



CENTRE FOR LEGAL
RESOURCES

ANNUAL ACTIVITY REPORT
- 2015 -

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

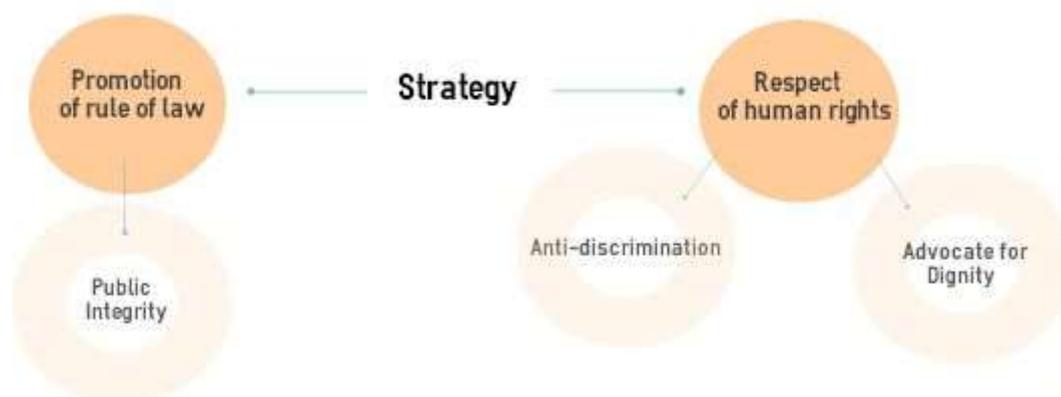
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ABOUT THE CENTRE FOR LEGAL RESOURCES (CLR)

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
- Delia Niță – ‘Anti-discrimination’ Programme Manager
- Radu Nicolae – ‘Public Integrity’ Programme Manager
- Vadim Chiriac – Lawyer
- Ágnes Csonta – ‘Anti-discrimination’ Programme Legal Expert
- Tatiana Cojocari - ‘Advocate for Dignity’ Programme Assistant
- Cătălin Cumpănașu – PR/Communications
- Niculina Popescu – Economic Manager
- Pavel Rotaru - Accountant
- Liliana Florea – Secretary
- Florin Călugăru – Administrator
- Florentina Alexe – Office cleaning

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 program 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.

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

- **“Monitoring human rights through international mechanisms”**, co-financed by the EEA grants 2009-2014, within the NGO Fund in Romania.
The project was implemented in the period October 1, 2014 –December 31st, 2015, and its general objective was 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.
- **“Pro bono network for human rights”** Since 2014, CLR partnered with a Cluj-Napoca based NGO ACTEDO – Equality and Human Rights Action Center within the project *Pro bono network for human rights* financed through Norwegian funds and managed by ACTEDO. The project’s objective was to create a network of *pro bono* lawyers coming from three counties (Cluj, Mureş and Bistriţa). CLR’s role was to train the lawyers of the network in human rights aspects and anti-discrimination.
- *Follow-up to **FRANET Project** (Network of national experts of the European Union Agency for Fundamental Rights - FRA)*

ACTIVITIES AND OUTCOMES

Research, publications and policy papers

- A Guide **Combating hate crimes: a guide for practitioners and decision-makers** directed at Romanian relevant stakeholders and decision makers

This contributes to the training of all legal practitioners taking up hate crime cases.



- **5 policy papers** on human rights related topics
- **Policy paper on the right to have access to justice and the culture of pro bono lawyering in Romania**

CLR drafted, together with the Equality and Human Rights Action Centre - ACTEDO and Save the Children - Iasi Branch a policy paper on the need for regulating in order to encourage legal pro bono services (the American Bar Association Model Rule 6.1 on Voluntary Pro Bono Publico Service was offered as example). CLR also conducted a research for the paper, asking social/human rights NGOs to provide details on their need for and access to legal services in human rights cases. The results, presented in the paper, were extremely worrying (all NGOs need legal services, only a handful can afford or provide them) – 24 out of 33 NGOs said they could not provide such services although needed, with direct consequences for the most vulnerable (victims of trafficking of domestic/sexual violence, vulnerable children, people with disability, HIV/AIDS affected people, etc...).



The policy paper on pro bono legal services, for the first time put forth in the Romanian public debate the idea that access to justice for the most vulnerable is virtually non-existent and that lawyers have a professional, morally charged duty to do something about this situation.

