

March 2013

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## ***Floroiu v. Romania (dec.) - 15303/10***

Decision 12.3.2013 [Section III]

### **Article 4**

#### **Article 4-2**

#### **Forced labour**

Remuneration of a detainee for work performed in prison in the form of a reduction in sentence: *inadmissible*

*Facts* – The applicant was sentenced to five years and ten months' imprisonment for theft and, at his own request, was allowed to work, maintaining the prison's vehicle fleet while serving his sentence between December 2007 and January 2012, when he was released on licence. During that time he did 114 days' work. As the work was deemed to involve the day-to day running of the prison, he was not paid but, by way of compensation, received a reduction of 37 days in the sentence remaining to be served.

Before the Court, the applicant complained that he had not been paid for the work he had done while in prison.

*Law* – Article 4: Since the entry into force in 2006 of the new Execution of Sentences Act, Romanian law had required prisoners' consent before they were assigned work in prison. Moreover, it had been as a result of a request by the applicant himself that a special panel had assigned him the task of maintaining the prison's vehicle fleet. As regards the applicant's lack of remuneration, this did not in itself prevent work of this kind from being regarded as "work required to be done in the ordinary course of detention" within the meaning of Article 4 § 3 (a) of the Convention. In addition, the [European Prison Rules](#)\* referred to the normalisation of prison work as one of the basic principles in this sphere. More specifically, Rule 26.10 stated that "in all instances there shall be equitable remuneration of the work of prisoners".

In the present case, domestic law provided that prisoners could either carry out paid work or, in the case of tasks involving the day-to-day running of the prison, unpaid work entitling them to a reduction of their sentence. Prisoners were able to choose between the two types of work after being informed of the conditions governing each type. In return for his 114 days' work maintaining the prison's vehicle fleet, the applicant had been granted a significant reduction in his sentence, amounting to 37 days. Accordingly, the work he had carried out had not been entirely unremunerated. It could therefore be regarded as "work required to be done in the ordinary course of detention" within the meaning of Article 4 § 3 (a) of the Convention.

*Conclusion*: inadmissible (manifestly ill-founded).

\* Recommendation Rec(2006)2 of the Committee of Ministers to the member States of the Council of Europe on the European Prison Rules, adopted on 11 January 2006.

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