

Annual Report 2007



INSTITUTIONAL BACKGROUND

The Centre for Legal Resources is a non-governmental organization founded in December 1998 whose mission is to promote the respect for human rights, minority rights, equal opportunities, diversity and plurality of opinions.

GOALS:

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






Program areas:

In line with these objectives, the Centre for Legal Resources carries out activities in two major areas:

PROTECTING HUMAN RIGHTS, in the broad sense of the concept, with an emphasis on:

-  Fighting Discrimination
-  “Advocate for Dignity” - Advocacy for the recognition and enforcement of the rights of people with mental disabilities

FOSTERING THE RULE OF LAW AND VIABLE INSTITUTIONS:

-  Justice Reform (access to justice)
-  Public Integrity
-  Strategic Litigation

CLR is using a unified methodology based upon juridical expertise and strategic litigation in order to promote democratic development. We believe the rule of law and human rights is the platform upon which the edifice of democracy rests. The rule of law is a safeguard against arbitrary governance. Access to justice and accountability are essential for the rule of law to be upheld in democratic societies. The rule of law is important for establishing equal rights for all citizens regardless of gender, race, color, creed, political belief or disability. None the less, rule of law provides no guarantee that rights will be taken seriously in practice. That is why a strong human rights agenda is complementary to a rule of law agenda for promoting democratic development.

The programs that CLR is undertaken are relevant for the challenges that Romania and the South-East Europe is facing on the road of democratic consolidation. The exercise of the human rights is guaranteed by fair institutions. Lack of institutions' accountability, transparency and integrity undermines the exercise of the rights diverting the roles of the institutions from providing public goods towards extracting rents. When abuses and infringements of human rights are not resolved by public institutions, justice is called to bring fairness. But justice is not immune to corruption.

These main areas and the subsequent programs were picked up after the relevant changing which occurred in the CLR's governance and staff in 2003. After a very deep analyze made both by the new board and staff, there has been identified certain areas that were not sufficiently tackled by other Romanian NGOs. In a country where are so many things to be dealt with, it has chosen to identify the existing niches on human rights protection and tackle subjects left aside by other NGOs.



PROGRAMMES

1) ANTI-DISCRIMINATION Programme

General objectives:

- to improve the legal framework according to international standards in the field of Anti-discrimination
- to ensure the correct enforcement of existing national and international legislation on Anti-discrimination
- to raise awareness on the general phenomenon of discrimination
- to put pressure on the authorities to issue firm public position against discriminatory policies, acts or statements



ACTIVITY 1: ADVOCACY

A. The Antidiscrimination NGO Working Group

The Center for Legal Resources initiated the enlargement of the Antidiscrimination NGO Working Group with the occasion of the setting up of a national network to join European Network Against Racism (ENAR), called ENAR-Romania. This is an informal network of 14 NGOs dealing with human rights and antidiscrimination on all grounds. It is affiliated to European Network Against Racism. Center for Legal Resources was elected to send one board member to ENAR from the part of ENAR-Romania and to ensure the ENAR-Romania's Secretariat for 2007-2010.

Activities:

1. Organizing one introductory meeting of ENAR

February 2007: ENAR representatives from Brussels came to introduce the network. Romanian NGOs participated at the meeting and decided on the establishment of ENAR-Romania.

2. Participating in 2 meetings in General Assembly of ENAR (if chosen as Board Member or Substitute).

April 2007: One person from CLR participated to the Strategic meeting of ENAR in Berlin.

3. Secretary of ENAR Romania (circulating information from ENAR to ENAR Romania members and viceversa) (if chosen as Board Member or Substitute).

4. April 2007: ENAR sent a letter to Romanian institutions in the process of lobby initiated by the national network to ensure professional quality of the new two members of the National Council for Combating Discrimination.

5. Organizing one meeting for the establishment of ENAR Romania.

May 2007: The 14 NGOs became member of the informal network ENAR-Romania, decided on the Statute of ENAR-Romania and elected one organization as Board Member, one organization as Substitute and the CLR as Secretariat.

June 2007: ENAR-Romania started to work as a network, sending information from ENAR to national network members; Meeting with a representative from ENAR-Hungary in view of finding common points of interest in the region.

July 2007: the CLR team drafted ENAR Shadow Report 2006 Racism in Romania (<http://www.crj.ro/files/RomaniaENARreport.pdf>). This is 40 pages overview of the situation of the most exposed to racial discrimination group in Romania the Roma, with concrete recommendations to public authorities.



B. Parliament respecting the procedure and criteria in electing the two new members of the National Council for Combating Discrimination (NCCD) Steering Committee

Activities:

1. Lobby political parties. (March-April 2007)
2. Drafting the list of questions to be addressed to the candidates within the commissions and participating at their interviews in the commissions. (April 2007)
3. Organizing the civil society public interview of the two new members. in cooperation with other NGOs from the coalition. (May 2007)
4. Drawing conclusions after the procedure (public statements/contestations/thank you letters/etc). (March-May 2007)

C. Taking a standing on different issues relating to discrimination

March 2007: Drafting a point of view on the Draft Education Bill regarding religious education in public schools

May 2007: Taking a public standing on the racist affirmations of the President of Romania, sanctioned by the NCCD.

On the situation of Romanians in Italy

After the declarations made by the Minister of Foreign Affaires, Adrian Cioroianu on the deportation in Egypt, CLR signed the joint letter made by 20 NGOs asking his resignation.

In November 2007, CLR organized in cooperation with the Institute for Public Policies a meeting with public authorities and the civil society, on November 8, 2007, in Bucharest: "Debate about dignity, the respect of human rights and propaganda in the context of the recent incident in Romanian-Italian relations". The Minister of Foreign Affaires, Mr. Adrian Cioroianu was present at the debate.

In the area of people with disabilities

CLR gave in June and July 2007 several presentations on the topic of stigma and discrimination in access to employment for young people HIV positive during the events organized by other NGOs working for this vulnerable group (Conferinta "Perspective in dezvoltarea serviciilor multidisciplinare adresate persoanelor seropozitive", May 31- June 2, Bucharest, organized by Romanian Angel Appeal, FORUMUL TINERILOR SEROPOZITIVI 2007, organized by UNICEF and UNOPA, 17-18 July 2007).

D. Lobby NCCD to adopt internal rules of procedures

During this reporting period CLR together with the Antidiscrimination NGO Working Group draw the attention of the President of the NCCD regarding the adoption of internal rules of procedure.

In November 2007, we sent a new joint memorandum to the NCCD, underlining the principles that the procedures must take into consideration. In reply, we obtained the commitment of the President of the institution (made in public) to organize a consultative meeting with the NGOs on the first draft of the project of internal rules of procedure.



ACTIVITY 2: MONITORING

Working as RAXEN-National Focal Point (NFP) for the European Fundamental Rights Agency

Fields: Legislation - including NCCD activity, Racist violence and crimes, Education, Employment, Housing, Health and Social services, for the following target groups: national minorities, refugees, asylum seekers, immigrants.

