



Mr. Nils MUIŽNIEKS

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Commissioner for Human Rights

Council of Europe

Bucharest, 29th of September, 2017

Dear Commissioner for Human Rights,

As a central body for the development and regulation of the disability field, the Ministry of Labour and Social Justice (MLSJ), through its subordinated institutions, pays a special attention to the persons with disabilities. This is reflected in the agenda of priority measures adopted or in process of adoption by the Romanian Government, aimed at improving the living conditions of these categories of persons.

Thus, among the measures for the persons with disabilities in the residential centres, we would like to emphasize the following:

- Strengthening the monitoring capacity of the National Authority for Persons with Disabilities (NAPD), by introducing compulsory notice for private residential centres for adults with disabilities;
- Strengthening the National Agency for Payments and Social Inspection (NAPSI) competencies in controlling the compliance of the rights of persons with disabilities;
- Adopting the status of the personal professional assistant - an alternative to institutionalization of adults in residential centres and also a transition to an independent living in the community.

In respect to this background, we would like to mention that both MLSJ and NAPD provide the framework for the participation and involvement of persons with disabilities in all stages of public policy, from elaboration to monitoring, both through institutional consultative mechanisms, and also through public meetings and communications, having as landmark disability issues and rights for persons with disabilities.

Regarding the reported situation referring to the Legal Resources Centre, we inform you that the impossibility of renewing the agreement on the collaboration with this non-governmental body (NGO) in the monitoring of the compliance of the rights of persons with disabilities in the residential centres was grounded on the following legal and institutional considerations.



According to art. 33 of the Convention on the Rights of Persons with Disabilities, ratified by Romania through Law no. 221/2010 (the Convention), States Parties shall designate one or more contact points within the Government, for matters related to the implementation of the Convention and to establish a coordination mechanism within the Government, in respect to facilitate related measures in different sectors and at different levels.

With the ratification of the Convention, the National Authority for Disabled Persons (NAPH) was designated as a mechanism for coordinating the implementation of the Convention.

In the above-mentioned quality, as a mechanism for coordinating the implementation of the Convention, NAPD coordinates at the central level the activities of protection and promotion of the rights of persons with disabilities and elaborates policies, strategies and standards in this field.

Besides the NAPD, the Disability Analysis Board (DAB) works with advisory role on draft normative acts aimed at protecting the rights of persons with disabilities, whose composition includes a representative of a non-governmental organization for the protection of human rights - since 2007. It has to be emphasized that the Centre for Legal Resources has been invited to participate in that capacity at DAB meetings.

Regarding the designation of an independent mechanism, as provided for in art. 33 (3) of the Convention, Law 8/2016, the Monitoring Council was established for the Implementation of the Convention on the Rights of Persons with Disabilities (Monitoring Council), an autonomous administrative authority with legal personality under parliamentary control, which regularly examines the observance of the exercise of rights persons with disabilities in public or private residential facilities, designed to serve persons with disabilities, as well as hospitals/ psychiatric wards.

Among the tasks of the Monitoring Council, there is also the one which facilitates the full involvement and participation of the civil society, particularly for persons with disabilities and the organizations who's representing them, in the monitoring process organized by them, in accordance with the provisions of art. 33.3 of the Convention. In this respect, the Monitoring Council also has the legal competence given by Law 8/2016 on the contracting of a body of independent experts to accompany the monitoring teams in the institutions, as well as in the elaboration of a framework procedure to monitor the rights of these persons.

In this context, given the specificity of the activity of the Center for Legal Resources, this organization, through its own experts, has the possibility to express its interest in providing



its expertise in monitoring activities carried out by the Monitoring Board, subject to the legal provisions established by Law no. 8 / 2016.

Regarding the information that the Monitoring Board is not functional, we recall and mention the following:

- Starting with October 26, 2016, Mrs. Marta Bencze was appointed Chairman of the Monitoring Council, by Senate Decision no. 143/2016;
- Once with the publication in the Official Gazette, the Order of the President of the Monitoring Council no. 2/2017 on the approval of the Organization and Functioning Regulation of the institution came into force. Among its detailed attributions, there are the following:
 - to facilitate the fully involvement and participation of civil society, particularly of persons with disabilities and their organizations, in the monitoring process.
 - to facilitate the access, whether it is announced or unannounced, of the representatives of non-governmental organizations carrying out programs to defend the rights of persons with disabilities, and also to the non-governmental organizations representatives for persons with disabilities, in public or private residential facilities, designated to serve persons with disabilities, as well as in the psychiatric hospitals.
- Recently, the Monitoring Council made a monitoring visit to *Măciuca Recovery and Rehabilitation Centre*. The visit was accomplished with the voluntary support of the representatives of the Association of Social Workers and the Association for the Protection of Human Rights in Romania- Helsinki Committee (APADOR-CH).

In this context, we consider that the Romanian authorities responsible for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities emphasize the importance of the collaboration with civil society, both for the involvement and participation, in the monitoring process and in the elaboration of public policies on the rights of people with disabilities.

Looking forward to continuing our collaboration, please receive, Dear Commissioner, the expression of my highest consideration.

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