclude the delinquent from the social body, but through the activities done there (reading the Bible or religious materials, conferences on spiritual themes, sustained work etc.) a beneficial influence on delinquents has been expected.

Despite all these, short after appearing, prison would be the subject of criticism which would accompany it during its existence.

Some of these critics have been mentioned by Foucault who underlines the fact that it fails just in its attempts to rehabilitate sentenced people, and the failure is manifested through the appearance of the delinquent, socially marginalized person but who is under the control of authorities, in order to supervise criminal environments. Most of the times, at leaving the penitentiary, in lack of support services, the sentenced one does not have any perspective than to get back to the belonging environment, which can determine or facilitate involving in crimes, so that relapse appears unavoidable. (Foucault, 2005)

These are not the only negative effects of the encounter. There is a series of negative effects, much deeper, which have a long term impact more substantial on the sentenced person. A series of studies would highlight the impact at a psychological level characterized through the loss of contact with the support environment, the inability of the sentenced person to take control of his life in the moment of getting free from the penitentiary, especially after serving their time for a long term punishment, or the difficulty of getting reintegrated professionally (James, Irwin & Kubrin, 2003; Cooke, 1996).

They have started to study the mechanism from the penitentiary institutions which contribute to their contra-productivity in report with the proposed goals.

Relevant from this point of view, of developing power relationships which create a solitary environment and of the impact on the sentenced, was the so called Stanford experiment developed by the psychologist Philip Zimbardo in the '70 in Stanford University. This experiment allowed the researcher to conclude that prisons are brutal places which highlight what is worse in a human being. Far from being places

in which rehabilitation activities are developed, through the nature of the relationships created in them, penitentiaries are places of violent and aggressiveness manifestations (Zimbardo, 2009).

## ***2. Rehabilitation from right to obligation of the sentenced person***

Taking into consideration what we had said previously, a process starts of identifying those ways of punishing which would transform into reality the ideal of rehabilitation. It appears in the sphere of penal sanctions freedom depriving punishments and probation which, also, propose to rehabilitate the delinquent or, at least, to keep him away from the negative influence of the solitary environment. In the Anglo-Saxon space, starting from a series pre-existing practices (those of recognition and forgiveness) probation appears, while in the continental law system the suspension of punishment execution is introduced under supervision (*mise a l'epreuve*) (Abraham, Nicolaescu & Iasnic, 2001; Siegel L., 2009; Hamai, Ville, Harris, Hough & Zvekcic, 1995).

The rehabilitation concept of delinquents is a dynamic one, reason for which it has suffered( and still suffers) a series of mutations as a result of the dynamic of the research and reflections tied to the results of penal sanctions, progresses from criminology and psychology, and the fact that in the penal policies of states rehabilitation has different approaches.

Despite the punishment retribution function, which is strictly focused on identifying ways of suspending which accord to the social danger of the crime, the rehabilitation function of the punishment more focused on the personal characteristics of the delinquent who needs treatment and intervention (Miethe & Lu, 2005)?

First of all, we must underline the fact that, in the condition of those mutations that this concept had known, and that we will expose, it is difficult to engulf through a definition the complexity of the nuances that the notion of rehabilitation contains.

Some authors consider rehabilitation as implying a minimum of services given to a delinquent so that he reintegrates in society as a useful person (Rotman, 1986), while others have defined rehabilitation as being the process in which delinquents are given the chance to be members with full rights of the community, with all the rights and obligations that derive from this quality. (Lewis, 2005)

Preoccupations in the rehabilitation domain have met a considerable breakthrough starting with the development in socio-human science domain from the modern and contemporary period.

Initially, interventions to rehabilitate delinquents were based on involving them in moral-religious activities, respecting a strict schedule of work and rest, intense use of delinquents in labor activities or serving time in jail in solitude and under permanent watch( Crow& Robinson, 2009; Foucault,2005). This way was not approached in the contemporary period and as proof we have the missionary activity of different cults in penitentiaries or the existence of therapist communities (for example for treating drug addicts) focused on religious activities.

Although, as a result of some mutations that we will expose, the contemporary approaches are characterized through the intervention in order to rehabilitate on the basis of some cognitive- behavior programs, structured evaluation of relapse risk an criminal needs, elaborating some programs for aggressors etc. (Ward& Maruna, 2007; Bernfeld, Farrington & Leschied, 2001).

This paradigm change takes place as a result of the fact that, starting with the XIX century; human behavior has made the object of study for psychology, sociology and criminology. The studies would demonstrate that, most of the times, at the base of criminal conduit are a series of social, education, physical health problems or lack of inter-relationship abilities.

In these conditions, starting with XX century, they started from the premises that intervention is possible at the level of these problems in order to solve them, the consequence being the drop in relapse risk that the delinquent represented and social reintegration. This type of cause-effect approach would be borrowed from medicine and known as the treatment model.

Actually, it is considered that, if the causes of delinquent behavior are identified, through a specialized intervention of those causes and increase can b felt by the sentenced person. In this context, in which delinquent behavior was seen more as a pathology, it was obvious that a correctional treatment was not the most appropriate way of intervention because the causes needed to be indentified and treated (Crow & Robinson, 2009). Taking concepts and models associated to medicine, delinquents were seen more as ill people who, when identifying an appropriate treatment, could be given back to the society.

This was more of a mechanic, unidirectional point of view, which did not take into consideration the complex of problems delinquents are dealing with, the reason due to which, after the second World War, it would be abandoned.

To this change more factors have contributed,among which the most important are represented by the critic brought to the treatment model (among others) by Robert Martinson (Martinson, 1974), and also a series of penal policies adopted in the last decades which would be centered on implying repressive penal policies, focused on the function of punishment incapacity.

In the '70 Robert Martinson's article What works? Questions and answers about prison reform (Martinson, 1974) would give birth to a series of debates and their echo far from being reached, debates which had a series of consequences at practice and penal policy levels.

Having at base a methodology which would make the object of numerous objections (Palmer, 1983); Martinson proceeded to the evaluation of the efficiency of programs which aimed delinquent's rehabilitation. The failure of most attempts in delinquent's rehabilitation, settled through high rates of relapse, at the end of this analysis, the author would address a rhetorical question (doesn't anything work?)

More, Martinson would support the work schedule programs with results; these are more isolated marks, not identifying a model that would be the base of successful initiatives.

In these conditions, the efficiency of punishments is doubtful due to too much attention paid to treatment theories in disadvantage of an approach based on discourage effect that should be specific to the sentence, especially in the case of primary delinquents, effect that was seen more as a historical curiosity (Martinson, 1974).

Also, the '70 and '80 are marked at the level of the political speech by "populist punitive" ,term consecrated by criminologist Anthony Bottoms (Bottoms, 1995) (also) characterized through a phenomenon of harshness of the punishments, of whose starting point would be represented by USA and then extend international.

In these conditions, rehabilitation, although formally mentioned among the functions of punishment, encounters in practice a rebuff, and it had been affirmed that nothing has effect in the rehabilitation procedure of delinquents (nothing works) when the penitentiary is efficient (prison works) just only as a result of the fact that sentenced people are not able to commit other crimes during the conviction. The immediate consequence of such approaches has been represented by the dynamic raise of the number of convicted persons, harshness of penal legislation and putting the ways of sanctioning depriving on the second place. (Garland, 2001; Pratt, 2000; Gottschalk, 2010).

Although the ones who practiced were still involved in supporting delinquent's activities (Mair, 2006), at the delinquent's level of decision in penal policies domain rehabilitation was something like an impossible ideal or contra-productive (Garland, 2001).