AVOCATURA PRO BONO – indicator al funcționării profesiei
într-o democrație reală

- **Policy paper on the right of persons with disability not to be discriminated against on account of lack of accessibility**

According to the statistical data issued by the Ministry of Labour, Family, Social Protection and Elderly, there are 752,931 persons with disabilities, including 60,289 children with disabilities in Romania at the end of 2015.

The lack of accessibility is a major problem in Romania, thus condemning people with disability to isolation and creating a framework of permanent and systematic discrimination against them. The policy paper describes this issue and demands for the implementation of the law in terms of accessibility and, therefore, observance of the fundamental rights of people with disabilities.



- [Policy paper regarding the difficulties in obtaining an ID paper if one does not have a residence](#)



The document reveals the structural problems faced by vulnerable people, namely the homeless and part of the Roma minority, in obtaining ID papers, in the context of an inadequate and insufficient regulation of ensuring the right to identity in Romania. It also offers models for solving this problem (from a policy and from a legal perspective) coming from other EU countries.

- **Policy paper on the need for emergency referral centers for victims of sexual violence**

Romania has very high levels of domestic and gender violence coupled with a lack of public policies to combat the phenomenon and lack education for gender equality. Not surprising, Romania has the lowest equality index in 2015 according to the European Institute for Gender Equality 2015. Although the country ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, it has made insignificant steps to effectively implement the Convention. This international instrument also provides for the establishment of sexual violence referral centers. The policy paper placed in the Romanian context the need for and a potential model for multi-disciplinary/integrated referral centers for the victims of sexual violence, also providing examples and standards from other countries.

<p>In Romania, where no state-provided integrated services exist at this point and only a handful of NGOs providing support, the policy paper on the need for emergency referral centers for victims of sexual violence represents an important advocacy tool for the establishment of such centers.</p>	 <p>Centre de primiri urgență pentru victimele violenței sexuale: un imperativ în contextul românesc</p>
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- **Policy paper on the right to know about and live the culture of gender equality**

In the last years, Romania has been constantly ranking low among the EU countries in terms of respecting and promoting gender equality. The national strategies in this area haven't succeeded until now to impose a gender-integrated perspective in all fields and processes of public policies, as per the Council of Europe's recommendation and its own set objectives. The policy paper argues for the need to establish resource centers on gender equality, and proposes such an example using examples from other countries and European standards in terms of policy.



The legislation that sanctions gender-based discrimination and that guarantees gender equality principles cannot replace the State's intervention which should take the form of specific and sufficiently funded services and policies.

- **As Follow-up to FRANET Project** (Network of national experts of the European Union Agency for Fundamental Rights, FRA), in May 2015, CLR launched the results of research conducted under the auspices of the EU Agency for Fundamental Rights, related to child-friendly justice and how it happens for children from the perspective of legal and social professionals who interact with children when they are part of court proceedings - [Social Fieldwork Research. Child Participation in Justice Report. Romania.](#)

The results are very worrying, the main conclusion being that children and their specific needs of protection are almost non-existent in the Romanian justice system, for diverse reasons: from chronic lack of training and going up to the point where there are instances of girl victims who are treated in a degrading and humiliating manner or children victims who are confronted with the perpetrator. In any case, the child's individual needs and vulnerabilities do not represent a concern for the system. The report was launched within a round table where the relevant authorities were invited and asked to comment. The press statement issued in the aftermath of the launch was reflected at length in the main news agencies.

Training sessions

- ✓ Related to the topic of increasing the quality and quantity of legal representation in discrimination cases, CLR organized a training seminar on the topic of combating **hate crimes** mainly bringing together **prosecutors and lawyers**. The

training was held by a Finnish specialist working with the Finnish Ministry of interior.

ADVOCACY

Conferences

In June, CLR organized an [international conference on the topic of combating hate crimes](#) (around 80 participants) directly supported by the Finnish Embassy (the Ambassador opened the conference) and also by the British, Danish, Austrian and Dutch Embassies who helped the conference have seven foreign speakers (officials, police officers, police trainers and a prosecutor) specialized in hate crimes. A good number of Romanian officials and representatives of victim groups made the rest of the panelists. The conference had a strong advocacy and watchdog component asking for a shift of paradigm in the way hate crimes are being tackled in Romania: namely taking the topic seriously and putting an end to police abuse against the Roma and LGBT, as well as to the lack of prosecutions - including in most cases of Holocaust denial or related to the cult of the Romanian inter-war Legionnaire movement. Also, the conference saw the launch of the material called: “**Combating hate crimes: a guide for practitioners and decision-makers**”.

