"Ensuring the freedom can be achieved only by placing freedom into somebody else's hands, that is giving others the power to defend it anytime and anywhere, in Parliament and court"

John Adams
# CONTENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>STRATEGY AND GOALS OF THE CENTRE FOR LEGAL RESOURCES</td>
<td>2</td>
</tr>
<tr>
<td>TEAM</td>
<td>3</td>
</tr>
<tr>
<td>AFFILIATIONS</td>
<td>3</td>
</tr>
<tr>
<td>ANTI-DISCRIMINATION</td>
<td>4</td>
</tr>
<tr>
<td>ADVOCATE FOR DIGNITY</td>
<td>11</td>
</tr>
<tr>
<td>PUBLIC INTEGRITY</td>
<td>21</td>
</tr>
<tr>
<td>JOINT PRESS RELEASES WITH OTHER NGOS</td>
<td>27</td>
</tr>
</tbody>
</table>
ABOUT THE CENTRE FOR LEGAL RESOURCES

The Centre for Legal Resources (CLR) is a non-governmental, non-profit organization, established in 1998 by the Open Society Foundation (nowadays Soros Foundation), which actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice and which contributes to the capitalization of its legal expertise for the general public interest.

THE ORGANISATION’S PROGRAMMES ARE FOCUSED ON TWO STRATEGIC AREAS:

- Improvement (simplification, clarification, completion) of the legal framework able to respect and apply the national and international standards regarding human rights and liberties;
- Development of a system of competent and transparent public institutions, which safeguard the implementation of the law;
- Raise the public awareness in regard to human rights guaranteed by law.

GENERAL OBJECTIVES OF THE CLR’S PROGRAMMES:
CLR’S TEAM

- Georgiana Iorgulescu – Executive Director
- Valentina Nicolae – Executive Assistant
- Georgiana Pascu – ‘Advocate for Dignity’ Program Manager
- Delia Niţă – ‘Anti-discrimination’ Program Manager
- Radu Nicolae – ‘Public Integrity’ Program Manager
- Ágnes Csonta – ‘Anti-discrimination’ Program Assistant
- Niculina Popescu – Economic Manager
- Pavel Rotaru - Accountant
- Liliana Florea – Secretary
- Florin Călugru - Administrator

AFFILIATIONS

- National Focal Point for Romania within FRANET – Network of national experts of the European Union Agency for Fundamental Rights (FRA);
- Integrity and Good Governance Network (coordinator).
The anti-discrimination program has been an active program of the Center for Legal Resources since 2003. In order to contribute to a Romanian society where equality becomes the norm rather than the exception, CLR pursues the following strategic objectives:

- an increased efficacy of the Romanian the equality body (National Council for Combating Discrimination-NCCD) in what concerns its role of preventing and combating discrimination in the Romanian society;
- equality mainstreaming in Romanian laws and policies, especially those with a direct impact on vulnerable groups;
- an increased capacity of civil society organizations and the members of vulnerable groups to combat discrimination, and a Romanian public which is more aware of discrimination and its effects.

The program works for the achievement of these objectives through the following: Advocacy; Monitoring and reporting; Training and capacity building; Watchdog activities.

CLR has been national focal point for the EU Agency for Fundamental Rights (FRA) in the area of racism and xenophobia (2006-2010), has managed the Romanian network of legal experts for the FRA (2007-2010), and continues as national focal point in the area of fundamental rights for the FRA since 2011, becoming part of the FRANET research network. In this capacity, CLR has drafted numerous country reports in the area of racism and xenophobia, but also in other fields (homophobia, human rights institutions, asylum, access to justice, data protection, gender equality, child rights).

CLR has also been part of various European Commission supported networks in the area of anti-discrimination, providing research (from a socio-economic perspective) or training.

Through its various projects, CLR has provided and continues to provide training to NGO members, social partners, staff of local authorities on the following topics: anti-discrimination and equality of chances; media and human rights (with a focus on anti-discrimination); diversity management; and NGO capacity building.

CLR has consistently condemned discrimination, taking public stand against it, especially when it came from state officials (elected or not) and has legally supported or initiated cases before the equality body or courts of law, thus activating the anti-discrimination legislation.
• **FRANET Project** *(Network of national experts of the European Union Agency for Fundamental Rights, FRA)* – Details at: [http://fra.europa.eu/en/research/franet](http://fra.europa.eu/en/research/franet) - CLR is the national focal point of FRA in Romania within the FRANET network, managing the drafting of reports and the conduct of qualitative research reports for Romania, as required by FRA. The reports are drafted by the network of national experts managed by CLR.

Within the FRANET project, CLR has implemented the following:

- **Qualitative research projects on:**
  - *LGBT persons and public authorities* - this project was implemented with the support of Accept Association as subcontracted partner. 54 interviews were conducted (public officials, police officers, health and education professionals) regarding the provision of their specific services to LGBT persons;
  - *Freedom to conduct business – the interpretation of a right and its application in practice* – the report included desk research and at least three interviews to confirm the information from the desk research with: business representatives, representatives from relevant population groups in business (youth and women), representatives relevant to access to justice issues in business;
  - *Children in Justice-Phase IIa* – it included 12 consultations and pilot interviews conducted with children (children victims or witnesses in criminal cases and parties in civil proceedings) and two focus-group consultations were conducted with adults, on the general awareness of children’s rights when the children are part of court proceedings;
  - *Victim support services – Phase IV – The rights and support of victims of hate crime* - The report included the results of 10 interviews with police officers, judges, prosecutors and NGO representatives. It also includes a general overview of legislation and policies in the field.