Despite all these, the rehabilitation ideal would not disappear, but, as a result of some mutations in rethinking these institutions, they suffered a series of transformations, according to the tendencies that manifest in the domain of penal policies. The important transition that would take place was going to be from

rehabilitation seen as a right of the sentenced person to rehabilitation seen as an obligation.

Furthermore, in the speeches of those who practice term are included like risk and managing risk, and interventions in rehabilitation domain start to imply a decrease in the risk that delinquents represented for the community (Kemshall, 2008) so that rehabilitation practice would circumscribe to a frame more tied to risk than one referring to wellness.

In these conditions, delinquents would be included in treatment programs and their result correlated to public protection, risk decrease and a higher efficiency in term of cost-efficiency, rehabilitation being seen as a way through which risk management is achieved. (Garland, 2001, p.191)

In addition, the principle of classification judging by risk appears, according to which the delinquents who represents a high level of relapse must be offered a set of services in an intensive rate, in comparison with those classified as low risk (Andrews, Bonta & Hoge, 1990, Kemshall, 2008).

Also in these approaches appears the elaboration of some instrument of evaluation and risk prediction, of whose results are at the base of the decisions of including delinquents in different programs started by correctional services or at settling rehabilitation interventions.

Practices in rehabilitation domain put the accent on the risk that delinquents are, they do not do anything else but to align the speech and practices to the preoccupation of decision factors in penal policies domain, preoccupied by establishing a secure community, that lacks risks.

Even more, the rehabilitation concept started to be in a relationship more and more tied to the notion of punishment. As we affirmed prior, if at the beginning rehabilitation was placed in the context of human rights, being perceived as a way through which the person and community's wellness is assured, the vision that characterizes the late-modern period is rehabilitation as an obligation, or more, as a punishment. This approach appears on the base of the institution's wish to not be perceived as having an inadequate relationship in report with crime phenomenon ("too soft on crime") (Robinson, 2008).

In these conditions, social reintegration is not seen as a process through which delinquents' primordial criminal needs are covered, the rehabilitated person being defined as a person who respects the law (a law abiding citizen).

In practice the manifestation of this approach is obliging the convicted person to participate at structural programs, drug addict's treatment programs or implication in

vocational or educational activities, keeping the delinquent free or other favorable decisions (for example, parole) being correlated with respecting these obligations.

Through the program of working with delinquents we understand that structural approach in order to support them in gaining abilities and knowledge, having as result relapse risk reduction. Most of the programs are group programs (but not always) that want to support delinquents in order to improve capacities of problem solving, resolute abilities combining various opportunities of learning in a structural manner (Raynor, 2007).

For example, in probation and penitentiary systems from England and Welsh a series of programs would be elaborated, applied and accredited, such as Think First, One to go, Aggression replacement training, Drink Impaired Driving, etc.

The evaluation of the effectiveness would prove that the intensity of the programs must be in conformity with the delinquent's risk level; to reduce relapse, programs must focus on those problems that expose the delinquent to regain his crime behavior; the methods that are at the base of the program must be adapted to styles of delinquent's learning; the most efficient programs are the multi-way ones (that address to a variety of problems), are oriented on abilities; use cognitive behavior methods and staff's abilities who deliver (Merrington & Stanley, 2007, p.441).

On the other hand, it has been proved that the most efficient programs are the ones that succeed in making a combination between giving attention to social opportunities correlated with an attention paid to the cognitive factors, like attitude and motivation. This way they succeed to make balance between social and cognitive factors, the result being a higher rate of success in intervention (Raynor, 2003).

### ***3. Delinquent's rehabilitation in Romania***

In Romania, the term that meant an important activity of changing the delinquent's behavior was reeducation, used by the penal Code adopted in 1968 when it defined the result of penal right punishments.

Without entering in more details, we must underline the fact that the term reeducation enters juridical terminology in Romania, starting with the end of the '40 and beginning of '50, in a process of instauration of the communist society, being taken from the "ideological arsenal " of the soviet communism. In the Soviet Union, after 1917, the process of reeducation had a political ending, following the population's attachment to communist ideology. Anyone who had shown an opinion contrary to the ideology of the communist party would be known as being immature or bourgeois, and to straighten his believes, he was included in a doctrine process known as reeducation.



Since power separation in state had been abolished and its institutions were under communist regime, penitentiaries become an essential vector in the reeducation process. In these conditions and in Romania, especially during 1948-1964, the penitentiary system, and State Security are going to become the key-institutions of repression against opponents of the communist regime. Among the horrors that the reeducation process implied, meaningful is the late called reeducation phenomenon from Pitesti during 1949-1951. Without any more details, because it has been studied in the last years (Popescu, 2005; Ierunca, 1990, Muresan, 2007), we mention the fact that reeducation in Pitesti prison meant torture in order to change their beliefs, in a favorable way for communism. Prior, after 1964, using the penitentiary in political goals is not a rule anymore, but the term of reeducation is still used to describe steps followed by penitentiaries in order to change the behavior of sentenced people, being then engulfed in 1968 in the penal Code.

Regarding the ways of intervention practice in order to reeducate, these were the limits, labor being seen as the main factor that can contribute to re-socialization, an aspect strengthened by art.5 from Law 23/1969 of accepting punishments that said that convict's reeducation is made through work, the sentenced being obliged to do useful work for the capable ones. In these conditions, in juridical literature of that period is mentioned the fact that in socialist society's labor is the main factor of progress and civilization, forming and developing human personality (Turianu, 1984). Also, there is a vision through which prison punishment itself can contribute to reeducation, or as it has been mentioned, reeducation is first possible due to the fact that prison punishment is the punishment made in a longer time, months or years, time in which such a function (of reeducation) can be done, the sentenced one being at the execution's orders (Oancea, 1998). Another vector of reeducation was the force of the collective to reeducate him, so that a person who has problems with the law can develop his ability to value work, form a spirit of discipline and responsibility. (Turianu, 1984)

It was more a vision specific to the XIX century and the beginning of XX, which would be abandoned in 1989.

After 1990 abandoning the use of correctional practices of this term and correlative practices, a series of approaches appeared that are according with the mutations from the international plan. The reeducation term is replaced with delinquent's social reintegration, and the work place as a target factor in behavior changing and it begins is replaced by their implication in some programs.

Therefore, to the work current based on structural programs would be added the probation system from Romania starting at the middle of 2000, when, at the level of the Ministry of Justice, the problem of accreditation given to some specialized programs which work with people under the supervision of probation services.

In collaboration with partners from Holland and British system probation an elaboration process starts of structural delinquent's labor, adapted to socio-cultural realities from Romania and of forming probation counselors that would apply these programs in services.

In Great Britain, the following programs would be taken, adapted and implemented: "Stop!-Think and Change" and "One on one" and from Holland the programs: "Developing social abilities to majors" and "Developing social abilities to minors", identifying the way through which courts impose this obligation of taking part in programs, under the sanction of revoking suspension under supervision in case of not doing your obligation.

The way through which it can be imposed as obligation the participation of sentenced people to these programs has been identified, the starting point being the obligation found in art.86 letter through which the court said that during the probation term the supervised person must have and do the activity. Starting from this legal disposition, courts have proceeded to a determination of this obligation, specifying the fact that the convicted person is obliged to do an activity, meaning to participate in the probation service's programs.

Furthermore, the new Penal Code foresees the court's possibilities of imposing them to oblige people to get involved, convicts who are in the evidence of the probation services, consistence being given to social reintegration as an obligation for delinquents.

