Report 2018

Activity of The Association for the Protection of Human Rights in Romania – Helsinki Committee
Brief history

Founded in 1990, APADOR-CH monitors the way fundamental rights are respected and takes steps to inform citizens about their rights and how they can claim them.

APADOR-CH offers legal advice to those individuals who wish to lodge an application before the European Court of Human Rights (ECHR) if all domestic remedies have been exhausted. Also, in certain cases with strategic potential which fit into the expertise and interest areas of the association, APADOR-CH also offers free legal representation before the European court.

The association permanently supervises the activity of the state institutions and reacts every time there is a threat to fundamental rights, by taking public stands or through legislative advocacy.

**Strategic objectives:**

- Developing efficient legal and institutional mechanisms for the protection of human rights;
- Improving the legislative framework and practices associated with freedom of assembly and association, freedom of expression, the right to private life;
- Developing institutional practices and mechanisms that lead to an increase in transparency and good governance;
- Taking public stances against any threat to human rights;
- Notifying public authorities and initiating litigations when human rights are being infringed;

**Priority monitoring of:**

- Abuses by law enforcement officers
- Regulations and practices in the national security field which affect human rights;
- Regulations and practices regarding the deprivation of liberty.
Human Rights in Romania 2018

After a 2017 marked by political turmoil and street protests, 2018 started with a governmental crisis – the 2nd in only six months’ time – and continued to deepen the lack of trust in society. Not only between the competing political parties, but also in the citizen’s mentality, who became more doubtful and disoriented after the recent years filled with socio-political upheaval, deceptions and disappointments. An INSCOP survey made in the autumn of 2018 shows that 74% of the Romanians believed the country was heading towards a wrong direction.

The second government of the governing coalition, installed in the first month of 2018, remained unchanged over the course of the entire year. Nonetheless, the social stability of the country was still absent, having been shaken by two major street protests, contradictory statements, the dismissal of several key people from the justice system, everything under the close supervision of the European Union.

The Judiciary has caught the public discourse and attention again in 2018, overshadowing other topics that influence the everyday life, which in turn have been affected by last-minute decisions, having lacked the appropriate debates between the power, the opposition and society. The Parliament and the Government continued to work in order to change the basic legislation of the judiciary system. The following issues have been on the agenda:

- Changing leadership in important prosecutors’ offices – the most infamous having been the chief prosecutor of NAD (The National Anticorruption Directorate);
- Elaborating a normative act which would allow for the review of sentences issued on the basis of intelligence services interceptions;
- The operationalisation of the section for investigating justice offences;
- new random draws for the 5 judges panels of the High Court of Cassation and Justice (ICCJ), panels which, when it comes to criminal matters, judge (ultimately) the people with the most important public functions; MPs, ministers, etc.

The latter was based on the Constitutional Court’s (CCR’s) decision number 685/2018 which determined that the ICCJ panels of 5 judges established between 2014-2018 were illegally created and also lacked impartiality and independence. As a result, CCR declared that all papers drafted by the panels, including court orders through which the criminal files have reached a conclusion, are invalid. As a consequence of CCR’s decision, multiple prison sentences have been suspended, allowing the inmates to be free. After a retrial, the individuals can be either released or convicted (including prison time).

CCR’s decision created strong disagreements within society, especially since according to current provisions of the Criminal Procedure Code (CPP), only certain individuals judged by the panels of 5 – which have been declared illegally constituted and lacking impartiality – can challenge the null decisions. This is because the Criminal Procedure Code stipulates a very short term for challenging such decisions, a term which had already expired in the majority of casefiles (solved between 2014-2018) to challenging such decisions, time limit which already expired in most files (which reached a settlement between 2014-2018) by the time the Constitutional Court declared the unlawful character of the 5 judge panels.

There have been voices in the public space which claimed that the decision regarding the illegal composition of the panel of 5 judges should be maintained, even if it is hit by absolute nullity, as there is the risk of applying the prescription of criminal liability for that person if a retrial occurs, resulting in “freedom” for the above-mentioned individual. These opinions are debatable, since the prescription of criminal liability is a legal benefit and it is a consequence of culpable conduct of the state’s agents (not of the person sent to court) – who could not finalize a trial, in the conditions of the law and within the maximum period fixed by the law. By the end of 2018, there was no legislative solution for this problem.

