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Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1514th meeting (December 2024) (DH)

Communication from the authorities on the general measures (18/10/2024) concerning the cases of Cristian Teodorescu (Application No. 22883/05), ATUDOREI (Cristian Teodorescu group) (Application No. 50131/08), PARASCINETI (Application No. 32060/05), R.D. and I.M.D. (N. group, 59152/08) (Application No. 35402/14), N. (No. 2) (Centre for legal resources Valentin Campeanu group, 47848/08) (Application No. 38048/18), Centre for legal resources Valentin Campeanu group (Application No. 47848/08), N. group (Application No. 59152/08) and Ticu group (Application No. 24575/10) v. Romania.

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1514^e réunion (décembre 2024) (DH)

Communication des autorités sur les mesures générales (18/10/2024) relative aux affaires Cristian Teodorescu (requête n° 22883/05), ATUDOREI (groupe Cristian Teodorescu) (requête n° 50131/08), PARASCINETI (requête n° 32060/05), R.D. et I.M.D. (groupe N., 59152/08) (requête n° 35402/14), N. (n° 2) (groupe Centre for legal resources Valentin Campeanu, 47848/08) (requête n° 38048/18), groupe Centre for legal resources Valentin Campeanu (requête n° 47848/08), groupe N. (requête n° 59152/08) et groupe Ticu (requête n° 24575/10) c. Roumanie **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

L/ 5506/ 18 October 2024

2861R/AG/371

9306 R/AG/160

2398R/AG/167

2575R/AG/209

4023R/AG/363

6262R/AG/257

DGI

18 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRÊTS DE LA CEDH

Information Note on general measures in

the cases of *CRJ on behalf of Valentin Câmpeanu, Parascineti, N., N no. 2, R.D. and I.M.D., the Cristian Teodorescu v. Romania group and the Țicu v. Romania group*

(app. nos. [47848/08](#), [32060/05](#), [35402/14](#), [22883/05](#), [59152/08](#), [38048/18](#) and [24575/10](#))

Introduction

The abovementioned cases concern various breaches of the Convention related to the treatment of persons suffering from mental health issues or intellectual disabilities in psychiatric hospitals and care centres.

General measures

First and foremost, following the 1501st CM – DH meeting of 11-13 June 2024, the Agent of the Government disseminated to the national competent authorities the evaluation and decision adopted in the referred groups of cases and asked the authorities to inform about the stage of implementation of the “*Action Plan for the period 2024 - 2029 for the execution of the judgments of the European Court of Human Rights in the field of mental health*” (*the Plan*).

In response, the authorities informed as follows:

- By a letter of 03.09.2024, **the Prime Minister’s Chancellery** informed that the Ministry of Health submitted the proposal for the composition (at institutional level) of the Inter-ministerial Committee for monitoring the implementation of the Action Plan 2024-2029 for the enforcement of ECHR judgments in the field of mental health.

- By a letter of 03.10.2024, **the Ministry of Health**, informed that, by a Memorandum titled: "Approval of the establishment of a number of 312 positions for the county ambulance services and the Bucharest-Ilfov Ambulance Service and 20 positions for the National Center for Mental Health and Drug Control, subordinated to the Ministry of Health in accordance with the provisions of art. XVII para. (7) of Law no. 296/2023 on some fiscal-budgetary measures to ensure Romania's long-term financial sustainability, with subsequent amendments and completions" initiated by the Ministry of Health, **the supplementation of the number of positions (*statul de functii*) of the National Centre for Mental health and Drug Control with 20 contractual staff positions was approved.**

On 26.09.2024, the Ministry of Health published on its web page the draft of the Government Decision for amending the Government Decision no. 1424/2009 on the establishment, organization and functioning of the National Center for Mental Health and the Fight against Drugs, in order to strengthen and increase its institutional capacity.

➤ By a letter of 06.09.2024, **the National Health Insurance House**, informed that, according to the Plan, the institution has advisory attributions regarding *Measure III "Legislative measures"*, in relation to the specific action from point 8 "Analysis of the situation of hospital beds allocated to the psychiatry system and revision, as appropriate, of the related legislation (e.g. the adoption of an order of the Minister of Health regarding the approval of the breakdown by county and for the municipality of Bucharest of the number total number of beds in public and private health facilities for which health insurance companies can conclude contracts for the provision of hospital medical services, for the year 2024, taking into account the need to increase the number of beds in psychiatric hospitals)".

