



Centre for
Legal
Resources

Annual Activity Report

2011

Dignity - Diversity - Integrity

"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



The Center for Legal Resources (CRJ) is a Romanian non-governmental organization founded in December 1998 by the Open Society Foundation (Soros Romania), whose mission is to promote respect for human rights, minority rights, equal opportunities, diversity and plurality of opinions.

Goals:

In accordance with its mission, the Center's aims are to support the establishment of a legal and institutional framework safeguarding enjoyment of rights and protection of values mentioned above through effective rule of law, long-lasting and efficient institutions, and free access to fair trial for all individuals.

Program areas:

The Centre considers human rights protection is almost inconceivable in the absence of transparent and uncorrupted institutions, access to independent judiciary system or public information.

In line with those targets, the Center for Legal Resources carries out activities in two major and interrelated areas:

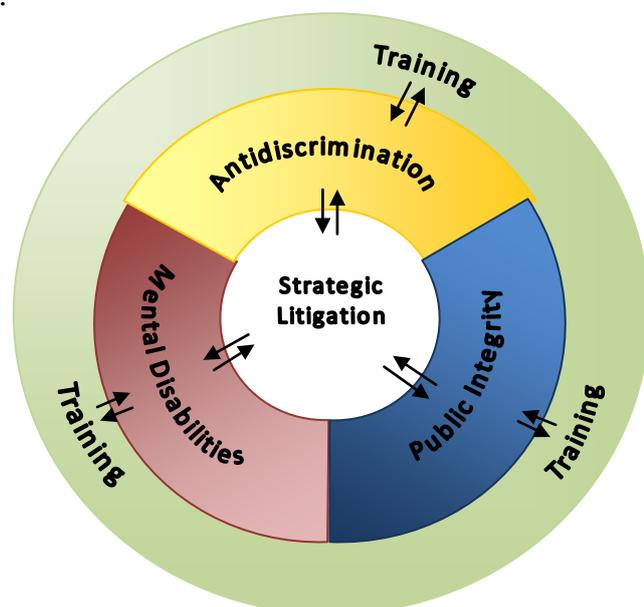
Protecting Human Rights, in the broad sense of the concept, with an emphasis on:

- ✓ Fighting Discrimination
- ✓ "Advocate for Dignity"

Advocacy for the recognition and enforcement of the rights of people with mental disabilities

Promotion of Rule of Law and Viable Institutions:

- ✓ Public Integrity
- ✓ Strategic Litigation



What make the Centre for Legal Resources somehow unique within the Romanian NGO community are the main tools it employs for achieving its goals: legal expertise, access to information and court cases.





CRJ advocacy work involve intensive media coverage

CRJ Websites:

- www.crj.ro (general website)
- www.crj.ro/blog (blog)
- www.nondiscriminare.ro (human rights)
- www.guvernmaibun.ro (rule of law)



Facebook page www.facebook.com/crjro

CRJ INFO – CRJ analyses of recent developments in human rights and rule of law areas in Romania. In 2011, CRJ Info has been re-published also by www.juridice.ro (16 articles)

22 press-releases in 2011



In 2011 the Centre for Legal Resources has been mentioned **146** times in the online press. CRJ experts have been interviewed or attended talk-shows on key matters: antidiscrimination, respecting human rights of the people with mental disabilities, justice and integrity, strategic litigation.

Anti-discrimination – 18 press articles describing CRJ point of view on:

- removing or better explaining offending words describing minority groups (Roma and Jews) in the Official Romanian Dictionary.
- discriminatory public statements (regarding Roma and Jews) of high-ranking officials such as Romanian President and members of Parliament.
- the impartiality of the Romania’s National Council for Combating Discrimination (CNCD).
- the strategy on Roma inclusion and the amendments to the law on anti-discrimination.
- Roma segregation in Baia Mare municipality (building a wall that closes in a Roma neighborhood)

The executive director of CRJ, **Mrs. Georgiana Iorgulescu** has been appointed by the Romanian Parliament as **member of the Superior Council of Magistracy**, representing civil society for a 6 years mandate.





