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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: 1531st meeting (June 2025) (DH)

Communication from the authorities (20/03/2025) concerning the cases of B. (no. 2), Cristian Teodorescu group, Ticu group, Parascineti, R.D. and I.M.D. (N. group), N. (no. 2) (Centre for legal resources Valentin Campeanu group), Centre for legal resources Valentin Campeanu group, Atudorei (Cristian Teodorescu group) and N. group v. Romania (Applications No. 1285/03, 22883/05, 24575/10, 32060/05, 35402/14, 38048/18, 47848/08, 50131/08, 59152/08).

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.

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Réunion : 1531^e réunion (juin 2025) (DH)

Communication des autorités (20/03/2025) relative aux affaires B. (n° 2), groupe Cristian Teodorescu, groupe Ticu, Parascineti, R.D. et I.M.D. (groupe N.), N. (n° 2) (groupe Centre for legal resources Valentin Campeanu), groupe Centre for legal resources Valentin Campeanu, Atudorei (groupe Cristian Teodorescu) et groupe N. c. Roumanie (requêtes n° 1285/03, 22883/05, 24575/10, 32060/05, 35402/14, 38048/18, 47848/08, 50131/08, 59152/08) **[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/ 1234/ 20th March 2025

2398R/AG/203

2575R/AG/244

2861R/AG/407

3265 R/AG/153

4023R/AG/399

6262R/AG/293

9306 R/AG/196

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 Ticu v. Romania group* (app. nos. 47848/08, 32060/05, 35402/14, 22883/05, 59152/08, 38048/18 and 24575/10)

I. 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 centers (including the situation of prisoners suffering from mental health issues – the *Ticu* group).

II. General Measures

A. information provided by the Ministry for Labor, Family Affairs, Youth and Social Solidarity (MMFTSS), together with the National Authority for the Protection of the Rights of Persons with Disabilities (ANPDPD)

First and foremost, through their letter sent in March 2025, it is mentioned that the ANPDPD has called on the support of the World Bank, which can bring the appropriate international expertise and can identify and contract national experts in the field of human rights protection, as well as in providing the necessary support services in charting a path to independent living for persons with mental and disabilities, so that the measures provided for in the *Action Plan 2024-2029 for the execution of the ECHR judgements in the field of mental health* can be properly implemented, all the more so as they concern people with mental disabilities in the more than 500 residential services in Romania.

In this context, the commitments contained in the plan of measures take into account the timetable for financing with European funds, as well other contractual considerations, and the ANPDPD stresses its commitment to ensure that these measures can be fulfilled within the proposed period of implementation.

With regard to the specific areas of action and objectives contained in the Action Plan, the ANPDPD and the MMFTSS provided the following details:

Section I – STRATEGIC APPROACHES

Subsection I.1. – DEVELOPING COMMUNITY SERVICES

b. at medical and medico-social system level:

Point 3. Analysis of the establishment of a system to collect the concrete *needs* people with disabilities in the community, so that the authorities can meet their real needs

The letter mentions that committees for accelerating the process of deinstitutionalization (DI) and prevention of institutionalization are established at the level of each county, according to the provisions of the National DI Strategy approved by HG no.1543/2022 and Law no. 7/2023, with the role of coordinating the process of DI and prevention institutionalization.

The committees for accelerating the process of deinstitutionalization and prevention of institutionalization have been set up in each county, according to the provisions of the National Strategy for Deinstitutionalization and Prevention of Institutionalization approved by Government Decision (GD) no.1543/2022 and Law no. 7/2023, with the role of coordinating the process of deinstitutionalization and prevention of institutionalization and are functional, their members meeting regularly to discuss the stages of process of restructuring the old centers, as well as the status of the deinstitutionalization process and the challenges encountered.

Point 4. Establishment of 47 mobile teams in the community - to screen and carry out rehabilitation and rehabilitation treatments for people with disabilities in remote communities.

The setting up of these teams is foreseen within Priority Axis 7, *Support for people with disabilities* within the Operational Program for Social Inclusion and Dignity (PoIDS), the guide is to be developed by the Ministry for Investments and European Projects (MIPE). At a meeting on 20.03.2025, ANPDPD is to present the proposal that it will be included in a package aiming at the setting up/development of social infrastructure, together with day centers, home care services, care and support services for adults with disabilities.

Point 7. Integrated case management post-discharge from hospital / post-institutionalization from social services at the level of the two interconnected systems (medical and social), including public-private partnership on priority axes: the problem of addictions / disorders related to recreational substance use, the problem of age pathology (depression / dementia), chronic disabling mental illness, etc., by:

i. extension of the competences of the Committees set up according to the provisions of the National Strategy for Deinstitutionalization, approved by GD no. 1543/2022 and Law no. 7/2023, for accelerating the process of deinstitutionalization and prevention of institutionalization that have been set up at the level of each county, to include mental health issues ii. inclusion in the regular reviews of these committees of specific local mental health issues, participation and involvement, on a permanent basis, of CNSMLA representatives in these meetings.

By ANPDPD President's Order no. 297/20.03.2024, for the completion of Order no. 246/21.03.2023 on the establishment of the National Committee for accelerating the process of deinstitutionalization and prevention of institutionalization, the National Centre for Mental Health and Anti-Drug Bucharest (CNSMLA) was included in the Committee and was invited to participate in the regular meetings.

This national Committee has a consultative role and is constituted on the basis of the provisions of Art. 14, para. 1, letter a) of Law no. 7/2023 on supporting the deinstitutionalization process of adults with disabilities and implementing measures to accelerate it and prevent institutionalization, as well as amending and supplementing some normative acts. The ANPDPD also recommended the DGASPC to contact the CNSMLA in order to identify its members who could be included at national level in the county committees.

c. At the social system level:

Point 1 – The development of the Network of Professional Personal Assistants - 500 Professional Personal Assistants (PPA) employed at the level of the DGASPC 2. The creation of a platform for job training and supported employment - 4,090 persons with disabilities participating in programs on the basis of vouchers granted of which 2,045 persons employed; organization of vocational and professional counselling services (persons providing support in counselling and professional integration for persons with mental disabilities, including psychologists).

