

Romania's contribution to the forthcoming report of the High Commissioner for Human Rights, pursuant to Human Rights Council Resolution 32/31 on civil society space

Procedures and practices in respect to the involvement with civil society, currently in force in Romania:

1. The legal attributes of the Ministry of Public Consultation and Social Dialogue:

Romania has a high-rank institutional instrument at central level (the Ministry of Public Consultation and Social Dialogue) through which the Government ensures a direct relationship with the civil society and the citizens, respecting the principles of open governance and transparency assumed in the Open Government Partnership.

According to the attributions specified in the Government Decision no. 25/2017 on the organization and functioning of the Ministry of Public Consultation and Social Dialogue, "*the ministry ensures the institutionalization of efficient mechanisms for guaranteeing open, participative, responsible and efficient governance, within the competences, by promoting transparency and constant dialogue with employers' organizations, trade unions and other associations and foundations, with citizens and public institutions*" (Chapter 1, Article 1, Par. 3).

2. The legal framework in force in Romania regarding transparency, open government and development of associative sector:

In the matter of **transparency**, Romania has, since 2001, the Law no. 544/2001 on free access to information of public interest. This law establishes an essential internal normative framework for the practice of open, transparent and participatory governance. From the regulation point of view, the law provides that public information is any information that relates to or derives from the activities of an institution or public authorities or an autonomous administration that uses public money.

According to this law, all public authorities and institutions (executive, legislative or administrative, national, regional or local) and their representatives have the obligation to respect the regime of free access to public information. Moreover, a whole set of information of public interest is communicated *ex officio* (without the need for a request). Access to public information is free of charge. The delivery terms are, depending on the situation, 5 days, 10 days and 30 days. In case of unjustified refusal or delay, an administrative complaint can be filed. If the administrative complaint fails, a complaint is sent to the court of law. Moreover, through the Government Decision no. 123/2002, the Law no. 544/2001 regarding the free access to public information is implemented using a clear methodology with norms of application.

In the matter of **public consultations and debates**, Romania passed the Law no. 52/2003 regarding decisional transparency: it is a normative act appreciated as one of the most modern European laws of this kind. The law establishes the "obligation of transparency - the obligation of the public administration authorities to inform and submit to the public consultation the drafts of normative acts, and to give access to administrative decisions and to the minutes of public meetings", foreseeing two important mechanisms, with stages of implementation and clearly established deadlines:

- a. Public participation in the regulatory process;
- b. Public participation in the decision-making process.

Central and local public administration authorities, as well as other public institutions using public financial resources, have the obligation to make public the draft of regulations before they are adopted within certain time limits. After this time, the recipients of the regulations, individuals or legal entities, have the opportunity to formulate suggestions and recommendations regarding the regulations that were presented to them at the project stage. Suggestions thus formulated will be analysed by the originator authorities, who will decide on the need to include them in the final text of the regulations.

In the matter of the **relation between public institutions and representatives of the civil society**, Law no. 62/2001, amended in 2017, of the social dialogue provides norms concerning the status of the social partners which interacts in the social dialogue process.

3. The **specific tools** used by the Ministry of Public Consultation and Social Dialogue in order to implement good procedures and practices in respect of civil society involvement:

At a general level, the tasks of the Ministry of Public Consultation and Social Dialogue derive from the above mentioned two laws and from strategic documents adopted by the Government of Romania, such as:

- Government Decision no. 583/2016 regarding the approval of the National Anticorruption Strategy;
- The National Action Plan 2016-2018 for the Implementation of the Partnership for an Open Government approved by the Memorandum;
- The Memorandum on Increasing Transparency and Standardizing the Display of Public Interest Information;
- Memorandum on the establishment of the Single Register of Transparency of Interests.

In addition, for effective public communication and in order to get closer to the citizens, the Ministry of Public Consultation and Social Dialogue uses digital platforms. It is important to specify that all these online platforms are used according to the Memorandums specified above.