For achieving this objective, **in 2024, the Order of the Minister of Health no. 2526/2024 was adopted** regarding the approval of the breakdown by county and for the municipality of Bucharest of the total number of beds from public and private health facilities for which health insurance companies can conclude contracts for the provision of hospital medical services, in the regime of continuous hospitalization, for the year 2024, with the mention that the number of approved beds does not include the number of approved beds for patients who are subjected to an educational or safety measure involving deprivation of freedom and the number of beds in prison-hospitals. These beds are contracted by health insurance houses outside the national bed plan.

In addition to the above, according to art. XI of Government Emergency Ordinance no. 87/2022 for the amendment and completion of Government Ordinance no. 18/2009 on the organization and residential financing, as well as for the modification and completion of some normative acts regarding some health measures:

"Art. XI, - (1) For the persons who are in the execution of the measures provided for in art. 109 and 110 of Law no. 286/2009 regarding the Criminal Code, with subsequent amendments and additions, the settlement of medical services medical is carried out at the level where they are carried out. In the situation where the medical services provided to these persons exceed the level contracted with the health insurance companies, additional documents will be concluded, after the end of the month in which the services were provided, under the conditions provided in the framework contract and its rules of application.

(2) Additional documents to supplement the contract value for the situations provided for in para. (1), for the coverage of services provided which exceed the contract value, will be concluded within the limits of the amounts allocated with this destination in the budget of the single national health social insurance fund. "

➤ By a letter of 05.09.2024, **the Prosecutor's Office attached to the High Court of Cassation and Justice** informed that, regarding the implementation of the specific activity related to *Measure I - Strategic Approaches of the Action Plan 2024-2029* for the execution of ECHR judgments in the field of mental health, namely: Amending and supplementing Order no. 3.423/2.128/2022 regarding the approval of the methodology and the report for the medical and psychological evaluation of persons with intellectual and psychosocial disabilities in the context of ordering, extending, replacing or lifting the protection measure, by letter no. 2432/E/2024 of 24.04.2024 of the Prosecutor's Office attached to the High Court of Cassation and Justice, **the Ministry of Justice was notified of the need for legislative steps through which forensic doctors can continue to carry out psychiatric forensic expertise reports in civil cases with the objective of taking measures to protect people with intellectual and psychosocial disabilities.**

Thus, it was found that, although according to art. 1, art. 15 a) and b) and art. 17 a) of Government Ordinance no. 1/2000 on the organization of the activity and functioning of the forensic medicine institutions, the National Institute of Forensic Medicine "Mina Minovici" Bucharest, as well as the county-level forensic medicine services, carry out within the framework of their attributions psychiatric forensic expertise at the disposal of the criminal investigation bodies, the courts or, as the case may be, at the request of the interested persons. Order no. 3423/2128/2022 of the Minister of Health and of the Minister of Labor and Social Solidarity establishes that the medical evaluation is carried out by the doctor in the psychiatric specialty or, in the case of the underage patient, by a pediatric psychiatry doctor, and the psychological evaluation is carried out by a psychologist who holds a certificate of free practice in the specialist or main professional level and exercises the profession through one of the legal forms provided by Law no. 213/2004.

Considering this regulatory framework, on 19.12.2023, the Superior Council of Forensic Medicine adopted Decision no. 5/2023 for the approval of the Methodological Norms regarding the preparation of psychiatric medico-legal (forensic) acts. According to art. 10 para. 1 of these norms, *"Psychiatric forensic commissions do not have the legal competence to assess mental capacity in order to institute social protection measures."* According to the provisions of paragraph 2 of the same article, *"As an exception to para. (1), in situations where it is desired to evaluate psychiatric medical reports in order to establish social protection measures already drawn up, a forensic expertise consisting of two forensic doctors with a specialist report signed by a psychiatrist may be carried out."*

As justification of the proposal to reconsider the solution adopted by the Order of the Minister of Health and the Minister of Labor and Social Solidarity no. 3423/2128/2022 on the medical specialists authorized to perform the medical and psychological evaluations provided for by Law no. 140/2022 and art. 938 of the Code of Civil Procedure, it was recognized that persons who seek to request the protection of persons with disabilities can encounter difficulties in identifying doctors in the specialty of psychiatry/pediatric psychiatry or psychological experts who have contracts with insurance houses, and they may also encounter financial difficulties, the costs of medical and psychological evaluations, in many cases, being too high for them. In this respect, according to art. 1 of Annex 1 and art. 1 of Annex 2 of Order no. 3423/2128/2022, both the medical (psychiatric) and the psychological evaluation of persons with intellectual and psychosocial disabilities can also be carried out within the private health system.