Respecting human rights of the people with mental disabilities - 17 press articles describing CRJ point of view on:

- the abuses against mentally disabled patients from Baneasa Medical Center, Constanta County.
- the national strategy and the law regarding the rights of the persons with autism spectrum disorders.
- access to justice of mentally disabled persons (On 14 October 2011, the Council of Europe' Human Rights Commissioner, Thomas Hammarberg, submitted his first third party intervention under Protocol No. 14 to the European Court of Human Rights, in a case concerning the treatment of a person with disabilities in Romania. The case had been lodged by the Centre for Legal Resources on behalf of Valentin Câmpeanu, a young man of Roma ethnic origin, suffering from a severe learning disability and infected with the HIV virus, who died at the age of 18 at the Poiana Mare Psychiatric Hospital, after having spent his whole life in institutions).

Justice and integrity - 50 press articles describing CRJ point of view on:

- merging of local and general elections (proposal declared later on unconstitutional by the Constitutional Court).
- election fraud;
- the revision of the Romanian Constitution (the Romanian Presidency submitted to the Parliament a revision draft of the Constitution but later on the draft has been declared unconstitutional by the Constitutional Court)
- major corruption cases (border police officers; the alleged conflict of interest of former Ministry of Labour, Ioan Botis) and incompatibilities of the members of Parliament
- the appointment of judges to the High Court of Cassation and Justice.
- the activity of National Integrity Council and National Integrity Agency.
- non-conviction based confiscation and extended confiscation policies.

CRJ is member of the “Coalition 2012 for fair elections”



The Coalition 2012 members are: CRJ, Active Watch Agency for Press Monitoring, Pro Democracy Association, Romani Criss, and Transparency International Romania





- the draft of National Anticorruption Strategy 2012-2015.
- civic anticorruption projects involving youngsters

Strategic litigation – 26 press articles describing CRJ point of view on:

- the secret project to build a new nuclear power plant in Romania;
- the draft law enabling mining companies to expropriate land in Romania;
- Rosia Montana mining project;

Mass-media covering CRJ activities in 2011

TV stations



Radio stations



Newspapers



Online





CRJ is Romanian national focal point in the area of fundamental rights (EU Agency for Fundamental Rights) and part of the FRANET research network

Reports:

- CRJ drafted Romania's contribution to FRA's 2011 Annual Report.
- Report on active ageing
- Report on the economic case for anti-discrimination

Training:

- CLR provided training sessions to Moldovan NGOs on the topic of "conflict of rights" and anti-discrimination in the European Court of Human Rights jurisprudence and also on monitoring activities as part of the anti-discrimination advocacy process.
- CLR delivered the first training to NGOs in October 2011 in the framework of the project *Awareness-raising in the areas of non-discrimination and equality targeted at civil society organizations – ART*.
- CRJ delivered a presentation on the international protection of human rights within the Human Rights Academy organized by Romani CRISS in partnership with Amnesty International and the Harvard University Centre for Health and Human Rights Francois-Xavier Bagnoud

In 2011, CLR has issued press releases and opinions or drafted articles in the CLR newsletter condemning the discriminatory discourse of politicians, discriminatory acts, supporting positions of other NGOs and criticizing the activity of the equality body.

CLR issued a public statement on the discriminatory provisions included within the draft version of the Romanian Government Strategy for Roma Inclusion 2011-2020. CLR found that certain measures or objectives revealed a racist attitude towards the Roma. Examples include: the idea that Roma should be trained in greening activities (associated in Romania with garbage collection) which is offensive and ethicizes jobs even more than they already are (Roma are generally associated with garbage collection jobs), campaigns to teach the Roma to use water and soap, or the idea that the Government





proposes to form a Roma elite to act as a buffer between the Government and the Roma communities, in order to implement policies for the Roma.