Activities:

1. Preparing information and data collection (since May up to present)
 - Drafting Scientific Research Quality Guidelines
 - Developing the Data Collection Interview Guide
2. Information and data collection (since May up to December)
 - Activity of information and data collection
 - Quality control
3. Drafting and providing deliverables (since May up to December)
 - Drafting deliverables
 - One Review Service of the national information included by FRA in its annual report on racism and discrimination in the EU (June 2007)
 - Six RAXEN Bulletins (April, June, July, August, October and November 2007)
 - One National Data Collection Report drafted in October 2007.
4. Participating to two meetings of the EUMC-RAXEN in Vienna.
April 2007: One person from CLR participated to the FRA NFPs spring meeting.
5. In December 2007, CLR started the monitoring to reply to another FRA request: a Complementary Data Collection Report on the measures and impact in Romania of the events targeting the Romanian community in Italy, after Mailat case.

ACTIVITY 3: RAISING AWARENESS & TRAINING ON NON-DISCRIMINATION IN EMPLOYMENT

Phare Project “European Employee=Equal Employee!”

The project was implemented by two NGOs from Bucharest: Center for Legal Resources and Partnership for Equality Center. The project timeline was 1st of October 2006 -30th of September 2007. The regions targeted by the project are all the eight Development Regions in Romania.

The project's purpose is: improving the level of implementation of the principle of non-discrimination and equal opportunities, including equality for women and men in employment.



Activities:

1. Three types of researches have been done: sociological, internal and European legislation, models abroad; (November 2006 - February 2007).
2. Disseminating information and publications



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- Creating a section on the website. (March-April 2007)
- Organizing a press conference (April 2007)
- Organizing 10 regional meetings in the country (May-July 2007: Craiova, Iasi, Cluj, Timisoara, Ploiesti, Brasov, Mangalia, Giurgiu, Bucuresti, Constanta). The meetings have been organized with the help of the regional chambers of commerce that took care of the dissemination of the invitations, through several means. The project's experts and our guest speakers held several presentations. The participants received also the publications drafted in the project. The total number of participants was 215, around 27 persons/meeting. The events have been reflected in the local media.



3. Preparing and organizing a pilot training for 20 human resources officers. The dissemination of the announce for the training was extensive. 100 letters have been sent to the companies that fit the profile. Registration forms were sent back from 25 persons and the selection team chose 20 participants. The training curriculum was drafted using all the information gathered during the project. The training took place on September 19-21 in Predeal. The evaluation questionnaires proved that the training was very much appreciated both as information presented and teaching methods.

4. Providing consultancy for companies

- Meetings with companies and public authorities competent in the field. The continuous consultancy and the promotion of good practice models activity took place in the last 4 months of the project. We used two data bases developed during the project: one containing a number of 300 companies that fell under the criteria of the project and the second one with models of good practices in the EU and the USA. A very good relation was established with: Carmen Cucul, the Executive Director of HR Club, the HR professionals association in Romania, having a number of 200 members, and with SRAC (SRAC Organism de Certificare a Sistemelor de Management), a company that deals with the quality certification of Romanian organizations. The project's staff participated during all this time to several meetings where the project and its ideas were promoted. The project publications have also been sent to public authorities' representatives at the local level involved in the areas of the project.

Interconnections between this project and other projects were developed during the project: partnerships between Center for Legal Resources and ACCEPT Association with respect to the website www.antidiscriminare.ro and other activities of disseminating information and training, promoting strategic litigation in the area of discrimination in employment, Antidiscrimination Training for Magistrates, in partnership with the National Institute for Magistracy, RomaniCRISS and the National Council for Combating Discrimination etc.

Anti-Discrimination and Diversity Training VT/2006/009 (subcontracted by Human European Consultancy)

Activities:

1. Organizing two antidiscrimination seminars
 - Selecting trainers (April-May 2007)
 - Needs assessment (March-April 2007)
 - Training of trainers (June 2007)
2. Organizing one diversity management seminar in partnership with an employers association for companies.



In November 2007 the Antidiscrimination Basic Seminar took place in Sinaia, with the participation of 50 representatives from NGOs and trade unions working in the area of combating discrimination. The topics of the seminar were legislation and means of intervention from the part of the target group. (<http://www.crj.ro/files/AnuntSeminarNational.pdf>).

The CLR team worked also during this period of time to prepare the follow up seminar with NGOs and trade unions and to prepare the diversity management seminar in partnership with an employers association for companies (<http://www.crj.ro/files/ManagementulDiversitatii.pdf>).

ACTIVITY 4: TRAINING FOR JUDGES AND PUBLIC PROSECUTORS

Training in partnership with the National Institute for Magistracy, the National Council for Combating Discrimination and Romani CRISS

Activities:

1. Providing 4 training sessions on national and international legislation and jurisprudence in the field of anti-discrimination:
 - 20-23 March 2007: Paraul Rece (35 judges and prosecutors)
 - 5-8 June 2007: Sovata (30 judges and prosecutors)
2. Providing training sessions for judges (on Article 14 ECHR):
 - 6-7 February 2007: Bucuresti (around 15 judges and prosecutors)
 - 26-27 March 2007: attending a Training of Trainers session for legal education of the magistracy
 - 26-28 April 2007: Sovata (around 15 judges and prosecutors)
3. Training on article 14 + article 9 of the ECHR, in partnership with the National Institute for Magistracy
 - 22-23 May 2007: Eforie Sud (30 judges and prosecutors)

The 3rd training in Iasi took place in October 2007, where CLR representative gave a presentation on the international and European standards in the field of antidiscrimination.

2) ADVOCATE FOR DIGNITY Programme

General objectives:

to protect and advocate for the rights of persons with mental disabilities from the inpatients facilities especially those admitted involuntary and patients or beneficiaries whose rights to complaints have been denied.

- to work with users and NGOs representatives, local and central authorities in order to elaborate and implement a mechanism of protecting the rights of patients and beneficiaries of inpatients facilities (complaints and independent monitoring mechanism especially for institutions which are taking care of persons with severe mental disabilities).

- to organize media advocacy campaigns by publishing three monitoring reports (one with regard to fact finding missions organized during 2005-2006 and two after fact finding missions from the first semester of 2007).



Background

In 2007, some changes took place in the area of legislative and policy that have direct link with the program activities and that could influence the development of the program:

Romania has signed on September the UN Convention on the rights of persons with disabilities, which will be a very important lobbying instrument for the Romanian activists and the non-profit organizations of beneficiaries or family members. The Convention would be an instrument in the area of fighting discrimination, health access, community based rehabilitation services and the monitoring system of the rights of persons with disabilities and complaints. The Ministry of Labor Social Inspection have adopted the rules of organizing and functioning of the social inspectorates who incorporates also several observations that the CLR team has made in the national report when this was public launched at the round table organized in partnership with the Senate Human Rights Commission at the Romanian Parliament (in June, 2006).