Even if Order no. 3423/2128/2022 was supplemented by Order no. 2692/1889/2023 in the sense that *"medical service providers in a contractual relationship with health insurance funds do not collect amounts for the medical documents necessary for psychological evaluation and reassessment in the context of ordering, extending, replacing or lifting the protection measure issued according to the field of competence, following the services provided"*, the situation of bearing the final costs of medical or psychological evaluations remained uncertain, considering that the change made refers to the cost of the medical documents necessary for the psychological evaluation and re-evaluation and not to the preparation of the medical and psychological evaluation reports.

It was considered that, in the situation in which the psychiatric forensic expertise is carried out by forensic doctors, such difficulties are not encountered, given that, according to art. 8 para. 1 of Government Ordinance no. 1/2000, the expenses necessary for carrying out the findings, of the expertise, as well as for other medico-legal works ordered by the criminal investigation bodies or by the courts of law constitute judicial expenses that are advanced by the state and are borne from the revenue and expenditure budget of the body that ordered the

execution of these works, respectively the Ministry of Justice, the Public Ministry or the Ministry of Administration and Interior.

With regard to the implementation of the specific activity no. 14, related to *Measure III - Legislative measures of the Action Plan 2024-2029* for the execution of ECHR judgments in the field of mental health, respectively: Updating the Order no. 144/2017 of the General Prosecutor on the establishment of a mechanism for the protection of institutionalized persons in vulnerable situations, its implementation was initiated within the letter no. 640/II-7/2024 of the Guidance and Control Department, in order to formulate proposals for amendments.

During 2024, the monitoring of cases concerning crimes committed against institutionalized persons in vulnerable situations has continued, through the half-yearly analysis carried out at the level of the prosecutor's offices attached to the courts of appeal, according to art. 5 para. 1 of Order no. 144/26.06.2017. The analysis of the dismissal solutions (*netrimitere in judecata*) issued in such cases in the first semester of 2024 were sent to the Prosecutor's Office attached to the High Court of Cassation and Justice in July 2024, and will be taken into consideration at the annual analysis to be drawn up at the level of the Guidance and Control Service until 15.02.2025, according to the provisions of art. 6 of Order no. 144/26.06.2017.

Regarding the implementation of the specific activity V.2., related to *Measure V - Human Resources of the Action Plan 2024-2029* for the execution of ECHR judgments in the field of mental health, namely: Organizing/participating in training courses on Law no. 140/2022, during 2024, the professional training program for magistrates was continued within the *Adaptjust project - Accessible Justice for Persons with Disabilities*, implemented by the Center for Legal Resources (CRJ) in collaboration with the Prosecutor's Office attached to the High Court of Cassation and Justice, by organizing training sessions that took place in Sinaia, between February 22-23, 2024 and, respectively, in Târgu Mureș, between February 26-27, 2024. In the context of the training program, several topics were addressed, including: paradigms of psychiatric care, psychological and psychiatric evaluation methodology, communication of magistrates with persons with intellectual and/or psychosocial disabilities in the context of the re-examination of court decisions of interdiction.

Within the same project, the "*Ceasul Bun*" mobile application and the <https://wwzo.CerAjutor.ro> web platform were developed. These two digital tools have been made available to people with intellectual and/or psychosocial disabilities or with neurological conditions and/or institutionalized elderly, through which they can formulate notifications regarding criminal acts whose victims they are, can exercise their rights or can request the reassessment of the protection measures instituted. Also, several guides and informative materials were developed within the project, such as: Simplified Guide - Law 140 of 2022: Protection measures for people with intellectual and psychosocial disabilities; Communication in court with people with disabilities; What is assistance regarding the conclusion of legal acts; Simplified guide to using the *Ceasul Bun* app.