Participation in working groups, public debates and dissemination of points of view

UN Universal Periodic Review

The CLR program manager, together with the NGO Romani CRISS, participated in the UN Human Rights Council giving an oral statement on the mid-term implementation by Romania of the commitments undertaken in 2013 when the country was evaluated under the UN Universal Periodic Review mechanism. The speech included the topics of: abuse against the Roma which remains a reality in Romania, unchallenged and at times even perpetrated by Romanian law enforcement; as well as the lack of protection for persons with mental disability living in institutions while any clear and time-bound prospect for community living is absent (recording of speech here, speaker 12: <http://bit.ly/1FNVRjO>). This is probably the first time an NGO activates the possibility to speak before the UN Human Rights Council as part of the General debate on the topic of Universal Periodic Review, in order to present a mid-term-evaluation (the country not being evaluated at that particular Human Rights Council session – Romania will be evaluated again in 2017), and then engaging diplomats from countries who made recommendations to Romania on the topics presented, and thus doing a typical watchdog activity at highest level.

ECOSOC Accreditation: In 2015 the organization applied for its own UN ECOSOC accreditation and obtained it in 2016.

ECRI Meeting At the invitation of the European Commission on Racism and Intolerance (ECRI), CLR had two interventions on the Agenda of a round table organized by ECRI presenting its fourth report on Romania.

At the invitation of the Resource Centre for Roma Communities from Cluj-Napoca, the CLR program manager moderated a panel on hate crimes against the Roma in the international conference called “A Quarter Century After”.

BUDGET

Total yearly budget for the Anti-discrimination Programme: 107.113 euro

ADVOCATE FOR DIGNITY PROGRAMME

Through the [Advocate for Dignity 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

- „[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.
- „[The truth about the ones that don't exist - journalism and activism for the rights of the mentally disabled living in state-financed institutions](#)” is a project initiated by the Centre for Investigative Media in partnership with the CLR and financed through the EEA Grants 2009 – 2014, through the NGO Fund in Romania
- “[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 partnership with the Mental Disability Advocacy Center from Hungary (main applicant) and other actors from England, Ireland, Latvia, Lithuania, Slovenia, Bulgaria, Cyprus and Spain. 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.
- "[Practice School: Innovation in higher education and success in the labour market](#)", 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.

ACTIVITIES AND OUTCOMES

Law proposal on the Access to justice through Effective Monitoring & Complaining Mechanism

In 2015, the CLR worked on and towards the adoption of a [law proposal](#) to implement **Art 33 (2) (3) - monitoring body & Art 16(3)** – effective mechanism to prevent ill treatment in institutions or programs (of the UN’s Convention on the Rights of Persons with Disabilities), through activities such as training courses, debates, public campaigns, observing and monitoring the way in which the rights of the institutionalized persons with disabilities are respected, strategic litigation, counseling and legal support activities.

From January to March, the CLR together with the Center for Investigative Media have organized **5 roundtables** with the civil society’s representatives and journalists in Timisoara, Cluj -Napoca, Brasov, Iasi, Constanta and Bucharest. The aim of the roundtables was to raise awareness with regard to the rights of persons with mental disabilities to live in the community, to have access to independent complaints mechanism and to independent monitoring bodies. An average of 25 participants attended each of the regional meetings.

In May, CLR launched the street campaign – “[Death Camps Next To You](#)” *Caravan* – in Bucharest, followed by similar street actions in Târgu Mureş, Braşov, Cluj-Napoca, Bucharest again, Sibiu, Oradea and Constanța, amounting to an estimated number of **80,500 visitors**.

An overall number of **3000 post cards** addressed to the political authorities were signed and approximately **11,000 people** signed the [online Petition](#) demanding for the adoption of the law. Those documents were formally presented in the Senate Plenary Session in December 21, 2015 when the final vote for the law proposal was scheduled.