In the Parliament, the parliamentary majority has been consistently modifying the Criminal Codes, despite receiving warnings both from the judicial system and from various surveillance European supervision mechanisms. Close to the end of the year, over one hundred modified articles have been declared unconstitutional by the Constitutional Court, while the Venice and European Commission have recommended a return to the pre-2017 legislation.
In December 2018, the Social Democratic Party has insistently demanded for both Penal Codes to be adopted by the Government through an emergency Ordinance and for the adoption of the infamous government ordinance on amnesty and pardon which continued to be a hot topic on the publics’ agenda in 2018 and will most likely continue in 2019, as long as over the winter holidays the Government did not issue any of the controversial ordinances.

Two major protests took place on 20th January and 10th August 2018, the latter resulting in the use of force by the authorities which ultimately triggered a series of criminal investigations and resulted in a Resolution of the European Parliament which addresses the way Romania respects fundamental rights, such as freedom of expression, the right to peaceful protests, etc.

In terms of street protests, 2018 has been marked by a controversial decision of the High Court of Cassation and Justice. The panel assigned to solve the appeal in the interest of the law (RIL) decided, through decision number 19/2018, that there is an obligation to declare in advance (‘prior notification’) any assembly, each time it is going to manifest itself in squares or in public places (public road, roadways and pavements) or in any other outdoor setting which is situated in close proximity to the headquarters/residence of legal entities of public or private interest. Therefore, any public gathering will have to be declared in advance. The supreme court’s decision remained definitive and mandatory starting with 13th December 2018 (when it was published in the Official Gazette) and will have to be respected by all courts when solving cases in relation to public assembly gatherings. APADOR-CH published a perspective regarding the regime that should be applicable for the spontaneous public gatherings (‘spontaneous rally’), given that there is no such regulation provided by the law.

Another reason for major dissensions in society, at least at the level of public debates, was the referendum for modifying the Constitution and redefinition of marriage. Although it involved significant actors from society, was supported and promoted by important parties, by the Orthodox Church and by other known cults, the referendum recorded only 21.2% turnout, a new low since ‘89.

It still is to be seen whether all these issues, which have characterised 2018 will be reflected in the electoral ballots in 2019 (Euro parliamentary and presidential elections) and in their outcomes. A higher turnout – compared to the 40% registered at the last elections in 2016 – would be the real achievement of these years, during which people should have understood that active citizenship requires voting turnouts, but also monitoring the chosen politicians. Doing only one would bring frustrations both to the people who voted, as well as to those who chose not to vote.

Therefore, similarly to the 2017’s conclusion, the loss of this year is that given the civic activation doubled by a tremendous flow of information, a general state of confusion appeared within society. Caused by the special nature, hardly accessible by the masses, of the legal, technical data spread in the public space, but endorsed by fake news, misinformation campaigns, manipulation and propaganda, the general state of confusion is harmful even for the civic spirit and demobilised a big part of the population. As a result, the Romanian society finds itself more and more radicalised, with moderate opinions and factual information being often rejected or overlooked by all the actors involved.

In its activism for civil rights, APADOR-CH has advocated again this year for organising public debates regarding any amendments to the legislation, has elaborated proposals for the improvement of the Criminal Codes and has been involved in the prevention campaign against those measures which aimed to limit the right to free association and abusive control of the NGOs, and on an European level has been part of civic coalitions that aimed to stop the Copyright directive.

In 2018 there have been at least 3 attempts to adopt certain regulations that would substantially affect (in a negative way) the normal functioning of NGOs:

1. Under the pretext of applying the national Directive against money laundering, a new law was adopted, which stipulates that all NGOs have the obligation to declare/report to the authorities any ‘real beneficiaries’, hence, nominal lists containing the personal data of every individual who benefits – in any form – from the activity of an NGO. It is worth mentioning that, in the European directive that needs to be applied, the obligation to declare real beneficiaries lies with the banks and financial institutions, not with NGOs. The law has been declared unconstitutional, but only due to a minor reason (the wrongful exclusion of national minorities’ organisations from the reporting obligation), not on the basis that it improperly adds to the European Directive. On that account, it is highly possible that in 2019, after the minor correction required by the Constitutional Court, this law will be adopted, thus, affecting the smooth running of any NGO.
2. Under the pretext of transparent funding of the NGOs (objective which, in its core, is appropriate), the majority party has initiated in 2017 a draft law which contained disproportionate obligations and sanctions for the NGOs, in relation to reporting each funding and grant maker, no matter how small the sum was. The mandatory activity would have required such a great level of involvement, that each NGO would have needed to allocate one person (out of the already small staff) to conduct financial reports only. Additionally, the stipulated sanctions for non-reporting and even late reporting were heavily disproportionate, ultimately leading to the decomposition of the organisation. This draft law was passed tacitly in the Senate. Until it was debated into the decisional chamber (Chamber of Deputies), the draft law was examined by the Venice Commission and OSCE which, in a shared opinion, have brought numerous critics. At the end of the year, the draft law was ‘pending’ in the Chamber of Deputies since it did not constitute a priority. However, it can be brought into debate at any given time, and even adopted.

3. Under the pretext of caring about the spending of public money, a new initiative was promoted at governmental level (Ministry of Finance): establishing regular inspections in NGOs in order to check how funds (from sponsorship and from redirecting the 2% from the annual income tax) are being spent. This step has been materialised through Ordinance number 18/2018 regarding the regulation of several measures in the economic-financial inspection field carried by the Ministry of Public Finance and for the completion of particular normative acts. Although there have been various complaints from the authorities regarding the insufficient personnel in the economic-financial inspection bodies, the governors have decided to continue redirecting the staff’s activity towards scrutinising the NGOs, instead of focusing on the relevant economic-financial entities.

At the beginning of September 2018, APADOR-CH has asked the Ombudsman to raise a constitutionality question to the Constitutional concerning the nature of Court Ordinance number 18/2018, since it endangers the good functioning of the NGOs and, implicitly, affects the freedom of association. The Ombudsman’s reply was that notifying the Constitutional Court is not required. Nevertheless, through the same answer, the Ombudsman has made a few essential remarks regarding the necessity of retroactive non-application of the civil law (namely of the Ordinance number 18/2018).

The only reasonable explanation for the series of anti-NGO measures that have been initiated by the Government in 2018 is that, at the level of the majority coalition, there was a desire to burden the activity of the non-governmental sector, mainly for the purpose of decreasing the reaction capacity (which, in many cases, was rather critical).

At an organisational level, APADOR-CH continued to pursue its ongoing projects, has ran multiannual projects in partnership with other European organisations and has pursued activities such as legal advice and representing strategic cases before the European Court of Human Rights.

Read APADOR-CH’s extensive activity report in 2018.

Georgiana Gheorghe
Executive Director of APADOR-CH
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Completed projects

Some of the projects implemented by APADOR-CH in recent years have ended in 2018.

1. Promoting the rights of children who are suspects and defendants during the criminal proceedings

The project aimed to offer specialized training for those lawyers who represent children in criminal procedures and had as focus the implementation in the national law of the Directive UE 2016/800, regarding the procedural guarantees for the children who are suspects and defendants during the criminal procedures. The Directive must be implemented in the Romanian law until 11th June 2019. Professionals in the judicial system as well as specialists in the juvenile delinquency have attended our training. One of the results of the project has been a handbook for practicing lawyers, first of the kind available to lawyers in Romania.

2. Inside police custody

The project’s aim was to monitor how suspects and defendants’ rights are being respected, over the course of a few months, in several police stations in Bucharest and around the country. The research, conducted by APADOR-CH in Romania, also took place (simultaneously) in 9 European countries: Hungary, Poland, Italy, Bulgaria, Spain, Lithuania, Romania, Austria and Slovenia. Between 2010 and 2015, it was also conducted in 7 other jurisdictions: France, Netherlands, Scotland, England and Wales, Ukraine, Georgia and Moldova.
3. Beyond surrender

The project was implemented between 2016 – 2018 and aimed to document how the European Arrest Warrant (EAW) works in practice and the impact it has on suspects and defendants and their families. The research involved interviewing multiple specialists in the judicial system (police officers, prosecutors, judges) and persons deprived of liberties. APADOR-CH conducted this research in Romania, under the coordination of Fair Trials Europe which carried out this project in 4 European countries.