Also, in the penitentiary system we can notice a change from strict value of getting involved in work during the sentence, as a manifestation of the convict's straightening, to giving special attention to involvement in educational activities and re-socialization programs. A proof is the foresees from art.190 align. 2 from HG 1897/2006 which specifies the fact that deprived persons who had worked, have participated to courses of alphabetization or schooling -primary, secondary, high school or university, or professional forming or re-socialization programs, and deprived people who had not worked due to certain reasons, but have proved a real progress in their own behavior and have constantly participated in education and psychological intervention programs, taking into account the penal background, they can benefit from parole after doing a part of the sentence foreseen in the penal Code.

## ***Bibliography***

Abraham, P.; Nicolăescu, V.; Iașnic, Ș.B. (2001). *Introducere în probațiune*. București: Editura Național.

- Bernfeld, G.; Farrington, D.P.; Leschied, A.W. (2001). *Offender Rehabilitation in Practice: Implementing and Evaluating Effective Programs*. Chichester: Wiley.
- Bottoms, A. (1995). The Philosophy and Politics of Punishment and Sentencing. În R. Morgan, & C. Clarkson, *The Politics of Sentencing Reform* (pg. 17-49). Oxford: Clarendon Press.
- Cooke, D.J. (1996). Psychological disturbance in the Scottish Prison System: A Preliminary Account. În G. Davies, *Psychology, law, and criminal justice: international developments in research and practice* (pg. 495-509). Berlin: Walter de Gruyter.
- Crow, I.; Robinson, G. (2009). *Offender Rehabilitation: Theory, Research and Practice*. SAGE Publications Ltd.
- Foucault, M. (2005). *A supraveghea și a pedepsi*. Pitești: Editura Parelela 45.
- Garland, D. (2001). *The culture of control*. Oxford: Oxford University Press.
- Garland, D. (2001). *The culture of control - Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
- Gottschalk, M. (2010). Cell blocks & red ink: mass incarceration, the great recession & penal reform. *Daedalus*, 62-73.
- Hamai, K.; Ville, R.; Harris, R.; Hough, M.; Zvekic, U. (1995). *Probation round the world-a comparative study*. London: Routledge.
- Ierunca, V. (1990). *Fenomenul Pitești*. București: Humanitas.
- James, A.; Irwin, J.; Kubrin, C. (2003). It's About Time: America's Imprisonment Binge. În T. G. Blomberg, & S. Cohen, *Punishment and social control* (pg. 433-469). New York: Aldine de Gruyter.
- Kemshall, H. (2008). *Understanding risk in criminal justice*. Maidenhead: Open University Press.
- Lewis, S. (2005). Rehabilitation: Headline or footnote in the new penal policy. *Probation Journal*(52), 119-135.
- Mair, G. (2006). The origins of What Works in England and Wales: a house build on sand? În G. Mair, *What Matters in Probation* (pg. 12-33). Cullompton: Willan Publishing.
- Martinson, R. (1974). What Works? Questions and answers about prison reform. *Public interest*(35), 22-54.

- Merrington, S.; Stanley, S. (2007). Effectiveness: Who Counts What? În L. Gelsthorpe, & R. Morgan, *Handbook of Probation* (pg. 428-458). Cullompton: Willan Publishing.
- Miethe, T.; Lu, H. (2005). *Punishment- a comparative historical perspective*. Cambridge: Cambridge University Press.
- Mureșan, A. (2007). *Pitești: cronică unei sinucideri asistate*. Iași: Polirom.
- Oancea, I. (1998). *Drept execuțional penal*. București: All.
- Palmer, T. (1983). The "Effectiveness" Issue Today: An Overview. *Federal Probation*, 3-10.
- Popescu, T. (2005). *Experimentul Pitești: reeducarea prin tortura în închisorile Pitești, Gherla, Tg. Ocna, Canal: atacul brutal asupra conștiinței*. București: Criterion.
- Pratt, J. (2000). Emotive and Ostentatious Punishment: Its Decline and Resurgence in Modern Society. *Punishment & Society* (2), 417-438.
- Raynor, P. (2007). Accredited programmes. În R. Canton, & D. Hancock, *Dictionary of Probation and Offender Management* (p. 2). Cullompton: Willan Publishing.
- Robinson, G. (2008). Late-modern rehabilitation: The evolution of a penal strategy. *Punishment and Society*(10), 429-445.
- Rotman, E. (1986). Do Criminal Offenders Have a Constitutional Right to Rehabilitation? *The Journal of Criminal Law and Criminology*(77(4)), 1023-1068.
- Siegel, L. (2009). *Criminology*. Lowell: University of Massachusetts.
- Turianu, C. (1984). *Reeducarea prin muncă*. București: Editura științifică și enciclopedică.
- Ward, T.; Maruna, S. (2007). *Rehabilitation*. Oxon: Routledge.
- Zimbardo, P. (2009). *Efectul lucifer - De la experimentul concentraționar Stanford al Abu Ghraib*. București: Nemira.

# EVALUATION OF THE PROJECTS ADDRESSED TO THE DISFAVOURED GROUPS

*Daniel ARPINTE\**

*Abstract: The presentation of the results of social project evaluation is an area which reflects methodological aspects specific to the analysed field. The necessity to replicate and multiply the good practices identified within the implemented activities proposes a collection of analysed projects with the purpose to promote the initiatives regarding the control of exclusion from the basic services in the disfavoured communities, particularly in the Roma communities.*

*Keywords: community, European funds, standard of living, vulnerable social group, Roma groups*

## COMUNITARY EVOLUTION PROJECT (Building of social houses, infrastructure investment, social services) in Nusfalau, Salaj district

### *The Agency of Communitarian Evolvment "Together"*

The general purpose of the project was to enrich the level of life of the Roma community from Nusfalau which was seriously affected by bad problems (the lack of

---

\* PhD student of West University of Timișoara, researcher, The Research Institute for Quality of Life, email: arpinte@gmail.com.

a place of work, inhuman living conditions, and reduced access to the medical services, education and social assistance).

The project for the building of the houses and for investments in the Roma communities' infrastructure from Nusfalau met a segmental implementation having in its competence a series of implemented projects beginning with 1996.

The first project that ran on a period of three years was realized by the No Frontier Medics Mission in Romania, The International Spolu – Nederland's and Rromani Criss. Beginning with 1999 the project was continued by the Evolution Agency "Together" – Romania and Spolu International – Nederlands. The project was addressed to the community of Roma from Nusfalau and had in its initial phase three components:

- Infrastructure investments – the link to the electrical network of the houses from Brasilia square and the arrangement of the access road to the square;
- To create work places for the Roma;
- To create some minimal conditions for free time activities.

The second stage of the project was focused on the evolution of an activity that generated income. So, there was created a brickyard that offered beginning with 1999 the necessary resources to buy the necessary field for building the social houses but also the necessary materials for their building. The criteria of selection for the beneficiaries had as purpose both the raise of the involvement of the beneficiaries of the social houses and the support given for the families that didn't have the possibility to contribute to the building of their own houses.

The project counted on the local resources mobilization and the contribution of the project's beneficiaries. So, the local initiative group created an ONG to ensure locally a part of the project's management.

The type of the participative model facilitated the creation of a day centre with UNICEF financing. The day centre project is financed by UNICEF and social and educational support services for a number of 20 children from the Brazil square, Nusfalau.