On 06.02.2024, a Collaboration Protocol was concluded between the Prosecutor's Office attached to the High Court of Cassation and Justice and the Council for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities, whose main object is the cooperation of the signatory parties in carrying out their duties within the procedures for verifying and monitoring the observance of the rights of institutionalized persons with disabilities, including the promotion and protection of their rights, in particular the right to life, equal recognition before the law, access to justice, freedom and security of the person, the prohibition of torture and cruel, inhuman or degrading treatments or

punishments, the prohibition of exploitation, violence and abuse, the protection of the integrity of the person.

Finally, the Prosecutor's Office attached to the High Court of Cassation and Justice informed that in the activity program for the years 2024-2026, cases concerning crimes committed against persons in vulnerable or institutionalized situations are included among the priority areas of action, while indicating the need to take measures to comply with the legal and conventional standards regarding the effective investigation and the reasonable term and to increase the indicators for notifying the courts, the verification of which is established by the prosecutors with leading positions within the Criminal Investigation Section.

➤ Regarding the obligations established in the charge of **The National Institute of Forensic Medicine (INML)** according to the Plan and by referring to the legal provisions, by a letter of 30.08.2024, the **INML** informed:

- point V.4 - regarding the employment of psychiatrists and psychologists within the forensic institutes and county-level forensic medicine services - The Superior Council of Forensic Medicine is in the process of centralizing the personnel engaged in forensic psychiatry activities at the network level, as well as assessing the need for additional personnel, which will be brought to the attention of the Ministry of Health;

- points V.2 1, 3, 4 - relating to professional training aspects (courses in medical faculties and in residency, continuing professional training) - discussions have been initiated between the disciplines of forensic medicine and psychiatry for the implementation of these courses and continuing medical education activities.

- points VI. 3, regarding the updating of the methodologies for performing psychiatric forensic acts, the optimization of deadlines and the implementation of active control mechanisms of the forensic activity - all these items have been fulfilled. The last update was made at the beginning of 2024, in response to the 2024-2029 Action Plan. A methodology regarding the deadlines for carrying out the expertise was finalized and approved, in order to shorten the duration of their performance. The Commission for the Attestation and Evaluation of Forensic Experts was carried out within the Superior Council of Forensic Medicine, which aims to evaluate the activity of forensic experts.

➤ By a letter of 11.09.2024, **the Ministry of Internal Affairs (MAI)**, informed that it has appointed representatives to be part of the Inter-ministerial Committee responsible for monitoring the implementation of the Plan, a committee that will be set up under the coordination of the Prime Minister's Chancellery.

A measure included in the Plan aims to quickly and accurately inform the authorities about the existence of a legal representative, as well as to establish the necessary conditions for its registration in the National Register of Persons' Records (*Registrul National de Evidenta a Persoanelor*), administered by the General Directorate for the Registration of Persons. MAI already fulfills its duties within the National Information System for the Registration of Persons, ensuring the registration of information on the designation of legal representatives for persons placed under interdiction. The information from court decisions and other relevant communications are already integrated into the IT system, making it easier to identify and contact the designated guardians.

Also, considering the Plan, **the National Anti-Drug Agency** has to carry out the campaign to prevent drug use in the general population: "*Drug consumption concerns us all*" carried out at national level and implemented through the county-level Anti-Drug Prevention, Evaluation and Counseling Centers. It aims to inform, educate and raise awareness of the general population about the risks of drug use from a physical, mental and legal point of view. Since

the approval of the Plan until now, the National Anti-Drug Agency has carried out 1,432 activities in the community (events with large audiences, camps and summer schools) in which 169,268 people have benefited from information on the risks of drug use, as well as on the development of protective factors and reduction of risk factors.

➤ By a letter of 09.09.2024, **the General Inspectorate of the Romanian Police (IGPR)**, informed that during 2024, at the initiative of the Criminal Investigation Directorate of the General Inspectorate of the Romanian Police and together with the Center for Legal Resources (C.R.J.) a partnership Agreement was concluded in order to implement the project "*Conscious Justice: Aligning Police Practices and Holding the State Accountable*".