CLR organized public regional formal and informal debates in



Timisoara, Oradea, Sibiu and Bucharest. Three formal debates took place in Târgu Mureș, Brașov, Cluj-Napoca, Constanta, Timisoara, Oradea and Sibiu, looking at the law project provisions and on the monitoring reports with the politicians, local authorities representatives as well as NGO's and press' representatives. There were also [public informal debates](#) in the above-mentioned cities and in Bucharest as well at: Pasajul Universitatii, British Council and The Romanian Senate Assembly Room.

Other tools were also used to disseminate the information, such as [infographics](#) and a [TV clip](#).



Advocacy activities were implemented in order to support the law project through 3 debates that took place in Bucharest: (i) Institute The Cafe, in December 7, 2015, (ii) The Romanian Senate – Joint session of the 3 Specialized Commissions: the Human Rights, Cults and Minorities Commission, Public Health Commission and Labor Commission, in December 8, 2015 and (iii) the Senate Plenary Session in December 21, 2015. Throughout those activities Senators, leaders of Parliament's Groups of Interests, Members of the new established Government were contacted.

A labyrinth-like photo-exhibition with images from the centers where people with disabilities live (that was also used in all the street events organized during the year) was set up at the entrance in the Senate during a week in December and postcards with photos made by the institutionalized children and youth with disabilities with a short message for the adoption of the law have been sent to the members of the Senate.



ONGFest 2015, Bucharest, 9th May



Lagarele de langa tine @ Street Delivery X,
12-13-14 iunie 107



Lagarele de langa tine @ Street Delivery X,
12-13-14 iunie 106



Lagarele @ Plai, Timisoara 012

At beginning of December, the law project was unanimously voted in the Joint session of the Senate's Specialized Commissions and, later, on the 21st of December, at the Senate Plenary Session, when the **Law regarding the establishment of the UNCRPD Mechanism in Romania (Law 8/2016) was adopted**. The law was published in the Official Bulletin in 24 of January 2016.



PARLAMENTUL ROMÂNIEI
SENAT

LEGE

privind înființarea mecanismelor prevăzute de Convenția privind drepturile persoanelor cu dizabilități

Senatul adoptă prezentul proiect de lege

Titlul I

Dispoziții generale

Art.1.- În vederea implementării Convenției privind drepturile persoanelor cu dizabilități, ratificată de România prin Legea nr.221/2010, denumită în continuare Convenție, se desemnează și se înființează Consiliul de monitorizare a implementării Convenției, denumit în continuare Consiliul de Monitorizare a Implementării Convenției, cu următoarea structură:

Training

Within the project „Access to justice for children with mental disabilities”, the team project addressed the subject of 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. In April 2015, the Centre for Legal Resources has organized a [seminar](#) dedicated to a mixed audience: **judges, prosecutors**, representatives of **local authorities** with attributes and responsibilities regarding child protection and social assistance. Psychologists, representatives of NGOs that provide community services to persons with mental disabilities, parents of children with mental disabilities and representatives of parent associations, of course, together with CLR’s experts on the rights of institutionalised persons with mental disabilities were among the speakers.

Within the project “Practice School: Innovation in higher education and success in the labor market” coordinated by the Romanian American University in partnership with the CLR, legal clinics were organized. CLR’s contribution to this particular activity was delivery of a series of human rights training courses for **law students** from 5 law faculties who were prepared and later on participated in two [competitions](#) regarding human rights cases. Within the same project, CLR worked with law students from Romanian-American University to research nonfinancial reporting and ethical practices in Romanian state enterprises. A seminar on business ethics and compliance was organised with the support of Romanian-American Foundation (12 of June 2015). At the end of the project a conference was organized.

Monitoring the rights of institutionalized persons with mental disabilities in public and private facilities and publishing reports.

In 2015, CLR conducted a number of **10 ad-hoc** [monitoring visits](#) in foster care centers for children with mental disabilities and in residential centers for adults with mental disabilities. After each of the visits, a written report was sent to the local and central authorities.

Together with our partners, CLR did a research under the FOIA act, to analyze the activity and expenses of the general directorates for social security and child protection throughout the country. The collected data has been processed with the help of the volunteers and have been published, as an advocacy instrument, in December, as a “[Map of Death](#)” (including the results of the monitoring visits).

MEDIA ADVOCACY

The programme's activities and the situation of people with disabilities were largely presented through TV and Radio programs (TVR Cluj, TVR 1, Realitatea TV, Digi24, Europa FM).