The project "Network APP platform for quality social services", to be implemented by ANPDPD in partnership with MMFTSS, within PoIDS - Priority 7.7.

The final draft F1 draft prepared by the ANPDPD is currently awaiting approval by the MIPE.

Furthermore, the "Guide to specific conditions" published for consultation by MIPE from 10.12.2024 to 10.01.2025.

The project will be implemented for 3 years from the date of contract signature, between 2025-2028.

The responsible institutions are: ANPDPD, MMFTSS, MS, MAI

Point 2 – Creating a platform for job training and supported employment - 4.090 persons with disabilities participating in the programs on the basis of vouchers, of which 2.045 persons employed; organization of vocational and professional counselling services (persons providing support in counselling and professional integration for persons with mental disabilities, including psychologists).

The project "Improving the employability of people with disabilities in the labour market through a platform for job training and supported employment" is under preparation, within the PIDS (Program for Inclusion and Social Dignity) - Priority 7.1, Component 1.

The project will be implemented until 2027.

The final project fiche elaborated by the ANPDPD has been submitted to the MIPE, currently awaiting validation.

According to the latest PEO/PIDS Monitoring Committee, by the end of Semester 1 2025, the specific conditions guide will be published and the call for projects will be launched.

Responsible institutions: ANPDPD, MMFTSS, MIPE

Point 3 – An analysis of the setting up of a system within which data on the concrete needs people with disabilities in the community can be collected, so that the authorities can meet their real needs - Committees for accelerating the process of deinstitutionalization and prevention of institutionalization are set up in each county, according to the provisions of the National DI Strategy approved by HG no.1543/2022 and Law no. 7/2023, with the role of coordinating the DI process and preventing institutionalization.

The committees for accelerating the process of deinstitutionalization and prevention of institutionalization have been set up at the level of each county according to the provisions of the National ID Strategy approved by GD no. 1543/2022 and Law no. 7/2023, with the role of coordinating the process of ID and prevention of institutionalization and are functional.

Their members meet regularly in meetings during which the stages of the restructuring process of the old centers that still have restructuring plans in implementation are presented, and the status of the process of deinstitutionalization, with the challenges faced, is discussed.

Point 4 – the setting up and developing of the RESPPIRO centers.

Until 30 April 2025, the MIPE website is open the call for competitive projects, financed under Priority P07, Support for with disabilities, Action 7.6 - Development of quality care and support services for people with disabilities and their carers in respite centers, in the framework of which public (DGASPC, UAT) and private (NGO) social service providers can act as applicants and partners.

For this action, the ANPDPD provided support in the development of the guide and in the elaboration of a Corrigendum.

Specific objective: RSO4.3 – The promotion of the socio-economic inclusion of marginalized communities, low-income households and disadvantaged groups, including people with special needs, through integrated actions, including housing and social services (ERDF) and Specific objective: ESO4.11. Expand equal and timely access to quality, sustainable and affordable services, including services that promote access to housing and person-centered care, including health care; The modernization of social protection systems, including the promotion of access to social protection, with particular attention to children and disadvantaged groups; The improvement of accessibility, including for people with disabilities, and the effectiveness and resilience of health systems and long- term care services (ESF+).

https://mfe.gov.ro/ghiduri_pids/public-consultation-public-consultation-pids-guideline-development-of-high-quality-care-and-support-services-for-people-with-disabilities-and-their-carers-in-respiro-centres/

Responsible institutions: ANPDPD, MMFTSS, DGASPCs, UAT(APL), MS (the Health Ministry), CNSMLA, CJ (County Councils), CL (Local Councils).

Point 5 – The establishment of start-ups for people with disabilities - integrating people with disabilities into the labour market by promoting entrepreneurship and supporting inclusive business development (including authorized protected unit - UPA); 395 people with disabilities trained in entrepreneurship, 45 companies established; 135 jobs created for people with disabilities.

The project chart, elaborated by the ANPDPD, has been approved and the financing contract will be signed in the near future.

Responsible institutions: MMFTSS, MIPE, DGASPC, UAT (APL).

Point 6 – Analyzing the appropriateness of setting up an adult telephone number such as 119 for children.

The ANPDPD is analyzing funding possibilities and available human resources.

Responsible institutions: ANPDPD, MMFTSS, MIPE

Point 7 – Increasing the role of social assistants, including by regulating the financing of social assistance on the basis of the principle "financing follows the beneficiary" by amending and supplementing the Social Assistance Framework Law (*lege cadru*) no. 292/2011.

The regulation of the financing of social assistance was opened by the MMFTSS, with the approval of Law no. 100/2024 for the amendment and consolidation of several normative acts in the field of social assistance, as well as for the completion of Law no. 78/2024 on the regulation of voluntary activity in Romania and for the amendment of Law no. 272/2004 on the protection and promotion of children's rights.

A working group was set up at the level of the MMFTSS, including the ANPDPD, mandated by Order of the MMFTSS no. 147/11.02.2025 to draft the secondary legislation necessary for the implementation of the financing mechanism, with a deadline for finalizing the draft normative act on 15 April 2025.