In September the CLR project team have learned that after a complaint made by one adolescent from a center of placement from Sacel, Hunedoara County and after field documented and presented the case in the CLR national monitoring report, the executive director of the General Direction of Social Work and Child Protection has dismissed the chief of the center and transfer the adolescent in other facility (the CLR project team have also asked for a private meeting and a visit to the center of placement with the executive director, child protection director and the chief of monitoring department from the General Direction, in order to convinced them that the situation described is real).

In September several directors of the General Directions of Social Work and Child Protection and of the County Public Health Directions have agreed that an monitoring body with tasks in unannounced visits and collecting complaints of the beneficiaries could be very useful for their activities.

In 29 September the National Authority for Child Protection has adopted an amendment to their law of functioning and they become “the main responsible for monitoring the rights of children in Romania”.

In August, the National Authority for Persons with Handicap invited the CLR to be member in the Council of the NAPH, established in conformity with the Law no. 448/2006 which mentioned that a representative of a human rights civil society organization will be member in the consultative council of the NAPH.

ACTIVITY A. Human rights monitoring

A.1. Voluntary admission

The CLR team of monitors organized fact finding missions in 15 institutions for child and adults with mental disabilities from 15 counties. The scope of the monitoring was to have an overview of how the rights of patients/beneficiaries are respected and further, to identify which are the special needs of training of patients / beneficiaries in order to better protect their rights and also to train and involve staff members in protecting and respecting the user's rights.

A list of the visited institutions is included in the report “Protection mechanisms for persons with mental disabilities in medical-social institutions: Illusion to reality”, July, 2007. Interviews with staff members during the unannounced monitoring visits in the 15 mental health and social care institutions have been organized. Each visited institution has around 150-450 employees. During the visits the monitoring team talked with the staff member for the morning shift and with the staff members from the second shift (around 50 to 100 persons/this activities/ institution x 15 institutions).



Other activities on voluntary admission

The CLR project coordinator in a meeting with almost 30 representatives of locally civil society organizations, organized by one of the local partner of the CLR, the Motivation Foundation from Bucharest - has explained and talked with former users and family members about their fundamental rights and how can they exercise in reality all of these rights.

The CLR project coordinator has received and investigated during the month of November and December a number of 4 complaints from Valcea County with regard to human rights violations at the stage of transfer of 4 youths from a child protection institution into an adult facility for youth with mental disabilities. The CLR project coordinator has also discussed the issue observed in the above monitoring visits in Valcea County with the general director of the General Direction of Social Work and Child Protection.

A2. Involuntary admission

The CLR team of monitors organized fact finding missions in 5 psychiatric institutions from 5 counties with the aim of observing the kind of respect for the fundamental rights of patients admitted on an involuntary basis and also which is the level of understanding of the medical staff for the involuntary provisions from the Mental Health Act. The CLR team of monitors and the coordinator have visited 5 psychiatric hospitals from Constanta, Dambovitza, Brasov, Timis and Harghita county. They have organized interviews with the directors, staffs and patients from the visited psychiatric wards. During the fact finding missions the team received also information with regard to the status of notifications sent by the psychiatrists to the prosecutors offices, according to the Romanian Mental Health Act No. 487/2002 and the secondary legislation adopted in April, 2006 with regard to the involuntary commitment.

ACTIVITY B. Empowerment

Empowerment of people with mental disability from the State institutions to know and fight for their fundamental rights. The CLR teams of monitors in partnership with other 3 local NGOs organized 15 training sessions with 20 users from each of the 15 institutions in which they have organized monitoring visits.



B1. Problems identified and conclusions of the visits

After the 1st training for beneficiaries and staff members it was decided by the project team that it will be best if we will not announce the date of the training and the visit because all of the beneficiaries were even chemical restraints and have no way of speaking with our team, even a part of the users were advised to not speak with the CLR team during the training. We have decided that it will be more efficient to organize the training for beneficiaries as a monitoring visit and speak with most of the beneficiaries in his/her room.

Interviews and informal training on their institutions during the 2nd unannounced visits developed with a representative of the Motivation Foundation which was responsible for helping staff member to develop idea of future community based services as the best alternatives for the institutionalized persons with disabilities. (50-100 persons/institutions/this activity x 15 institutions)

In all of the workshops organized in the 15 visited institutions (informal trainings) it was recognized by the staff members that they have received no trainings with regard to the human rights aspects of the domestic and international standards for persons with mental disabilities. The conclusions of the workshops were that more of the half of the staff members in the visited institutions has no information about how to apply the article of the involuntary admission in mental health institutions and very few of the psychiatrists have some knowledge about



the Mental Health Act but not conform to the norms. In the social care institutions many of the staff members have heard much more on the Mental health act about seclusion, restraint, involuntary admissions and the fundamental rights of persons with mental health problems (the mental health law and the secondary legislation) and they have very few knowledge on their own institutional standards in this area that they should have to apply in their institutions (standards for residential center for children with disabilities and standards for residential standards for adults with handicap). The CLR program manager and some of the monitors from the local level received phone calls from the chiefs of the centers or doctors and directors of the general directions questioning about what it will be the best system for their own institutions on preventing human rights violations.

In two separate institutions (Babeni centre from Valcea County and Boita psychiatric exterior ward from Sibiu County) the access inside institutions for training was restricted by the director of General Direction of Social Work and Child Protection and by the general director of the Psychiatric Hospital from Sibiu. In both cases the reasons of these restrictions were the fact that after the CLR first visit chiefs of centre/ward were advised by the general directors to not allow CLR inside again. The project coordinator has been discussed with the representatives of both institutions and let them know about the project objectives. After meeting with the state secretary from the Ministry of Public Health we are now expecting for a letter that should be send directly to these directors in order to accept CLR team inside these institutions.

The CLR project team of monitors and the program managers has organized several follow up visits in a half of the institutions which appeared to continue to have not understood the domestic and international standards in the field of persons with mental disabilities. During this visits the program manager has also met with the executives' directors of the general directions and the public health authorities and with the chiefs of the visited centers.

In all of the 15 visited institutions we have observed some improvements with regards to the respect of human rights of persons with mental disabilities. This observation was possible because institutions have been visited several times before the present project implementation. In all of the mental health institutions we have observed that the hospital and the public health authority have implemented the provisions of the mental health act with regard to the involuntary admission the notification that have to be send to the prosecutor and the commission formed in the institutions. Also the seclusion and restraints register have been found in all mental health institutions visited. In the social care institutions the CLR team have observed that at least half of the beneficiaries received information about their fundamental rights (the right to complaint, the right to community based services) and in half of the visited institutions could be observed that there if a special register in which the beneficiaries could note their complaints or observations.