Activities developed within the project: *“Multi-regional network of anti-discrimination counseling services for the social inclusion of discriminated against persons: information sessions on equality of chances, diversity management models in companies at local level, information and counseling activities of the Local Centers, information materials on diversity management and combating discrimination, creation and implementation of a monitoring and evaluation system, organizing local communities of practice and steering the implementation of best practices (most of the activities have been implemented at local level).*





Activities related to civil society monitoring mechanism in the psychiatric hospitals and centers for people with mental health problems /intellectual disabilities

- a number of 8 center for people with mental disabilities have been visited in Sibiu, Calarasi, Suceava and Maramures County;
- one psychiatric ward in a county hospital has been visited in Maramures County at Sighetul Marmatiei.
- 4 focus groups in Bucharest and Sibiu with persons with mental health problems and intellectual disabilities and with representatives of the users, beneficiaries, caregivers and authorities;
- 30 interviews with persons with mental health problems and with intellectual disabilities in Sibiu, Brasov and Bucharest
- One resident from a center from Calarasi County has asked the CLR to help in getting out from a guardianship procedure. The CLR has visited the center in which the resident is hold and sent a request of intervention to the Calarasi Court. The Court has admitted the request of removing the guardianship in this case and the CLR will represent the resident in a case at the ECRH. Additionally, the CLR will work with the young to train him to become a self representative and to take part in the advocacy campaigns on the rights of PMHP/PID secluded in institutions.
- CLR submitted by General directorate for the Protection of Persons with disabilities a letter showing which are the main changes that need to be made to Law No. 448 /2006 and has expressed openness to help change the law in accordance with the CRPD.

Activities related to the elaboration and appliance of a legal framework and policy in the area of providing specialized services for children with mental disabilities

- CRJ took part at working groups on the rights of children with autism and has been involved in meetings at the Chancellery of the Prime minister on the proposed draft of the mental health strategy.
- CRJ has established a partnership in advocacy with a number of 3 NGOs - CeRe, Invingem autismul and Romanian Angel Appeal - with the aim of amending the legal framework on the establishing the degree of disabilities of children and adults.





Strategic cases:

- **Rosia Montana Case** – case regarding the communication of the archeological study against Minister of Culture and National Patrimony – CRJ won in the first instance. The case regarding the annulment the urban documentation of Rosia Montana County – CRJ case has been suspended after the urban documentation was annulled by Alba Tribunal in a case started by another foundation. The case will remain suspended until the appeal declared by Rosia Montana Local County and SC RMGC SA will be trialed
- **Case against Ministry of Environment**, communication of documents regarding an environmental permit issued for a Nuclear Fuel Factory – CRJ won the case and the Ministry filed an appeal that will be trialed in 2012.
- **Case against the National Agency for Mineral Resources** for refusing to give any information regarding the Baia Mare accident in 2000 when a cyanide tailing pond broke and Tamisa River was heavily polluted, and regarding the mining licenses for non ferrous ore – CRJ won the case and the NAMF declared an appeal. In appeal they claimed that all the information is classified and CRJ invoked the exception of illegality of such classification.
- **Case against the National Committee for Control of the Nuclear Activities** when access to documents regarding a nuclear waste repository was deigned. CRJ won the cases in the first court. The National Committee for Control of the Nuclear Activities executed partially the decision of the court.
- **The Saligny Nuclear Waste Deposit Case** – the case was rejected by the first court. In appeal the court decided to suspend the partial authorization. The annulment case is pending in court.
- **Stoian Cases** – the case against the recuperation plan issued by The Child Protection Commission and also against the disability certificate, claiming concrete and individual recuperation activities to be inserted into the plan, and also to issue a permanent disability certificate, as the child diagnostic will never change, considering the medical acts provided by he's doctors. The case was partly admitted by the first court. Appeals were filed and they are pending in court;
- **The Case against Romanian Government** regarding the respect of the principle regarding the transparency of administration and to post on website the projects of normative acts discussed by the Government in





the next meeting along with other important documentation. The case was won in the first court, and CRJ also won the appeal.

Training:

- CRJ organized two training, for judges, lawyers, NGOs regarding environmental law - EIA Directive and Aarhus Convention. The sessions took place in Sinaia between 30th of November and 4th of December 2011.