Weekly, the Ministry of Public Consultation and Social Dialogue gathers and communicates the normative acts on the agenda of the Government meetings, with links to the form of the project that is under discussion in the executive. To this purpose, the Ministry of Public Consultation and Social Dialogue created dedicated digital platforms:

- The E-consultation (www.consultare.gov.ro) platform through which the Ministry of Public Consultation and Social Dialogue ensures that any citizen can see and contribute with suggestions and opinions on normative acts in public consultation.
- The CONECT catalogue, which is meant as the primary source of information for associations and foundations in Romania in relationship with public administration, also containing up-to-date information on the activities of NGOs in terms of both the projects and the financial aspects. Through CONECT, the Ministry of Public Consultation and Social Dialogue communicates with representatives of non-governmental organizations and launch invitations to public debates on their field of expertise.
- Single Transparency of Interests Register (RUTI), through which the Ministry of Public Consultation and Social Dialogue ensures a transparent relationship between state institutions and specialized groups interested in a particular public policy. RUTI involves creating an account for each dignitary (Prime Minister, Deputy Prime Minister, Minister, Secretary of State, Undersecretary of State, State Councillors and Heads of Institutions with Secretariat or Undersecretary of State) and publishing agenda and daily meetings with specialized groups, through the care of their cabinets. The RUTI Platform is a good tool whereby every citizen can get information on dignitaries' meetings with public interest groups.

Romania has assumed a central mechanism for the relationship with civil society since 2011 at the institutional level, through which the activity of public institutions can be evaluated, monitored and optimized, due to the principles assumed at the political level with the adoption of the Open Government Partnership. The purpose of this commitment coincides with the objectives set out in the Human Rights Council, to put the citizen's decision at the centre of the political process set as a centrepiece goal.

Obviously, the measures regarding transparency, development and deepening of open government policies aim at increasing the quality of democratic institutions, which ultimately value the respect for individual rights and freedoms. For this reason, ensuring an effective, standardized, permanent and predictable framework for the debate and public consultation initiative, with both the social partners and with any other representatives of the civil society, can be a key factor in achieving the goals of Civil Society Space.

Taking into account the above-mentioned procedures and practices and the attributions of the Ministry of Public Consultation and Social Dialogue, in Romania, at institutional level, there is a real capacity and availability for elaborating public debate procedures and increasing the dialogue between the public institutions and the representatives of civil society.

As an example of cooperation and involvement of the civil society in the decision making and implementing process, in the field of children rights, the cooperation between the public sector and the civil society is based on transparency and consultation on all important issues related to the protection of children rights.

The NGOs working in this field are involved in drafting the main strategic documents or legislation in this sector, their representatives being directly involved in all the working groups set up at the level of the National Authority for the Protection of Children Rights and Adoption (NAPCRA), which is the central authority in the field of children rights.

Moreover, according to the legislation that establishes the main competencies and attribution of this central body, under the coordination of the President, functions the Coordination Council within the field of protection of children rights and adoption, whose structure is made up of representatives from the most important ministries such as Ministry of Education, Ministry of Health, Ministry of Justice, The Ombudsman, whose activity is related to children rights, the associative structure of local authorities, other professional bodies and the representatives of the Federation of the non-governmental organizations for the protection of children rights in Romania.

The above mentioned Federation is the main partner of the public authorities, being set up in 1997 and reuniting more than 100 NGOs working in the field of children rights.

The federation works in close partnership with central and local authorities, donors, NGOs, international and European bodies, community or any other actors in this sector in order to promote the respect for children rights.

In Romania, also in line with the need of a strong partnership between the public and private sector, a significant attention is paid to children's right to participation, which translates into involving children, through their representatives in all decisions made up at central level which concerns them.

The National Students' Council is an organization representing students (children in schools up to the high school level) in front of all decision makers in order to provide them with the proper personal and professional development.

Thus, between the National Authority for the Protection of Children Rights and Adoption and the National Students' Council have signed a Protocol of Cooperation, based on which the most representative structure of students will be a partner in all issues of common interest.

Important also to mention that the National Students' Council is also a permanent guest at the meetings held by the Coordination Council of the NAPCRA, mentioned above.