ACTIVITY C. Training sessions

Training sessions were organised

for 15 social workers from the above mentioned institutions

for 20 journalist

for representative of locally NGOs

1. A seminar for 15 representatives with competence in the social work (social workers, psychologist, sociologist and educators) of the 15 visited institutions was organized for a period of 3 days. During the seminar the participants have learned about the monitoring and complaints mechanism, the fundamental rights of persons with disabilities, good practices and domestic legislations in the field. The seminar was co-organized by one of the local partner, The National College of the Romanian Social Workers and



attended by a representative of the Center of Mental Health, an organism established by the Ministry of Public Health in partnership with the Ministry of Education. After the training, in the follow up visits, the monitoring teams have meet again with the trained social workers and with the chiefs of institutions and have observed that 80% of them have established a system of informing beneficiaries, families and other staff members about the human rights and the obligations of the staff members.

2. A seminar for 20 journalists was organized for a period of 2 days. The seminar was attended journalists from the national, local and public televisions, radio and newspapers. The seminar was organized with the help of 3 journalists: one for TV media reporting from the national public station (TVR 1), one from a national newspaper (Jurnalul national) and one director of BBC Romania. In the next period after the seminar, we saw that the attention for reporting the problems of persons with mental disabilities increased. Media reports with regard to Advocate for dignity program are attached to this report.



3. Three seminars were organized with the help of the local partners in Timisoara, Sibiu and Bucharest for the NGO's representatives. At least 60 representatives of the local, regional and national NGOs have attended the seminars. Also, several representatives of the local authorities in the field of social work and child protection have expressed their interest and attended the seminars.

ACTIVITY D. Drafting legislation on involuntary treatment (secondary legislation, standards at admission) and elaborating a system of protecting the rights of users in inpatients facilities (complaints and independent monitoring mechanism).

An analysis of the legislation with regard to involuntary admission in a psychiatric hospital and with regard to monitoring and investigating complaints received from beneficiaries was done.

The CLR project team has proposed a draft law and with the help of the Senate Human Rights Commission will do further lobby for the adoption of a normative act. The act was also asked by the member of the Senate Human Rights Commission but because of the preparations of the election for the European Parliament some issues remained on pending till the end of the election.

ACTIVITY E. Organizing working groups (12 meetings) with local and central representatives of the Ministry of Health, Ministry of Justice, Ministry of Labor, and National Authority for Child Protection, National Authority for Persons with Handicap, etc. The CLR involved the State representatives in elaborating norms and implementing mechanism of independent observance of the respect for the rights of patients with mental disabilities from inpatients facilities. Secondly, the CLR lobbied the representatives of the National Authority of Child Protection and the Ministry of Labor to develop a mechanism of protecting the rights of children and youth with severe mental disabilities from the centers of placements. Several meetings and working groups with the representatives of the central authorities have been organized by the CLR. Also, the CLR organized working groups in partnership with the Human Rights Commission of the Senate Romanian Parliament.

ACTIVITY F. Disseminate information with local NGOs (1) from 15 counties with the special aim of creating links between NGOs professionals and patients/beneficiaries of psychiatric hospitals, mental health wards from country area, center for recuperation and neuropsychiatry rehabilitation, centers of placement for children and



teenagers with mental disabilities; representatives of the **central authorities (2)**, representatives of the **European institutions and organizations** as European Parliament, European Commission, Council of Europe, Association for Prevention of Torture, European Committee on Prevention of Torture and Ill-treatment, UN, UNICEF (3).

F1. The CLR elaborated and published **special leaflets** with the fundamental rights of users and how they can access and use the complaints mechanism. Local NGOs organized local meeting with users and disseminated leaflets.

At the local level each of the partner organization has disseminated the idea of the project- human rights approached with different stakeholders from the civil society. For instance, in Sibiu, the Tonal Foundation have explained to a group of beneficiaries of community mental health services and to their family members which are their fundamental rights and how to use the mechanism of complaints and monitoring.

In Timisoara, the APFR has disseminated information about human rights monitoring and complaints in mental disabilities institutions, with the representatives of the regional civil society organizations, lawyers and journalist that were very eager to learn about the human rights standards.

In Cluj, the Center of Volunteer has entered into contact with an NGO established by a younger student at the faculty of social worker (former institutionalized child) in a center of placement previously monitored by the CLR team. They have established a volunteer project with professionals that worked with children with mental disabilities from one center of placement. They have informed the CLR project manager that during their work they have observed that the staff member are more aware about the fundamental rights of children with mental disabilities also because the local NGO played also the role of continuing monitoring.

F2. An international seminar with the aim of disseminating the monitoring and complaints mechanism has been organized in September, 18, 2007 at Bucharest. The seminar has been organized in partnership with the HR Commission of the Romanian Parliament- the Senate and keynote speakers have been representatives of the MHAC from UK, a representative of the OPCAT from Geneva. The seminar has been attended by 30 representatives of the civil society and users and family members at the House of the Parliament.

G. Publication of 2 human rights reports:

The CLR has published 2 reports:

- April, 2007 Monitoring the rights of children and youth with mental disabilities (in partnership with UNICEF Romania)
- July, 2007 - Protection mechanisms for persons with mental disabilities in medical-social institutions: Illusion to reality (with World Learning / USAID Romania).

Conclusion

The biggest success of the program in 2007 was that staff members and the directors at the county level become more open to co-operate and exchange information and very important asked for future help in sustaining the mechanism of complaint and the unannounced monitoring visits. All of the county directors agreed at the end of the international conference that a mechanism like the one developed by the CLR and the draft law who proposed a national council on preventing ill treatment in the mental disabilities institutions under the direct coordination of the Senate Human Rights Commission could only help to respect and advance the rights of persons with mental disabilities.



3) PUBLIC INTEGRITY Programme

Background

The public integrity in Romania continues to be under the scrutiny of the European Commission. In 2007 several integrity measures must be noted:

The law regarding the establishment of the National Integrity Council and the National Integrity Agency (ANI) passed in Parliament. ANI has jurisdiction over verifying assets, incompatibilities and potential conflicts of interest.

The members of the National Integrity Council and the vice-president of ANI have been appointed by the Senate.

Several anticorruption awareness campaigns are underway. Nevertheless, several anticorruption failures have been identified:

The Anticorruption General Directorate (DGA) within the Ministry of Domestic Affairs and Administration Reform failed to tackle grand-scale corruption within the police. The DGA director resigned office accusing high rank police generals of covering up each others corrupt dealings. He reported pressures from Vasile Blaga, former Minister of Domestic Affairs, to end investigations regarding grand-scale corruption.

The Minister of Justice request for dismissal of a senior member of the National Anticorruption Directorate (DNA) within Prosecutor's Office has been interpreted as a political pressure because of the request's lack of solid arguments. Nevertheless, the Superior Council of Magistracy inspection at DNA concluded that severe irregularities are present in the activities of the anticorruption prosecutors. The National Anticorruption Directorate (DNA) benefited from high public confidence but proved unable to assure professional and unbiased investigations. The above-mentioned inspection from the Superior Council of Magistracy (CSM) found serious irregularities in DNA activity: unregistered corruption complaints; unjustified postponements in investigating corruption complaints (some complaints have been postponed years); usage of press excerpts as legal evidences; legal solutions of ending criminal investigations are not communicated, in most of the cases, to the involved parties; raise of evidences (examining witnesses, for instance) without official starting criminal investigation; unjustified and illegal reassignment of criminal cases, by DNA management, from one prosecutor to another; activities that the law prescribes only for prosecutors are, in fact, conducted by judiciary police offices et.