### ***Impact***

- The original used methodology in implementing the project created a stabile partnership at the local level but also dominated the stereotype negative elements concerning the Roma. For example, the local authority, although in the initial steps of the project refused to take part to it, during the project offered different forms of support, and, finally supported entirely the building of a house;

- The use of the local potential proved to be one of the most important factors of success of the project. The participation of the community with material resources, work force or any other forms of support, assured to the project a high degree of ad equation to the possibilities and needs of the direct and indirect beneficiaries;
- There were created places of work at the local level for the involved families in the activities of manufacturing the bricks.
- The improvement of the living conditions of 15 family's member of the community from Brasilia. Inside the framework there were built houses for 10 families and for some other 5 families there built or renovated the buildings with personal resources and with the support of the Roma Association form Brasilia.
- The raised level of trust of the community in its own capacities, a relevant thing proved by the bigger number of initiatives concerning the improvement of the life conditions without asking any external support. So, the community repaired the capacities deficit and has an efficient cohesion degree to participate to small local initiatives. On the other hand, the experience of the project's ongoing proved to the project team that the most important initiatives are of the beneficiaries' and of the communities' taken into account for the intervention.
- The innovative methodology was previously undertaken by other projects intended not only for the Roma but also for the disadvantaged communities no matter their ethnic. There were solicitations for the implementer from behalf of the local or district authorities from the limitrophe districts of Salaj to offer consultancy concerning the starting of some similar projects.

### *The continuity of the project*

It is part of the project's philosophy. The main assurance event of the community is the local created ONG that can evolve its own social projects. For example, there were already identified external resources for the continuation of the projects at the day centre from Brasilia square and there are supported the local initiatives of improving the life conditions. For example, for the year 2005 there will be helped two families for rebuilding their houses that are in an advanced degradation degree and the continuation of the actions of assuring the access to the public facilities of all the families from Brasilia square. Also, the organization administers the social houses and the equipments or the used facilities during the ongoing of the projects.

**THE PROJECT**  
**“The training of the social assistants for Romas inside the local councils”**

**Applicant:** the District Council Giurgiu.

**The financing source:** PHARE/ THE Evolution of the Civil Society 2000, The Component no. 4.

**Partners:** Giurgiu Prefecture, AJOFM, The Giurgiu Democratic Association of the Roma.

**Budget (the amount spent):** 23.400€, from which 15.826 EU financing and 8.540 the partners' contribution.

The project had as specific objective the training of 25 special workers to represent the Roma communities in the relation with the public authorities. The main selection criterion of the administrative unities was the significant share of the Roma communities (over 50%).

The selection of the participants to the classes was realized by the Democratic Association of the Roma from Giurgiu that afterwards implied in the clarification of the employment situation of the assistants. Beginning with the January month 2003 there were initiated the steps of contracting of the Teaching Staff House concerning the attendance to the training classes. The classes were kept in the period February – May 2003 and had an applied part being discussed present cases and analyzed real cases. The curriculum was focused on different techniques of intervention, social assistance and legislation. The course support was elaborated by AJOFM that had as attributions the elaboration of the documentation for the students' subscription, to intermediate the contractual relation with the House of the Teaching Staff and to facilitate the evaluation of the students' evolution and their final examination. The classes were followed by a practice period monitored by a team of the District Council Giurgiu.

During the practice period, the District Council initiated the steps for employing the social assistants inside the local councils at the end of the classes. For the local councils Gaujan, Slobozia and Fratesti was subvention also subsidies for the work places of the social workers.



At the end of the project there were employed 17 social workers from the 24 that finalized the classes (one gave up because of health problems before the students' evaluation). They were delegated the responsibility in coordinating the social assistance activity (VMG, allowances for single parents, attributions in the child's protection) for the whole locality not only for the Roma communities. Also, the workers' intervention isn't limited only to the social assistant attributions but there is also assumed the mediated responsibilities or those of planning the intervention at the communitarian level. At the level of four local commissions there are created projects for the disadvantaged communities. For example, in the Slobozia village they created a project (infrastructure) that is to be suggested for financing.

A part of the employed ones keep the touch with the European Council both by soliciting information about financings or to clarification some ambiguous stipulations from the adopted legislation in the last period.

### ***Difficulties in implementing the project***

- The selection limit that was very tight for the potential candidates to the classes. Only in just one of the locations there were identified two or more persons with medium available studies for taking part to the classes. In the case of 5 local councils there were accepted the nomination of some persons that weren't of Roma origin because of the fact that there weren't identified high school graduates. In the places where were at least two solicitations, there were organized coordinated selections by the local council's employees. For example, to Slobozia, there were present three persons to the selection and the choral of the participant to the classes was taken by the mair, after a written paper that had as subject the elaboration of some social projects for the Roma communities.
- There were problems concerning the way of employment of the admitted after the end of the classes, a fact that determined delays in the project's evolution.
- The reluctance for the initial phase of the project of the representatives of the local councils and of the mairs concerning the success of the professional integration of the admitted.
- The lack of financial resources at the level of the local councils necessary for a person's salary that has exclusive attributions of social assistance.

### ***Impact***

1. The evolvement of a long term partnership between the local public administration and the nongovernmental Roma organizations. The collaboration between the public institutions of district interest, the local ones and the ONGs

made possible the success of the project and the support of sustainability. Also, the partnership proved to be functional by the existence of some subsequent links of stopping the financings between the institutions involved in the project.

2. There were prepared 24 persons for the job of social worker from which 17 were employed in the local administrations, the wages being paid by the local councils. This way, there is proved the quality of the professional experience of the social assistants but also the project's relevance.
3. All the 17 local councils that employed initially social workers as having these places of work vacant, and were taken by the agricultural agent or the role operator. The employment of a person with exclusive attributions of social assistance meant a significant evolution of the quality of coordinating the benefits of the social assistance itself, an efficient communication with DPC-SPAS and the possibility of evolving some local initial projects at the level of the local council or of the communities.
4. At the level of three local councils there were assured minimum conditions for the evolution of the social workers' activity and for the project partners' necessary equipment for the specific activities after the ceasing of the financing (electronic equipment and furniture, bought and distributed; a burro set and a computer for the Giurgiu Prefecture, a burro set and a phone/fax for the Democratic Association of the Roma Giurgiu and a computer for the mairies Slobozia, Fratesti, Gaujani).

### *Continuity*

---

1. From the 17 social employed workers immediately after the classes ending, there still were in the local councils, at the moment of evaluation 14 social workers that were remunerated exclusively from the local budgets.
2. Presently, the Democratic Association of the Roma monitors the social workers' network and supports the mediation with the district institutions.
3. The district Council offers consultancy and technical assistance to the social workers in the field of the social assistance or of the projects' writing.
4. With the support of the organizations or institutions that were involved in the project, after the employment, the social employees took part at short term classes with the theme of social assistance, classes for computer operating or on specific subjects concerning the Roma situation.

**PROFESSIONAL INTEGRATION CENTRES FOR ROMA**  
**The exchange of the workplaces for the Roma**  
**The Agency for Communitarian Evolution “Together”**

One of the most important programs evolved in the Communitarian Evolution Agency “Together” has in its competence three projects with EU financing that were started beginning with 2002.

The program was initiated with a reduced dimensions project (2.500 € financing, EU 2002) by which the organization proposed the creation of a placement agency of the Roma workforce. Taking into account the experimental character of the project but also the reduced budget there was chosen a disadvantaged urban area of small dimensions (Ploeni, Prahova District). The general purpose of the project was to coordinate an exchange market of the workplaces for the Roma. There was made a diagnosis at the Roma community level to identify the demand of workplaces and a study of the work market with the purpose of determining the available work places offer. In 2003 there was organized the first exchange of the workplaces for Roma, where there were present 12 employers and a few hundreds of persons that were looking for a place of work. At the exchange, there were invited also representatives of the local authorities or political makers.

