

ANNUAL ACTIVITY REPORT - 2014 -

justice. dignity. equality

"The way to secure liberty is to place it in the people's hands, that is, to give them the power at all times to defend it in the legislature and in the courts of justice."

John Adams



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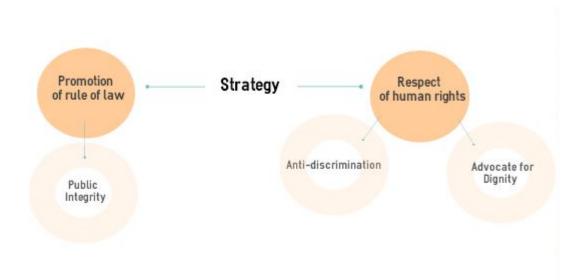
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ABOUT THE CENTRE FOR LEGAL RESOURCES (CLR)

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 a 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:



General objectives of the CLR's Programmes:

- ✓ 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



CLR'S TEAM

- Georgiana Iorgulescu Executive Director
- Valentina Nicolae Executive Assistant
- Georgiana Pascu 'Advocate for Dignity' Programme Manager
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ANTI-DISCRIMINATION PROGRAMME

The anti-discrimination program has been an active program of the Centre for Legal Resources since 2003. In the course of time, and especially after Romania's accession to the EU, the programme began to focus less on the adoption of legislation in the field of anti-discrimination (this has been mostly adopted) and more on the effective implementation of the anti-discrimination legislation. 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 continued as national focal point in the area of fundamental rights for the FRA between 2011-2014, being 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, victim support services, rights of persons with disability, etc.).

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 and has legally supported or initiated cases before the equality body or courts of law, thus activating the anti-discrimination legislation.



PROJECTS

FRANET Project (Network of national experts of the European Union Agency for Fundamental Rights, FRA) – Details at: http://fra.europa.eu/en/research/franet)
 in 2014 CLR continued to be 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 were drafted by the network of national experts managed by CLR.

Within the FRANET project, in 2014 CLR has implemented the following research projects:

- Qualitative research project on:
 - o Participation of Children in Justice Proceedings Phase IIb the research included 41 interviews with children who participated in hearings as victims or witnesses in criminal proceedings or parties in civil proceedings. The fieldwork management included finding children in four cities in Romania (Bucharest, Braşov, Timişoara and Iaşi) through cooperation with six local social work and child protection institutions. The results of the research will be published once the FRA publishes the comparative results (in 2015 according to the schedule). This Phase II in the research project comes after a number of interviews and focus-groups with 53 adult professionals involved in child hearings (police workers, prosecutors, judges, lawyers, psychologists, social workers) were conducted under Phase I and then a testing phase including interviews with 13 children as Phase IIa.

The publication of results will advocate for changes in both the social work system in order to better assist children who for one reason or another come in contact with the justice system, and particularly in the justice system in order to include compulsory training for all those who come in contact with children and vulnerable groups as well as to raise the awareness of the legal professions regarding their crucial impact on and responsibility towards children's lives.

- > Desk research reports on:
 - Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity – the research included



- an update of a comprehensive legal and policy and case-law overview drafted by CLR in 2008 and updated in 2010;
- EU Mapping of Child Protection Systems it included a large overview of the legal and policy context in Romania on child protection, also broken down on measures to protect specific groups of vulnerable children.
- The right to independent living of persons with disabilities: mapping institutionalization – the report looked at the legal and policy framework as well as the concrete institutional framework in Romania.
- 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 implemented 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 were: 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 was 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:

 $\frac{http://www.gitanos.org/servicios/documentacion/publicaciones\ propias/fichas}{/100464.html}$

In 2014, CLR has drafted a practical guide for lawyers on how to do litigation on behalf of the Roma (it is available in English at http://www.crj.ro/userfiles/editor/files/Human rights litigation on behalf of the Roman Anguide for lawyers.pdf). The guide was drafted by the anti-discrimination team of CLR, and was launched in October 2014, together with three other guides (for police, journalists and NGOs) drafted by the other European project partners (from Spain, Italy and Portugal). All the guides were translated in Romanian (the Romanian as well as the English versions of all the four guides are available here: http://www.crj.ro/net-kard-cooperare-si-relationare-intre-actori-cheie-

<u>impotriva-discriminarii-romilor/</u>). Moreover, CLR decided to translate the guide for lawyers also in Hungarian in view of the large Hungarian minority in Romania. It is available at:

www.crj.ro/userfiles/editor/files/Peres eljarasok a romak emberi jogainak ved elmeben Utmutato ugvvedeknek.pdf.



In order to disseminate the guides, but also to put forward to the relevant stakeholders issues raised by the guides, two national seminars were organized: the first one, organized by the Romanian project partners, Center for Legal Resources and Fundația Secretariatul Romilor, brought together relevant stakeholders of all the four key actors targeted: police services, lawyers and jurists, journalists and NGO representatives, while the second one, organized by the Center for Legal Resources, targeted specifically legal professionals (lawyers, jurists, bar representatives, representatives of faculties of law). The second seminar was also an occasion for CLR to put on the public agenda the issue of *pro bono* lawyering and the need for more human rights university training.

• *"Monitoring human rights through international mechanisms"*, co-financed by the EEA grants 2009-2014, within the NGO Fund in Romania.

The project is being implemented in the period October 1, 2014 – September 30, 2015, and its general objective is to increase the capacity of NGOs and think-tanks/research centres to monitor and advocate, working in a coalition, for the implementation of human rights standards in Romania by using international human rights mechanisms.

The activities of the project are:

- a training session for NGOs and think-tanks/research centres in international human rights mechanisms (the UN Conventions system, the Universal periodic review, CoE mechanisms, advocacy tools);
- drafting a Guide on how to combat hate crimes directed at Romanian relevant stakeholders and decision makers;
- 5 policy papers drafted and disseminated by the training participants;
- training and information session for journalists;
- organizing a conference on the topic of hate crimes.