The report on Romania's progress on accompanying measures following Accession noted that a “comprehensive local anti-corruption strategy based on risk assessments targeting most vulnerable sectors and local administration is missing”.

Evidences from DNA files were published in the media and these determine real public trails and “convictions” on TV. Moreover, when the corruption cases actual reach courts the public opinion already prosecuted and found guilty the perpetrator.

Several legal amendments promoted by the former Minister of Justice in 2005 have been deemed unconstitutional by the Constitutional Court (CC). CC considered that former Cabinet members have to benefit from a similar treatment as the current Cabinet members in relation with the Prosecutor's Office. The discrimination of treatment between former and current members of the Cabinet was brought to an end. This CC decision had a direct impact on several high-level corruption cases (of former Prime Minister, Adrian Nastase and former Secretary General of the Cabinet, Serban Mihailescu) being under examination by the Romanian High Court. Taking into account the CC decision, the High Court ruled that the investigation of above-mentioned cases have to be restarted by the DNA so that all the legal and constitutional procedures required for Cabinet members



to be duly respected. DNA contested the High Court rule. These events proved that anticorruption fight, irrespective to its urgency, have to be based on sound legal provisions that do not restrain human rights or the presumption of innocence, or introduce discriminatory treatment.

National integrity Agency does not have a president and it is not functional.

Conflicts of interests and incompatibilities are flourishing at local level as CLR reports has proved in the second half of 2007.

Despite the disproportionate means of investigation (when compared against the means available to the defense for contesting abuses) received by the prosecutors during several legal amendments, not a single large-scale corruption case have been finalized by a court decision.

CLR's aim and main areas

Considering the evolution of the anticorruption context, CLR aims to raise the internal pressure for public bodies' integrity. Public Integrity Programme assumed three areas main areas of involvement.

1. First area: monitoring, reporting and official complaining about the integrity of central and local public administration, and the effectiveness of the anticorruption bodies.

CLR conducted several activities in this area in 2007:

1.1. Monitoring anticorruption legislative initiative and expressing opinions and recommendations regarding the anticorruption draft laws

a. CLR has been very active in analyzing the draft law regarding National Integrity Agency (ANI). After the law passed Parliament, CLR made public a list of shortcomings of the law regarding National Integrity Agency (ANI).

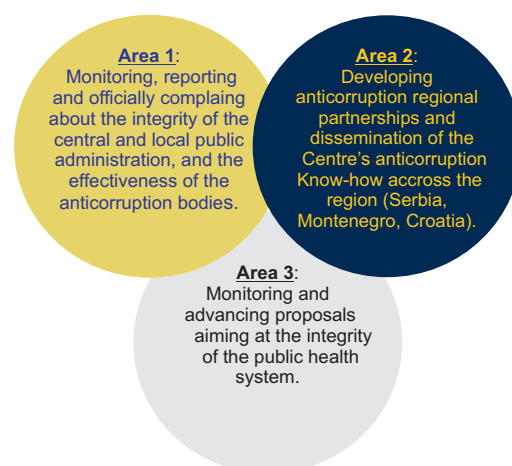
b. CLR issued a set of proposals to the **Ministry of Justice** aiming at reducing the incidence of conflicts of interests and incompatibilities. This set of proposals included legislative amendments considered necessary by CLR for achieving a better enforcement of the current legislation. The proposals have been also published in the report "Local public administration Integrity", issued in November 2007.

c. CLR also participated at the consultations organized by the **Ministry of Justice** for realization of an Action Plan for Meeting the Benchmarks established within the Co-operation and Verification Mechanism (with the European Commission). CLR issued a set of proposals to the Ministry of Justice and some of them have been included in the approved form.

d. CLR participated in the consultations organized by the Anticorruption General Directorate (DGA) within the **Ministry of Domestic Affairs and Administration Reform (MIRA)** on the new regulation of the Strategic Committee within DGA. The Strategic Committee is an oversight and transparency body composed of representatives of civil society and MIRA. CLR issued a set of proposals on the draft regulation and initiated a close dialog with DGA.

d. CLR monitored the amendments to the National Integrity Agency law.

e. CLR experts participated in various anticorruption public debates and constantly expressed their conclusions and concerns in the media.



1.2. Strengthening the network “Together against corruption”

In the beginning of 2007, CLR involved ten more local NGOs in the network: APD Focsani (Vrancea County), Centrul Regional de Ecologie (Jud. Bacău), Fundația Studium (Galați), Fundația pentru Dialog Social (Gorj), Asociația Târgoviște spre Europa (Dâmbovița), CEDES (Mureș), APD Timișoara (Timiș), Aras Constanța (Constanța), APD Iași (Iași), APD Cluj-Napoca (Cluj). The network is coordinated by CLR in partnership with ProDemocracy Association and Transparency International Romania. These NGOs have been selected on the basis of their contribution to the promotion of local integrity.

Ten more investigative journalists joined the network: Ionuț Avram (Newspaper: Informația Bacăului), Mihai Boicu (Ziarul de Vrancea), Ovidiu Amălinei (Viața Liberă, Galați), Gabriela Mladin (Impact în Gorj), Ilie Bîzoi (Dâmbovița), Cosmin Blaga (Televiziunea Târgu-Mureș), Bianca Toma (Evenimentul Zilei, Timișoara), Alice Hrisch (Independent, Constanța), Dinu Gherman (România Liberă, Cluj) și Dan Postolea (Flacăra Iașului). They represent important local media.

Website of the “Together against corruption” network has been built at <http://www.integritate.resurse-pentru-democratie.org/coalitia.php>.

Three training sessions have been organized for the NGOs and journalists recently involved in the network.



The first session: Corruption in public administration and political corruption. What is it and how can be curbed?
Venue: Bucharest, Period: 11-14 January 2007. Trainers: Adrian Sorescu (Pro Democracy Association), Victor Alistar (Transparency International Romania).

The following subjects have been debated during the session:

- National Integrity System;
- Public administration transparency (Law no. 544/2001 on free access to public information, Law no. 52/2003 on transparency of decision making process, public procurement transparency);
- Legal norms on conflicts of interests, incompatibilities and wealth declarations;
- Political parties finance (corruption fostered by the finance methods, case studies);
- Corruption acts;
- Legal procedures for complaining about corruption.

The second session: Anticorruption monitoring instruments. How can we monitor local public administration?
Venue: Sinaia, Period: 24-28 January 2007. Trainers: Adrian Sorescu (Pro Democracy Association), Valerian Stan (Center for Legal Resources), Radu Nicolae (Center for Legal Resources).