Other activities:

- [training for journalists, bloggers and activists](#) - 38 participants
- Following a call for proposals, a series of [journalistic investigations](#) were done and published, based on CLR's support and expertise.

Dana Gârbovan: „Magistrații trebuie să primească training special în privința persoanelor cu dizabilități intelectuale“

În "depozitele de oameni," legăm oamenii nimănu | România fu de-a viața și moartea Digi24

de Ioana Lupea, jurnalist și blogger Adevăr

De ziua drepturilor omului, judecătoarea Dana Gârbovan crede că tribunalele și instanțele românești, înainte și după moartea în februarie 2004 este emblematic pentru lipsurile acute ale societății românești, în general, față de ceea ce înseamnă în mod fundamental drepturile omului, egalitatea de șanse și respectul față de fiecare cetățean.



În decizia dată în cazul Valentin Câmpeanu vs. România în iunie 2014, Curtea Europeană a drepturilor omului a constatat că autoritățile române, inclusiv cele

Amintirea unor morți: Poiana Mare, Datoria Senatului României (I)

de Ioana Lupea, jurnalist

Parlamentul României îi este dator lui Valentin Câmpeanu, m în Spitalul de psihiatrie Poiana Mare, la doar 18 ani. La acea o perioadă de numai un an, 100 de oameni, cei mai mulți în număr mare la Poiana Mare decât în alte locuri din România. Pe unora dintre cei decedați scria cașexie, adică înfometare pe o

Nimeni nu a făcut dreptate acestor morți, a căror suferință o că Centrul de Resurse Juridice și organizații internaționale au acționând în numele lor. Autoritățile au înronat istoria morți

Unul dintre cei implicați în dezastru „Morții nimănu” de la Breaza și-a făcut un business identic lângă București

de Ovidiu Vanghele, Centrul de Investigații

Unul dintre partenerii din afacerea ilegală "Casa Sfântul Toma" din Breaza pentru persoane cu dizabilități mintale ce a funcționat fără autorizație jumătate, timp în care sase oameni închisi aici, dintr-un total de 30, au început o nouă afacere în domeniul. Asociația Endemica Holding 4. Lăsați la năni o luna după apariția materialului "Morții nimănu" despre centru o instituție similară celei din Prahova, pentru gazduirea aceluiași tip de Aceasta se afla în Bragadiru, județul Ilfov, la cative kilometri de București

Dacă în cazul afacerii ilegale de la Breaza finanțatorul era DGASPC Sec

de Andra Matzal, jurnalist

Când am ajuns la poarta Complexului de Servicii Comunitare pentru Copii cu Nevoii Speciale, era o vreme cenușie, la fel ca zidurile. Câteva copii cu haine ponosite și fețele triste s-au apropiat de gard: "Îmi dai un leu? Un leu, vă rog." Așa se întâmplă în fiecare zi în fața gardului. Pe lângă ei sunt angajații și monitorizarea a centrului. Motivul care-i adusese aici e că au fost educatori ai centrului, angajat al complexului.

În curtea cimentată, ca de fabrică, vreo doi-trei copii se plimau pe toți ceilalți erau la ore, în școala specială din curte. În cană jucau ping-pong. Vizita neanunțată a monitorilor de la București a răsturnat domnișorul director. Bărbatul cu față honomă a intrat



Investigația a fost realizată cu sprijinul Centrului Pentru Drepturile Omului din cadrul unui proiect despre copiii și tinerii închisi în instituții

"Lăgărele de lângă tine" este un proiect finanțat prin granturi de la Centrul de Resurse Juridice și organizații internaționale, în cadrul Fondului ONG în România. Conținutul acestui material este de natură informativă și nu reprezintă o opinie a Centrului Pentru Drepturile Omului.