In December, CLR held a four days training for NGOs and think-tanks on how to use international human rights instruments in order to forward the agenda of vulnerable groups. The Programme manager held part of the training while the other parts included a presentation done by a Romanian expert as well as a trainer coming from UPR-Info, a Geneva-based NGO working on the implementation of the Universal Periodic Review UN mechanism. Diplomats from three embassies active on human rights issues in Romania also came and spoke to the participants on how they can engage Embassies in their human rights work. After the training, the participants will work together in order to draft and publish policy papers on issues of concern to them, benefiting from CLR assistance in the drafting process.



- "Training and development for ensuring ethics and integrity in public administration": is a structural funds funded project through the Operational Programme on the Development of Administrative Capacity on ethics in public administration, managed within the Public Integrity Programme. Within this project, the Anti-discrimination Programme Manager conducted monthly training sessions of around 3 hours, each with public administration management and regular staff, introducing a few anti-discrimination concepts as well as the legal and policy framework and relevant case-law.
- "Pro bono network for human rights": CLR is partner with a Cluj-Napoca based NGO ACTEDO within the project *Pro bono network for human rights* financed through Norwegian funds. The project's objective is to create a network of *pro bono* lawyers coming from three counties (Cluj, Mureş and Bistriţa). In November 2014, the CLR Executive director and Anti-discrimination programme manager held two two-day training sessions in Cluj-Napoca for around 40 lawyers. CLR and ACTEDO are also coordinating their efforts in advocating for *pro bono* lawyering becoming a regular practice in Romania.
- "Practical School Innovation in higher education and success on the labour market" is a project implemented in partnership with the Romanian-American University, the leader of the project. It is co-financed by the European Social Fund through the Sectorial Operational Programme for Human Resources Development.

During October-December 2014, the CLR has participated in work meetings with staff members of the university in order to open a Center for Human Rights and Migration. The upcoming activities include training sessions and the development of training materials for university students by CLR Programme Managers as well as student internships with the CLR.



STRATEGIC LITIGATION

- ❖ CLR and other five NGOs challenged the decision of the Bucharest Court of Appeal concerning discriminatory remarks made by former Minister of Foreign Affairs Teodor Baconschi against the Roma minority (in February 2010, in a press statement on the margin of a meeting with a French diplomat, the MoFA declared the following about the Romanian Roma from France: "We have some physiological, natural problems of criminality amongst some Romanian communities, especially among the communities of Roma ethnic Romanian citizens"). Although the decision of the Court was partly favourable (it obliged the National Council for Combating Discrimination to apply fine instead of recommendation for finding that the former Minister had made discriminatory remarks), we aimed to convince the High Court of Cassation and Justice to also establish the liability of the Ministry itself as well as the fact that Mr. Baconschi's statements are not only discriminatory but also constitute a violation of human dignity.
- ❖ CLR intervened as third party in a case of high-level discriminatory speech. The NCCD fined president Basescu for discriminatory statements against the Roma made in 2010 in an official visit to Slovenia (he declared that nomadic Roma "traditionally, live off what they steal"). CLR had other third party interventions in this case, in support of Romani CRISS who initiated proceedings against the president. The High Court decided that the National Council for Combating Discrimination, did have competence in the case (the NCCD initially said it did not have territorial competence since the discriminatory statements had been made in Slovenia). As a result, the NCCD fined the president, but the President contested the fine. CLR intervened again. The Court of Appeals decided that the fine was justified, therefore in favour of the NCCD and Romani CRISS, but unfortunately this time rejected CLR's intervention on grounds of unproven interest in the case.

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

CLR's programme manager participated in various national events related to anti-discrimination during the year. In November 2014 the programme team participated in an international conference in Madrid within the NET-KARD Project. CLR's Programme Manager presented the Guides for lawyers developed



within the project and took this opportunity to advocate for an enhanced involvement of lawyers in protecting those vulnerable as well as for a more adequate EU Policy and action towards Roma integration. In December 2014, the Programme Manager participated in Cluj-Napoca in Romania at the launch of the pro bono lawyers' network managed by the partner NGO ACTEDO, and had a presentation of the role of the lawyer in the process of change and the dire need for pro bono human rights lawyers in Romania.

PRESS RELEASES, PUBLIC STATEMENTS/PUBLIC LETTERS

- CLR asked for an official position of the EU Commission after the Romanian president made discriminatory statements at an EU Roma summit in April 2014, available at: http://www.crj.ro/*articleID 1441-articles
- CLR condemned political discriminatory speech during the Presidential electoral campaign, available at http://www.crj.ro/*articleID 1518-articles

BUDGET

Total yearly budget for the Anti-discrimination Programme: 162,558 euro



ADVOCATE FOR DIGNITY PROGRAMME

Through this programme, CLR aims to contribute to:

- the development of an independent monitoring mechanism regarding the respect for the human rights of persons with mental disabilities institutionalized in social protection centres, foster care centres and in psychiatric hospitals;
- the improvement of the legal and institutional framework in the field of guardianship, independent monitoring (Optional Protocol at the Convention against Torture, UN Convention on the rights of persons with disabilities), access to justice of institutionalized children and adults with mental disabilities;
- building community inclusion and raising the capacity for acceptance of communities when it comes to people with mental disabilities.

PROJECTS

• "Access to justice for children with mental disabilities", co-financed by the European Commission, Fundamental Rights and Citizenship Programme, Action grant JUST/2011-2012/FRC/AG

The project is being implemented in the period 2013-2015 in partnership with the Mental Disability Advocacy Center from Hungary (main applicant) and other organizations/institutions from England, Ireland, Latvia, Lithuania, Slovenia, Bulgaria, Cyprus and Spain. The project partnership includes 10 Universities and NGOs active in the field of access to justice and/or work with people with mental disabilities in Northern, Eastern, Central, Western and Southern Europe. Their work is supported by an Expert Panel comprised of people with mental disabilities, and experts from different fields with a track-record of comprehensive and high-impact work on this theme across the EU.