- **Desk research reports on:**
  - Freedom to conduct business I (general overview of the legal and policy framework);
  - Victim support services 3 – An overview and assessment of victim’s rights in practice;
  - The situation of Roma in the EU;
- Guardianship systems for child victims of trafficking;
- Severe forms of labour exploitation – allowing victims of severe forms of labour exploitation to have access to justice in EU member states;
- Children with disabilities: targeted violence and hostility;
- Gender-based violence against women – Legislation and institutional aspects;
- Criminalization of irregular migration;
- Political participation of persons with disabilities;
- Mapping data sources on Roma
- Annual report 2013

- **NET-KARD Project - Cooperation and Networking between Key Actors against Roma Discrimination**, co-financed by the European Commission, Fundamental Rights and Citizenship Programme, Project Code No. JUST/2012/FRAC/AG/2848
CLR has been implementing this project in the field of Roma inclusion in the period 2012-2014, in partnership with the Fundacion Secretariado Gitano from Spain – the project coordinator. The other partners of the project are: Roma Secretariat Foundation in Romania (branch of the Fundacion Secretariado Gitano in Romania), European Anti-Poverty Network (EAPN) Portugal and equality bodies from Italy and Portugal. The aim of the project is to provide resources to key professionals in preventing discrimination against the Roma as well as to foster networking mechanisms and working methodologies among these key agents in the fight against discrimination and support for victims, namely: lawyers and jurists, police services, Roma associations and media professionals. Information on the project is available at: [http://www.gitanos.org/servicios/documentacion/publicaciones_propias/fichas/100464.html](http://www.gitanos.org/servicios/documentacion/publicaciones_propias/fichas/100464.html)

In 2013 CLR has drafted in partnership with the Romanian Roma Secretariat Foundation branch a national report on the legal and policy framework on anti-discrimination with a focus on Roma in Romania (available at: [http://www.crj.ro/EN/News/Contribution-of-the-Center-for-Legal-Resources-to-the-national-report-regarding-discrimination-of-Roma-in-Romania-drafted-within-the-NET-KARD-project/](http://www.crj.ro/EN/News/Contribution-of-the-Center-for-Legal-Resources-to-the-national-report-regarding-discrimination-of-Roma-in-Romania-drafted-within-the-NET-KARD-project/)). CLR has also conducted focus groups with legal professionals doing human rights work and with media representatives on their experience and ideas on what would make a difference for Roma inclusion. The results feed into practical guides for professionals working in Roma communities/for Roma inclusion, CLR being tasked with drafting the guide for legal professionals.
**Participation in Working Groups, Public Debates and Dissemination of Points of View**

- **Participation in international human rights mechanisms, Geneva**

  CLR has continued to participate at the UN Universal Periodic Review on Romania, being present in Geneva through all stages of the process, and disseminating information on the issues of concern to the field of equality. The topics already introduced by CLR in the process in 2012 were: the activity of the equality body (National Council for Combating Discrimination - NCCD), the situation of Roma housing in Romania (particularly extreme housing situations and forced evictions), the implementation of the Optional Protocol to the Convention Against Torture, mainly the lack of creation of a Romanian National Preventive Mechanism, and particular issues related to the rights of persons with mental disabilities in closed institutions (more information available at [http://www.crj.ro/EN/The-participation-of-the-Centre-for-Legal-Resources-to-the-Universal-Periodic-Review-UPR-of-Romania-at-the-UN/](http://www.crj.ro/EN/The-participation-of-the-Centre-for-Legal-Resources-to-the-Universal-Periodic-Review-UPR-of-Romania-at-the-UN/)).

  **In January 2013**, CLR was present at the 15th session of the UPR working group, where the Romanian state has presented the national report within the evaluation and then entered a dialogue with the other states. CLR has had the opportunity to interact with representatives of the other states, offering to the state missions reactions to the Romanian report on the real situation of Roma housing and on the right to own property as connected to the right not to be discriminated against, more precisely to the restitution of properties, especially the Greek-Catholic Churches, by the Romanian state.

  Within the working group session, CLR has noticed that one of the recommendations made by the French state to Romania, namely to make its national human rights institution, here explicitly mentioning the NCCD, fully compliant with the Paris Principles (Principles adopted by the UN General Assembly referring to the way in which a human rights institution should be regulated and should function to be truly effective in promoting human rights) has been modified in the draft report on Romania of the Working Group, leaving out the explicit mentioning of the NCCD. The recommendation would thus have become useless. CLR has signaled this problem to the missions, mentioning as an argument for the importance of strengthening the institution, the lack of sanction from the NCCD for the then Minister of Foreign Affairs Baconshi for the statements he had made in February, 2010, namely that: “we have some physiological, natural problems of criminality” with the Romanian Roma communities from France. Although at the adoption of the Report on Romania by the working group this omission has not been rectified by France, it has drawn the attention of all missions on the matters signalled by CLR and on its presence there. (See more information on the January participation here: [http://www.crj.ro/EN/News/The-participation-of-the-Centre-for-Legal-Resources-to-the-Universal-Periodic-Review-UPR-of-Romania-at-the-UN-1166/](http://www.crj.ro/EN/News/The-participation-of-the-Centre-for-Legal-Resources-to-the-Universal-Periodic-Review-UPR-of-Romania-at-the-UN-1166/))

  The fact that the UN took note of CLR’s information was also evident from the fact that, in its opening remarks within the 23rd session of the Human Rights Council from June 2013, when the
report on Romania was considered and then adopted, the Romanian state felt the need to allocate a considerable part of its intervention to the materials distributed by the Centre for Legal Resources in January 2013. In more detail, through the materials distributed at that time, the Centre for Legal Resources had reacted to the report presented by Romania within the working group. CLR had presented information, among others, on the real situation of Roma vulnerable communities from Baia Mare, separated through a wall or forcefully evicted and relocated, by the municipality, to buildings which endanger their health, and of those from Cluj-Napoca, more precisely the Roma communities from Pata Rât, who live next to the city waste collection site. CLR’s representative, also representing Romani CRISS, this time (in June) had the opportunity to make two oral statements before the Human Rights Council session, and thus to react to the statements of the Romanian delegation.