The practice showed:

a) Disproportionate use of the EAW;  
b) An unjustified use of pre-trial detention;  
c) failure of the issuing states in ensuring compliance with human rights;

4. For each institution a right

Making the most the experiences had over the last years through ongoing projects, APADOR-CH aimed to create a mapping of state institutions supposed to protect human rights. Over the course of one year, we have documented the activity of those institutions and their allocated budgets, we have made suggestions on how they could raise their efficiency. We partnered with 10 non-governmental organisations in this endeavour. The project materialised in a map containing those public institutions that are responsible with protection of human rights.

See the results of the project

Read APADOR-CH’S Report regarding the implementation of EAW

Monitored institutions

- Child’s ombudsman
- The Ombudsman
- ANPCDA
- National Authority for Childs Rights Protection and Adoption
- ANPD
- National Authority for People with Disabilities
- ANES
- National Agency for Equality Chances
- ANSPDCP
- National Supervisory Authority for Personal Data Processing
- ANRE
- National Regulatory Authority
- CNCD
- National Council for Combating Discrimination
- CNA
Ongoing projects

1. Alternative public policies

Anti-SIDA Romania Association (ARAS), together with APADOR-CH have started a project which aims to increase NGOs’ ability to formulate alternative public policies in the public health or social protection spheres. For a year, we are observing medical and social policies and we will propose alternatives for their integrated implementation.

2. The right to effective legal aid in PTD

In this project, APADOR-CH set up a working group consisting of experts in the judicial field with the aim to improve the right to legal assistance for suspects and defendants in pre-trial detention. This can be done through the identification of training needs for lawyers along with the identification of the potential practical malfunctioning in the course of providing legal aid during the criminal proceedings.

3. Simplified language during the criminal proceedings

“Simplified language” allows citizens to gain easier access to the information they need, to understand and use it. It is directly linked to the idea of facilitating access to the legal system and to public services.

To this aim, the project consists of a series of courses dedicated to communication specialists and legal experts in the criminal justice field (attorneys, judges, prosecutors, police officers).

4. Coaliția pentru încurajarea participării publice

Together with CeRe and ActiveWatch we have built the foundation of an NGO coalition and activists’ group which aims to counteract the several attempts to reduce the civic manifestation space: stigmatisation of the NGOs, intimidation of activists, legislative changes that limit the freedom of association through bureaucratic obligations which burden the NGOs and create excessive penalties for those who choose to not comply, limiting the freedom of speech through oppression of public protests, etc.
Court cases

Ongoing before the ECHR

Sorin Pârvu case, shot in the head „by accident”

Sorin Pârvu was killed on 26th September 2009, in the Brăila county, being shot in the head while he was driving a car stopped at the traffic light. Later, the victim’s family discovered that the person who shot Sorin Pârvu was a police officer working for The General Police Inspectorate. The police action which lead to Sorin Pârvu’s death was the intention to catch a person who had an international arrest warrant on their name, and the victim was mistaken for the other person. Read APADOR-CH’s report regarding Sorin Pârvu’s case.

APADOR-CH offered legal assistance to Sorin Pârvu’s wife, as well as legal representation in all the stages of the trial. The prosecutors’ decision – to classify op the case – has been challenged three times by the court.

In 2018, the case was still pending before the court, at APADOR-CH and the family’s demands, to invalidate the prosecutor’s solution. Despite the internal procedure not being yet finalized, 9 years after the victim’s death, APADOR-CH (through its lawyer, Nicoleta Popescu) has made a formal complaint before the ECHR, demanding the Court to declare a violation of art. 2 of the Convention (the right to life) because the national authorities failed to carry out an effective investigation upholding the standards imposed by the European Convention. The case passed the filtering and is now pending before the European Court.

Stamate and others vs. România case - about police’s abuses

In 2018, APADOR-CH has undertaken the ‘Stamate and others’ case which shows the police’s abuses on an entire family. The family members have requested the organisation’s help to address the European Court, and the case was considered a strategic one by the association. APADOR-CH ensures Stamate’s family legal representation before the EHCR. The case passed the filtering and is now pending before the European Court of Human Rights.