The project aims to ensure access to justice for children with mental disabilities, building on existing guidance and standards related to children, victims of crime and adults with intellectual disabilities. It addresses: access to information, legal representation and assistance (e.g. intermediaries or interpreters), participation of children with mental disabilities in all stages of the legal process, protection of children with mental disabilities in judicial proceedings, privacy issues, and training for the judiciary and other relevant professionals.



The Project's 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 based on relevant research evidence and best available practice across the EU;.
- 3. Development of training and educational materials on access to justice for children with mental disabilities;
- 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.

Advocacy and dissemination

In order to ensure that the outputs of the project are known by relevant stakeholders at the Member States' level as well as at international level and are considered for putting into practice across the EU, advocacy activities have been carried out by the project partners throughout the project. During the project implementation, various links were established with relevant representatives at EU and country level, e.g. relevant Ministries to ensure that the outputs and deliverables are brought to the attention of and considered by relevant authorities, so as to influence local and EU practices.

Advocacy activities of the CLR in the framework of the project:

CLR has carried out advocacy actions to ensure that the methodology, the common minimum standards and the training materials are promoted and considered by policy-makers in Romania and in all member states. These activities have included the following:

- Advocacy preparation during 2014 within the activities of the project, CLR, as Country Co-ordinator, prepared a template for the collection of data regarding the relevant Romanian-level stakeholders. The CLR Country coordinator also prepared an advocacy plan for the dissemination of actions;
- On-going advocacy and dissemination of outputs and deliverables For each project deliverable, advocacy activities included:
 - On-going individual correspondence with the relevant stakeholders;
 - Meetings with relevant authorities.

More information is available in Romanian at: http://www.crj.ro/Accesul-la-justitie-al-copiilor-cu-dizabilitati-mintale/.



 "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 main objectives of the project implemented in the period 2012-2014 were to increase the understanding of the gaps and inconsistencies of national legal frameworks with regard to children deprived of liberty (placement, treatment and safeguards), to assess the current conditions of children in closed institutions for compliance with international standards on liberty and security of children, to facilitate reforms and exchange of best practices, to help raise awareness about the placement and living conditions in closed institutions and finally, to help integrate children's rights, particularly in the area of deprivation of liberty, into the EU's fundamental rights policy and provide reliable data for evidence-based policies.

Activities of the project included carrying out legal and desk research in each country to assess the national legislation compliance with European and international standards on the deprivation of children of their liberty and thus, demonstrate existing gaps in the legislative framework and malpractices. In addition, the legal research also entailed a critical overview of European and international standards related to the deprivation of liberty and treatment of children, deprived of liberty. The second phase of the project involved the monitoring of institutions for deprivation of liberty of children. This project used a broadened scope of the definition of deprivation of liberty to include institutions part of the criminal justice system but also other institutions that inherently replicate the placement and living conditions of criminal justice institutions and other facilities, such as institutions for the placement of children for educational supervision, welfare and protection purposes, migrants with irregular status, children with disabilities and institutions for active treatment of children with mental disabilities. The media and advocacy phase involved presenting the results to the wider public or other target groups, such as journalists, policy-makers, experts/field workers, through a variety of activities such as roundtables, workshops, conferences and campaigns.

At the end of the project, all country reports presenting the results from the two-year legal and field research, including Romania, were compiled into one final publication in English, available at http://www.bghelsinki.org/en/publications/bhc-reports/special-reports



The key results of the study involve providing a systematic overview and upto-date picture of the closed institutions where children are deprived of liberty in Bulgaria, Hungary, Poland and Romania. The approach of the study provided a comprehensive analysis of the forms of deprivation of liberty, conditions and guarantees provided, and whether they meet the standards for the protection of children's rights. It brought to light numerous systemic problems with legislation across the countries. Monitoring visits revealed the conditions and treatment of children deprived of liberty, in some cases uncovering serious cases of violence and inhuman or degrading treatment. The results of the project were widely publicised on a national level, sparking a debate both among the wider public, civil society and policy-makers.

Through this study, the project had a serious impact on creating an in-depth discussion on the implementation of future policies and reform in the field of juvenile justice on a national level. Monitoring visits also acted as a preventive mechanism against abuse in closed institutions. In Romania, the impact on the target groups was high since the research teams were the only independent professionals allowed to conduct monitoring in closed institutions. Both the beneficiaries of the centres and the staff of these centres benefited from monitoring visits. Personnel received practical information on how they should respect the rights of beneficiaries. State authorities were acquainted with the gap in legislation and identified problems. The general public benefited from better-trained journalists on issues related to children with mental disabilities deprived of liberty in foster care centres and in psychiatric wards.

In Romania, legislative amendments resulting from project advocacy are expected to have implications on safeguarding the rights of institutionalized persons with mental disabilities, especially related to establishing an independent monitoring mechanism. The engagement of the prosecutor's office in investigating abuse against institutionalized people with mental disabilities, which was achieved as a result of this project, will lead to better safeguarding of their rights and is expected to foster better awareness among magistrates on the rights of this vulnerable group. Increased public control over these closed institutions will be enhanced by the journalists, trained in covering issues relating to children in detention, and human rights monitors, who will conduct civil control over the rights of institutionalized children with mental disabilities.

In Romania, the National Preventive Mechanism under OPCAT (Optional Protocol to the Convention Against Torture) and the provisions of the UN Convention on the Rights of Persons with Disabilities need to be implemented at the European level as the EC signed the Convention in the name of the EU member states. Using CLR expertize gained through this project, CLR proposed a



law on the effective implementation of the OPCAT and Article 33 of the Convention on actively involving civil society representatives in monitoring the respect of the rights of persons with disabilities. Furthermore, the CLR is considering using the monitoring expertise and the law proposal in asking the Committee on the Rights of Persons with Disabilities to issue a General Comment on Article 33 of the Convention.