The fact that the Romanian delegation spent a third of its time replying to the issues raised by CLR, and that CLR then had the opportunity to respond, again criticizing Romania’s attitude, in the context of the Human Rights Council of the UN, gave extraordinary visibility to the issue of Roma housing and discriminatory high-level speech in Romania, as well as to the problematic performance of the Romanian equality body. Romania’s unwillingness to adequately address these problems was also evident from its statements and attitude. See details and reactions at: (http://www.crj.ro/EN/News/Briefing-The-Participation-of-Romani-CRISS-and-the-Centre-for-Legal-Resources-to-the-Human-Rights-Council-at-the-UN/ and http://www.crj.ro/EN/News/Romania-reports-before-the-UN-its-great-achievements-on-human-rights/)

- **Debate ‘Diversity and non-discrimination in the field of employment’, Bucharest**

CLR has organized within a larger project implemented at the level of the organization a debate on the topic of anti-discrimination and Diversity management in Romania. Following a visit to France where representatives of CLR met the Diversity Charter and Diversity label organization/state structures in France, as well as a good number of professional organizations, NGOs and other institutions working in the field of equality and diversity, a meeting was organized in Romania with representatives of institutions, NGOs and trade-unions.

- **Conference “Bridges of Tolerance”, Bucharest**

In October, the CLR project manager has been invited by the “Elie Wiesel” Institute to hold a conference presentation at the Romanian Parliament within a B’nai B’rith project called “Bridges of Tolerance”. The presentation tackled the topic: “Public interest between free speech and the right not to be discriminated against”, presenting a critical analysis of decisions of the Romanian equality body in cases of high dignitaries making discriminatory statements.
STRATEGIC LITIGATION

CLR has won in cases concerning highest-level discriminatory statements against the Roma:

- In 2010, the then MoFA Teodor Baconschi associated, in a press statement, Roma ethnicity with criminality out of “physiological, natural” reasons. CLR and a number of other NGOs publicly protested at the time and initiated litigation before the National Council for Combating Discrimination (NCCD) against the Minister and the Ministry he represented. The NCCD, while finding that the Minister had discriminated, only issued a recommendation. CLR and other NGOs contested the decision in court. The Highest court in Romania – the High Court of Cassation and Justice, returned the case for reconsideration at the Court of Appeals in Bucharest instructing it to see that a recommendation is not a sanction in itself but leaving the Court of Appeals to decide on the other matters considered in the case. The Court of Appeals decided that the NCCD should once again look at the case from the perspective of its sanction since a recommendation, once discrimination had been found, could not be considered to represent a sanction. On the other hand however, the Court of Appeals decided that the Ministry, as an institution, should not also be held liable for the statements made by the Minister, and that the right to dignity was not breached since there was no purpose (intent) in the Minister’s discriminatory statements. On the last two points the Court of Appeals preserved the decision of the NCCD. CLR and the other NGOs party in the litigation decided to once again contest this decision before the High Court asking it that this time it take itself under consideration and decide on whether purpose (intent) is necessary to establish that the right to dignity has been breached through statements already considered discriminatory and on whether in situations where the MoFA breaches the law through statements made in performing his office duties these breaches also legally engage the Ministry as an institution.

- In a visit to Slovenia in 2010, the Romanian President Traian Basescu declared that nomadic Roma “traditionally, live off what they steal”. A case against the president was brought before the NCCD by Romani CRISS NGO. The NCCD invoked lack of territorial capacity to consider the case, and dismissed it. Romani CRISS contested the decision to dismiss before the Court of Appeals in Bucharest. CLR intervened in the case, arguing on the general legal principles of territorial capacity in relation to anti-discrimination law. The Court of Appeals decided in favour of Romani CRISS and CLR, but the NCCD contested the Court of Appeals decision before the High Court of Cassation and Justice, which also decided in favour of Romani CRISS and CLR. As a result, the NCCD sanctioned the president in 2014 with a fine of 600 LEI (approx. 130 euro) making him probably the only president fined for discrimination.
PRESS RELEASES, PUBLIC STATEMENTS/PUBLIC LETTERS:

- Romania reports before the UN its “great achievements” on human rights (condemning the position of Romania before the UN in reference to criticisms brought by CLR) [http://www.crj.ro/EN/News/Romania-reports-before-the-UN-its-great-achievements-on-human-rights/] (25.06.2013)


Programme Budget: 221,125 Euro
ADVOCATE FOR DIGNITY PROGRAMME

Through the programme ‘Advocate for dignity’, in 2013 the CLR aimed at contributing to:

- creation of an independent national preventive mechanism in accordance with OPCAT provisions, the UN Convention on the Rights of Persons with Disabilities and the new proposals within the Mental Health Act no.487/2002;
- improving legal and institutional framework on the protection of rights of people with mental disabilities and their inclusion in society;
- improving the respect for the right to health for the most vulnerable groups of people with mental disabilities (those people living in deprivation of liberty).

PROJECTS


  The project is implemented in the period 2013-2015 in partnership with the Mental Disability Advocacy Center in Hungary (main applicant) and other organizations/institutions from England, Latvia, Lithuania, Slovenia, Bulgaria, Cyprus and Spain.

  The project aims to ensure access to justice (in administrative, civil and criminal legal domains) for children with mental disabilities (term used to refer to children with intellectual disabilities and children with psycho-social disabilities), building on existing evidence and guidance relating to children and people with disabilities generally.

  Project objectives include:

  1. Development of a methodology for data gathering on access to justice for children with mental disabilities across the EU.
  2. Development of standards for access to justice for children with mental disabilities (in relation to protection of privacy, child participation, accessible information about access to justice options, legal assistance, legal representation, protective measures and special assistance) based on relevant research evidence and best practice across the EU.
  3. Development of training and educational materials for access to justice for children with mental disabilities. These packages will be designed to be of relevance and potential use to professional bodies (including the judiciary and the police) and to providers of academic courses in universities (including courses on law, human rights and disability studies).
4. Advocacy actions to ensure that the methodology, the standards and the training materials are disseminated to and considered by policy-makers in all member states.