El, Dănuț: lângă noi, departe

Pastile pentru copii speciali – Oa Casa Jurnalistului



Fotografie realizată în cadrul proiectului „Lăgărele de lângă tine” (c) Dana Gârbovan, Centrul pentru tineri cu dizabilități din Viziru Brăila

Articol de Roxana Stănescu, apărut în original [Hermannstădi](#)

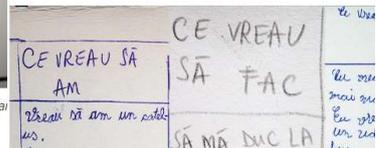
Un băiat ca toți băieții, cel puțin aparent: Dănuț are 13 ani, este un supraponderal, îmbrăcat curat, destul de vorbăreț, mai ales când este în compania prietenilor săi, cu care petrece multe ore din zi. Ceea ce

f Like 4.7k

Zeci de copii se înghiontesc în jurul unui pustiuc cu creastă. De pe lângă ei vor și alții să intre aici, în cea mai colorată cameră din instituție, moale și se pregătește să citească ce-a scris pe un

„Îmi place să fac meseria de zidar. Să distrug anumite lucruri și să cumintesc unora, rău aproape mereu. Ce vreau să fiu? Pușcăriașii frații mei.”

Și alții își fac curaj să spună ce își doresc de la viață: Vreau să am un pistol adevărat să mă apăr la neceaz. Eu vreau boxor. Carte de muncă. Vreau să fac o plimbare cu surorile și fiica mea. Și mai vreau să am o casă unde să stau. Vreau libertate. Vreau



- Collaboration with journalists for 6 media investigations reports and one short movie was launched in 2015. As of the end of the year, [one](#) of them was already published.

LITIGATION CASES

1. Case of Malacu and others v Romania

In July we received the written observations of the Romanian Government on the case of Malacu and others v Romania, which is currently pending in front of the European Court of Human Rights. This case concerns the deaths of five patients who died at the Poiana Mare Psychiatric Hospital during January to February 2004. In the similar case of Center for Legal Resources for Valentin Câmpeanu vs. Romania, the ECHR held that it was open to the CLR to act as a representative of Mr. Câmpeanu (even though the organisation was not itself a victim of the alleged violations of the Convention) and that there had been a violation of Article 2 (right to life) of the European Convention on Human Rights, in both its substantive and its procedural aspects, and a violation of Article 13 (right to an effective remedy) in conjunction with Article 2.

The Government asked the Court to strike out the application out of its list of cases on the basis of the fact that, since a similar issue was already addressed in the case of Valentin Câmpeanu, the matter no longer raises an issue of general interest. The Government was however prepared to recognize, though a unilateral declaration, a violation of Articles 2 and 13 of the Convention in case the Court would not agree to strike out the application.

In our response to the Government's observations, we argued for the Court not to strike out the application and to examine the application as it was submitted, including regarding the violations of Articles 3 and 14 of the Convention. To this extent we argued that the locus standi of the CLR was recognized in the case of Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania not because of the questions of general interest raised by the case, but due to the serious nature of the violation of Valentin Câmpeanu's rights by the respondent State, as well as due to the fact that any other different conclusion would have left such violations unsanctioned and that therefore the issue of the general interest is not relevant to the Malacu case. We also rejected the unilateral declaration of the Government due to the fact that it was not prepared to recognize a violation of Article 3, which we consider of the utmost importance in the present case.

2. Case of abused child in Oradea

Another case litigated in the reported period regarded our complaint against the Oradea Prosecutor's Office decision in a case pending since 2014. The facts of the case concern a teenage girl placed in a foster home in Oradea who was abused by her foster parents, including being chained in a locked bathroom for several nights. Our initial complaint with the Prosecutor's Office was filed in 2014 and a solution was issued in June 2015. While

the prosecutor decided to take the case to court, it did not consider that the actions of the foster parents fall under the legal definition of deprivation of liberty due to the fact that the victim was already institutionalized, so it pursued the case only in relation to other crimes carrying lesser punishments.

We filed a complaint with the Prosecutor's Office arguing that it should also seek a conviction for deprivation of liberty, but our complaint was rejected. Therefore, we lodged a new complaint with the Oradea First Instance Court in August 2015, whereby we emphasized that considering that an institutionalized person cannot be further deprived of liberty is a dangerous and harmful conclusion, which would lead to an already vulnerable group becoming even more so. We won the case in November 2015. The court agreed with our arguments and ordered the Prosecutor's Office to complete the criminal file and pursue a conviction in relation to the deprivation of liberty of the victim.

3. Access to information regarding court decisions concerning institutionalized minors with disabilities

The third case litigated in the reported period concerns our complaint against the Caras Severin Tribunal regarding their refusal to provide us with anonymous copies of court decisions concerning the institutionalization of minors with disabilities. We previously requested such decisions from every Tribunal in Romania, according to Law no. 544/2001 regarding the free access to public interest information, in order to observe how minors are treated in court procedures concerning their institutionalization. We expressly requested that all decisions provided to us should contain no personal data of the persons involved.