In view of advocacy for the purposes stated above, CLR contributed to the making of documentaries targeting the wider public. Thus, two documentaries were aired in mainstream media based on CLR work: a documentary on Al Jazeera TV and a documentary on PROTV national private cable network wide public show "Romania te Iubesc" ("Romania I love You"). International dissemination also took place through public/advocacy events (advocacy roundtable with the CoE Commissioner for Human Rights and the international conference with the representative of the UN Subcommittee on the Prevention of Torture). CLR engaged in social media dissemination of results.

External evaluation of the results of this two year project can be measured by the adoption by the national authorities of the measures recommended by the project. A further indicator is how international organisations build on the project's findings. The reliability of the data collected and presented within the project was acknowledged by the European Committee for the Prevention of Torture (CPT). CPT held meetings with CLR during country fact-finding visits in Romania; CLR met with the President of the CPT in a CoE conference organized in Dubrovnik (March 2014). At all three events, CPT received extended information about the monitoring findings in Romania. (CLR's presentation on the rights of children with mental disabilities in institutions was the only one selected for participation in this area of independent human rights monitoring, http://www.coe.int/t/dg3/children/Dubrovnik/DubrovnikConference2014 en.asp) – see also below.

• "The death camps next to you" is a human rights advocacy project coordinated at the national level by CLR. The project is co-financed by the EEA grants 2009-2014, within the NGO Fund in Romania.

In August, CLR organized a four day training for human rights monitors (representatives of different NGOs and networks active in the area of the rights of children and adults with mental disabilities in Romania). At the end of the training, CLR employed a number of 10 human rights activists to carry out visits in institutions. Each of the monitoring team was made of 3 experts: a representative of a mental health users' association, a lawyer and a psychologist.



During each visit, the experts were also working together in identifying and documenting any further complaints related to the institutionalized life.

Between 31 October and 26 November the CLR team have visited 11 foster care centres for children with mental disabilities and issued a number of 11 monitoring reports. The 11 monitoring reports were forwarded for information to the local and national authorities responsible in this field. Responses have been received from the Child Protection Authorities from Mures, Harghita, Cluj and Prahova.

Also, a request for information has been elaborated and sent to all the County Directorates of Social Work and Child Protection, Tribunals and Police Departments with the aim of documenting the number of children and youth died in the foster care centres in the last 3 years, how all of these deaths have been investigated, the number of children with mental disabilities that were transferred from the maternal assistant families to foster care centres, if their right to be heard was respected and if the courts took into consideration the best interest of the children with mental disabilities when they adopted decisions regarding institutionalization of such children. Answers have been received from only half of the counties of Romania, and the first result of the data analysed indicated that 1.462 children and youth with mental disabilities died in institutions from ½ of the country in the last 3 years and no further investigations have been conducted. In order to present this data, CLR has organized three meetings with the representatives of the Ministry of Labour, Ministry of Justice and the General Prosecutor's Office. In these meetings, CLR has asked for proper investigations of all deaths occurred in the institutions and for a mechanism of collecting data and documenting all situations encountered, set up by the state, so that deaths in foster care centres be prevented.

CLR has also been involved in working on the National Strategy for the Rights of Persons with Disabilities and proposed objectives and activities for the areas of protecting fundamental rights, access to complaints mechanism in institutions and in the community, access to the community services and monitoring mechanism of the CSOs based on art. 33 of the UN Convention on the Rights of Persons with Disabilities (CRPD).

On the 9th of December, CLR launched a proposal of Law on the establishment of an independent mechanism based on art. 33 of the CRPD. The law proposal has been accepted by members of the Parliament who forwarded it to the Senate for introducing it into the legislative procedure. Now the law proposal needs to get through the constitutional procedure in order to be adopted by the Romanian Parliament. See

http://www.senat.ro/legis/lista.aspx?cod=18759#



In the meantime, the CLR has continued to meet with the Ombudsman for the implementation of the Optional Protocol to the Convention against Torture – OPCAT's provision establishing a National Preventive Mechanism for Romania. After several meetings, CLR informed the Ombudsman that it would prefer to have a separate protocol signed for carrying out ad-hoc monitoring visits (see section on Monitoring activities below), and thus maintain its own monitoring mechanisms.

Media Advocacy activities:

- A short movie was made to promote the rights of institutionalized children with mental disabilities:

https://www.youtube.com/watch?v=40sPeRI3tME

- On 9 December 2014 a press conference was organized in order to launch the law proposal and the campaign "The death camps next to you". It was attended by over 100 guests representatives of public and private institutions, media representatives and representatives of non-governmental organizations;
- A Facebook page was created for the project:

https://www.facebook.com/pages/Lag%C4%83rele-de-l%C3%A2ng%C4%83-tine/330205460518129?fref=ts

- An online petition was started:

http://www.petitieonline.com/sunt singur pe lume cine ma apara.

Till the end of 2014, 711 persons have signed the petition, and 365 recommended it on Facebook;

- About 100 printed petitions were disseminated at the press conferences.

As a result, we obtained the following:

- 5 TV stations broadcasted news about the campaign "The death camps next to you": Pro TV, Antena 1, Antena 3, reality TV and Money Channel. Pro TV, TV Money Channel and Romania TV were present at the event.
- 4 radio stations also broadcasted news on the subject: Radio Romania News, RFI Romania, Magic FM and Rock FM. Radio Romania was present at the event.
- The most important online publications republished the news about the launch of the campaign: Day event, Hotnews, Mediafax, Romania



Libera, Ziare.com , StirileProTV.ro , Business Magazin, Ziarul Financiar. In total over 75 appearances were generated.