The following subjects have been debated during the session:

- Monitoring the integrity of the local public administration staff: conflicts of interests and incompatibilities;
- Case studies on conflicts of interests and incompatibilities;
- The law regarding whistleblowers protection;
- Public procurements monitoring instruments;



The third session: The monitoring methodology of local public administration applied by the “Together against corruption” network, Venue: Călimănești, period: 15-18 February 2007. Trainers: Valerian Stan (CLR), Radu Nicolae (Center for Legal Resources), Andreea Năstase (Transparency International).

The following subjects have been debated during the session:

- Public procurement monitoring methodology;
- Conflicts of interests and incompatibilities monitoring methodology;
- Monitoring the health system;

All the members of the network (including the new members) agreed to begin a new period of intensive monitoring. The monitoring methodology of the network has been implemented during five months (from February till June). The local public institutions have been monitored regarding:

- The local bodies' civil servants and elected officials integrity (conflicts of interests, incompatibilities, assets and interests declarations, and corruption);
- The integrity of public procurement process;
- The integrity of concessions and public-private partnerships;
- The internal integrity rules of each local public body under scrutiny (the protection of whistleblowers).
- The integrity of the public health system.



Several infringements have been documented in each county and more than 20 complains have been submitted to the anticorruption bodies (21 cases involving 30 persons).

CLR organized a contest for the best anticorruption local journalist investigations in order to stimulate and recognize publicly the efforts of the press in curbing corruption. Thirty local anticorruption investigation articles participated in the contest. The results of the contests have been published on CLR website.

CLR finalized in the second half of 2007 the monitoring process of local public administration. The local public bodies (county council, local councils, mayor's office, and prefects) from 10 counties have been monitored regarding:

The local bodies' civil servants and elected officials integrity (conflicts of interests, incompatibilities, assets and interests declarations, and corruption)

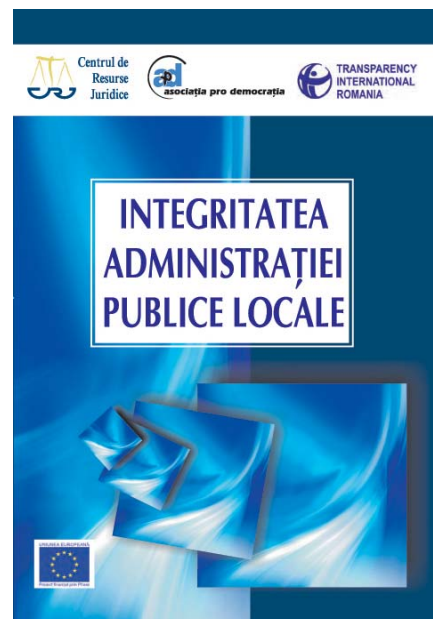
- The integrity of public procurement process;
- The integrity of concessions and public-private partnerships;
- The whistleblower protection;
- The integrity of the public health system.

The monitoring process has been coordinated at the local level by the NGO's from the network “Together against corruption”. In each county, the NGO responsible with monitoring draft a local report. The local reports have been discussed with CLR and they have been publicly presented in each county through a press conference. CLR representatives participated in six such local press conferences and representatives of TI and APD participated at the rest of the press conferences. Local reports have been also published on CLR website. After each press conference, CLR and the partner local NGO organized a public debate of the local report. Public officials, other NGOs, business community representatives and media have been invited to the public debates. During these debates, several anticorruption solutions have been put forward.



CLR compiled the results and conclusions identified within the local reports and those generated during the public debates and edited the national report: "Local public administration integrity". The report has a special chapter of anticorruption strategic cases that have been pursued by CLR from the initial official complain till the administration of the sanction to the person/s found guilty. The report has been issued in November 2007 and it has been distributed to local governments, NGOs, and media. CLR launch this report during a press conference in Bucharest.

CLR monitored the performance of the National Anticorruption Department (former National Anticorruption Prosecutor's Office) within the Romanian General Prosecutor's Office. CLR generated a matrix of high level corruption cases instrumented by DNA and updated the matrix with information from Courts. Thus, the developments in each high level corruption case are registered in the matrix so that CLR opinions on DNA activity to be based on facts. Taking into account the latest developments regarding DNA activity (please see Updated background), CLR submitted a series of access to information requests in order to established the facts and the procedures involved.



Future plans 2008:

In 2008, CLR will develop the anticorruption advocacy skills of the local NGOs from the network "Together against corruption". The NGOs have to learn not only how to monitor the integrity of local public institutions but also how to bring about the desired change, how to persuade the local leaders of their community to take anticorruption actions. With the help of local NGOs, CLR will coordinate an advocacy campaign aiming at promoting anticorruption internal regulations within local public institutions.

Specific activities:

1. Analyzing integrity failures within local public institutions and developing solutions for improving the situation. A workshop with NGOs from 7 counties will be organized in order to analyze integrity failures within local public institutions.
 2. Developing the anticorruption advocacy role of the NGOs from the coalition „Together against corruption”; an advocacy campaign will be planed and advocacy training for all the NGOs from the network will be organized. The advocacy campaign will be implemented in 7 counties.
 3. The integrity within 7 local public institutions will be promoted through an advocacy campaign that will last four months. A final report of the campaign will be published and a press conference will be organized.
- CLR will continue in 2008 the process of monitoring the local public institutions (local councils, mayor offices, fiscal offices, hospitals). The 2008 is an election year in local governments and it is a good opportunity to pressure for integrity. The members of the network "Together against corruption", the local NGOs and journalists, will be involved in the process of monitoring local administration;



2. Second area: monitoring and advancing proposals aiming the integrity of the public health system

CLR designed a monitoring methodology of the integrity of the public health system. This methodology has been integrated in the broad methodology used by “Together against corruption” network. In the third training session, the monitoring methodology of the integrity of the public health system has been presented and debated.

The local public health bodies have been monitored during five months and several complains have been submitted to the anticorruption bodies. During the monitoring period in 2007, the major integrity problems of the public hospitals have been analyzed. CLR compiled the results in a document that will be further discussed with the decision makers in the health sector.

Future plans 2008:

- Build an anticorruption website for the health sector: on this website the citizens could post their experiences with bribe in the hospitals. An online questionnaire will generate statistics about the average bribe and the first hospitals considering the amount of bribe received during a period.
- Monitoring the procurement in the health sector.

3. Third area: developing anticorruption regional partnerships and dissemination of the Center's anticorruption know-how across the region (former Yugoslavia: Serbia, Montenegro, and Croatia).

For the second year CLR participated in the “Regional program Working Together for Capacity Building in Governance and Local Leadership for CEE/SEE countries” managed by Partners Foundation for Local Development. Corruption/Anticorruption has been the central theme of the meetings within this program and CLR build a good database of organizations active against corruption in the region.

CLR translated the anticorruption methodology utilized in fighting corruption in local and central public administration, highlighting the successes achieved. CLR build a presentation in English about the methodology utilized by CLR in fighting corruption in local and central public administration. This presentation has been already delivered to a group of public officials (20 persons) from Brazil that visited Romania in September 2007. The participants reported that the presentation was very useful.