The second project “The facilitation of the Roma access on the work market” had place in Bucharest, Cluj, Galati, Craiova and Iasi where there were organized exchanges for the work places. The project was implemented by “Together” Agency in partnership with ANOMF (responsible with the coordination in the area of the local agencies for the work places occupancy) and five organizations that had as attributions the organization of the requalification classes in the districts:

- Cluj – The Association for the Romanian Women Emancipation;
- Iasi – The Association of the Young Roma Romanitin;
- Galati – The Alliance for the Roma’s Oneness Galati;
- Craiova – The Romano – Eurodron Association.

The project had as an initial objective the creation of some support forms for the integration on the labor market of the Roma. Taking into account the fact that often enough not only the imbalance between the supply and demand creates a weak presence of the Roma on the work market but also the presence of some exclusion factors at the level of the communities, there was elaborated a market study. So, there were identified the main professional offers for the Roma from the 5 localities and the specific conditions for each area apart. The study un lamented the measures

taken inside the project that didn't support the creation of some artificial mechanism but there was taken into account the free market and competitive character. It is maybe the most important element that contributed to the going on support of the continuity for the results obtained with the project.

The second component of the project, the professional qualification of the Roma gathered a number of 220 Roma (from which over 40% Roma women) that benefited of qualification classes in jobs that were solicited on the work market: waiter – chef, PC operator, brick layer, tailor's. the costs for an employee were of 370 euros, comparing with the ANOMF expenses estimated to 800 euros for each reintegrated person on the work market.

The third project financed by EU with 1800 euros – The Inclusion Centre for Roma – suggested a solution with a solid component of social intervention. The intervention model was taken from nongovernmental organizations from Spain and Ireland that experimented similar structures and have as main objective the facilitation of the Roma subscription in the data base of ANOMF to benefit of all the legal rights that a person that is looking for a place of work can access. The project was implemented at the level of the Bucharest district and had as direct beneficiaries 150 persons of Roma ethnic and the personnel from the partner institutions (The Municipal Agency for the Workforce occupancy from all the 6 sectors from Bucharest and the experts in the Roma problems from inside the district mairies).

The intervention took place in three steps:

- Institutions with attributions in the occupancy field – the work force occupancy agencies;
- Persons that are looking for a place of work;
- Employers.

Like the previous project, the intervention component was based by the realization of a study made at the level of the Bucharest District ("Young Roma, I'm looking for a place of work": Dimensions of the participation of the Roma on the work market – case study on the Bucharest District).

The next sections, impact and continuity will refer to al the three projects taking into account the fact that the influences between all these are inseparable. Anyway, even the consolidation way of the intervention type in a coherent program is a model of good practice for the services providers and the decision makers form the employment field. On the other hand, in the monitoring reports of the implementation of the Roma strategy, at the chapter occupation the projects are mentioned as models.

## ***Results/Effects/Impact***

1. The intuitive way of intervention, present in the most part of the projects from the social field was replaced with a diagnosis component present in all the three projects and assured a good knowledge of the target groups and of the specific conditions where there implemented the intervention activities;
2. On the account of the realized studies there were made enrichment recommendations for the workforce occupancy by the Roma for the state institutions;
3. A number of 220 Roma benefited of qualification classes in jobs that were solicited on the work market inside the project: "To facilitate the Roma access on the work market", 150 Roma benefited of orientation classes and there was facilitated the employment of 120 Roma in the project "The inclusion centre for Roma";
4. There were created the necessary premises for evolving some actions at a national level with the purpose of occupying the workforce for the Roma because of the stable partnership between the nongovernmental organizations of the Roma that were involved in the project and the National Agency for the Workforce Engagement";
5. The organization had an important contribution in legislation's elaboration form the engagement field. So, in the law no.76/2002 there was modified the unemployed definition by adopting an extinguished meaning. So, an unemployed is not only the beneficiary person of the unemployment indemnisation, but also the person that is looking for a workplace. The suggestion was accepted by MMSSF; it is found inside the law and made possible the assurance of a legal environment for creating some support measures destined to the Roma. Also, there were made steps for changing the legislation that regulates the independent professions. The most important suggestion takes into account the fact that, not to be asked professional or medium studies for the traditional jobs.
6. The three projects had an important component of results' dissemination but also of the innovative realized methods. The members of the work teams had a constant presence in mass-media;
7. By the inclusion centre there were created stable partnerships between the public institution and the Roma organizations. For example, each agency from the areas where the project took place, there was designed a Roma representative to mediate the relation unemployed – institution;

8. The exchanges for the work places for Roma population created are adapted to the fluctuations from the work market and care about the short term guarantee for some needed jobs;
9. The organization was member in the Organizing Committee of the exchanges for the work places organized at the national level by The National Agency for Professional Engagement;
10. The organization is partner of MMSSF and its representatives are part of the Ministry's Commission for Roma.

### *Continuity*

1. There was created a work pattern efficient in the collaboration between nongovernmental organizations of the Roma and the National Agency of Professional Engagement, that may be given as example with the occasion of some other common initiatives;
2. The partner institutions assumed obligations in all the implemented projects to assure support for the beneficiaries also after the ceasing of the financing part. The Roma partner organizations assures the monitoring of the project's beneficiaries in the ANOMF case, this having the obligation by law that the lectures' graduated to be checked on a period of 6 months from their graduation, with the purpose of giving them a place of work;
3. The inclusion centers are integrated in an institutions network that holds even suppliers of social services – directives of CL, ONGs that offer these kind of services (i.e. for the Roam that do not have ID papers). The limited financial resources don't permit the taking over of these services and responsibilities at the level of the inclusion centers;
4. According to the planning at the level of engagement, the organization will create a network of inclusion centers during 2005 – 2008. Their extension will be realized in steps and takes into account firstly the urban centers that the number of the Roma population has a significant importance. After they assure about its functionality, the centers will be given to ANOMF.
5. There was initiated the exchange for the work places at the level of each district. These didn't have the character of some events with punctual objectives but facilitated the creation of some mechanisms of encouraging the Roma access on the work market;
6. The organization will suggest for approval a new project that follows the focalization on an external target – group: the Roma women. The project takes into account the particularities of the target group: status, reduced degree of

education, the lack of a qualification. There will be tired the introduction of an emancipation project, on counterbalancing of the traditional way in which the Roma woman is perceived.

### **“The bricks factory and the building of social houses in the Dumitrita village”**

#### **The Association for the Roma oneness**

The initial project predicted the realization of a brick place and the building of social houses. The project suffered substantial changes because of an error of the applicants who didn't budget correctly the activities of the project. According to the new project the main objective was to ensure social houses for 10 Roma families from the Cetate village. The brick place wasn't realized any more because of the lack of the necessary financial resources. Even in the conditions in which there would have been identified alternative local resources, the short period allotted for the implementation of the project wouldn't have been sufficient for their mobilization and the building of the brick place with more reduced costs comparing with the initial ones.

After the projects' change, the main objective was accomplished by buying a deserted block of flats that was in an advanced degradation. The building belonged to the IAS form Cetate village. In the first part of the project there were renovated ten apartments at the down floor of the block (with the money predicted in the project) and the up floor apartments were renovated both with personal financing and resources of the association and the beneficiaries of the project.

The apartments are rented to the young Roma families that were living together with their parents often in inappropriate conditions. According to the estimation of the Roma leaders, in the villages Cetate and Dumitrita live around 1600 Roma (during the evolution of the project, the villages that were part of the Dumitrita one, were part of Cetate village, the administrative reporting being realized after the project's finalization). Till the year 2000 the majority of the Roam families are confronted with major problems generated by the lack of houses or the week work engagement. Their situation met a significantly good path as the work places offer enriched in the Bistrita district. The most important employer from Bistrita a car wiring producer and also industrial machinery, offered for the Bistrita district over 3000 places of work. It is estimated that in the two villages there are at least 200 employees to this employer.