Responsible institutions ANPDPD, MFTSS

Subsection I.2. DEINSTITUTIONALISATION

Point 1 – As part of the overall objective of achieving independent living and community integration, including access to public services, of the National Strategy on the Rights of Persons with Disabilities "A Fair Romania" 2022-2027, this strategy takes into account the following:

- A. By June 2026, according to the PNRR (National Plan for Recovery and Resilience), 11,500 of the people institutionalized on 31.12.2020 will remain institutionalized in residential centers.
- B. By 2027, there will be at least 300 community services in place to support independent living for people with disabilities:
 - (i) Centers for independent living;
 - (ii) Home Care Services;
 - (iii) Home-based services for adults with disabilities through the mobile team;
 - (iv) Day centers;
 - (v) Centers for outpatient neuromotor rehabilitation services (Benchmark: 159 services in 2020)
- C. By 2027, at least 1500 de-institutionalized disabled people in residential social services receive social housing or housing benefit

The ANPDPD monitors the activity carried out by the DGASPC regarding the deinstitutionalization process, through their quarterly reports on the number of persons with disabilities receiving personalized support for deinstitutionalization and implementation of independent living skills, as well as on the number of deinstitutionalized persons.

The necessary social services covered above consist of:

- (i) Independent Living Centers: 19 are functional;
- (ii) Home care services 1 functional service, to which will be added 47 services to be developed through PoIDS
- (iii) Home-based services for adults with disabilities through the mobile team - 4 are functional, to which 47 services will be added, to be developed through PoIDS;
- (iv) Day centers - 49 functional services, plus 23 services to be set up under the PNRR and 47 centers to be set up under PoIDS;

(v) Centers for outpatient neuromotor rehabilitation services - 18 functional, plus 14 services to be set up by the PNRR.

(vi) Help and Support Service Centers 6 functional services plus 1 service to be set up through the PNRR and 47 through PoIDS.

(Benchmark: 159 services in 2020)

Moreover, the draft Government Decision on the methodology of granting and payment from external non-reimbursable funds and from the state budget of the housing benefit and the transition benefit for adults with disabilities, was elaborated by ANPDPD, was in the procedure of decisional transparency and underwent modifications, and the process of endorsement will be resumed in the first semester of 2025.

At the same time, a first version of the Applicant's Guide, Specific Conditions dedicated to Action 7.5.1. – Provision of independent living services for people with disabilities leaving the institutionalized system (under Priority P07 – Support for people with disabilities), has been elaborated by MIPE and analyzed by ANPDPD, together with the private FSS social partners on 17.03.2025, and this analysis will be carried out by 26 March with the public social partners (DGASPC) so that the final comments will be submitted to MIPE by 31.03.2025.

Responsible institutions: ANPDPD, MMFTSS, MIPE, DGASPC, UATs (APL)+ CJ and CL.

Point 2 – The finalization of the process of reducing the capacity of residential social services for people with disabilities to a maximum of 50 beneficiaries.

On 4 March 2025, the monitoring of the plans to restructure social centers with a capacity of more than 50 places (as of 31.12.2024), was completed. At the date of the monitoring action, 27 plans were still being implemented, corresponding to 27 old type centers in 12 counties. The plans aim at transferring beneficiaries to 113 lower-capacity social services, of which 60 are established by county council decisions and are in the process of obtaining the approvals of the county councils or are in the process of being licensed, 19 are already licensed and 34 services are being set up.

Responsible institutions: ANPDPD, MMFTSS, DGASPCs.

Point 3 – The development, modernization and equipping of their community-based social services for people with disabilities and for the establishment nationwide, including in remote communities, of such services, including those providing assistance and support in taking decisions.

As of 31 December 2024, the ANPDPD had registered 6 assistance and support services as functional and licensed, with 1 service to be set up through the PNRR and 47 further services to be provided through the PoIDS.

Responsible institutions: MIPE, ANPDPD, MMFTSS, UATs (APL), DGASPCs, NGOs

Subsection I.4. STRENGTHENING THE SUPPORT AND PROTECTION SYSTEM

Point 1 – Monitoring the implementation of the new system of legal support and protection introduced by Law 140/2022:

A. The evaluation of the impact of Law 140/2022, highlighting the difficulties encountered in practice, including from the perspective of cooperation of courts and prosecutors' offices with the

specialists called upon to support the administration of justice (psychologists, doctors, social workers) and possible proposals to improve the relevant legislation.

The ANPDPD is to contact the Superior Council of the Magistracy (the CSM) in order to establish the timetable for the meetings for achieving this objective.

Responsible institutions: Superior Council of Magistracy, MMFTSS, ANPDPD.

B. Amending and supplementing Order no. 3.423/2.1 28/2022 on the approval of the methodology and the evaluation report on the medical and psychological assessment of persons with intellectual and psychosocial disabilities in the context of the provision, extension, replacement or lifting of care measure, in order to facilitate the application of measures taking into account, as a minimum, the following aspects:

- How it has been applied/interpreted - Cost standards, how they have been calculated, how evaluation sessions have been conducted
- The issues raised by psychologists and physicians, as well as the issues faced by physicians and their assessments
- The need for a simplified procedure for immobilized persons
- Method of payment for evaluation services
- The possibility of entrusting the evaluation to psychiatric hospitals, through outpatient centers

The ANPDPD is to contact with the MS and the Prosecutor's Office attached to the High Court of Cassation and Justice (the PICCJ) to establish the timetable for the meetings on this topic.

Responsible institutions: MS, ANPDPD, MMFTSS, PICCJ, with the consultation of all interested factors, e.g. CSM, the Ministry of Justice, the Romanian Association for Psychiatry and Psychotherapy (ARPP), the National Health Insurance Fund (CNAS).

Point 2 – Measures to inform the authorities effectively and in real time about the existence of a legal representative – the identification of the conditions to be met for registration in the National Register of Persons, administered by the Ministry of the Interior (the MAI), of information on the existence of the appointment of a legal representative and their contact data.

ANPDPD is going to contact the MAI, MJ, MS and PICCJ in order to establish the schedule of the meetings on this subject.

Responsible institutions: MAI, MJ, MS, MMFTSS-ANPDPD.

Section II – DATA MANAGEMENT AND INTER-INSTITUTIONAL CO-OPERATION

Point 4 – Better co-operation between the competent authorities: hospital-police, judicial bodies, social structures:

A. Setting up a network of specialists and contact points in each county, to ensure a communication mechanism in case management of people with mental disorders, dissemination best practices and specialized support.