- In social media, the Facebook page gathered over 700 followers in a week. Posts on page generated in total 180 shares, 144 likes and the reach was over 18,000 people.
- During the press conference and seven days after it, when the press release was widely disseminated and a phone follow-up with journalists was made, according to the audience and traffic data, about 3 million people were exposed to the messages of the press conference.

In December, a contest for journalistic projects on the rights of institutionalized children and youth with mental disabilities was launched on the CLR's webpage. Six applications were received and analysed.

In order to better promote the rights of persons with mental disabilities to live in the community, CLR employed and introduced in the monitoring teams a photo documentarist who has participated in monitoring visits and documented by photographing the situation of institutionalized children and young people. The expert made about 1000 photos of children and youths in the visited institutions. Apart from that, 100 disposable cameras were distributed to beneficiaries and staff in the visited institutions to capture their everyday life through photos and, till the end of the year, 80 cameras were collected from the establishments visited.

"Practical School – Innovation in higher education and success on the labour market" – is a project implemented in partnership with the Romanian-American University, the leader of the project. It is co-financed by the European Social Fund through the Sectorial Operational Programme for Human Resources Development.

During October-December 2014, the CLR Programme Manager has held two presentations at the Faculty of Law of the University and has participated in work meetings with staff members of the university in order to open the Center for Human Rights and Migration and to offer to the students good opportunity for internship and learning about the protection of the rights of institutionalized persons with mental disabilities.



MONITORING ACTIVITIES

On the basis of written Protocols signed with the Ministry of Labour, Family, Social Protection and Elderly and the Ministry of Health and the provisions of Article 33 of the Convention on the Rights of Persons with Disabilities and of Law No. 487/2002, CLR representatives have the right to conduct unannounced monitoring visits to public and private residential centres for persons with disabilities.

In 2014 CLR coordinated ad-hoc monitoring visits in foster care centres for children with mental disabilities and in mental health facilities/centres for rehabilitation and recuperation of adults with mental disabilities (40 visits and 20 follow-up visits).

The visits were made by teams of 2 human rights monitors, with the support and supervision of the CLR's 'Advocate for Dignity' program manager. A few of the visits were followed by criminal complaints related to ill treatment applied to children and youth with mental disabilities (please see below the Litigation activity).

<u>Problems concerning access to institutions:</u> At several centres, visits could begin only after hours of delay on the pretext that the main officials of the Centre, as well as the general manager of the General Directorate for Social Work and Child Protection, were absent. In others, full access was not allowed, while in others CLR experts were allowed to stay for an insufficient amount of time. CLR reiterates its valid suspicions that such practices, adopted by the officials from the centres and from the county councils/Bucharest district councils, are designed to prevent CLR experts from examining the real conditions at the centres.

The CLR's unannounced visits evaluated the respect of human rights standards related to the following categories of persons, considered "persons deprived of their liberty" based on Article 4(2) of the Optional Protocol to the Convention against Torture¹:

 persons for which there is a decision for placement (in residential centres, public or private, in foster care or with a person/family, according to Law No. 272/2004 on the protection and promotion of children's rights);

¹ According to the Optional Protocol to the Convention against Torture, deprivation of liberty refers to any form of detention or imprisonment or placement of a person in a public or private custodial setting which the person is not permitted to leave at will by order of any judicial, administrative or other authority.



- persons institutionalised in public or private residential centres for persons with disabilities, according to Law No. 448/2006 on the protection and promotion of rights of persons with disabilities;
- persons institutionalised in psychiatric units under Law No. 487/2002 on mental health and protection of persons with mental disorders.

The Romanian state allows the existence of residential institutions for children, which are subordinated to county councils/Bucharest district councils and are coordinated by the General Directorates for Social Work and Child Protection (GDSACP). In the centres visited, there were children/young people aged between a few months to 31. Children/young people, including boys and girls, have varying levels of disability (mainly mental disabilities) or constitute "social cases", or have committed an offence under criminal law and cannot be held criminally liable. Children are admitted to residential centres when the placement is decided by the Commission for Child Protection (CCP, an administrative mechanism set out under the GDSACP) or by a court. In principle, when reaching the age of majority, young people leave these centres and are admitted to centres for adults with disabilities. However, in some institutions², CLR representatives discovered based on interviews with the personnel that "when reaching the age of majority, children continue to live here, if they do not go back to the family" because the Centre provides "bed and meals" and "they can perform household activities for the Centre" or because "no law was adopted regarding the professional assistant who could help integrate beneficiaries in the community and there is no other realistic solution."

Some institutionalised young adults³ complained that they had been transferred to centres to attend a special school, not because of a mental disability, but mainly because of behavioural problems or learning difficulties.

During the monitoring visits, the CLR representatives have made the following observations:

- **Denial of access to justice:** It is almost impossible for minors with mental disabilities to have effective access to justice either during their placement in an institution or with a professional caretaker. The national legal framework and CLR's factual findings show the factors which contribute to the violation of this right:
 - o The national legal framework regarding "legal representation" works against persons with mental disabilities, since the ones

² For example, the School Centre for Inclusive Education in Peris, or the Neuropsychiatric Recovery and Rehabilitation Centre in Cotesti

