



PEOPLE'S ADVOCATE INSTITUTION



Summary of the
2022 ACTIVITY REPORT

Bucharest
2023

CHAPTER I

THE DEPARTMENT FOR HUMAN RIGHTS, EQUAL OPPORTUNITIES BETWEEN MEN AND WOMEN, RELIGIOUS CULTS AND NATIONAL MINORITIES

The activity of the Department for human rights, equal opportunities between men and women, religious cults and national minorities covers the protection of a wide range of rights, among which we mention: the right to health protection, the right to life and to physical and mental integrity, the right to a healthy environment, equal rights, the right to education, the right to free movement, the right to petition, the right the person aggrieved by a public authority, freedom of conscience, freedom of expression, the right to vote, etc.

In this department, **749 complaints** were registered, regarding which a number of **67 files** were opened, and approaches were made to the complained public institutions/authorities, in order to ensure respect for the rights and freedoms of individuals.

During 2022, a number of **18 investigations were carried out**, during which clarifications were requested on how the rights and freedoms of citizens are respected in the activities carried out by public institutions and authorities. **2 recommendations** were issued, addressed to the public administration authorities which were requested to take the necessary measures to ensure the observance of human rights.

60 ex officio proceedings were initiated, regarding situations of general interest, as well as regarding the non-observance of rights and freedoms in particular cases, most often reported in the mass media.

An important component in the department's activity during 2022 was the preparation of **two special reports on the right to health protection**, documents containing recommendations for amending the legislation and measures to protect rights and liberties of natural persons. The first *special report*, which was presented during a press conference and sent to the Parliament, as well as other competent authorities, is entitled ***Prevention and information in the medical field in Romania***. Through the report, the following were brought to the attention of the responsible public authorities: the need to take measures to facilitate people's access to the free medical tests; the importance of the patient's free and informed consent for any type of medical intervention, including free medical tests; issues regarding screening programs and national health programs, regarding family doctors and health mediators; the basic role of medical education and the promotion of a healthy lifestyle through the national education system and the mass media, as well as the need to improve the legal regulations regarding the advertising of food supplements.

The second *special report*, prepared within the department, which will be presented at the beginning of 2023, analyzes the degree of accessibility to the patients of the services offered by the medical system in Romania, i.e. the waiting times for treatment, the results of treatments, the range of services offered and access to medicines. The report emphasizes the access to medical services of certain categories of patients (with cancer, rare diseases, major burns, pregnant women), the phenomenon of nosocomial infections in hospitals, the lack of some medicines, the infrastructure of the medical system - the shortage of doctors, of ambulances, the access of patients to treatments abroad and their reimbursement. The statistical information in the report has the role of presenting a picture as clear as possible

regarding the patients' problems and is an important element that was the basis of our specific proposals.

In the year 2022, the Department for human rights, equal opportunities between men and women, religious cults and national minorities had a [sustained presence in several governmental and non-governmental projects](#), which essentially targeted the following:

1. The National Strategy for preventing and combating anti-Semitism, xenophobia, radicalization and hate speech has a preventive purpose and is implemented in order to avoid attacks and negative developments in other countries, as well as to sanction acts of anti-Semitism, xenophobia or these associated with radicalization and hate speech.
2. In order to make the actions of the Strategy indicated above more efficient, having as a starting point an ex officio notification of the People's Advocate institution in relation to the materials published on the website: <https://www.incorectpolitic.com>, several working groups and debates were held with representatives of the Ministry of Justice, the Prosecutor's Office attached to the High Court of Cassation and Justice, the Ministry of Internal Affairs, the Department for Inter-Ethnic Relations, the National Council for Combating Discrimination, the Superior Council of Magistracy and the National Institute of Magistracy, ANCOM, the General Secretariat for Religions, the National Agency for Equal Opportunities, the National Authority for the Protection of the Rights of Persons with Disabilities, the Council for Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities, the National Agency for Roma, the Department for Inter-Ethnic Relations and the Elie Wiesel Institute for the identification of measures that can be ordered and implemented quickly, in order to prevent the spread of the effects of online content which has an anti-Semitic, racist or xenophobic nature, as well as these summing up the characteristics of hate speech.
3. Public institutions in Romania have the duty to implement, at this moment, two decisions of the European Court of Human Rights regarding rights violations against LGBTI people, generated precisely by their sexual orientation and gender identity. The People's Advocate institution has over time supported the implementation of the decisions handed down by the European courts regarding the respect of LGBTI rights and their transposition into national legislation. In this context, a **working group** was created regarding the execution of ECtHR decisions regarding sexual orientation and gender identity, facilitated by the People's Advocate, ACCEPT and the Prosecutor's Office attached to the High Court of Cassation and Justice, with the participation of the ECtHR Governmental Agent.
4. The first meeting of the Inter-ministerial Committee for the Implementation, Monitoring and Evaluation of the Strategy of the Romanian Government for the Inclusion of Romanian Citizens belonging to the Roma Minority (CIIMES) took place on 6 October 2022 at the Victoria Palace. The meeting was attended by representatives of public administration institutions and other institutions with attributions in the implementation and monitoring of the SNIR 2022-2027. CIIMES activities for monitoring the implementation of the Strategy are carried out through Thematic Working Groups (TWG), formed by the central institutions directly involved in the various aspects of the Roma inclusion process, in order to ensure an integrated approach to the issues specific to the Roma population. The People's Advocate institution is also included in the composition of the 8 thematic working groups, with monitoring duties.
5. Last but not least, we mention the participation in *the UN Youth Conference on Climate Change*, organized in Egypt, in the context of the application of the United Nations