- “Children Deprived of Liberty in Central and Eastern Europe: Between Legacy and Reform”, co-financed by the European Commission, Fundamental Rights and Citizenship Programme, Project Code No. JUST/2012/FRAC/AG/2685

The aim of the project is to assess the compliance of domestic legislation and practice with European and international standards in the field of children deprived of liberty in the following countries: Bulgaria, Hungary, Romania and Poland. As a result of a common communist legacy, all the above mentioned countries face similar problems in the living and placement conditions of children in closed establishments. International organizations consistently note the need for reform in institutional care and juvenile justice in Central and Eastern Europe and note that depriving children of liberty continues to be the norm.

Additionally, there is also a considerable lack of reliable and comparable data in the EU to provide a stepping stone for evidence-based policies on children’s rights nation-wide or on an EU level. While each organization has conducted numerous studies on different aspects of children deprived of liberty during the last 20 years, none have been able to capture the entirety of system at a single time.

There is also very little jurisprudence of international bodies capable to guide the reforms. Thus, this project aims to fill the gap and provide a systematic overview of the closed establishments where children are deprived of liberty, including those for children undergoing criminal sanctions, as well as children placed in institutions for other purposes (educational supervision, medical treatment, deportation etc.). Thus, the project will help not only in the national reform processes but for the creation of a Europe-wide children’s policy. What is more, the childcare system reform underway since the nineties has not been comprehensive and it is difficult to assess the areas for further reform, again due to lack of reliable data.

The main project objectives are as follows:

- Increase the understanding of the gaps and inconsistencies in the legal framework;
- Assess the current placement of children in institutions depriving them of liberty for compliance with international standards on liberty and security of children;
- Facilitate reforms and exchange of best practices;
- Increase awareness concerning the placement and living conditions in institutions depriving children of liberty;
- Help to integrate children's rights, particularly in the area of deprivation of liberty, in the EU's fundamental rights policy and provide reliable data for evidence-based policies.
Main activities:

- **Legal Research**

  During the first four months, each organization will conduct research and analysis on domestic and international legal frameworks, policies and norms. The research will serve to systematically identify significant gaps in the legal framework and malpractices and will propose adequate legislation change and alternatives. This will include desk research, meetings, and consultations. Research will be conducted on already established areas of concern. In Romania, the two organizations CLR and APADOR-CH will conduct research together - each focusing on the area, where they have the most expertise and experience. Depending on the country particularities, there are some additional activities that will be outlined below:

- **Monitoring**

  Monitoring is the third phase of the project, during which the organizations will monitor different institutions where children are deprived of liberty such as closed establishments belonging formally and informally to the criminal justice system, institutions for illegal immigrants, institutions for the active treatment of children with mental disabilities and institutions for the placement of children for educational supervision, welfare and protection purposes (CLR will monitor 60 institutions for children with mental disabilities).

  - **Report Production and Other Publications**
  - **Media and Advocacy**

  The media and advocacy phase will target law enforcement officials, civil society actors and society by raising awareness about children

- **Final Conference**


---

**MONITORING ACTIVITIES**

After signing a cooperation agreement with the Ministry of Labour, Family, Social Protection and Elderly, on October 2013, the CLR held 30 unannounced monitoring visits in social care homes for children with mental disabilities, centers for young people with disabilities and psychiatric hospitals for children with mental health problems.
The main problems concerned the lack of adapted living conditions of children and youth with mental disabilities, lack of specialist services in the community, lack of access to education and vocational rehabilitation, limited access to education and to justice.

Monitoring activities in the Centre in Oradea:

On October 30th and 31st 2013, two representatives of the Centre for Legal Resources made an unannounced monitoring visit in a placement centre in Oradea to check if they were respecting the rights of the children with psychosocial disorders. CLR confirmed the allegations from a media coverage story on a national news channel aired on October 24th 2013 which talked about teens who had been institutionalized in an orphanage in Oradea and were suffering abuses.

The request for the unannounced monitoring visit was enabled by the Monitoring Protocol no. 1493/01.10.2013 signed between the Ministry of Labor, Family, Social protection and Elderly (MMFPSPV) and the Center of Legal Resources. The protocol was founded based on the provisions of article 33 paragraph 3 of the UN Convention on the Rights of Persons with Disabilities. In the afternoon of October 30, the access to the Centre for Oradea was not granted to the CLR representatives in order for them to conduct the visit and interview the children and employees, invoking that the decision to allow the visit was with the General Directorate for Social Assistance and Child Protection (DGASPC) in Bihor to which the centre is subordinated and thus the need to obtain permission from the General Director of the mentioned institution. CLR representatives returned the next day, in the morning of 31st of October 2013 at 9:00 a.m., when the head of the Centre, again invoked the lack of consent from the Director DGASPC Bihor. This was a false reason, as the representatives of MMFPSPV showed that the cooperation protocol between MMFPSPV and CLR was sent in advance to all DGASPCs through military mail service. Also CLR had sent to DGASPC Bihor the signed document, obtaining the number of registration within the institution. Following the notification sent by CLR on the situation of the Centre in Oradea, to the Parliament Senate Committee on Human Rights, Minorities and Religious Affairs, the Chair of the Committee, Senator Rozalia Biro, accompanied and facilitated the access of the CLR representatives in the Oradea placement center and called for a meeting with the President of Bihor County Council, the County Secretary and the Director General and Deputy Director of Bihor DGASPC in the afternoon of the 31st of October.

Regarding the situation reported on the in media, on October 25, 2013, CLR had submitted complaints to the following public authorities:

- Bihor County Council;

- Office of the Ombudsman and the Ombudsman of Oradea;

- Ministry of Labor, Family and Social Protection for the Elderly;

- Commission on Human Rights, Minorities and Religious Affairs, Senate, Parliament of Romania

On the 28th of October 2013, CLR has sent a complaint of ill-treatment of minors and lack of knowledge of the competent criminal investigation authorities, Prosecutor's Office in Oradea, Bihor (Registration No. 954/28.10.2013 and 720 / P/2013).