³ Centre for Recovery of Young People with Neuropsychiatric Disorders in Babeni



- designated to protect their rights, are usually the source of the abuse;
- o In practice, with very few exceptions, there are no procedures in place for registering and resolving the complaints of minors with disabilities who are institutionalised;
- In practice, a death occurring in an institutional setting is rarely investigated and examined forensically, in spite of existing legal obligations;
- **Torture, inhuman and degrading treatment:** CLR has identified cases of treatment amounting to torture. This treatment is inflicted either directly by personnel, who are incompetent and untrained (e.g. tying people to their beds, sedating them), or by the other residents.
- Failure to investigate deaths Although they occur in institutions involving deprivation of freedom, there are no clear records regarding these deaths, and people are buried without a medical certificate and without performing autopsy or other further investigations regarding the causes of death (e.g. the Home for Elderly and Adolescents with Disabilities in Aldeni, Rehabilitation Center in Brancovenesti, the Family-Type Houses in Bora, Center for Youth with Intellectual Disabilities in Babeni). CLR strongly calls for changing this practice as soon as possible, so that an autopsy and medical certificates are mandatory in all cases of death, as this obligation is provided for, for instance, in Law No. 254/2013 on execution of sentences and measures involving deprivation (Article 52(2)) but, unfortunately, it is not also stipulated in Order No. 559/2008 of the National Authority for Persons with Handicap, on the approval of specific quality standards for residential centres, day centres and protected homes for adults with handicap (Standard 12.12). At the Center from Babeni, for example, if the death occurred within the centre, the family doctor and the head of the centre are called to "record the death, documents are prepared and then the burial takes place" (in case of a death in the hospital, "the case manager and the head of the centre go to the hospital, documents are prepared, the burial takes place, the family participates. Not all deaths occurring in the centre are considered suspicious, so that no intervention by police or prosecutors and no autopsy are requested").
- **Poor living conditions:** The CLR monitoring visits identified numerous instances where persons with disabilities live in places with poor air



quality, heating, lighting, hygiene or food. Special recuperation programmes are scarce, and simple activities such stay outdoors are also unavailable in some residential institutions. Minors' oral hygiene is precarious because they seldom have access to dentists and are also discriminated against when it comes to accessing health care outside institutions. There is also widespread shortage of specialized personnel.

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

1. "National Mechanism on prevention of torture", Bucharest, international conference

On 14 October 2014, the CLR has organized in Bucharest an international conference on the implementation of the OPCAT provisions in Romania, Bulgaria, Poland and Hungary. The CLR has benefited from the presence of Ms. Mari Amos, representative of the UN Subcommittee on Torture. The conference took place at the Romanian National Library and more than 60 participants from central and local authorities, human rights activists and journalists have been involved.





2. On 27-28 March 2014 the 'Advocate for Dignity' Programme Manager participated as a speaker in the conference "Growing with children's rights" organized in Dubrovnik by the Children's Rights Division of the Council of Europe (see the website of the Conference at:

http://www.coe.int/t/dg3/children/Dubrovnik/DubrovnikConference2014 en.asp). The programme manager had an intervention at the round table on "Preventing and combatting sexual violence against children" on 27 March.

3. On the 1st of April 2014 CLR organized a roundtable on the rights of children and youth with mental disabilities with the participation of the CoE Commissioner for Human Rights

"Romania must accelerate the introduction of the National Prevention Mechanism", warned the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, present on 1st April 2014 at the debate on access to justice for and the rights of children and young people institutionalized, suffering from mental disabilities, organized by the Centre for Legal Resources at the Spatiul Public European in Bucharest. Around 35 people participated at the roundtable.



"I would like to reiterate my conviction that Romania needs to introduce the National Prevention Mechanism, which must be initiated and funded by the government, but implemented **as an independent body**, which should lead to the observance of the Optional Protocol to the Convention against torture and monitor



compliance with the Convention on the Rights of Persons with Disabilities", stated the Commissioner for Human Rights, Nils Muižnieks.

This statement was made at the release, by the Centre for Legal Resources, of the synthesis paper including the observations made during the monitoring visits carried out in 30 residential centres in which persons – children and youth – with mental disabilities were secluded. These visits have highlighted a range of serious violations of the rights of the persons kept in such institutions, ranging from torture, inhuman and degrading treatments, limitation of access to justice, non-settlement of the complaints lodged by the people who live in them, to the lack of investigations into cases of death, limited, and sometimes non-existent, access to social rehabilitation and medical care within the community.

In the context of the violations of the human rights of people with mental disabilities identified by the CLR, the Commissioner stressed the importance of non-governmental organizations in protecting the rights of institutionalized persons with disabilities, while reminding the CLR case on behalf of Valentin Câmpeanu vs. Romania, pending before the Grand Chamber of the European Court of Human Rights: "If NGOs cannot defend in courts of law the persons secluded in various institutions, abuses may be committed at any time. The access of these people to justice is very important, which is why I wanted to speak on behalf of a third party in the CLR lawsuit on behalf of Valentin Câmpeanu vs. Romania, before the Grand Chamber of the European Court of Human Rights. We must eliminate all barriers related to access to justice and hope for a positive outcome before the Grand Chamber. I congratulate the CLR for their work in the Valentin Câmpeanu case. You are true advocates of human dignity", said the Commissioner.





The CLR debate was also an opportunity for colleagues from other NGOs to present the problems faced by people with mental disabilities and their families.

LITIGATION CASES

Solution European Court of Human Rights: Center for Legal Resources on behalf of Valentin Câmpeanu v. Romania - The case was won by the Centre for Legal Resources before the European Court of Human Rights Grand Chamber on 17 **July 2014.** The case concerned the death of a young man of Roma origin who was HIV positive and suffering from a severe mental disability - in the Poiana Mare psychiatric hospital. He was discovered by the Centre for Legal Resources in one of its monitoring visits in 2004 the same day when he died. The case established a precedent in ECtHR jurisprudence, because CLR was allowed to stand on behalf of Mr. Câmpeanu even if neither him, nor any of his relatives (which he did not have) mandated CLR to do so. The Court found that, in the exceptional circumstances of the case, and bearing in mind the serious nature of the allegations, it was open to the NGOs to act as a representative of Mr. Câmpeanu, even though the organization was not itself a victim of the alleged violations of the Convention. The Court found a violation of Article 2 (right to life) and Article 13 (right to an effective remedy) in conjunction with Article 2. The court found in particular: that Mr. Câmpeanu had been placed in medical institutions which were not equipped to provide adequate care for his condition, that he had been transferred from one unit to another without proper diagnosis; and that the authorities had failed to ensure his appropriate treatment with antiretroviral medication. The authorities, aware of the difficult situation – lack of personnel, insufficient food and lack of heating - in the psychiatric hospital where he had been placed, had unreasonably put his life in danger. Furthermore, there had been no effective investigation into the circumstances of his death.