Framework Convention on Climate Change (UNFCCC), which took place in the preamble of the Conference of the Parties to the *Convention* (COP), who plays a role in capacity building, cultural exchange, skills development and the development of the document that gives voice of young people in the UN climate change negotiations.

CHAPTER II

THE DEPARTMENT ON THE RIGHTS OF FAMILY, YOUNG PEOPLE, PENSIONERS, PEOPLE WITH DISABILITIES

In the year 2022, **the Department on the rights of family, young people, pensioners, people with disabilities** received **872** complaints. From this total, in some cases were opened files, the other complaints being settled without opening a file. According to the specializations of the department, the complaints were structured as follows:

1. Youth and family rights: 77 complaints
2. Pensioners' rights: 496 complaints
3. Rights of people with disabilities: 299 complaints

Youth and family rights

Most of the requests addressed to the Department on the rights of family, young people, pensioners, people with disabilities regarding the protection of family rights were addressed by complainants with low incomes, low occasional incomes or no incomes, without a home or having improper living conditions and of whose requests to the competent authorities to grant them the necessary support, remained without any result. As a rule, the public administration authorities confirm the difficulties faced by the complainants and consider them entitled to benefit from various forms of social assistance, but mention that, due to lack of funds, these cannot be granted.

The complaints regarding the rights of young people were analyzed, mainly, in the context of the right to education, the right to information and the right of young people to a special protection regime.

As in previous years, the complaints regarding the violation of the rights of the family and young people were resolved without opening a file, with the complainants requesting legal advice regarding: delaying the resolution of requests to obtain social housing and measures to prevent and combat social marginalization; the difficulty of social integration of young adults raised in residential institutions; failure to grant scholarships within the term established by the university senate; the maintenance obligation of relatives towards the person admitted to a private residential home; obtaining or indexing the maintenance pension; war veteran's widow allowance; the legal regime of assets acquired during marriage or the right to inheritance. Complaints were also addressed regarding the right of families to a guaranteed minimum income, as a form of social assistance, according to Law no. 416/2001, or for granting social vouchers according to the Government Emergency Ordinance no. 63/2022. In order to support the citizens, the People's Advocate institution sent guidelines both regarding the legal provisions and regarding the completion of the file for obtaining this income from the social assistance services of the relevant city halls.

There have been several complaints related to domestic violence. Many complainants prefer to seek the support of the Ombudsman to resolve family disputes rather than go to court.

Sometimes direct intervention in family relationships is requested, other times only information on how to resolve the respective conflict. Most of the complainants hesitate to initiate legal actions and hope that their problem will be solved faster and more efficiently through the intervention of an authority other than the judicial one.

Pensioners' rights

In the **496** complaints regarding pensioners' rights, the complainants requested information and explanations about the legal conditions for granting pensions, their calculation, the legislation in the field of social insurance and the way in which the pension houses understand to implement this legislation.

The complaints addressed to the People's Advocate institution essentially concerned the following aspects:

- dissatisfaction with the postponement of the application of indexation of pensions provided for in Law no. 127/2019;
- criticism of Law no. 263/2010 regarding the unitary system of public pensions, with subsequent amendments and additions, under the aspect of "modality of increasing pensions currently in payment" and the request for the correction of errors;
- clarifications on how to obtain certificates from the former employer attesting to the activity in the II work group, as well as other increments;
- the manner of solving the difficulties encountered in the recognition of work carried out in the 2nd work group;
- grievances related to non-payment of social security contributions by the former employer;
- grievances related to the recalculation of the military pension;
- difficulties encountered in capitalizing on the apprenticeship period;
- calculation of pension rights and verification of the retirement file by the People's Advocate institution, as an independent entity;
- explanations regarding retirement conditions;
- criticizing the manner of issuing the certificates by the former employer or conditioning their issuance, in order to recalculate the pension;
- the non-consideration by the pension houses of all the documents submitted by the complainants in order to recalculate the pensions;
- pension houses not taking military service into account when calculating pensions;
- the fact that the application of Law no. 223/2015 on state military pensions, with subsequent amendments and additions, is not done correctly by the Sectoral Pension House of the Ministry of National Defense, as military pensions are not updated with all the elements whose calculation depends on the position increment;
- recovery of amounts improperly collected as social security benefits without clear explanations;
- delays in resolving requests to review the recalculated pension or to establish pension rights or to switch from one type of pension to another, and even the lack of response to some complaints;
- non-receipt by the entitled pensioners of the social vouchers provided for by the Government Emergency Ordinance no. 63/2022.