Ștefan Mako vs. România case - a journalist assaulted by the police

The journalist Ștefan Mako was a victim of the abusive behaviour of the police in November 2014, while he was documenting an article exactly on the topic of police abuses. Read APADOR-CH’s report about this case. The case was represented in front of national courtr by APADOR-CH’s lawyer, Nicoleta Popescu. In 2018 a complaint was filed with the ECHR. He complained before the European Court, stating that he had been the victim of a degrading treatment and that the criminal investigation
bodies did not conduct an effective investigation. The case passed the filtering and is now pending before the European Court.

**Flămânzeanu vs. România case - violation of the right to education**

In the Flămânzeanu against Romania case, undertaken by APADOR-CH in 2011, the applicant is complaining before the Court, that his right to education has been violated. Mr. Flămânzeanu did not have the possibility to follow the required primary compulsory classes while he was deprived of liberty. The case is pending before the European Court’s role.

**Bumbeș vs. România case - violating the freedom of expression and the right to gathering**

In 2013, the activist Mihai Bumbeș protested in front of Romania’s Government by chaining himself to the building’s fence. His action was a spontaneous reaction to the Government’s decision to adopt a draft law regarding the exploitation of Roșia Montană. Bumbeș, along with other protestors, was brought into a police section and was fined for illegal protesting. The national courts (first instance and appellate) upheld the fine, motivating that the protester should have given a 3-day notice regarding his intention to protest, even if it was spontaneous. In 2015, the ECHR was notified of the violation of articles 10 and 11 of the Convention, concerning the freedom of expression and freedom of assembly. The case is represented by APADOR-CH through Diana Hatneanu as lawyer and is currently pending before the European Court of Human Rights.

**Romania’s convictions to ECHR**

**Romania, convicted again by the ECHR for beatings happening in the police station…**

Victor Stanciu, 60 years old, was taken from his residence by two Section 19 policemen, brought into the police station and beaten because he refused to identify himself. The Romanian court refused to grant him justice on the basis that the beating was not as bad as to fit into what the ECHR defines as ‘torture’ In January 2018, the ECHR disagreed.

The European Court for Human Rights convicted Romania in 2018
for another citizen who was beaten by the police. The Court argued that Romania violated article 3 of the Convention, that the treatment suffered by Victor Stanciu is indeed labelled as torturous, inhumane and degrading and that in his case the state failed to conduct an effective investigation in order to discover and punish the culprits.

The case was represented before the ECHR by APADOR-CH, through lawyer Nicoleta Popescu

**... and for violating freedom of expression**

Additionally, in 2018, the ECHR decided that Romania violated Article 10 of the Convention (regarding freedom of expression) in Marian Gîrleanu’s case, a journalist arrested and fined in 2006 for possession and distribution of secret information. The Court believed that the arrest, followed by a criminal investigation and a fine in the context of a press investigation, represents a violation of the freedom of expression. Although it happened 10 years ago, the case is still relevant in today’s Romania, especially when it comes to possible changes in the Criminal Codes which would affect the journalists’ right to publish certain information. The Court’s present decision brings important clarifications in this debate.

The case was represented before the ECHR by APADOR-CH, through attorney Diana Hatneanu.

**APADOR-CH** offers legal advice to those individuals who wish to address the European Court for Human Rights (ECHR) after all the internal legal remedies have been exhausted. The service is free of charge and it is provided at APADOR-CH’s headquarters situated on Nicolae Tonitza Street, number 8A, sector 3 Bucharest. Prior appointment at the following number: (40)(21).312.45.28 is required.

In August 2018, **Protocol 16 to the ECHR entered into force**. This stipulates that during a national lawsuit, the parties will have a new procedural means available: a demand to the Appeal Court, the High Court of Cassation and Justice or to the Constitutional Court, to request, to the European Court for Human Rights, to issue an advisory opinion on issues of principle concerning the interpretation or application of the rights and freedoms provided for in the ECHR and its protocols.

Unfortunately, Romania still has not taken steps for this protocol to become applicable in the country. APADOR-CH has asked the Romanian authorities, multiple times in 2018, to urge the procedures. You can find the dialogue we have had with the Ministry of Justice and with the Ministry of External Affairs [here](#).
Reactions and public involvement

- Prime Minister Viorica Dăncilă, called to take urgent measures to tackle the topic of domestic violence  
  30.01.2018

Public reaction to take urgent measures to implement the amendments to Law 217/2003 for the prevention and fight against family violence, budgeting the protection measures for the victims of domestic violence, definite measures to monitor how restraining orders are being respected (for example, introducing electronic bracelets).