Finding that the violations of the Conventions in Mr. Câmpeanu's case reflected a wider problem, the court recommended Romania to take the necessary general measures to ensure that mentally disabled persons in a comparable situation were provided with independent representation enabling them to have complaints relating to their health and treatment examined before an independent body.

This wider-system finding of the ECtHR reflects the realities in institutions for persons with mental disabilities that CLR has been documenting for years, as well as the need for an effective independent monitoring mechanism of such institutions, as well as for effective and readily-available means for access to justice for these persons. The ECtHR decision can be found here:



http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{%22display%22:[2],%22itemid%22:[%22003-4822317-5881639%22]}

- Tribunal regarding abuses committed against persons with intellectual disabilities a residential centre in Aldeni, Buzau county. In September, the prosecutor decided to close the case on the ground that the alleged acts did not take place. CLR lodged a complaint with the Prosecutor Office against the ordinance of the prosecutor to close the case, but it was dismissed.. In November, CLR filed a complaint with the Buzau Tribunal against the ordinance of the Prosecutor's Office dismissing the CLR's complaint. The Tribunal admitted the CLR's appeal and quashed the ordinance for closing the case, ordering the prosecutor to start criminal investigation in the case. More information available in Romanian at: http://www.crj.ro/cazul-caminului-de-varstnici-si-adulti-cu-dizabilitati-aldeni-judetul-buzau/
- ❖ In March, the Prosecutor's Office next to the Oradea First Instance Court ordered to close the case brought to its attention by the CLR concerning physical and emotional abuses against children living in a residential centre in Oradea. The appeal filed with the Prosecutor's Office against the prosecutor's ordinance was dismissed. Thus, CLR filed a complaint with the Oradea First Instance against the decision of the Prosecutor's Office. The First Instance admitted the complaint and ordered the Prosecutor's Office to carry out investigations in the case. More information available in Romanian at: http://www.crj.ro/cazul-centrului-de-plasament-pentru-copii-cu-probleme-psihosociale-oradea/
- ❖ Another complaint was lodged in Prahova county regarding abuses suffered by the resident of a residential centre in Breaza, Prahova county. This complaint was co-signed by the parents of the victim and was subsequently connected to the existing file in work at the Prosecutor's Office in Campina, Prahova county.

PRESS RELEASES, MEDIA COVERAGE

1. Press conference on the day when the Grand Chamber of the European Court of Human Rights presented the verdict in the case of the Center for Legal Resources on behalf of Valentin Campeanu v. Romania – 17 July 2014.

The CLR organized a press conference in a room with a design that let the impression of the hospital room where the CLR found Valentin Campeanu on 20



February 2004. More than 15 journalists and 20 civil society representatives participated at the event.



Information on the case decision had a good coverage in the national and local media. See http://www.crj.ro/curtea-europeana-pentru-drepturile-omului-a-condamnat-romania-in-dosarul-crj-in-numele-lui-valentin-campeanu-vs-romania/

2. Other press releases:

- "The Center for Legal Resources (CLR) considers insufficient the punishment of the Bihor DGASPC director for abuses committed against teenagers in the residential centre Oradea", 22.01.2014, available in Romanian at: http://www.crj.ro/centrul-de-resurse-juridice-crj-considera-insuficienta-sanctionarea-directorului-dgaspc-bihor-pentru-abuzurile-la-adresa-adolescentilor-din-centrul-de-plasament-oradea-2/
- "The Center for Legal Resources (CLR) claims that the ordinance of the Prosecutor's Office next to the Oradea First Instance to file away the case of abuse against minors living a centre for children with psychosocial problems, 04.04.2015, available in Romanian at http://www.crj.ro/centrului-pentru-copii-cu-proble/



- 3. **Media Advocacy Documentaries** (http://www.crj.ro/pledoarie-pentru-demnitate/media-advocacy)
 - PRO TV Documentary: "The prisoners of recovery death camps. People kept in chains, without water and heat, while officials make strategies", available at http://www.crj.ro/prizonierii-lagarelor-de-recuperare-oameni-tinuti-in-lanturi-fara-apa-si-caldura-in-timp-ce-oficialii-fac-strategii/
 - Al Jazeera Documentary: "Europe's hidden shame", available at http://www.crj.ro/reportaj-al-jazeera-europes-hidden-shame/

BUDGET

Total yearly budget for the Advocate for Dignity Programme: 184,200 euro



PUBLIC INTEGRITY PROGRAMME

The Public Integrity Programme aims to:

- identify integrity issues at the level of local and central public institutions;
- improve the legal and institutional framework in the field of anti-corruption;
- raise the level of awareness and training in the field of integrity in the public sector.

PROJECTS

• "NGOs - stakeholders in the implementation and monitoring of the National Anti-corruption Strategy", financed by the Civic Innovation Fund, Trust for Civil Society in Central and Eastern Europe.