B. Monitoring the situation of deinstitutionalized persons in residential social services.

The monitoring of the situation of deinstitutionalized persons with disabilities is carried out quarterly, through the Social Inclusion Service the ANPDPD, and the reporting on the measure, an aspect included in the PNRR, is done quarterly, starting from 2024.

The procedures to reduce the capacity of residential institutions which had restructuring plans (27 such institutions) were finalized.

The result of the monitoring was made available to the MMFTSS, the Monitoring Board and ANPIS. (see the point above on the finalization of the process of reducing the capacity of residential social services for people with disabilities to a maximum of 50 beneficiaries).

Responsible institutions: MJ - ANP MAI, ANPDPD - MMFTSS, MS, INML ANPDPD-MMFTSS.

Section III –LEGISLATIVE MEASURES

Point 5 – The elaboration of the law on the personal representative - an obligation stemming from Law no. 140/2022, which establishes the obligation to adopt a special law regulating the institution of the personal representative (Art. 26 paragraph 2).

The Personal Representative Law is currently being drafted. So far, two meetings of the working group set up in this regard, consisting of representatives from MMFTSS, ANPDPD, MS, MJ and the Council for the Monitoring of the Implementation of the UN Convention, have been held.

After the consultations with the members of the working group, the ANPDPD will prepare a draft of the normative act to be finalized at the beginning of April, and the draft it will be discussed within the working group by the end of the same month.

Responsible institutions: MFTSS, MJ and MS participate in the project drafting sub-group

Point 12 – The amendment to the Order of the Minister of Labour and Social Solidarity no. 82/2019 on the approval of the specific minimum mandatory quality standards for social services for adults with disabilities, which will take into account, among others, specificity elements regarding the approach within social services to the issue of persons with mental and psychological disabilities.

The amendment process has started, currently, the amendments to the mandatory minimum quality standards for professional personal assistants have been finalized and the amendments to the mandatory minimum quality standards for RESPIRO and crisis services are under development.

Section V – HUMAN RESOURCES

Subsection V.2 – PROFESSIONAL TRAINING

A. Measures in the field of social protection

Point 1 – Increasing the professionalization of staff through continuous training for staff working with and for people with disabilities. Target group: 6.714 social services staff; General objective: The modernization of social protection systems through continuous training of staff working with and for people with disabilities including in areas such as the respect for fundamental rights and freedoms, knowledge of procedures and standards, their application, including staff in residential centers.

The strategic project chart has been elaborated by the ANPDPD and is under evaluation by the MIPE. The responses to the set of clarifications have been formulated by the ANPDPD.

Responsible institutions: ANPDPD-MMFTSS, MIPE (Strategic project).

Point 2 – The completion and modification of procedures in social services in order to remove restrictive measures, avoid neglect and ill-treatment, and to improve communication standards and legislation at DGASPC level.

The Framework Procedure on prevention, identification and reporting of cases of trafficking, abuse and neglect of people with disabilities in residential services and on the intervention of staff involved in the provision of social services is to be finalized and approved by order of the President of the ANPDPD.

On the basis of this procedure, all social service providers will develop their own procedures, according to the provisions contained in Order no. 82/2019 on the approval of the specific minimum mandatory quality standards for social services for adults with disabilities.

Responsible institutions: ANPDPD-MMFTSS, DGASPCs

Point 3 – The development of a Communication Guide, according to the National Deinstitutionalization Strategy (HG no. 1543/2022). There is a section on the ANPDPD website dedicated to deinstitutionalization, where the deinstitutionalization monitoring reports will be posted, starting from Q1 2025, as well as the Communication Guide that will be posted with the launch of the call for Action 7.5.1 Provision of independent living services for people with disabilities leaving the institutionalized system (under Priority P07 – Support for people with disabilities), which is expected to open at the end of Semester 1 2025.

Responsible institutions: MMFTSS, ANPDPD DGASPCs NGOs

Point 4 – Ensuring the allocation from the state budget of a percentage of the cost standard for the minimum social assistance package, by amending and supplementing the Social Assistance Framework Law no. 292/2011.

The process of developing cost standards for social services is ongoing, with support from the World Bank.

Responsible institutions: MFTSS

B. Information provided by the National Center for Mental Health and the Fight Against Drugs (the CNSMLA)

On 18.03.2025, the CNSMLA provided updated information related to the ongoing efforts to consolidate the institutional capacity.

- CNSMLA wrote a new letter to the Prime Minister's Chancellery regarding the Mental Health Action Plan and the need to establish an Inter-Ministerial Committee for monitoring and evaluating the plan.

- CNSMLA organized recruitment competitions, hired 9 new people and has 2 ongoing competitions, thus managing to have enough specialists to organize the secretariat of the inter-ministerial committee for monitoring the plan.

- the Government Decision no. 1424 on the organization and functioning of CNSMLA was modified, which approved the expansion of the center's organizational chart by 20 positions. On January 22th, 2025, the list of positions (*statul de functii*) of the Center was approved, as well as the administrative changes necessary for the new form of budgeting and on January, the Center started the hiring procedures for the vacant and newly established positions.

- in February 2025, the CNSMLA organized an inter-institutional working group through which a proposal which aims to modify and supplement the ministry of health decision no 375/2006 regulating the organization and functioning of mental health centers, in the sense of establishment of mobile multidisciplinary teams and the implementation of community psychiatry. The decision, in the form approved by the Ministry of Health, is on the approval circuit.

- the CNSMLA organized the secretariat for the Inter-Ministerial Committee for Monitoring and Evaluation of the Plan, with 7 people designated to provide the secretariat. These persons having various areas of expertise to ensure an adequate understanding of the specific of the working groups, of the way in which the activities are implemented and an efficient communication within the working groups, between the groups and the committee, between the parties and the Prime Minister's Office.