The project was implemented by the Association for the Roma Oneness and a society from the media field. The project's implementation was affected in the initial phase by agreement either between partners either between the members of the political organizations by which belonged the involved persons in the project. Also, the changes that took place in the project demotivated the partners. Actually, the mairy had a more reduced contribution than the one predicted in the project and didn't grant till the finalization of the project or the year 2004 sufficient support to the Democratic Roma Association for assuring the continuity of the project. Although they gave up to the brick building, CL should have given the places for the houses to ensure the building of new houses with the status of temporary or permanent houses for the young families. The local leaders consider that the financing would have been possible with personal resources, including with money that came from the houses' renting that were arranged inside the project. Anyway there are still made steps and there is principle agreements from CL part to obtain some field surfaces for the families that received an apartment in the block of flats and have a stable financial situation to allow them cover the necessary expenses for the building of a personal house. So, the renovated houses from inside the project will keep their status of social houses.

The block of flat has 20 apartments with one or two rooms encountering 34 rooms and a built surface of 529 sq. m. Inside the project there were renovated 10 flats at the down floor of the block and the roof was covered just to stop the water infiltrations. After the finalization of the project, ADR went on with the renovation work at the up floor of the block of flats and ensured 7 more apartments for the families of the young Roma. Other three houses are being renovated and are going to be given for living no later than the summer of this year. Depending on the available financial resources there will be executed renovation works of the exterior wells.

The project's beneficiaries are 17 young families (10 included in the first part of the project and 7 after the ending of the project). At the selection of the beneficiaries took part the mair also.

Each family signed a contract of renting with ADR, the owner of the block, contracts that will be renewed at each two years. The contracts' renewal is conditioned by the realization of some little interventions for the inhibitors' comfort.

With the support of the local council there were given for 10 of the families (included in the project since the beginning) a surface of 4 acres of earth nearby the block to be used for the vegetables' growing. The families contributed with work at the restoration of their own houses or of the common spaces, depending on each own resources.



The owner of the block of flats is presently the Association for the Roma Oneness. There is asked from the inhabitants a symbolic rent (less than 10 euros). The sum gathered this way is used for spending necessary for the maintenance of the common stations and utilities and for necessary direct spending for the block's administration.

The block of flats is connected at the electrical energy network, the contract being signed with the Association, the costs being parted for each family in a lump sum system. In the next period there will be realized the individual contorization for each flat. The water provision is secured from a near by well and till the end of the year the building will be linked at the alimentation network of the village. The block has sewage system already but it isn't functional.

There was also suggested a project for the continuation of the work to the building but it wasn't approved.

### ***Conclusions***

Although in the project's implementation were met some major difficulties, it had satisfactory results reporting to the proposed objectives. Its unity is recognized by the local authority but especially by the project's beneficiaries. In the first part there were problems with the mobilization of the beneficiaries for their participation to the project. The potential beneficiaries didn't trust the project's success and didn't accept to take part at the building's renovation and of the flats that were to be given to them. By the implication of the community's leaders and also of the mairy and the renovation itself motivated the beneficiaries but the interest for he project raised at the level of the entire community. In the final part of the project, the number of solicitations for houses overcame the block's capacity.

In the next period, the association will range an external space with common facilities for the inhabitants (playing places, the reconstruction of the individual spaces of depositing etc.).It is also wished the initializing of the steps towards the financier to sell the flats to the ones that rented them and the invested money to be used to realize new social houses. The project program suggests even the building of a brick place with this purpose. There is estimated that there would be needed at least 50 houses to cover all the solicitations.

**THE ACCESS OF THE ROMA WOMEN TO THE  
PREVENTION  
PROGRAM FROM THE HEALTH FIELD – CERVICAL  
GENITAL CANCER**

The Romanian Cancer Society from Cluj

Financer: EU

Budget: 71.724 euros, from which 43.141 EU contribution and 28.583 the implementer's contribution and of the partners

The time granted to the project: 10 months

The project had as a general purpose the bigger access at the medical services for prevention for the Roma women in Cluj district and was implemented by the Romanian Cancer Society in partnership with The Oncologic Institute "Ion Chiricuta" Cluj, The Romanian Society for Oncological Surgery and The Association for the Roma Cluj Women Emancipation.

The specific objectives of the project were established on four big dimensions:

1. *The forming of a network of communitarian support* to ensure the interface between the Roma communities and authorities/providers of services by training 11 coordinators of Roma origin, for the information activities and education of the women from the Roma communities, to participate at the screening program to detect the cervical cancer but also the formation inside the rural communities of an initiative group for health – made by Roma leaders, mair, doctor, medical nurse, priest and Roma women. The Association for the Roma Cluj Women Emancipation assured the mediators' training and the network's coordination both during the project and even after its ending.
2. *Activities of informing and training* of the women from the Roam communities of the Cluj district concerning their participation at the prevention program but also to the treatment in case of some specific health problems.
3. The testing of 1972 women by *screening* to detect the cervical cancer.
4. *To facilitate the access to the adequate treatment* for the Roma women with cervical neoplazia or with lesions precursory to the illness itself.

Inside the project, the implementer intended to cover with these kinds of services the urban places Cluj, Turda/Poiana, Campia Turzii and the villages Lunca, Gligorești, Rascruți, Bontida, Cojocna, and Apahida. The services were extended afterwards in all the places from the urban area and in some other ones from the urban area (Feurdeni, Berindu, Viisoara, Baci, Mera, Iurii de Campie, Morști, Taci, Sânpaul, Luna, Urca, Măciș, Deuș, Sardu, Suceag, Topa Mică, Chinteni) because of the initial supraestimation of the Roma women share. Actually this is the main reason why the share of the nonRoma women was of about 25% from the total of the women that benefited by the tests.

The project started with the training of a number of 11 sanitary coordinators from the Roma population in a course with a timing of 60 hours, being offered basic information concerning:

- The sexually transmitted illnesses, risks, ways of treatment;
- The appearance of the cervical cancer;
- Work procedures in identification of the potential beneficiaries.

In parallel with the network of mediators, there were created the initiative groups formed of Roma leaders, mair, and doctor, medical nurse, and priest, Roma women with the purpose of assuring the legitimacy and the raise of the trust level in the program for the potential beneficiaries. The success of this activity was partial, being able to realize the initiative groups only at the level of six local councils (Floresti, Apahid, Cojocna, Botnita, Turda, and Campia Turzii).

The informing activities proved to be some of the most important of the project. In the initial step of the project the working team had significant difficulties from the part of the possible beneficiaries. Their resistance degree lowered visibly by the mediators' involvement but also because of the informing activities put in function with the help of the initiative groups at the level of the six mentioned places. The most important problems were mentioned in the traditional Roma communities in those badly affected by the social problems. Significant difficulties were found in the work with the women that were found with severe or mild dysplasia. From the 1972 of tested women there were found 91 cases of dysplasia from which 18 needed surgical interventions and 552 cases of sexual transmission illnesses. Only a third of them followed the doctor's indications by accepting the surgical intervention (dysplasias) or lowering the entire treatment period. The members of the project team conclude that the ignorance, the traditional way of life and the fear were the main factors that explain the reduced number of women that asked the medical services' intervention after the illness was found.