Conclusion

Important steps have been made by the CLR Public Integrity Programme in all three strategic areas in 2007. Most of the activities envisaged for 2007 have been successfully conducted generating positive impact.

Although Romania joined EU the anticorruption pressures have to be maintained by the civil sector. In the same time, CLR has to pressure the authorities for building relevant mechanism of human rights protection in the anticorruption work.

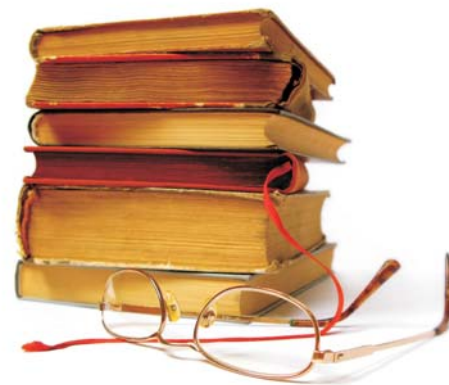


4) STRATEGIC LITIGATION Programme

4.1. Lawsuits

In 2007, CLR pursuit over 40 cases in court on access to information, environmental law, protection of cultural heritage, transparency of local authorities, HIV infected children damages, etc.

Mental health - 1) Poiana Mare Case has reached a new level, when the General Prosecution rejected once again the case, stating that no person can be held responsible for the death of 9 patients (from a total of 17) in two month, considering the fact that the previous year there were over 180 deaths. We filed a new complaint to court, and we are preparing a case for The European Court of Human Rights if the case is going to be also rejected by judge. 2) CLR filed a new complaint in Campeanu Valentin case; a young boy HIV infected that died in Poiana Mare in suspicious conditions, when prosecution, without any serious investigation, granted a new dismissal. Campeanu Valentin case has been accepted by court. The case was send to the prosecution for further investigation regarding the circumstances of his death.



Cultural Heritage - 3) A number of cases were developed regarding the construction of a huge bridge in the middle of Bucharest, in Basarab area. The construction is illegal, environmentally and from urban legislation point of view. For the construction of the bridge more than 8 buildings declared historical monument by law are supposed to be destroyed. The City Hall has already begun the demolition without having any permit from the Ministry of Culture. For this project the City Hall refused to supply any public information, and all transparency procedure has been breached. We pursuit in court many law suits on this issues, but they are still pending and The City Hall is going on with the project. 4) In Coltea Case, a historical monument proposed for demolition by the local county, the court suspended the demolition permit. The local authorities are constantly demolishing old houses that are classified as historical monuments, in order to build new modern buildings, without respecting the city planning and cultural legislation. The Tribunal however has rejected our complaint regarding the annulment of Coltea Clinic demolition permit. We filed an appeal. The case is going to be heard in March 2008 by the Court of Appeal. The other cases that were also rejected by the Tribunal, we won the appeal and the cases are going to be judged by the Tribunal all over again (Basarab cases)

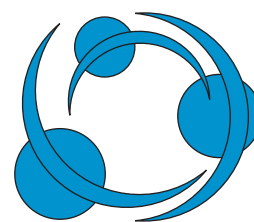
Environment - 5) CLR filed a complaint to Ministry of Environment related to the implementation of Aarhus Convention (the environmental protection agencies are refusing to disseminate the environmental impact assessments and the environmental reports, violating both Aarhus Convention and the access to information law). Ministry of Environment answered that the matter is going to be solved. However, up to this moment the Ministry took no concrete action related to this problem. The courts decided in most of the trials that the environmental impact assessments and the environmental reports are protected by the intellectual property rights. CLR is preparing complaints to the Aarhus Compliance Committee and the European Commission. 6) CLR filed complaints regarding the answers given by SC RMGC SA within EIA procedure in Rosia Montana case, and received no answer yet. However, the Government and the President of Deputy Chamber declared several times that the might be stopped if the law regarding use of cyanide in mining industry would be passed by Parliament in time, as this law actually forbids any use of cyanide in such cases. 7) Another case regarding the illegal construction in a natural protected area, Cheile Sugaului, is still pending in court. The premises are favorable, because this area has been included in the official list of Nature 2000 protected sites.



Classified information - 8) Regarding access to information and Law no. 182/2002 regarding the classified information, no progress has been made due to the lack of interest of the political bodies at this point. However we won one case where the Psychiatric Hospital from Iasi classified information related to institutionalization of persons with psychiatric problems. The case is not final yet, as the Hospital still has the right to file an appeal. 9) Regarding Law no. 182/2002 for classified information, we are preparing a case for European Court of Human Rights. We requested information for the Ministry of Interior and Public Administration regarding the organizational and functioning regulation of the ministry's departments. The ministry claimed that the information is secret of service. In court we argued that it is illegal to classify as secret information without a proper cause and motivation, without specification of a period of time for the classification, and without a material prove that the information has indeed been classified. The Ministry refused to disclose the Order of classification, claiming that The Order itself has been classified. Some documents (maybe the order of classification) were shown to the judge only, but the court refused to show us any proof and to make any specification of the documents that she received, because according to her, the documents were classified, and only the persons agreed by the minister could receive them. The case was dismissed by the court. As a result, we cannot know anything about how the Ministry of Interior and Reform of Administration (the name changed after the governmental reshuffling), and more we can't file for declassification of information because we do not have an administrative paper (an order of classification) that could be criticized in court. We are going to file a complaint to European Court of Human Rights regarding the violation of art.6 and 10.

4.2 The Lawyers Network

The Network of Human Rights Lawyers developed a large number of cases all over the country, monitoring law no. 544/2001 regarding access to information corroborated with Aarhus convention, access to information chapter. The environmental Protection Agencies from all over the country are denying access to environmental assessments claiming that these studies are intellectual property of commercial companies that are documenting them. This policy was imposed by The National Environmental Agency. We developed a large number of trials in court all over the country against this policy, and we even won a few cases. We complained to the Minister of Environment and we are to file more complaints to the Aarhus Committee and also to the European Commission, because this practice is in clear violation with both the European legislation and with the Aarhus Convention, ratified by Romania since 2000.



Reteaua de
Avocati pentru
Drepturile
Omului

4.3 International Cooperation

CLR continued the collaboration with the European Network Justice and Environment regarding the European litigation issues. Center for Legal resources has been present at the seminar organized by Justice and Environment under the European Commission's grant, in Belgrade, at the UNECE Sixth Ministerial Conference 'Environment for Europe', where two sessions were sustained by CLR.

The programme regarding monitoring the implementation of access to information law and transparency law
CLR have started the monitoring program of local authorities and courts regarding the enforcement of Law no. 544/2001 regarding free access to information and of Law no.53/2003 regarding transparency. The project is going to evaluate the level of implementation of the two laws, including the special regulations regarding access to Environmental information and public participation in decision making process (environmental impact assessment and strategic environmental assessment).