C. Information provided by the National Prison Administration (the ANP)

On 24th February 2025, the ANP provided updated information on the implementation of general measures in these cases, as well as on issues related to mental health care for detainees, an issue which forms the object of the *Țicu and others v. Romania* group of cases.

The participation of the Ministry of Justice (the MJ), through the AMP, as a partner, together with the Ministry of Health (the MS), in the implementation of the Projects funded by the Council of Europe - "Strengthening medical and mental health services in Romanian penitentiaries", respectively "Continuing the strengthening of the provision of medical assistance and psychiatric care in penitentiaries and other closed institutions in Romania" - in the two consecutive years of implementation (2023 and 2024), represented an important opportunity to improve the medical assistance and psychiatric care services provided in Romanian penitentiaries, in accordance with international recommendations.

One of the benchmark activities within the project aimed at developing a Human Resources Strategy document to attract medical personnel to work in the penitentiary system. In this context, international consultants contracted by the Council of Europe, together with members of the working group, consisting of representatives of the MJ, the MS, the Romanian College of Physicians and the ANP (both from the central apparatus and from subordinated units) developed the Strategy, which was made available to the ANP in July 2023.

Some of the measures provided for in the Human Resources Strategy, as well as other activities developed within the project funded by the Council of Europe, were taken over and integrated into 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 – a strategic document approved in the first semester of 2024 by the Government of Romania.

The contribution of the ANP to the development and implementation of the Action Plan reaffirms its commitment assumed in terms of protecting the mental health of prisoners and increasing the quality of services provided to people with mental disorders. Thus, the Action Plan aims to develop medico-social services in the community and psychiatric medical services at the community level, by developing outpatient structures, modernizing, streamlining and expanding them. It also provides for measures to improve the material conditions of accommodation and other infrastructure elements, including in the penitentiary system.

The ANP mentioned that, in the last two quarters of 2024, the first reports were made on the implementation status of the activities in the Action Plan at the level of the ANP.

One of the most important activities carried out in 2024 by the ANP aimed at establishing four sections intended for the care of prisoners with serious mental illnesses. In this regard, the National Penitentiary Administration has been proactive since 2023.

As such, through the Decision no. 343/07.02.2023 for the amendment and completion of Decision no. 360/2020 for the profiling of places of detention under the ANP, penitentiary units were identified and established to hold prisoners identified with serious mental illnesses, as follows: Botoșani, Galați, Baia Mare and Craiova penitentiaries, as well as the hospitalization of detainees with particularly serious pathologies, as appropriate, in the Mioveni and Bucharest-Jilava penitentiary-hospitals.

Subsequently, through Decision no. 509/21.07.2023, the Instructions regarding the specific activities undertaken regarding the custody of persons deprived of their liberty diagnosed with serious mental illnesses were approved, providing regulations aligned with the requirements applicable at international level.

In the last quarter of 2024, the specially created spaces in all four aforementioned units started to receive persons deprived of their liberty diagnosed with psychiatric medical illnesses, serving their sentence under the supervision of doctors and nurses specialized in the psychiatric field, as well as psychologists designated for this purpose.

Another measure provided for in the Action Plan aims to improve the conditions for providing specialized medical assistance in hospital prisons with psychiatric wards that treat prisoners with mental illnesses in acute and chronic inpatient conditions (152 places in psychiatric wards), by developing the outpatient system at the prison health network level and improving the possibilities for psychiatric treatment and care.

In the same context of improving the quality of services provided to prisoners with mental health disorders, the ANP mentions the revision of the Psychological Assistance Program for people with mental disorders and the development of a Training Program for prisoners to support people with serious mental disorders - activities carried out in the period 2023-2024.

Also, in accordance with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT), in order to increase the quality of medical care at the level of the penitentiary system and to make the provision of first aid more efficient, AED (automatic external defibrillator) defibrillators were purchased, which can be used by non-medical personnel.

Thus, a number of 434 defibrillators were purchased in the period 2023-2024 and distributed in prison units, to be placed in detention sections, medical spaces, visiting areas, prisoner reception points and administrative areas.

The challenges of ensuring adequate healthcare in prisons, the potential for inadequate detention conditions and healthcare resources, and the role of prison healthcare services in combating ill-treatment of prisoners led to the development of standards for healthcare in prisons by the CPT. The same ethical principles that apply to community health care apply to prison health care, including the principles of medical confidentiality, freedom of consent and access to an independent and professionally competent clinician.

The ANP stresses that the guiding principle that prison health care should be equivalent to community health care requires a close integration of prison health policy with national health policy.

In the medical field, currently, in hospital prisons, out of a total of 132 doctor positions, 80 are filled (of which 15 are resident doctors) and out of the 14 existing psychiatrist positions, 10 are filled (and by a resident doctor).

At the prison level, out of the 209 existing doctor positions, 104 doctors are filled (of which 7 are resident doctors). Of the 22 existing psychiatrist positions, 10 are occupied (including 2 resident doctors).

The ANP Human Resources Management Directorate, through specific mechanisms, constantly makes efforts to recruit personnel in the medical sector (doctors and medical assistants), respectively in the social reintegration sector (psychologists).

In this regard, in 2024, 1132 positions (internal + external source) were put out to competition, of which 98 positions in the medical field (positions of doctor, biologist, biochemist and pharmacist) and 7 positions of psychiatrist.

At the same time, during 2024, 7 positions of officer (psychologist) were put out to competition, as well as 82 positions of agent in the medical sector - medical assistants (different specializations), dental technicians and medical registrars.

Complementing the data previously transmitted, the ANP stressed the current legislative context with an impact on the competition of vacant positions in the Penitentiary Police, represented by art. VII para. (1) and (3) of Government Emergency Ordinance nr. 115/2003, with subsequent amendments and completions, "in 2024, the occupation of vacant or temporarily vacant positions by competition or examination is suspended, with the exception of unique positions and positions that become vacant during 2024 through the modification, suspension or termination of the service or employment relationships of the personnel".