## *Results/effects/impact*

1. There were formed 11 sanitary mediators/coordinators from the Roma population. The network facilitated the access to preventive medical services and offered support to the medical institutions according to the big number of refuses to take part at the medical programs that were registered in the traditional Roma communities. At the same time, the mediator facilitated the access to the medical services by the subscribing to the family doctor those who weren't already but eligible.
2. There were made 1792 Papanicolau tests in the entire district Cluj. It is estimated that in each Roma community the participation level of the women was of about 30 and 50%. Also, the services' extension in the rural area which was possible by using the special equipped auto-utilitarian car for the realization of the screening tests, facilitated the access to the medical services of the women from the rural area also, where there is registered a great number of unsubscribed medically.
3. There were identified a number of 91 severe and mild dysplasia's from which 18 needed surgical interventions and 552 cases of sexual transmission illnesses. The personnel of the Oncological Institute "Ion Chirita" assured the access to the surgical interventions and treatment for the women that were found with dysplasia. In the case of the 552 cases of sexual transmission illnesses although there were made the necessary steps to the CAS Cluj to get free treatment, only a third followed it. In the case of the women that were fund with soreness, atrophy, neoplasia or injuries resulted from the health problem already existent, there were prescribed the necessary treatments. This way was stopped the aggravation of the illness for more than half of the total tested women.
4. The strengthening of the collaboration relation between the governmental organizations and the local public institutions with medical orientation. Although the creation of some function communitarian support groups was possible just in a small number of communities, the experience of involvement of the local institutions and of the communitarian leaders proved to be an important success factor, especially in the traditional Roma communities.
5. By implementing this project, the level of information raised both for the target group and for the entire Cluj district population. There were developed a series of informative materials and a part of the project team members took part at a series of radio and TV shows. Also, the president of the Romanian Society for Cancer has a constant participation at a TV show at a local network, of whose audience is appreciated as being in evolution in the last two years.

6. The accumulated experience by the project's team facilitated the creation of two informing centers for health in Cluj.

### *Continuity*

---

1. At the end of the project, the auto - utilitarian car that was bought was sent to the Romanian Society for Cancer and used by the Oncological Institute "Ion Chiricuta" to go on with the tests in communities with high level of risk. The costs for a test are estimated to 9 euros.
2. There is continued the intervention in the case of the 91 women that were identified with severe and mild dysplasia. With the help of the Oncological Institute "ion Chiricuta" will be supported the access to treatment or surgical intervention.
3. The Health Council from Cluj assures the monitoring of the women that were found with wounds because of the illness.
4. The Romanian Cancer Society intends to evolve another program in the health field at the level of three districts: Cluj, Salaj, Satu Mare with the USAID and GSI financing.
5. The Romanian Cancer Society initiated together with the Oncological Institute a similarly project but having as target point the Roma men for finding the prostate cancer. The project has as partner the Cluj mairy, it is evolved only at the level of the district and it is estimated that will finally have a number of 450 beneficiaries.

One of the identified problems by the partners after the end of the project was about the continuity of the meditative sanitary activity. There was admitted the necessity of identifying a stable financing source for the mediating networks but especially the assurance of a formal status, by emitting a document that certificates their qualification and experience.

Also, taking into account the very big number of women that were found with sexual transmission illnesses there would be necessary the creation of a program that is publically financed to facilitate the free testing of all the persons no matter the fact that they are or not medically subscribed.

# THE INFLUENCE OF EMPATHY AS AN INTEGRAL PART OF THE SOCIAL COMPETENCES ON SUCCESSFUL SOCIAL INTEGRATION

*Otilia DANDARA\**,  
*Iulia ADAM\*\**

---

*Abstract: The presentation of the results of social project evaluation is an area which reflects methodological aspects specific to the analysed field. The necessity to replicate and multiply the good practices identified within the implemented activities proposes a collection of analysed projects with the purpose to promote the initiatives regarding the control of exclusion from the basic services in the disfavoured communities, particularly in the Roma communities.*

*Keywords: community, European funds, standard of living, vulnerable social group, Roma groups*

The problem of empathy has a high importance, being appreciated at an empirical level as being essential for the social performance of an individual. Not only at a social representation level, but also in normal relationships, inter-individual, the empathy's role is supposed to be special. A. Manstead and M. Miles appreciated that empathy received in the last two decades a special attention from social psychologist maybe because of the strong link between empathy, pro-social behavior and social competence.

In approaching the empathy phenomenon we guide after:

---

\* PhD, Professor of State University of Moldova, email: otliadandara@gmail.com.

\*\* MA student Education Sciences, University of Moldova, email: iulia.adam@penitenciar.gov.md.

- Theoretical considerations on empathy of D.Hoffman;
- Theoretical consideration on social competences of D.Goleman and S.Moscovici.

We consider empathy highly important for social integration and socio-professional, essential phenomena for a human as a social being. In this context, empathy is the base of certain social behaviors, manifested through so called social competences.

Through this we understand the social behavior's patterns which form capable individuals regarding from a social point of view, able to produce the desired effects on other individuals (Moscovici S., 1998, p.75).

Generally, it is considered that the presence of these competences can radically influence social life and even mental health.

Thorndike defined social competence as being the capacity of understanding and acting appropriate in inter-human relationships. It shows the ability of being able to argument ideas, controlling emotions in stead of using rough force. The best art of relationship is based on social competence through which the person is able to easily cope with people and straighten the "un-adjustments" from the social environment. Lacking this ability, intellectual performance makes the person arrogant and insensitive. Social competence facilitates inter-human contacts (Roco M, 2001).

Social competence is the perception and someone's authority of saying his point in a problem of the society or the group he belongs to at a certain class (according to DEX dictionary).

Many psychologists realized that social competence assures the success in day to day life and is a way of specific sensitivity towards relationships with people. Sociability makes the personality to constantly develop and create fine demeanors and contributions, ideals and aspirations carved by the environment's demands.

Social competence to which P.Muresan refers is always taking place, comes into phases of disorientation in puberty and adolescence and than it strengthens in a specific way with boarders of tolerance, morality, culture, civilization and even sociability.

R.K. Morton is convinced that tactical preparation in developing the social competence of every person would favor the hierarchical role he gets. According to Morton, this training is done not only through information and knowledge, but also through a slow process of the demeanor's accordance with the potential status. The author claims that introverts are less sociable and do not feel the need to participate to social reunions, on the contrary, they avoid them, despite the extrovert who is sociable, active, involved in more forms of public, social activities at the same time (apud Ogien A, 2002).

Th. Hatch and H. Gardner consider that the art of leading is a form of sui generis of the social competence which is the recognition of the other's feelings and the capacity to rapidly make connections between them. In their vision, social competences include some abilities: group organization, negotiating the solutions, personal connections and social analysis (study, research), all these abilities being ingredients needed for charm, success in society (apud Roco M, 2001).

Through a simple analysis of the social competences, we identify constitutive elements of the social competences: influence, communication, conflict management, establishing relationships, collaboration, cooperation, team work capacity.

A classification of the social competence components, argued from a scientific point of view, is presented by Daniel Goleman in describing the dimensions of emotional intelligence (Goleman D, 2001). Therefore, to the five dimensions of emotional intelligence correspond 25 competences, of which 13 are social, such as: empathy, assertiveness; other's development; tolerance; social conscious; influence; communication; leadership; conflict management; building relationships; collaboration and cooperation; team spirit; the change factor.

One essential element of the social competence (or a competence that contributes to social competence building, appreciated as macro-competence) is empathy. Empathy is acknowledged as:

- Altruist behavior;
- Regulator mechanism of inter-personal relationships;
- Effective means of developing and engulfing the interior meaning of moral relationships;
- One of the most important factors of personality development;
- Major demand for artistic creation;

Empathy is a common feature of all men, having at the base hereditary predispositions. As an expression of this capacity, during the individual existence, an empathic appreciative style is created and an emphatic behavior. Between empathic capacity and emphatic behavior as a constant way of manifesting it, there are tied relationships. The empathic capacity through manifestation at the individual level contributes to:

- Psychologically knowing the other;
- Understanding and predicting the other's behavior;
- Facilitation of the interpersonal communication



- Facilitating the social adaption through elaborating a private strategy of an individual's behavior and other's behavior;
- Achieving performances in profession and social efficiency.