5) REFORM OF THE JUSTICE SYSTEM Programme

For 2007, the main goal of the 'Reform of the Justice System' programme was to reflect, in its specific activities, improvement needs such as ensuring the independence and transparency of the judiciary, as well as access to justice and a fair trial for all.

The **specific objectives** for 2007 were:

- to support the creation of a legal and institutional framework that guarantees access to justice for indigent citizens;
- to improve administration of justice;
- to promote the independence of the judiciary.



Activities:

1. CLR has developed a '**court watch**' project starting with spring 2007, after a meeting in Warsaw with the Helsinki Committee. The main goal of this project was to assess and improve citizens' access to justice. The purpose of this activity is to identify current deficiencies in the way courts of law are organized and managed from the point of view of the ordinary citizen. The findings will be used to engage key institutions (Supreme Council of Magistracy, Ministry for Justice, regional courts) in addressing the problems identified in an efficient manner. A total number of 35 courts of law have been visited in 2007 by CLR monitors and 35 reports have been forwarded to the program manager. The courts of law (20 courts of first instance, 10 tribunals, 5 courts of appeal) have been selected in such a manner as to represent both the rural and urban areas in almost equal proportions (considering higher courts are always situated in urban areas). The selected courts of law represent all 8 economic regions of Romania (1 county per region, an average of 4 courts per county). The 6 monitors that work within the program all have a legal background and have undergone a training which detailed the way courts are and/or are supposed to be organized and function, as well as the Code of Ethics of judges and clerks. The training staff has included a Court of Appeal Judge. Besides the theoretical modules, the monitors were taken for a work/trial visit at a local court of first instance and later could discuss their notes and fill in the assessment grid.

The assessment grid they were trained to use and have used during their visits was roughly structured according to the following components:

1. The physical state of the building where the court functions; resources and state of rooms and trial chambers;
2. Access to the building of the court; how easy is it to find the rooms and services one needs
3. Rest rooms for people using the court;
4. The working schedule;
5. The information offered to the people coming to court; how it is offered and structured;
6. The way court offices function (resources, opening times, public relations, availability, types of services and information offered);
7. If and how legal aid is offered (including information about legal aid);
8. How difficult is for a person coming to court to obtain his/her own brief for study and make copies;
9. How the trial sessions are organized;
10. Behavior of judge, prosecutor and court staff towards the general public.



Each monitor has performed one visit to each of the courts, assessing how everything, from the entrance to the court, notice boards, services, clerks, trial chambers, is regulated and user-friendly. The monitors also assisted in the trial sessions in order to assess whether the judges' behavior observes the Code of Ethics and other relevant legal provisions. They have also interviewed some of the persons present in the respective court. So far, court watch reports have underlined the lack of resources in many courts (which affects their proper functioning), the lack of information on legal aid, the poor quality of information on court activity, judicial procedures and taxes and differences in how the law regulating court administration is applied.

The final report describing the findings of the first stage of the project has been forwarded to the Superior Council of Magistracy and will be subjected to debate and recommendations. In 2008 the monitors will return to the courts visited during the spring to assess whether any improvements have been commissioned.

2. 'Rehabilitation of juvenile offenders' is a project aimed at offering technical assistance for the improvement of the justice system by creating alternatives to imprisonment by introducing effective community-based interventions for juvenile offenders.

Four pilot programs (one for implementing community work, one for introducing a diagnosis instrument in the work of the probation teams, one for teaching social skills to adult offenders, one for teaching social skills to juvenile offenders) have been piloted during the first four months of 2007. A total number of 400 persons have benefited so far from the work of the pilot probation teams and the results have been very promising. A work meeting to evaluate the results of the pilots was held at the end of May 2007 and has revealed some needs and directions for improvement. As a result, the content of the programs has been adjusted and forwarded to the Ministry of Justice (MoJ) for approval, so that the programs may be implemented throughout Romania commencing with 2008.

The good practice standards for the programs have been drafted in the summer of 2007 and have formed the base of a TOT session for the Department of Probation trainers, which took place at the end of October.

The purpose of the training was to ensure that the MoJ will have the means to train staff that will implement the programs in the future. The 12 trainers thus educated are able to lecture on any of the four pilot programs and have also had a chance to significantly develop their training skills. The TOT has also been the starting point for discussions regarding the future of Probation on Romania and the implementation of such programs in the future. As a consequence, during a National Conference which took place at the end of November 2007, funded by the project, the Probation Department has engaged local managers as well as Ministry staff into drafting dissemination plans as well as discussing organization development. Recommendations were made under the supervision of Dutch finance and management experts. Thus, the project has been also an opportunity for analyzing effective reform of the Probation system. A follow-up meeting will be organized in February 2008 and will involve representatives of the Ministry of Justice, Superior Council of Magistracy and the Ministry of Finance.

3. Lobby for improved Access to Justice: CLR has taken a public stand and submitted comments to draft bills that influence access to justice such as the Criminal Code draft bill. CLR constantly comment on very important draft laws or modifications issued by the Government or Parliament in the fields of: criminal law, criminal procedure law, administrative law, Romanian Constitutional Court decisions including European legislation, subject of implementation into Romanian law.



4. Promoting the independence and impartiality of the judiciary:

CLR has participated in a project aimed at strengthening the Romanian Magistrates' Association and the implementation of the Judges' Code of Ethics. The association has undergone complex internal and external assessment, by means of a sociological survey (questionnaires filled in by members of the Association), 5 focus-groups and interviews with 10 institutional partners of RMA. Based on this study, suggestions for organizational development have been made by experts and adopted by the Board of the Association. The 40 members of the RMA's Board have also undergone training for 3 days in June 2007 in organizational management and strategic planning. During the training, it was agreed that the Statute of the Association must be modified as well as the management structures.



5. In the fall of 2007, CLR has begun implementing a project called 'The Romanian Judge, European Judge'. The project is funded by the UK Embassy through GOF (Global Opportunities Fund) and the Romanian National Institute of Magistracy is a partner in the project. The overall goal of the project is to support the development of a judicial system capable of adequately enforcing the Community law, by educating judges on how to apply the provisions of EU legislation. As a result of this project, 85 commercial and administrative law judges are to receive training on issues such as direct enforcement of EU law, **acte clair**, conformity of national legislation, procedure and referral to the European Court of Justice, as well as on preliminary rulings; another output consists of that 10 National Institute for Magistracy's trainers will be prepared and able to ensure lifelong education of judges on subjects above. During October and November 2007, the NIM has carried out a needs-assessment, with the purpose of establishing how familiar Romanian judges are, in the first place, with EU law and what particular subjects concerning the application of EU law would be of more interest to them. The results of the assessment confirmed CLR's initial choice of subjects and helped draft the agenda for the training and tailor the trainer's manual. The first training will take place in February 2008.

The project will benefit from the expertise of the Slynn Foundation, whose founding members, Lord J Slynn and David Vaughan, have had an important contribution to the development of the very case-law the judges will analyze at the trainings.



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