The main objectives of the partnership between I.G.P.R. and C.R.J. are:

- to improve the knowledge and training of police officers and mental health specialists, involved in law enforcement or in the provision of social and mental health services, in order to adopt a human rights-based approach in working with persons with intellectual and/or psychosocial disabilities;
- Strengthening the impact at European level by disseminating the research, methods, tools and learning acquired through the project.
- research and documentation of existing legal and forensic practices/research on criminal liability and mental disorders between Romania and Norway, as well as the production of comparative data, with the aim of developing a policy document that can form the basis for discussions on reform and for further comparative research.

Also, a series of activities involving the participation of legal and medical specialists were proposed within the project, including the participation of an estimated number of 120 police officers from the I.G.P.R. (from central and territorial level), in a series of study visits, workshops, webinars and conferences scheduled to be organized during the project implementation period (July 1, 2024 - April 30, 2025), as follows:

- study visit between 18.08.2024 - 24.08.2024, in Norway, at the headquarters of the Universities of Oslo and Bergen - (3 participants from the I.G.P.R.-D.LC. and D.C.C.O.);
- 3-day workshop, during October 2024, in Sinaia - (10 participants from I.G.P.R.-D.LC. and D.C.C.O.);
- five webinar sessions with 20 participants from the I.G.P.R.- D.LC. and D.C.C.O., which will aim to train them on the techniques of hearing vulnerable people;
- 2-day conference, during April 2025, in Bucharest - (3 participants from the I.G.P.R.-D.LC. and D.C.C.O.).

As a result of the conclusion of the partnership agreement indicated above, one of the targeted activities was carried out within the project implementation procedure, namely a study visit to Norway, during the period 18-24.08.2024, which was attended by representatives of the I.G.P.R. (Directorate of Criminal Investigations and Directorate for Combating Organized Crime - Brigade for Combating Organized Crime Târgu-Mureș), as well as by representatives of the Public Ministry, the Ministry of Justice and the Ministry of Health, during which the Norwegian partners presented the measures adopted by them in terms of how to conduct the hearing of persons according to their particularities (minors, vulnerable people, with disabilities or mental disorders), as well as the "*Investigative Interviewing for Criminal Investigation*" manual, respectively the Mendez Principles, but also the P.E.A.C.E. model (Planning and Preparation, Engage and Explain, Account, Closure, Evaluation) developed in Great Britain in response to a series of wrongful convictions based on forced admissions of the facts by the defendants in the 1980s and 1990s.

The IGPR informs that the manual "*From interrogation to investigative interviewing*" was approved as a working tool in February 2024 by the UN and is a guide for the United Nations Police (U.N.POL), but also for other law enforcement agencies. Also from the perspective of improving the collaboration of the competent authorities, psychiatric hospitals, judicial bodies and social protection structures, the Criminal Investigation Directorate received an invitation to participate in the "Conference on inter and transdisciplinary psychiatry and forensic psychology", which will take place between 20-23.11.2024 in Sibiu, a conference organized by the Association of Psychiatric Hospitals, the "Dr. Gheorghe Preda" Clinical Psychiatric Hospital and the University "Lucian Blaga" Sibiu.

As concerns the protection of vulnerable persons, including those with mental disorders, IGPR appreciates that, from a legislative perspective, the national normative framework is harmonized, both by the Social Assistance Law no. 292/20.12.2011, with subsequent amendments and completions, and by Law no. 211/2004 on measures to ensure the information, support and protection of victims of crimes, with subsequent amendments and completions.

Regarding the objective of providing specialized medical assistance for persons with mental disorders deprived of liberty, IGPR notes that this is carried out in the special psychiatric sections provided for in art. 73 para. (6)1 of Law no. 254/20132, according to art. 161 para. 1³ of G.D. no. 157/20164, respectively in penitentiaries or penitentiary hospitals established by decision of the general director of the National Administration of Penitentiaries and not in the preventive detention and arrest centers subordinated to the Romanian Police.

➤ Last but not least, by a letter of 28.08.2024, **the Ministry of Finance** informed that the implementation of the Plan is supported within the limit of the amounts approved annually for this purpose in the budgets of the main authorizing officers with attributions in its implementation.

Conclusion

The Government will keep the Committee informed of any relevant developments at the domestic level, concerning the general measures required by this case.