- The Government uses a European directive as pretext to dissolve NGOs  
  07.03.2018

On the National Office for Prevention and Control of Money Laundering’s website, a new draft law has been published. It targets the prevention and control of money laundering and aims to amend multiple normative acts, among which “the NGOs’ law” (Government's Ordinance number 26/2000). The pretext of these legislative changes is the implementation of an European Directive which would prevent the use of the financial system for money laundering or for financing terrorism.

- After a bullet to the head, a serious criminal investigation must follow  
  16.03.2018

Public reaction, following an incident which concluded in a citizen getting killed by a police office in Vaslui. APADOR-CH draws attention to this topic, reminding public authorities that this is not an isolated incident. There are other similar situations where people were killed after a policeman’s gun was ‘accidently’ fired.

- APADOR-CH’s opinion regarding the cooperation protocols between the Romanian Secret Service and institutions from the judicial system  
  04.04.2018

APADOR-CH believes that the recent declassification of the 2009 cooperation protocol between the Romanian Secret Services and the Prosecutors’ Office attached to the High Court of Cassation and Justice is beneficial yet insufficient. If the previous or current legal provisions appear to be too restrictive for the entities involved in the fight against criminality (for example, fight against corruption), the democratic solution is to propose legislative changes (to be debated in the Parliament) and not to sign secret protocols (which would add to the Criminal Procedure Code).

- The Parliament carries out secret work for the modernization of the Romanian secret services  
  26.04.2018

APADOR-CH requests that the debates regarding the legislative changes to the national security laws follow the same course and transparency as any other parliamentary debate on a regular draft law.

- The Parliament reinforces the presumption of innocence by establishing the presumption of guilt  
  10.05.2018
APADOR-CH is asking the Special Commission for Amending the Criminal Codes to conduct a transparent work, thus, to involve all the important actors from the civil society and the justice sector when draft laws are being debated.

- The Government is combating terrorism by passing hundreds of thousands of papers containing Personal Identification Codes between NGOs and ministries.

19.06.2018

In an overzealous European attempt, the Government is forcing all NGOs to declare their beneficiaries to the Ministry of Justice, similar to how banks and betting houses are obliged to declare any money transaction that raises suspicions. Any NGO that refuses to comply will be dissolved

- The right to peaceful assembly and the freedom of expression are fundamental rights!

21.06.2018

We are requesting the Ministry of Internal Affairs to start an internal investigation that would answer the public concern regarding the existence of abuses when, during the 20th June 2018 protest in Piața Victoriei happening on, multiple participants were taken to the police station.

- How the amendment of the Criminal Code can be challenged before the Constitutional Court

04.07.2018

The Parliament has launched this criminal offer – ‘you get 10 years but you execute only5’ – without conducting any impact study, as Law 24/2000 requires, which is unconstitutional; Who and how can challenge this change in the Criminal before the Constitutional court.

- Freedom of expression should not be rewarded with tear gas

11.08.2018

The violence that took place against all the demonstrators is unacceptable and constitutes a violation of the freedom of expression that those citizens with good-faith expressed. APADOR-CH’s reaction following the violence at the 10th August meeting.

- The Government establishes discretionary inspections for NGOs

06.09.2018

APADOR-CH is asking the Ombudsman to challenge the Government Ordinance no. 18/2018 before the Constitutional Court. Through the ordinance, the Government creates a harassment tool against NGOs and justifies it by saying it is aimed to monitor the spending of the money received from the citizens.

- What about spontaneous gatherings?

17.10.2018

A few clarifications after the High Court of Cassation and Justice decision regarding the obligation to announce public assemblies; what the jurisprudence of the ECHR says about spontaneous protests.
05.11.2018

Through an inexact translation of several terms from the European Directive, the Romanian law now forces nongovernmental organizations to declare – on a monthly basis – all the beneficiaries of their services, or they risk dissolution.

13.11.2018

The letter that was sent today to The National Supervisory Authority for Personal Data Processing in the context of #Teleormanleaks.

13.12.2018

APADOR-CH believes that the project regarding the emergency ordinance must be published on the Ministry of Justice’s website. Additionally, it should be debated publicly at least 10 days before being adopted, and the ordinance should not be issued over the holidays.