**Main findings of the monitoring visit:**

- Inadequate living conditions and rehabilitation services for the 17 adolescents with psychosocial problems in school;
- Accommodating and housing in the same space of teenagers and children with several different vulnerabilities and behavioral disorders from drug and alcohol use to mental disabilities, which is a serious violation of children's rights.
- The conditions observed by the representatives of CLR are likely to affect the right to dignity, due to the inhuman living conditions and ill-treatments.
- A number of children accuse maltreatment such as deprivation of liberty, beatings, and threats of beatings, insults and emotional abuse.
- None of the children knew the appropriate mechanisms for referral of complaints and had not received information about their case manager and legal representative.
- None of the adolescents indicated as drug and alcohol users were benefiting from rehabilitation therapy. All children present when CLR conducted the visit stated that they do not want to be in the centre and expressed their anxiety because they do not have a close family (parents deceased, missing or deprived of liberty).
- The people indicated as the child abusers are still employed in the same centre, they were not removed from the institution, as provided by Law no. 272/2004.

Following the visit, CLR made a number of recommendations and continued to follow-up with authorities and inform the large public and the media on the situation at this Centre

### ADVOCACY ACTIVITIES

**„Gh. Serban social care home” Advocacy Campaign**

The Centre for Legal Resources has continued the activities from 2012 (the denied visit in the institution, request to allow our team to visit the youth with mental disabilities, which included: complaints to the Mayor Office, County Directorate for Social Assistance and Child Protection, Ministry of Labour, Family Social Protection and the Elderly, Prime Minister Office, Ministry of Internal Affairs, National Authority for Benefits and Social Inspection) with the aim of obtaining safeguards for the rights of institutionalized youth with mental disabilities in this centre.

In this regard CLR has carried out the following activities:

- Organized several meetings with the UK based NGO named RAP Foundation in order to facilitate the access of this NGO providing care services for the persons with disabilities, to the institution;
- Gave an interview in a media documentary about the legal strategy and the monitoring visit – to ‘In Premiera’ on Antena 3 TV Channel, participated in two TV talk shows where the
situation of institutionalized youths was under debate and in one interview for the Public Television TVR1 channel that was later on no longer aired the TVR 1;
- Issued an urgent public appeal to which the Romanian civil society in general contributed as well as two international NGOs: Mental Disability Advocacy Centre and Interights and asking for urgent measures to be taken for those institutionalized and to ensure access of the human rights representatives;
- Issued an online petition (2154 signatures in a very short period of time): [http://www.petitieonline.com/signatures/manifest_pentru_demnitate/start/2150](http://www.petitieonline.com/signatures/manifest_pentru_demnitate/start/2150);
- Sent a petition and request to intervene to all international human rights institutions and organizations;
- Informed embassies on the situation at the centre;
- Signed in partnership with the Public Policies Institute (IPP), a letter to request the intervention of the Romanian Government in applying the CRPD and in stopping the abuses. The Romanian Ministry of Internal Affairs has replied to this letter after several months and only after several calls from our colleagues from IPP.

### PARTICIPATION IN WORKING GROUPS, PUBLIC DEBATES AND DISSEMINATION OF POINTS OF VIEW

- The CLR program manager has submitted a written opinion to the UN Committee against Torture, in Geneva, in May 2013, opinion with regard to the lack of involvement and seriousness of Romanian Government in establishing the national preventive mechanism. At the 50th CAT meeting the CLR presence was allowed as observer and not as a participant who could raise questions. Even in this context, concerns written in advance by the CLR to the members of CAT were read and raised in front of the CAT members by the ECPT representative of Georgia, asking representatives of Romania to respond to those allegations. In the end, the president of the meeting has requested the Romanian authorities to come with a realistic plan and schedule it in 6 weeks’ time.

- Taking this into account, the CLR has organized working meetings with the president and members of the Senate Human Rights Committee (SHRC) within the Romanian Parliament and proposed and discussed around the law proposal on establishing an independent mechanism based on the OPCAT provision (based on the first law proposal prepared by the CLR in 2009), inviting representatives of other NGOs with interest in this area in July (APADOR-CH, IPP, Refugee Rights NGOs). The SHRC adopted the law proposal and introduced the act on for debates September 2nd. Links to the law proposal and the motivation written by the SHRC: [http://www.crj.ro/userfiles/editor/files/Forma%20initiatorului.pdf](http://www.crj.ro/userfiles/editor/files/Forma%20initiatorului.pdf), [http://www.crj.ro/userfiles/editor/files/expunere%20de%20motive.pdf](http://www.crj.ro/userfiles/editor/files/expunere%20de%20motive.pdf)

In January 2014, the Chamber of Deputies of the Romanian Parliament approved tacitly the draft bill. See [http://www.crj.ro/*articleID_1328-articles](http://www.crj.ro/*articleID_1328-articles)
On 10 October 2013, the World Mental Health Day, CLR invited representatives of the civil society to participate in a public debate on central government obligations and the role of NGOs and people with disabilities in the monitoring of the rights of people with mental disabilities. CLR, MDAC and representatives of other NGOs present at the debate urged the government to develop a long term strategy that would ensure that persons in institutions now have the right to live in the community and that, throughout the institutionalization period, any type of abuse is prevented by creating and maintaining one or more independent monitoring mechanisms. To support the arguments in favour of creating an independent mechanism, CLR key speakers were invited:

• Mental Disability Advocacy Center, based in Budapest, Mr. Steven Allen, research and advocacy officer, international NGO with experience in complex mechanisms unannounced visit and proposed legislation;
• European Association for Disability Service Providers based in Brussels, Mrs. Andreia Moraru, Board Member European headquarters in Brussels, to explain the need to involve private providers of social services in creating and maintaining independent monitoring mechanism;
• "Ceva de spus", a non-governmental organization represented itself nationally unique organization in Romania, Mrs. Elizabeth and Mr. Zoltán Szövérdő Moldovan - Szép to present the views of people with intellectual disabilities have been institutionalized for many years in centers residential or foster children and youth with disabilities
• Foundation Pentru Voi, Mrs. Alina Pall to present the point of view of a provider of social services for people with severe intellectual disabilities in Romania
• The Ministry of Labour, Family and Social Protection of the Elderly, Mr. Codrin Scutaru, Secretary of State for terms on the organization and functioning of an independent mechanism under the provisions of the UN Convention on the Rights of Persons with Disabilities
• The Department for Persons with Disabilities, Mr. Iulian Aldea, deputy director, to present the perspective of the central authority for coordinating the implementation of the Convention.