Regarding ways to attract new doctors/medical assistants to the penitentiary system, the ANP mentions an initiative initiated by the management of the Bucharest-Rahova Penitentiary-Hospital, through which the staff of the human resources structure represented the unit, as an exhibitor, at EXPOMEDICS – Medical & Nursing Job Fair – International Career Fair in the Medical Field, during which the opportunities and job offers were presented at the level of the entire penitentiary system, thus increasing the visibility of the institution in the relevant professional environments.

On this occasion, approximately 50 forms were completed with the contact details of candidates interested in a career in the penitentiary system. Following the event, the organizer introduced the presentation of the unit in the official magazine of the event, and a database of interested candidates was also established.

Taking into account the aspects presented above, the ANP mentions that both the organization of competitions for filling vacant positions of doctor (psychiatrist) and medical assistant, as well as those for filling vacant positions of officer (psychologist), constitutes the firm commitment of the authorities, so as to ensure constant and quality access to psychiatric medical care and psychological assistance services for all persons deprived of their liberty in custody, thus contributing to the respect of their fundamental rights and to supporting the process of rehabilitation and social reintegration.

D. Information provided by the Council for Monitoring the Implementation of the Convention on the rights of persons with disabilities (the Monitoring Council)

By a letter of 18.03.2025, the Council informed as follows:

The Monitoring Council carries out monitoring visits according to an annual visit program, approved by its president. For 2025, the Visit Program, registered with no. 2848/16.12.2024, includes 38 hospitals and psychiatric wards, with the objective of monitoring compliance with the rights of persons with disabilities admitted to these units. The institutions subject to monitoring (residential facilities as well as psychiatric hospitals/wards) were selected in such a way as to target with the highest priority the institutions where cases of serious violations of the rights of persons with disabilities have been reported, to cover in a balanced manner the types of institutions and their geographical location and to monitor the evolution of the situation observed during previous visits (follow-up visits).

In the previous year, the Monitoring Council inspectors carried out nine visits to psychiatric hospitals and 144 residential centers for adults and children with disabilities. The visit reports are public and can be consulted on the Monitoring Council's website. The analysis of these reports reveals that the right most frequently violated was the right to an adequate standard of living and social protection (art. 28 Convention on the Rights of Persons with Disabilities - CRPD), followed by the right to accessibility (art. 9 CRPD). The inspectors reported cases of serious violations of the beneficiaries' rights and notified the competent authorities. As a result of these notifications, sanctions were applied and measures were taken to remedy the deficiencies.

The cases raising the most serious issues concerned the Residential Centers for Children with Neuropsychiatric Disabilities, public institutions for children with disabilities in Mureș County, the Ștei Psychiatric and Security Hospital, Bihor County and the Care and Assistance Center for Adults with Disabilities Racoviță, in Brăila County.

Following the investigations carried out by the competent authorities at Ștei Hospital, 3 employees were arrested and for 1 employee was ordered judicial control, whereas after the investigations at the Care and Assistance Center for Adults with Disabilities Racoviță, in Brăila County, criminal proceedings were ordered for 3 employees, who were sent to court as defendants.

Other problems frequently encountered during monitoring visits are:

- reduced mobility of people with disabilities: unsuitable vehicles, worn-out or improvised assistive devices, people with reduced mobility accommodated on higher floors, without adequate solutions for movement.
- violation of confidentiality: in 18 institutions in 12 counties, beneficiaries' files were stored in inappropriate conditions (on balconies, in technical rooms, next to washing machines and cleaning products).
- inappropriate living conditions: damaged furniture, peeling walls, mold, degraded floors, lack of hygiene and comfort. In some monitored institutions, serious hazards to the safety of beneficiaries were identified, such as unsecured stairs, uncovered ducts, blunt objects and exposed electrical wires.

The Monitoring Council, through its representatives, participated in meetings, contributed to discussions and provided feedback on the proposed measures that led to the development of the Action Plan 2024-2029 on the execution of ECHR judgments in the field of mental health.

The Monitoring Council was not designated as the institution responsible for the implementation of any measure. However, the institution remains a resource and an active partner, providing expertise and support in the implementation of the measures undertaken by the Government.

In order to improve its monitoring activity in hospitals and psychiatric wards, a monitoring chart is being implemented at the Monitoring Council level, which assesses compliance with the rights of persons with disabilities, including aspects regarding involuntary hospitalization and obtaining consent for treatment. The monitoring chart is also used in psychiatric hospitals and includes indicators regarding the application of the provisions of Law no. 487/2002 on mental health and the protection of persons with mental disorders (involuntary hospitalization and obtaining consent for treatment). Following the monitoring visits to psychiatric hospitals/wards and the centralization of these indicators, the Council will be able to transmit information on the application of the Law on mental health and the protection of persons with mental disorders. The digitalization of the collected data will allow for more efficient reporting to all competent institutions.

In order to effectively implement the provisions of the UN Convention on the Rights of Persons with Disabilities, as well as the provisions of Law no. 8/2016 on the establishment of the mechanisms provided for by the Convention, both collective and individual meetings were held with each Contact Point.

The Convention imposes on signatory states the obligation to establish effective mechanisms for the protection and promotion of the rights of persons with disabilities, including by designating Contact Points at the institutional level. The responsible ministries and institutions are tasked with designating these structures to ensure the monitoring and implementation of the measures provided for by the Convention.

The Contact Points have the role of collecting, updating and transmitting relevant information regarding the respect for the rights of persons with disabilities, thus contributing to the improvement of protection mechanisms. At the same time, they collaborate with local authorities and non-governmental organizations to support the implementation of the necessary measures to respect the fundamental rights of people with disabilities.

In 2024, a collaboration protocol was signed with the Public Ministry - Prosecutor's Office attached to the High Court of Cassation and Justice to improve monitoring activity. During 2024, the Monitoring Council received 63 orders to dismiss/not prosecute cases concerning crimes against persons with disabilities. All these solutions were analyzed and recorded in an electronic register.