- At the University of Bucharest, Faculty of Law, judge Lavinia Lefterache invites Nicoleta Popescu (APADOR-CH lawyer) to hold yearly lectures on criminal law subjects. These are held as part of the Criminal Law master course, on the topic of the penitentiary system, with cases involving minors before the ECHR and juvenile delinquency.

- In the Institute for the Study of Public Order, attorney Nicoleta Popescu conducts (annually) a course on the subject of human rights, for police officers who are participating in continuing education courses.
Legislative Advocacy

Allowing prisoners and detainees to take time off for family funerals has become a right. Several amendments supported by APADOR-CH regarding the permission for prisoners and convicts to leave for humanitarian reasons has been approved by the Parliament – by altering Law 254/2013 on the execution of punishment.

Abuse of power becomes an offence of family corruption. The amendments made to the Criminal Code by the Parliament partially decriminalise abuse of power, making it almost impossible to prove. Therefore, it will be a shift from one extreme to another: from a "use" with plenty of excesses of the abuse of power offence, we will end up with the abolition of this offence.

APADOR-CH’s critique has been confirmed by the Constitutional Court which, through decision no. 650/2018, has established that the proposed alternative for the redefinition of abuse of power (provided by art.297 of the Criminal Code) is unconstitutional. This is due to it being too restrictive, hence, preventing the protection of fundamental rights and freedoms (paragraphs 618 – 627 in the above-mentioned decision of the Court).

We are asking the Parliament to repair the amendments to the referendum’s law. APADOR-CH has requested the Parliament to re-establish the control, transparency and security measures of the voting system in the legislation regarding the referendums. After the referendum on the topic of redefinition of the family, it was noticed the absence of a computerised system that would monitor the voting turnout as well as prevent illegal voting.

How justice’s abuses can be repaired without amnesty and pardon. The abuses must be rectified individually, if they are made and proven, and remedies should not be extended on those who were not ‘victims of the court’. A few solutions proposed by APADOR-CH.
## Communication and press appearance

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<td>The lawyer who dismantled before the ECHR a scandalous sentence given by the Romanian court.</td>
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<td>The case of the man beaten and humiliated by the Police: ‘Because of the pain, he wet himself’</td>
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<td><strong>Lumea Justiției, 4 aprilie 2018</strong></td>
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<td>collaborator much less a partner of the prosecutor’s office, of the SRI, or of any other entity’</td>
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<td><strong>Curs de Guvernare, 11 septembrie 2018</strong></td>
<td><strong>discretionary inspections for NGOs</strong></td>
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| **Watching Google and Facebook: pro and counter arguments for the Directive regarding the copyrights on the digital single market** |

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**Blogging**

**How you can find out if your Personal Identification Number was used to vote at the 2018 referendum**

And how we can stop the Parliament from approving that all referendums from now will be held in a 'traditional' manner, without a monitoring system and measures to prevent illegal voting.

**Romanian MEPs face internet freedom**

How the Romanian MEPs voted the Directive regarding the internet censorship and what will happen after: there will be mass surveillance of the internet, under the pretext of monitoring whether copyrights are being respected or not.

**What happens when the police officer asking you to identify yourself does not introduce himself**

According to the law, citizens must identify themselves in front of a police officer, even if the police officer does not reveal their identity, which is why clear procedures are needed – to take action and make a complaint.

**We asked the Minister of Health not to break the law and the right to information**

The Minister of Health is putting its subordinates in the ingrate situation of choosing between breaking the law (and the Constitution) and listening to their political leader.
Finanțatori 2018

- European Commission
- Civitates
- POCA, European Union
- Foundation for Civil Society Development through the Civic Innovation Fund
- Sigrid Rausing Trust

How you can support us

1. Volunteer – inform us of your willingness to become involved by sending an e-mail at office@apador.org
2. Promote APADOR-CH’s actions through online distribution; follow us on Facebook;
3. Take part in the events organized by APADOR-CH;
4. Financially through the following ways:
   - Redirect 2% of your income tax, if you are an individual
   - Redirect 20% of your profit tax;
   - Donations via Paypal or bank transfer

Associations for the Protection of Human Rights in Romania – Helsinki Committee

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