The debate was attended by representatives of the media, the National Authority for Social Benefits and Social Inspection, Ombudsman, the Commission for Religious Affairs, Human Rights and Minorities in the Senate and more than 40 representatives of civil society, among listed by way of example, Romanian Institute for Human Rights Horizons Foundation, National Council for Persons with Disabilities, ONPHR, Autism Help, FEDRA.

CLR reports based on unannounced visits to psychiatric institutions conducted in the past years were cited in the ECtHR decision in the case of B. v. Romania (no. 2), 19/05/2013. The Court held that there has been a violation of Article 8 of the Convention on account of the applicant’s admission to psychiatric institutions as well as on account of the placement in state care of the applicant’s minor children.
“A. Legislation on protection of people with mental disorders and relevant domestic practice [...]

5. Reports by non-governmental organisations on the application of the Mental Health Act 58. A report on observance of the rights of people detained in psychiatric institutions, issued in October 2009 by a non-governmental organisation, the Centre for Legal Resources (Centrul de Resurse Juridice), noted that the authorities had still not designated the hospitals that were authorised to admit patients compulsorily, which – coupled with the shaky knowledge among medical personnel of the procedures outlined above – meant that Law no. 487/2002 had been difficult to apply properly and consistently [...]” available at http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116959#{%22itemid%22:%22001-116959%22}.

LITIGATION CASES

- **Case of IRC:** third party intervention in a case raising the abusive placement of a person with mental health problems under guardianship (thus depriving this person of his legal capacity).

- **Case of Center for Legal Resources in the name of Stephanian vs. Romania:** the European Court of Human Rights has admitted the complaint and the CLR was asked to fill in all the requested information till August, 2013.

- **Case of Valentin Campeanu:** hearing before the Grand Chamber of the ECtHR took place in September 2014. The case, involving the death of an HIV positive young person with severe mental disability with no family, placed in a state psychiatric hospital and kept in inhumane conditions, raises important issues as to the possibility of legal representation by NGOs of persons who are in most vulnerable situations with no-one else to represent their rights except state authorities. See page of the case at: http://www.crj.ro/Centrul-de-Resurse-Juridice-pentru-Valentin-Campeanu-vs-Romania

- **Case of the Centre for children with psychosocial problems in Oradea, Bihor**
  CLR demanded the Prosecutor's Office and local and central authorities to protect children physically and emotionally abused in a residential centre in Oradea http://www.crj.ro/*articleID_1315,articles

- **Criminal complaints at the Buzau Prosecutor’s Office**
  - In the case of inhumane and degrading treatment of a young girl with autism that was physically and emotionally abused in a family home for 12 children with and without disabilities and then transferred to the Social Medical Unit in Nucet, Bihor County where she was found malnourished and naked.
In case of the Center for elderly and youth with disabilities in Aldeni, Buzau County

- **Case of ‘Gh. Serban social care home’**
  CLR won the appeal against the judgment in the first instance Court having as object the access of CLR into the “Gheorghe Serban” Center for young people with disabilities in order to conduct monitoring visits.

**General Strategic Litigation Budget (Anti-discrimination and Advocate for Dignity): 35,000 Euro**

---

**PRESS RELEASES, MEDIA COVERAGE**

- **Public debate organized on the World Mental Health Day, 10th of October, 2013 at the European Public Space in Bucharest:**
  - CLR’s press release:
  - Media coverage:

- **„Gh. Serban social care home” Advocacy Campaign**
  - CLR’s press releases:
    - [http://www.crj.ro/Manifest-pentru-demnitate-1234](http://www.crj.ro/Manifest-pentru-demnitate-1234)
  - Media Coverage:
    - [http://inquamphotos.com/photo/MzEyYmU3YjI1NTA1Zg==/MANIFEST-PENTRU-DEMNITATE---CENTRUL-GHEORGHE-SERBAN.html#.Ul-efNK-2So](http://inquamphotos.com/photo/MzEyYmU3YjI1NTA1Zg==/MANIFEST-PENTRU-DEMNITATE---CENTRUL-GHEORGHE-SERBAN.html#.Ul-efNK-2So)
- http://pandoras.realitatea.net/politica-societate/legati-de-paturile-mortii-jurnalul-marianei-30798.html

- “Valentin Campeanu Case”
  - CLR Press releases:
  - Media coverage:
- "Respecting the rights of children with psycho-social disorders in Oradea, Bihor County”
  
  o CLR Press Releases:
    
    - "CLR finds serious abuses of minors in the center for children with psychosocial problems in Oradea" [http://www.crj.ro/*articleID_1314-articles]
    - "CLR demands that the prosecutor and local and central authorities to protect physically and emotionally abused children in an residential center in Oradea" [http://www.crj.ro/*articleID_1315-articles]
    - “Report CLR after monitoring the placement center for children with psychosocial problems in Oradea, Bihor” [http://www.crj.ro/*articleID_1313-articles]
    - "Ministry of Labour ignores the rights of adolescents placement center in Oradea” [http://www.crj.ro/*articleID_1312-articles]
    - "Center for Legal Resources (CLR) considers insufficient punishment for abuses of the Bihor DGASPC director at the residential center for adolescents in Oradea” [http://www.crj.ro/*articleID_1348-articles]
  
  o Media coverage:
    