E. Information provided by the National Institute of Forensic Medicine (the INML)

By a letter of 17.03.2025, the INML informed as follows:

Regarding point V.4 of the Action Plan 2024 -2029 - the employment of psychiatrists and psychologists within the forensic institutes and county forensic medicine services, INML informed that, within the Forensic Psychiatry Laboratory of the INML, there are 7 primary psychiatrists, 1 specialist in pediatric psychiatry and 4 psychologists, as well as 2 primary pediatric psychiatry doctors with a collaboration contract, who are employees of the Prof. Dr. Alexandru Obregia Clinical Hospital of Psychiatry.

Regarding points V.2 1, 3, 4 of the Action Plan - professional training aspects, INML informed that courses within medical faculties and during the medical internship period (*rezidentiat*), continuous professional training, etc., on 06.03.2025, the National Conference of the Association of Free Psychiatrists of Romania (the APLR) was held on the theme "Psychiatric Disorders - Legal and Medico-Legal Implications", under the coordination of the APLR, the INML and the Academy of Medical Sciences of Romania, with the participation of psychiatrists and forensic doctors involved in the activity of psychiatric forensic expertise, in which current aspects regarding the interface of legal medicine-psychiatry were presented.

Another aspect of the collaboration between the specialties of forensic medicine and psychiatry is represented by the annual Conference "Psychiatry and Forensic Psychology", in which forensic doctors, psychiatrists and psychologists involved in forensic psychiatric activity also participate.

Within the interinstitutional collaboration between the INML and the "Prof. dr. Alexandru Obregia" Clinical Hospital of Psychiatry, psychiatric residents carry out the training internship in forensic psychiatry within the Laboratory of Forensic Psychiatry of the INML "Mina Minovici" Bucharest, and forensic residents carry out the psychiatric internship, which is mandatory in the residency curriculum, at the Clinical Hospital of Psychiatry "Prof. dr. Alexandru Obregia".

F. Information provided by the Superior Council of Magistracy (CSM)

By a letter of 17.03.2025, CSM informed that the measures contained in the Action Plan for which the National Institute of Magistracy (INM) appears as a responsible institution (II.5.a and V.2.in the field of justice and police/ the National Institute of Magistracy) and the issue of the rights of persons with intellectual or psychosocial disabilities, as found by the European Court of Human Rights in the cases of the *Centre for Legal Resources on behalf of Valentin Câmpeanu, N., N., (no. 2), Parascineti, the group Cristian Teodorescu and R.D, Țicu v. Romania, (applications no. 47848/08, 38048/18, 32060/05, 22883/05, 59152/08, 35402/14, 24575/10)* is addressed in the initial training programs as follows:

The initial professional training program for justice auditors contains a number of three mandatory courses dedicated to combating discrimination, held by the president of the National Council for Combating Discrimination, collaborating trainer of the National Institute of Justice.

These courses address issues such as: the definition of discrimination and concepts of equal opportunities, sources of law in the field of non-discrimination (domestic and international), forms of discrimination. Procedural issues are also discussed, such as ways to eliminate all forms of discrimination, procedures for solving cases of discrimination (administrative and judicial) and effective remedies - the sanctioning system. At the same time, practical cases are debated, which concern situations of discrimination based on various criteria. In addition, CSM mentioned that the judgment of the European Court of Human Rights pronounced in the case of the *Center for Legal Resources on behalf of Valentin Câmpeanu v. Romania* of July 17, 2014 is included in the bibliography for the capacity exam of trainee judges and prosecutors starting with the 2018-2019 session.

The initial training includes seminars dedicated to the concepts and standards of human rights protection as well as, in a more practical manner, activities dedicated to searching for legal information on HUDOC, as well as other sources of information (FRA manuals, HELP courses, doctrine). In this way, future magistrates will be able to identify the most recent and most appropriate jurisprudence for solving the legal issue in the concrete case they are instrumental.

In addition, also on a mandatory basis, within the initial training of justice auditors in the second year of school, the module with a predominantly practical character in the field of Family Law - Measures for the protection of persons with intellectual and psychosocial disabilities regulated by the Civil Code was completed with an ECHR course, within which aspects regarding the issues of the rights of persons with intellectual disabilities or problems are addressed in a specialized and transversal way, as found by the European Court of Human Rights in the judgments of the Centre for Legal Resources on behalf of Valentin Câmpeanu, N., N., (no. 2), Parascineti, the group Cristian Teodorescu and R.D, Țicu v. Romania, (applications nos. 47848/08, 38048/18, 32060/05, 22883/05, 59152/08, 35402/14, 24575/10), in the field of art. 2 (right to life), art. 3 (prohibition of torture), Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination).

Regarding **the continuous training component**, the INM organized relevant training activities for the issue of the means of protecting people with intellectual and psychosocial disabilities within the following areas:

- I. In the field of Combating discrimination, during 2024 a training program was carried out in the field of combating discrimination, with a focus on the investigation of hate crimes, organized by the INM and the National Institute of Justice of the Republic of Moldova. This program was carried out in collaboration with the German Ministry of Justice and the IRZ, with the active participation of the CNCD. These activities addressed topics such as: legal bases for criminal prosecution and solving hate crimes (EU directives and legal bases in Romanian/Moldovan legislation), cases concerning hate crimes - Criminalization and legal grounds, specific evidence, challenges and difficulties in applying the legislation (hierarchy, distinction between misdemeanors and crimes, imprecision, contradictions, ambiguity, etc.), the role of the prosecutor and the relationship with the victims and defendants! in court, interaction with victims and the need for a victim-centred approach.
- II. Within the Predefined Project “*Formarea profesională și consolidarea capacității la nivelul sistemului judiciar*” (*Professional Training and Capacity Building in the Judiciary*), funded under the Norwegian Financial Mechanism (NFM) 2014-2021, implemented by CSM, as project promoter, in partnership with the National Institute of Magistracy, the National School of Clerks and the Norwegian Court Administration, in the field of enforcement of criminal judgments, with a focus on specific aspects related to the Roma population, in 2024, 4 seminars were organized dedicated to delegated judges in penitentiary and judges who solve security measures as well as other legal professionals. The theme of these seminars also included aspects related to vulnerability: vulnerability factors, types of vulnerable groups, forms of discrimination, vulnerability in relation to the execution of deprivation of liberty measures, analysis of ECHR jurisprudence in the case of persons deprived of liberty who suffer from mental disorders or have health problems that require medical attention, etc. Also, in the field of ECHR jurisprudence-civil aspects, in 2024, 2 seminars dedicated to judges, prosecutors and other legal professionals were organized. The theme of these seminars focused on the training needs identified at the level of the Romanian judicial system and the recent jurisprudence of the ECHR, with a specific focus on fundamental rights issues. The training included aspects of ECHR jurisprudence in matters such as the right to a fair trial, the right to private and family life, the right to freedom of expression and information, the right to no discrimination, including that based on vulnerabilities such as health and disabilities; the right to life, the prohibition of torture, inhuman or degrading treatment or punishment; the right to liberty and security of the person; no punishment without the principle of law. During 2025, the INM will organize a new seminar in the field of ECHR

Jurisprudence-civil aspects, dedicated to judges, prosecutors and other professionals in the judicial system.

- III. Within the training program for magistrates admitted to the magistracy under the conditions of art. 63 of Law no. 303/2022 on the status of judges and prosecutors for 2024, training sessions were organized in the field of Civil Code, Code of Civil Procedure, respectively family law. The trainers addressed the amendments brought to the two codes by Law no. 140/2022 on some protection measures for persons with intellectual and psychosocial disabilities and the amendment and completion of some normative acts regarding the procedure for establishing judicial counseling or special guardianship. These activities will also be part of the theme of training programs for magistrates recruited under the conditions of art. 63 of Law no. 303/2022, during 2025.
- IV. Within the institutional collaboration with the Council of Europe, the *HELP Programme* of the Council of Europe and the National Institute of Medicine (INML) organized, in a hybrid format, in 2024, the national launch event of the *HELP Mental Health and Human Rights course*. The course was developed in 2024 within the *Project "Protection of Human Rights in Biomedicine"* and aims to train legal and health professionals in the protection of the rights of people with mental health problems. The magistrates and justice auditors participating in the launch event follow this course in the period 2024-2025 under the guidance of the two HELP certified tutors.
- V. From the perspective of national regulations, relevant aspects in this field were also addressed during the meetings of the presidents of the specialized sections of the High Court of Cassation and Justice (ICCJ) and the courts of appeal organized in accordance with HCSM no. 148 of 19 March 2015, as subsequently amended and supplemented, to the extent that problems have been identified at the level of the courts of appeal that have generated non-unitary practice. Thus, issues related to special procedures were discussed, such as the procedure for establishing judicial advice or special guardianship, the establishment of guardianship and placing under judicial interdiction. At the same time, within the continuous training program approved for 2025, a meeting of the presidents of the specialized sections of the ICCJ and the courts of appeal was included in order to debate the problems of non-unitary practice identified at the level of the courts of appeal in the field of family law.
- VI. Within the same theme, in the autumn of this year, the INM will organize an online training activity on the ECHR jurisprudence in the field of psychiatric medical assistance, dedicated mainly to judges and prosecutors.

In conclusion, within the continuous professional training component, the INM organized in 2024 a number of 10 training activities dedicated to judges and prosecutors, in which relevant aspects for the field of means of protecting people with intellectual and psychosocial disabilities were addressed. For 2025, 3 training activities are planned at this time, which will include the reference theme. For 2025, the INM aims to continue training in the areas already mentioned, aiming to enrich the topic and identify new ways to ensure training in the field of protection of people with intellectual disabilities, within the limits of the budgetary resources allocated to the continuing professional training component and to introduce training recommendations on this topic for courts and prosecutors' offices, within the continuous training programs organized at decentralized level. It is important to note that the INM has included, in its decentralized continuing education programs for 2024 and 2025, recommendations for the introduction of the topic of the means of protecting people with intellectual and psychosocial disabilities at the level of courts and prosecutors' offices, in order to ensure as much coverage as possible of the training needs of the judicial system.

Through a precious letter, the CSM also informed on its task, regulated by art. 24 of Law no. 140/2022, of **drafting a joint report (together with the National Authority for the Protection of the Rights of Disabled Persons – the ANPDPD) on the impact of Law no. 140/2022**, which brought a wide-ranging reform in the field of protecting persons suffering from intellectual or psychosocial problems.

As such, the CSM **has already requested the Judiciary Inspection (the IJ) to prepare relevant thematic controls**, including on the impact of Law no. 140/2022, with emphasis on analyzing eventual legislative improvements and identifying any difficulties encountered in the practical implementation of the Law, including with regard to the cooperation between the judiciary and various experts involved (psychologists, medics, social workers).

Therefore, the CSM will draft a report on the implementation of Law no. 140/2022 in the interval between December 2024 and December 2025 (as required by the Action Plan – Section I.4.), on the basis of the control to be carried by the IJ and the information to be submitted by the courts.

With regard to the reexamination of the domestic case files in which persons were deprived of their legal capacity (*punere sub interdictie judecatoreasca*), according to the data provided by the CSM's IT and Judicial Statistics Service, starting from 20 May 2022 (the date when Law no. 140/2022 entered into force) and until August 2024, 16.745 files were registered with 144 courts of first instance and 11 county courts.

For comparison, as mentioned in the Government Information Note no. DH-DD(2023)1168E of 4 October 2023, as of 30 August 2023, 9.825 files with the object “deprivation of legal capacity – re-examination ex officio” had been recorded.

Conclusions

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