The empathic attitude is always moved by moral judgments, in moral dilemmas. M. Hoffman, preoccupied by this problem, sustains that the roots of morality are in empathy, because it makes us care about the potential victims, makes us share their grief and help them. M. Hoffman supposes that the same capacity for empathic affection, the possibility of putting yourself in someone else's place makes people respect certain moral principles (Goleman D., 2001).

Empathic behavior is determined by three variables, two cognitive ones: the ability to encode and classify other's affective moods and the ability to hypothetically evaluate the way of behaving and the other's perspective, and the third of affective nature-emotional impressionability (the capacity of associating your own emotions with someone else's).

Highly empathic people are altruist, generous, tend to give a helping hand to other people, have a well defined pro-social behavior, and are well socially adapted and generally a bit anxious.

A. Mehrabian established four aspects of empathy:

- Clear perception of personal and other's emotions;
- Exercising the capacity replying with emotion and adequate behavior;
- Involvement in an interpersonal relationship, having the ability to honestly express emotions, showing respect and consideration;
- The capacity of working equilibrates (Roco M, 2001).

Steven Stein and Howard Book define empathy as being the ability of being aware, understanding and appreciating the other's feelings and thoughts. Empathy means being sensible to what, how and why people feel and think this way. This means to be capable to "read them, from an emotional point of view". People who have these qualities show interest towards others and are preoccupied by their situation (Steven S. J. Howard E.B., 2003).

For Roger the empathy is not the mood, but the process, which implies "entering someone else's personal world and being as home, being sensible to any change that may occur" (Roger K., 1994).

In Roger's work three essential characteristics of the empathic process are described:

- maintaining your personal position in this process;
- the existence of compassion, not just a positive attitude towards the other;
- the dynamic character of empathy.

Steven Covez describes empathic listening being so strong because it gives information about how we must understand the other. Instead of projecting your own biography and suppose thoughts, feelings, reasons and interpretations, we deal with the mind and soul reality of another person (apud Юцынов И. М. 1995).

Empathy determination as a cognitive-affective process was presented in L. Vispe's works, who claims that compassion is a state of being aware of another human's suffering, which would be relieved. Empathy would be the attempt to understand without judging negative or positive sensations of another person. This is an active process, tied to making some efforts, while we try to understand the other one.

M. Hoffman's conception is original; he describes empathy as an affective reaction. According to him, in the development process, children pass from the stage of not knowing the difference "me" and "not me" to which they react to someone else's suffering as to his, to the stage in which he starts to make the distinction between those from around him, in report with his personal sensitivity and emotional troubles (apud Goleman D., 2001).

T.G. Grigorieva says that empathy appears when being aware of the emotional state of someone else, and in negative situations this receptiveness appears like compassion, sadness, pity. In her studies she distinguishes receptiveness and compassion as empathic forms, receptivity being the experience of those emotions felt by the other person. The individual relives because he had felt such emotions in his past experience and maybe he will encounter another one in the future (Григорьева Т.Г., 1997).

Other studies show empathy as one of the most important phenomena of interpersonal relationship, in the process of whom the value system is born, which will prior determine a person's behavior. At the same time, in empathy one of the following can dominate: gnosiological –manifested through exact understanding of the other's mood; affective- manifested through emotional implication in the affective mood of someone else; behavioral –manifested through support actions. Approached this way, empathy is one of the basic mechanisms of adjusting interpersonal relationships (Сивицкая Л.А., 1998).

The level of empathy development is positive or negative influenced by a series of factors from childhood. Therefore, studies have identified factors that help empathy development:

- mothers, their behavior towards children are: non-punitive, non-authoritarian and receptive;

- relationships with other children and promoting the idea that behavior manifestations towards the other must be good;
- shaping parental behavior towards children and others in the presence of children;
- parents encouraging children to talk about emotions and problems.

At the same time there also are factors that stop empathy development:

- threats or body punishments;
- unaware care and rejecting the baby in the moments when he needs emotional support;
- mother abuse;
- extrinsic rewards for improving the child's behavior.

Therefore, the roots of empathy are somewhere in childhood, and parents have a fundamental role in what regards the degree of empathy development through the fact that they are behavior models. Researches have shown that there is a correlation between certain commotion and the level of empathy. Autism, borderline commotion, nervous anorexia, adult's abusive behavior are due to empathy deprive from at least one of the parents (Florian, Gh. 2001).

From all these we can see that the necessity and importance of empathy in personality building. This phenomenon assures social opening and contributes to creating a mechanism of self-accomplishment.

- it coordinates the actions in a rapid and automatic way, which allows them to respond more efficient to potential threats or opportunities;
- it helps solve the problem of understanding thoughts and intentions;
- The link which guarantees solidarity.

As a complex process, empathy does a series of functions

- a) **Cognitive function** – involvement in psychological transposition in the reference system of the other's through which an act of empirical knowledge of the partner is made (how friendly, interesting, optimistic, aggressive, anxious etc he is) a tacit and circuted knowledge.
- b) **The communication function**- answers to the needs of a dialogue and temporary change of your perspective with his, a condition in an efficient interpersonal communication;
- c) **The function of affective contagion** –it comes from getting close and identifying me with the other's "I", situation which attracts the phenomenon of temporary

contamination, the other's state. It is given by the possibility of the subject to move on identification scale of detachment and conditioned by life conditions;

- d) **Performance function**- in certain professions, empathy becomes the ability to favor a successful realization at an over-environment of an activity which implies interpersonal relationships.

We had identified empathy's dimensions, proving the importance of the phenomenon for the social competences of a person. Empathy itself is not just a mood, but a competence. Because it contains cognitive components, affective and behavior, it fits in the dimensions of the competence concept. It is a behavior which can be learned, obviously having at base an affective dimension.

If we start from the axiom that a person's social essence is in communication and relationships, we see the necessity and importance of empathy for integrating the individual in his life environment. Empathy is a social behavior reproduced through education. Even the level of empathy can be determined on the base of some criteria which express the socio-cultural nature of its appearance. Therefore the problem of empathy, as an integral part of social competences must become a major one in the personality forming process.

### ***Bibliography:***

- Florian, Gh. (2001), *Psihologie penitenciară*, Editura Oscar Print, București.
- Goleman D. (2001), *Inteligența emoțională*, Curtea Veche, București.
- Moscovici S. (1998), *Psihologia socială a relațiilor cu celălalt*, Polirom, Iași.
- Ogien A. (2002), *Sociologia devianței*, Polirom, Iași.
- Roco M. (2001), *Creativitatea și inteligența emoțională*, Polirom, Iasi.
- Steven S.J. Howard E.B. (2003), *Forța inteligenței emoționale. Inteligența emoțională și succesul vostru*, Alfa, București.
- Григорьева Т.Г. (1997), *Основы конструктивного общения*, Совершенство, Москва.
- Роджерс К-Р. (1994), *Взгляд на психотерапию, становление человек*, Москва
- Сивицкая Л. А. (1998), *Социально-педагогические основы развития эмпатии подростков в детском общественном объединении*, Москва
- Юсупов И. М. (1995), *Психология эмпатии (Теоретические и прикладные аспекты)*: Дис. д-ра. психол. наук. СПб. Гос. Ун-т.