    - [http://www.stiriong.ro/ong/drepturile-omului/crj-constata-grave-abuzuri-la-adresa-min]
    - [http://www.bihon.ro/crj/reclama-abuzuri-in-centrul-de-plasament/1350628]
    - [http://adevarul.ro/locale/oradea/sanctiuni-varf-directorul-dgaspc-bihor-pedepsit-consilieri-judeteni-1_52e442c6c7b855ff56cc66a5/index.html]
    - [http://www.bzt.ro/copii-abuzati-intr-un-centru-de-plasament-din-oradea-905]
http://stiri.tvr.ro/mai-multi-copii-de-la-un-centru-de-plasament-din-oradea-se-plang-de-abuzuri_36798.html
Agerpres. CRJ constată grave abuzuri la adresa minorilor din centrul de plasament pentru copii cu probleme psihosociale din Oradea
Pro TV - Anchetă urgentă cerută la centrul de plasament din Oradea, după imaginiile prezentate la Știrile ProTV
ȘtirileTVR.ro: Mai mulți copii de la un centru de plasament din Oradea se plâng de abuzuri

Programme Budget: 175,550 Euro
PUBLIC INTEGRITY PROGRAMME

PROJECTS

- Project "NGOs - stakeholders in implementation and monitoring of national anti-corruption strategy", financed by the Civic Innovation Fund

The following activities have been carried out in the framework of the project:

- Four regional public debates have been organised with the theme "Partnership for integrity. Engaging Civil Society in the implementation of National Anticorruption Strategy (NAS) 2012-2015" (Brăila - May 28, 2013, Timișoara - June 4, 2013, Iași - June 20, 2013 and Craiova - June 26, 2013). Each regional debate benefited from the participation as keynote speaker of a representative of the Romanian Ministry of Justice and the National Agency of Civil Servants.
- Publication of the report "Ways of cooperation between public authorities and civil society based on law no. 350/2005" (the performance measure 1.2.4. of NAS 2012-2015). The report compiled the results of CRJ advocacy campaign which recommended a total of 54 public institutions to include a line of funding in their annual grants programme for information and monitoring projects related to the objectives of the National Anticorruption Strategy 2012-2015.
- CRJ developed InfoCoruptie free app for smartphones and tablets (available for Android and iOS operating systems), which may be used to report incidents of corruption. InfoCoruptie free app has been officially launched on December 9, 2013, at the Romanian House of Parliament, during the NGO Forum.
- Developing the website www.guvernmai bun.ro as a tool to information update regarding the implementation of NAS 2012-2015.
- CRJ has monitored the implementation of the NAS 2012-2015 in the decentralized structures of ministries in Iasi, Timisoara, Arad, Buzau and Braila counties (data requests, questionnaires and interviewes).

- "Civil society, active partner in designing and assessing public policies", co-financed by the European Social Fund, Operational Programme Administrative Capacity Development

The following activities have been carried out in the framework of the project:

- 9 students conducted a 6-month internship program at CRJ;
o three training sessions have been organized in strategic planning (February), Advocacy, communication and negotiation (April) and public policy (March and April);

o CRJ experts and interns attended a study visit in Brussels from April 21 to 24 in the anticorruption and justice area: meetings at the European Parliament (CRIM and LIBE committees), DG Home, OLAF, DG Justice and Commission’s Secretariat.

o CRJ organised the public debate "NAS 2012-2015: monitoring the recovery of proceeds of crime" , May 30, 2013 - attended by 44 participants from ministries, justice and civil society sector. Prior to the debate CRJ released the report Recovering proceeds of corruption and a proposal of an action plan for cooperation between civil society organizations and public authorities in the recovery of damages and proceeds of crime. The report compiled the results of the research of 38 final judgments in cases of corruption with losses of at least 10,000 euro each.

o CRJ organised the public debate "Classified information, right to information and to a fair trial" , September 19, 2013. Prior to the event, CRJ has released a report on classified information’s law enforcement and a subsequent action plan for cooperation between public institutions with legal powers in the field and civil society organizations. 35 people attended the debate.

o Conference "The Role of NGOs in increasing the effectiveness of central government" , October 18, 2013. Prior to the conference, CRJ launched the publication "Partnership for integrity. Manual of techniques and procedures for consultation between public authorities and non-governmental organizations". The manual was distributed to 150 central public authorities.

- "Training and Development for ethics and integrity in public administration" SMIS code 22242, co-financed from the European Social Fund Operational Programme "Administrative Capacity Development" Axis 1 - KAI 1.3 - improving organizational effectiveness.

CLR started to implement the project on October 28, 2013. Within the project, CLR will deliver trainings to ethics counsellors and it will also develop tools and work procedures for ethics counsellors in the public sector. The project duration is 18 months and it is implemented in partnership with National Agency for Civil Servants (ANFP).

- EEA grants projects: Two projects have been awarded to CLR from Norwegian funding: "Transparency and integrity in the management of local budgets" (in partnership with the Ratiu Center for Democracy, ENGAGE component) and "Re-use of confiscated assets for social purposes" (NGO capacity development component). The implementation of these projects has begun in 2014.
PARTRCIPATION IN WORKING GROUPS, PUBLIC DEBATES AND DISSEMINATION OF POINTS OF VIEW

• CLR organized in February 27, 2013 the conference "Business Ethics and Compliance 2013", in the framework of the project „Ethics and compliance in the Romanian business sector”, co-financed by the Embassy of the United Kingdom in Romania. As part of the conference theme, CRJ presented the report "Ethics and compliance in Romanian companies" that examined the internal ethics and compliance policies in 52 large companies in Romania whose combined turnover exceeds 7% of the country GDP and the aggregate number of employees exceeds 68,000 people. According to the report, foreign-capital companies have better developed internal ethics and compliance procedures than companies with domestic capital. Most companies analysed (62%) agreed with the regulation of anti-corruption clauses in public contracts. Another proposal discussed during the conference is transparency and regulation of business conduct, which will systematize the current legal framework and establish mandatory codes of ethics and compliance measures. The conference had 17 partners including the Romanian Ministry of Justice, Romanian Chamber of Commerce and Industry, American Chamber of Commerce in Romania and Romanian-American University. The conference was attended by over 100 people, leaders from the business sector, public sector and the non-governmental one. Details available at: http://etica.guvernmaibun.ro/ The proposals of the conference have been further discussed during an expert’s seminar organized on March 6, 2013 that brought together over 13 experts in ethics and compliance in the banking sector, business sector, academia, public sector and civil society. During the seminar was drafted a document containing proposals for public policies in the field of business ethics. The document was submitted to the Romanian Ministry of Justice.