Some Tribunals provided us with copies of their decisions in the relevant cases, while most responded that they are unable to do so due to the fact that they do not organize archived decisions by the disability criteria, and searching for such decisions manually would take too much effort. However, the Caras Severin Tribunal stated that such decisions do not fall under the legislation concerning free access to information, and as such we do not have a right to obtain them, mainly due to privacy and personal data concerns.

We did not agree with the Tribunal's arguments, especially in light of the fact that we requested the decisions to be provided to us free of all personal data and that court decisions are generally considered to be public documents. As such, we filed a complaint with the Bucharest Tribunal arguing that as an NGO working for the protection of the rights of minors with disabilities there are no reasons for our request to be denied and that the Caras Tribunal interpreted the law incorrectly. The Bucharest Tribunal ruled in our favor in November 2015. The decision is not yet final and can still be appealed by the Caras Severin Tribunal.

BUDGET

Total yearly budget for the Advocate for Dignity Programme: 242.555 euro

PUBLIC INTEGRITY PROGRAMME

The Public Integrity Programme aims to:

- identify integrity issues or concerns 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 education in the field of integrity in the public sector.

PROJECTS

- "[Reuse of confiscated assets for social purposes](#)" co-financed by the EEA grants 2009-2014, within the NGO Fund in Romania.
- "[Training and Development for ethics and integrity in public administration](#)", in partnership with National Agency for Civil Servants and co-financed by European Social Fund through Operation Program Administrative Capacity Development;
- "[Transparency and integrity in the management of local budgets](#)", in partnership with Funky Citizens Association and co-financed by EEA Grants and Norway Grants 2009-2014, NGO Fund in Romania (period of implementation 1st of March 2015 – 30th of April 2016).

ACTIVITIES AND OUTCOMES

During 2015 the Public Integrity Program worked in three main areas: anticorruption and ethics information and education (2 projects), advocacy for social reuse of confiscated assets for the benefit of victims of crime (1 project) and budget transparency in public administration (1 project). CLR advocacy campaigns developed in 2014-2015 succeeded to improve the anticorruption legislation and transparency practices.

Identifying integrity issues and concerns at the level of local and central public institutions

In 2015, CLR continued to be involved in the civil society cooperation platform of the National Anticorruption Strategy. National Anticorruption Strategy is coordinated by the Ministry of Justice and implemented through an action plan and five cooperation platforms (business, central public administration, local public administration, autonomous public authorities and civil society). In this framework, CLR participated in

anticorruption peer review missions at the Ministry of Defence and local public administration and it was involved in drafting the new anticorruption strategy 20016-2020 that was approved in 2016.

CLRJ continued the transparency and anticorruption prevention dialogue with stakeholders such as National Agency with Civil Servants, Government (Open Government Partnership), sport federations, journalists, European Commission (Cooperation and Verification Mechanism), foreign embassies in Bucharest.

Improving the legal and institutional framework in the field of anti-corruption

CLR continued in 2016 the implementation of the project „Social reuse of confiscated assets”, co-financed by EAA Grants and Norway Grants 2009-2014, NGO Fund in Romania (period of implementation 1st of May 2014 – 30th of April 2016). The project aimed to raise awareness of NGOs and decision-makers in key ministries and advocate a public policy on social re-use of confiscated assets from crime. The project involved key stakeholders (public organizations, NGOs, private sector) in researching, debating and drafting legislation on social reuse of confiscated assets and asset recovery. The final beneficiaries of the project are the victims of crimes and the vulnerable groups. They benefit from projects financed from confiscated money (for 2017 approximately 1 million euro confiscated from crime will be invested in social projects proposed by NGOs).