The project implemented in the period 2012-2014 aimed to involve NGOs, citizens and businesses in implementing and monitoring the National Anti-corruption Strategy 2012-2015

In 2014 the following activities have been carried out in the framework of the project:

- Drafting of a Monitoring Report "Ways of cooperation between public authorities and civil society based on Law no. 350/2005 on the regime of non-returnable financing from public funds allocated for non-profit activities of general interest, Part II ", available in Romanian at guvernmaibun.ro/images/stories/fisierepdf/rap2014CRJ.pdf
- Monitoring the level of implementation of the National Anticorruption Strategy 2012-2015 in 153 public institutions, structures without legal personality and devolved public services at county level. As a result a Monitoring report was drafted: "The National Anticorruption Strategy 2012-2015 at the level of devolved public services of the ministries" available at guvernmaibun.ro/images/stories/fisierepdf/RapMonitorizare.pdf. The report was launched at a national conference with the participation of 40 participants.
- Advocacy, by sending petitions to public institutions, asking them to include in their annual grants a line for financing projects of NGOs in the field of



corruption prevention. As a result, five public authorities (Ministry of Health, Dolj County Council, Maramures County Council, Cluj County Council, Bistriţa-Năsăud County Council) have included in their annual grants programme the topic of integrity and good governance and cooperate with NGOs to implement projects in the field of anticorruption, according to the National Anticorruption Strategy 2012-2015 and the Law no. 350/2005 on the regime of non-returnable financing from public funds allocated for non-profit activities of general interest.

- o Regularly updating the website <u>www.guvernmaibun.ro</u>
- "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. The project is implemented in partnership with the National Agency for Civil Servants (ANFP).

Within the project, CLR delivered trainings to ethics counsellors and developed tools and work procedures for ethics counsellors in the public sector.

In 2014 CLR implemented the following activities:

- Held training courses for ethics counsellors, followed by exams;
- Developed the following methodologies and tools:
 - o the Guide "Best practices and tools for preventing corruption in public administration" (authors: Valerian Stan and Radu Nicolae) available in Romanian at: www.crj.ro/wp-content/uploads/2015/04/ghid-de-bune-practici.pdf.
 - The Brochure "Integrity management in public institutions", available at: www.crj.ro/wp-content/uploads/docs/brosura%20CRJ%202%20management-ul%20integritatii.pdf
 - The Brochure "The benefits of counselling in the field of ethics", available at: www.crj.ro/wp-content/uploads/docs/brosura%20CRJ%203%20avantajele%2 0consilierii.pdf
- Provided advice on integrity management for public institutions and authorities at their headquarters.



• "Reuse of confiscated assets for social purposes" co-financed by the EEA grants 2009-2014, within the NGO Fund in Romania. The project aims to raise awareness of NGOs and decision-makers in key ministries and putting on the institutional public policy agenda of the social reuse of assets / amounts seized from crimes, and promoting a public policy proposal to increase the role of NGOs in the social reuse of assets / amounts confiscated from crimes.

Within this project, in 2014 CLR had the following activities:

- Data collection regarding confiscated assets through public information requests. This activity was carried out with the help of tree volunteers.
- Organisation of the seminar "Reuse of assets confiscated from crimes for social purposes: towards common EU standards";
- Organisation of a seminar on social reuse with the participation of 25 NGOs;
- Presenting the initiative on social reuse in cities outside the capital: in Iasi and Timisoara;
- Setting up a coalition of 35 NGOs under the name "Initiative for reuse"
 the list of the NGOs is available here: http://www.crj.ro/integritate-publica/initiativa-pentru-reutilizare/sustinatorii-initiativei-pentru-reutilizare/);
- Launching an online petition "Stolen money is our money!"

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

The Programme manager:

- had meetings with the Ministry of Justice and the Anti-Corruption General Directorate concerning the reuse of confiscated assets and the National Anti-corruption Strategy;
- o participated at public consultations regarding the Strategy for a better regulation 2014-2020;
- held a presentation at the 6th Panel on public administration reform organized in the framework of the Eastern Partnership Initiative in Bucharest;



o Participated in the Working Group of the Center for European Policy Analysis in order to draft the report "Romania 25: Refining governance capacity in Romania"

PRESS RELEASES, MEDIA COVERAGE

- Press release "Compatibility or incompatibility of the mayors in carrying out their legal duties", 25.06.2014, available in Romanian at: http://www.crj.ro/compatibilitatea-sau-incompatibilitatea-primarilor-in-exercitarea-atributiilor-legale/

BUDGET

Total yearly budget for the Public Integrity Programme: 195,332 euro.



JOINT PRESS RELEASES WITH OTHER NGOS

- "The management of the Public Television is trying to eliminate the independent voices of the Board of Directors", 09.01.2014, available in Romanian at: http://www.crj.ro/conducerea-tvr-incearca-sa-elimine-vocile-independente-din-consiliul-de-administratie/
- "Open letter to Mr. Crin Antonescu and members of the parliamentary committee on review of the Constitution", 03.02.2014, available in Romanian at http://www.crj.ro/scrisoare-deschisa-adresata-domnului-crin-antonescu-si-membrilor-comisiei-parlamentare-de-revizuire-a-constitutiei/
- "6 years after the NATO summit in Bucharest: Gendarmerie found guilty for abusing citizens, but left unpunished", 02.04.2014, available in Romanian at: http://www.crj.ro/6-ani-de-la-summit-ul-nato-la-bucuresti-jandarmeria-gasita-vinovata-pentru-abuzuri-asupra-cetatenilor-dar-lasata-nepedepsita/
- "NGOs from across Europe show solidarity with the civil society in Hungary", 17.09. 2014, http://www.crj.ro/ong-uri-din-intreaga-europa-se-solidarizeaza-cu-societatea-civila-din-ungaria/
- "Several NGOs criticize the position of the Superior Council of Magistracy regarding the debates on autonomy on ethnic grounds", 17.09.2014, available in Romanian at: http://www.crj.ro/mai-multe-ong-uri-critica-pozitia-csm-cu-privire-la-dezbaterile-privind-autonomia-pe-criterii-etnice/
 - "Solidarity with homeless people in Bucharest. Letter to Sorin Oprescu",
 29.09.2014, available in Romanian at: http://www.crj.ro/solidaritate-cu-persoanele-fara-locuinte-din-bucuresti-scrisoare-catre-sorin-oprescu/



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