Center for Legal Resources (CRJ) participated in the formal and informal consultations on the new National Anticorruption Strategy 2012-2015. CRJ submitted to the Ministry of Justice (MJ) a letter signed by 28 NGOs expressing their willingness to involve in the consultation process. CRJ contribution to the strategy:

- 4 position papers with policy recommendations (most CRJ recommendations are embedded in the final draft);
- one report that outlined the most relevant anticorruption measures in the view of Romanian NGOs with anticorruption expertise (35 NGOs responded to a questionnaire submitted by CRJ).
- one seminar regarding the design of the anticorruption strategy (6th of May 2011). The seminar was organized by CRJ in partnership with Facebook platform “Eruption Anticorruption”, USA Embassy in Bucharest and Romanian-American Foundation. The seminar benefited from the participation of representatives of the Ministry of Justice, the National Integrity Council, the Anti-Corruption General Directorate, the Central Unit for Public Administration Reform in the Ministry of Administration and Interior, and representatives of 10 diplomatic community and NGOs which run anticorruption and integrity projects.
- one conference regarding the preventive measures that should be included in the new National Anti-corruption Strategy (5th of July 2011). The conference was organized by CRJ in partnership with Konrad Adenauer Foundation - the Rule of Law Program South East Europe and Ministry of Justice. The conference benefited from the participation of representatives of the Ministry of Justice, the Superior Council of Magistracy, the National Integrity Agency, the Anti-Corruption General Directorate and the Central Unit for Public Administration Reform in the Ministry of Administration and Interior, General Secretariat of Government, the National Agency for Civil Servants and representatives of 35 diplomatic community and NGOs which run anticorruption and integrity projects.
- a press-release regarding the views expressed during the conference.
- one conference report;

CRJ published regular analysis of the developments in area of integrity. Eight analysis were published in 2011 related to the legislation of incompatibilities, CNI strategy, National Anticorruption Strategy, the expected anticorruption impact of the constitutional changes proposed, the value of an integrity initiative at la Parliament level, the impact of disciplinary proceedings in public administration the length of Court proceedings in corruption cases and the conflict between anticorruption initiatives and human rights provisions.





The activities of the project "Quality in Education through mediation and restorative practices" in order to promote non-discrimination, diversity, non-violent communication, were:

- May-June 2011 - three training courses for directors and teachers of the executive boards of Schools (36 people) and of a training course for 12 school counselors. The courses covered topics relating to nondiscrimination and equal opportunities in education, diversity management, participatory management and conflict resolution.
- organization of two study visits (England and the Netherlands) for analysis of European models of intervention and conflict resolution in educational context.
- a context analysis for Bucharest - Ilfov, to identify the optimum parameters for the implementation of mediation and restorative practices in the educational environment in Romania;
- establishing a network of 12 schools in Bucharest - Ilfov area region that will develop the activities to be held to promote non-discrimination, equal opportunities, and restorative conflict resolution methods;
- realization, during May, of a seminar for promoting the project activities involving about 50 teachers;

Financial information:

Name of project	Donor	Budget (Euro)
Multi regional network of advisory services on antidiscrimination issues aiming the social inclusion of the discriminated persons	European Social Fund / Sectorial Operational Programme Human Resources Development - POSDRU	323,981
Quality in education through mediation and restorative practices	European Social Fund / Sectorial Operational Programme Human Resources Development - POSDRU	187,571
Establishment of a Network of socio-economic experts in the field of anti-discrimination 2011	Human European Consultancy/VT-2008-007 European Commission DG EMPL	10,171
Fundamental Rights of Persons with ID and Persons with MH Problems	Human European Consultancy/European Union Agency for Fundamental Rights	13,800
Awareness raising seminars non-discrimination and equality targeted at CSOs	Human European Consultancy/European Commission	8,000
RED Network combating racism, xenophobia and intolerance	Institute for Rights Equality & Diversity, i-RED	6,850
Data collection and research services on fundamental rights issues FRANET	European Union Agency for Fundamental Rights	22,650
Institutional Grant Open Society Institute	Open Society Institute	107,905





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Principal donors:



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Our partners:





Centre for
Legal
Resources

Centre for Legal Resources

Address: 19 Arcului Street, 021034, Bucharest, Romania

Telephone: + 40 21. 212.06.90

+ 40 21.212.06.91

+ 40.21.212.06.92

Fax: + 40 212.05.19

E mail: office@crj.ro