During 2015, main activities undertaken:

- Data collection (questionnaires and interviews) on seized assets from 3 prosecution offices (National Anticorruption Directorate, Directorate for Investigating Organised Crime and Terrorism, General Prosecutor), 42 courts, 5 central public administration organisations and 42 fiscal offices.
- Working with the Ministry of Justice on drafting a law to establish an asset management agency able to coordinate the asset recovery process in Romania.
- Establishment of a [coalition](#) entitled *Initiative for social reuse* composed of 35 NGOs.
- Launching the [online petition](#) "*Stolen money are our money*" – over 600 citizens signed the petition.
- Development of social reuse amendments to legislation, draft implementation norms for social reuse and promoting the legislative change, complaining against a Government Emergency Ordinance on confiscated assets (finally declared unconstitutional by the Constitution Court after our intervention), raising concerns against draft government decisions and communicating officially and to the public the results. We used the following instruments: official petitions, Ombudsman referral, [amicus curiae](#) to Constitutional Court, open letters, press releases, formal and informal meetings with key stakeholders such as Senate and

Chamber of Deputies Legal Commissions (participating in parliamentary proceedings over five weeks), Members of Parliament, officials from Ministry of Justice, Ministry of Finance, Ministry of Regional Development and Public Administration, courts, European Commission and foreign embassies such as USA, UK and the Netherlands). Our advocacy campaign benefited from extensive media coverage.

- Documentation of social reuse practices in Italy and Spain, publication and dissemination of a **report** (in [Romanian](#) and [English](#)) and organizing a dissemination [seminar](#) for Romanian stakeholders on these two countries practices (25 participants).
- Organizing the [conference](#) "Social Reuse in Romania: models, best practices and regulatory alternatives" during which best practices developed in Italy and the USA in matters of reuse of goods confiscated from crime were debated (over 50 participants, 3rd of June 2015).

Main Achievement:

The Parliament [adopted](#) the Law no. 318 of 11 December 2015 on the establishment, organization and operation of the National Agency for the Management of Frozen Assets and on Amending and Supplementing Other Legal regulations. The law allows for social reuse of confiscated assets, both real estate and money. The advocacy campaign continued in 2016 and the implementation norms for this law were approved in 2016.

Parlamentul României - Lege nr. 318/2015 din 11 decembrie 2015

Legea nr. 318/2015 pentru înființarea, organizarea și funcționarea Agenției Naționale de Administrare a Bunurilor Indisponibilizate și pentru modificarea și completarea unor acte normative

În vigoare de la 27 decembrie 2015

Publicat în Monitorul Oficial, Partea I nr. 961 din 24 decembrie 2015. Nu există modificări până la 10 august 2016.

Parlamentul României adoptă prezenta lege.

CAPITOLUL I Dispoziții generale

Art. 1. - (1) Se înființează Agenția Națională de Administrare a Bunurilor Indisponibilizate, denumită în continuare Agenția, instituție publică de interes național cu personalitate juridică, în subordinea Ministerului Justiției.

(2) Agenția are sediul în municipiul București, str. Apolodor nr. 17, sectorul 5. Schimbarea sediului pe raza municipiului București se realizează prin hotărâre a Guvernului.

Art. 2. - (1) Agenția este desemnată drept oficiu național pentru recuperarea creanțelor, în sensul Deciziei 2007/845/JAI a Consiliului din 6 decembrie 2007 privind cooperarea dintre oficiile de recuperare a creanțelor din statele membre în domeniul urmăririi și identificării produselor provenite din săvârșirea de infracțiuni sau a altor bunuri având legătură cu infracțiunile.

Raising the level of awareness and education in the field of integrity in the public sector

Under the project "*Training and Development for ethics and integrity in public administration*", in 2015, CLR:

- delivered two trainings to ethics councilors in public institutions (30 persons);

- organized the [conference](#) "*Ethics in Public Administration*", with the participation of experts from nine countries: UK, France, Poland, Serbia, Moldova, Azerbaijan, Armenia, Georgia and Romania – over 100 participants.
- provided advice on integrity management to five public authorities.
- publication and dissemination of the guide "[Best practices and tools for preventing corruption in public administration](#)"

The project “Transparency and integrity in the management of local budgets” aimed to transpose in citizen-friendly format the execution of local budgets and monitor four municipalities on integrity of their payments (Bucharest, Cluj-Napoca, Timișoara and Iași). Under this project an outdoor citizens’ information campaign on local budget was prepared in 2015 and delivered in 2016. In 2015, the execution of 2014 local budgets was researched and four reports were drafted.

Main Achievement:

Public servants and officials from public organisations and state enterprises benefited from anticorruption and integrity assistance: training, advice, tools and work procedures developed.

BUDGET

Total yearly budget for the Public Integrity Programme: 221.233 euro.

MAIN DONORS / CONTRACTING BODIES



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