• CLR experts have participated in joint evaluation teams with the Ministry of Justice to different public authorities for assessing the implementation of NAS 2012-2015 (the joint evaluation is an official monitoring mechanism of NAS 2012/2015). CLR experts have participated in three evaluation meetings (The Fight against Fraud Department DLAF – May 27, 2013, Dâmbovița County Council and Moreni mayor’s office – July 22, 2013);

• On December 4, 2013, CLR organized the conference "Integrity in Public Administration in Romania. Ethics counselors and codes of conduct". Three CLR and independent experts expressed their views on the recent proposal of ANFP to amend the code of conduct for public servants.
• CRJ experts have attended different integrity and anticorruption events or consultations:

  o consultations with European Commission’s panel of experts on Cooperation and Verification Mechanism (29 May to 27 September),
  o USA Embassy consultation (30 October),
  o meeting with UNODC experts (June 6),
  o participation in the working group Romania 25 - Redefining democratic governance in Romania (Center for European Policy Analysis - October and December),
  o participation in conferences and events (the 14th Cross-Border Crime Colloquium, Anglia Ruskin University, 12-14 May 2013, Shady Business and Governance in Europe Cross-border sleaze and crisis; seminar Robert Klitgaard - July 4 to 5, platform integrity in business - July 11, 2013, CNI-what is and what should be -26 September, Developing register lobbying and advocacy - October 14, development of civil society involvement in the development, implementation and evaluation of anti-corruption policies - October 16, Business Integrity Conference 27-29th of November 2013).

PRESS RELEASES, MEDIA COVERAGE


- Conclusions of the debate organized by CLR on 20 May 2013 on recovering proceeds of corruption, 31.05.2013, available in Romanian at http://www.crj.ro/Noutati/Concluziile-dezbaterii-publice-organizate-de-CRJ-pe-Mai-privind-recuperarea-produselor-infractiunilor-de-coruptie/

- The Center for Legal Resources proposes the modification of the legislation regarding classified information, 12.09.2013, available in Romanian at http://www.crj.ro/Noutati/Centrul-de-Resurse-Juridice-CRJ-propune-modificarea-legisla%C8%9Biei-privind-informa%C8%9Biile-clasificate/

  o Media Coverage:
    • Agerpres - Judecător Tribunalul București: Documentele clasificate într-un dosar încalcă accesul liber la Justiție
- al3sector.ro – Direcții în parteneriatele ONG – instituții publice
- Timpolis - O nouă lege a informațiilor clasificate, solicitată de către societatea civilă
- avocatura.com – Judecător Madalina Afrasnie : Documentele clasificate intr-un dosar înalca accesul liber la Justitie
- magistrati.ro – Judecător Madalina Afrasnie : Documentele clasificate intr-un dosar înalca accesul liber la Justitie
- juridice.ro - Informațiile clasificate, dreptul la informație și la un proces echitabil / 19 septembrie
- infolegal.ro – Dezbatere pe tema “Informațiile clasificate, dreptul la informatie si la un proces echitabil”
- Radiogrado.ro – Centrul de Resurse Juridice (CRJ) – Dezbaterea publică “Informațiile clasificate, dreptul la informație și la un proces echitabil”


- CLR and NACS release the project Investment in the training of ethic counselors, ensuring integrity in public administration, 28.11.2013, available in Romanian at [http://www.crj.ro/*articleID_1305-articles](http://www.crj.ro/*articleID_1305-articles)

- CLR releases on 9 December *InfoCoruptie* free app for smartphones and tablets, 06.12.2013, available in Romanian at [http://www.crj.ro/*articleID_1321-articles](http://www.crj.ro/*articleID_1321-articles)
  - Media Coverage:
    - ro.stiri.yahoo.com - [http://ro.stiri.yahoo.com/cum-devine-telefonul-o-arm%C4%83-%C3%AEmpotriva-%C8%99p%C4%83gii-132649716.html](http://ro.stiri.yahoo.com/cum-devine-telefonul-o-arm%C4%83-%C3%AEmpotriva-%C8%99p%C4%83gii-132649716.html)
Programme Budget: 182,825 Euro
JOINT PRESS RELEASES WITH OTHER NGOS

- Open letter to the Romanian Parliament: Changing the name of NGOs, an absurd measure, 02.12.2013, available in Romanian at [http://www.crj.ro/*articleID_1310-articles](http://www.crj.ro/*articleID_1310-articles)


- Open letter: Show us how independent the judiciary in Romania is!, 09.10.2013, available in Romanian at [http://www.crj.ro/Noutati/Scrisoare-deschisa-Arata%C8%9Bi-ne-cat-de-independenta-este-justi%C8%9Bia-din-Romania/](http://www.crj.ro/Noutati/Scrisoare-deschisa-Arata%C8%9Bi-ne-cat-de-independenta-este-justi%C8%9Bia-din-Romania/)


PRINCIPAL DONORS:

OUR PARTNERS:
Centrul de Resurse Juridice (CRJ)

Str. Arcului nr. 19, Sector 2, cod 021032, București

Tel.: (+40) 21-212.06.90

(+40) 21-212.05.20

Fax: (+40) 21-212.05.19

E-mail: office @ crj . ro

Web: www.crj.ro | www.crj.ro/blog

Facebook: www.facebook.com/crjro