Regarding the legislative issues, we notice an increase in the dissatisfaction of the insured persons and pensioners towards the regulations in force. Among the issues related to legislative aspects complained to the People's Advocate institution, we mention:

- criticism of the minimum contribution period in terms of the violation of the right to a decent standard of living, because the years of contribution cannot be capitalized, if they are less than the minimum contribution period of 15 years;
- complaints related to some conditions imposed by the private pension funds on their clients in relation to the right of disposal over the deposited amounts.

The rights of people with disabilities

By virtue of the role of the People's Advocate institution, an authority of constitutional rank, with prerogatives to protect people with disabilities whose fundamental rights have been violated, the People's Advocate was notified, also in 2022, with numerous complaints regarding the rights of people with disabilities.

At the same time, when, in the public space, cases of violation of the fundamental rights and freedoms of this category of persons were presented, the People's Advocate proceeded ex officio and carried out the necessary institutional steps.

299 complaints addressed by persons with disabilities or related to the violation of the rights of persons with disabilities were analyzed. They mainly concerned issues related to:

- problems related to the distribution of cards loaded with social vouchers of 250 lei;
- the low accessibility of public transport for people with disabilities and the violation of the dignity of the person in a wheelchair by the transport operators;
- the high costs of some oncological treatments necessary for disabled persons, compared to their low incomes, derived from disability allowances and/or disability pensions;
- the loss, by the disabled student who turns 18, of the benefit of an increased amount of the state allowance for children with disabilities, despite the persistence of the disability;
- non-execution or delayed execution of court decisions pronounced against CEPAH, regarding the cancellation of disability certificates and the reclassification of disabled persons;
- violation of the fundamental right to a decent standard of living and to the protection of severely disabled persons with a personal assistant, who live only on the disability allowance, because they cannot accumulate this modest income with a disability pension, not having (due to the severity of the disability) contribution period in the public pension system;
- delaying the settlement of some requests of disabled people or their families, failure to adopt some measures within the term stipulated by law;
- the passivity of the authorities to the problems that arise during the implementation of the legal norms, the lack of inter-institutional communication, the faulty management of the financial resources intended for the system of protection of persons with disabilities;
- failure to comply with the legal provisions or their wrong application, failure to grant the facilities recognized by law to this category of persons, regarding the priority at the residence parking of the disabled person;
- difficulties regarding the access of disabled people to residential centers suitable for their needs, inadequate care conditions for adults with disabilities in public residential centers;
- the reorganization and restructuring of old-style residential centers, violation of the right to personal assistants of adults with serious disabilities by local public administration authorities;
- the priority of disabled people in obtaining an adequate social housing;
- the access of disabled people to tourist and leisure sites, etc.

The violations of rights claimed individually by complainants with disabilities, in 2022, brought to the attention of the People's Advocate systemic violations, direct or indirect, of the fundamental rights of this category of persons. The neglect or violation of the rights of people with disabilities within the social assistance, education or health system have

highlighted either that the legislation is ignored by those entitled to apply it, or the complete misunderstanding of the concept of "reasonable adaptations" by the authorities, or the lack of diligence of public authorities in identifying administrative and/or legal solutions.

CHAPTER III

DEFENSE, PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS (OMBUDSMAN FOR CHILDREN)

In 2022, at the level of the **Department for the defense, protection and promotion of children's rights** a total number of:

- **618** complaints;
- **1509** of ex officio notifications;
- **68** of investigations;
- **68** recommendations;
- **148** participations in debates, conferences, symposia, with the theme of promoting and respecting children's rights.

Of these, 486 complaints, 471 ex officio notifications were registered at the headquarters, 16 investigations were carried out, 4 recommendations were issued and 32 participations in debates, conferences, symposia, while from the activity of the territorial offices, results as follows: 132 complaints, 1038 ex officio notifications, 52 investigations, 64 recommendations and 116 participations in debates, conferences that concerned the rights of the child.

At the same time, awareness raising activities were carried out, with the object of presenting the duties of the Ombudsman for Children, as well as other topics related to the protection and promotion of children's rights, resulting in a total number of **84** such activities.

A **follow-up visit** was also carried out, together with the National Preventive Mechanism (NPM), to the *Reaching Out* Association Pitești, Argeș County, and an investigation at the Night Shelter for Street Children within the "Măgura" Codlea Service Complex, Brașov County, regarding possible ill treatment of some beneficiaries.

The staff of the department participated in **2 international conferences**: the *Clear rights International Conference - Improving legal assistance for children in Europe*, organized by the *Terre des hommes* Switzerland Foundation, held in Budapest, Hungary and the International Conference *The best interest of the child: socio-cultural, normative and jurisprudential approach*, organized by the People's Advocate for the Rights of the Child from the Republic of Moldova, in collaboration with the Department of Criminal Law of the Faculty of Law of the State University of Moldova, held in Chisinau, Republic of Moldova.

Monthly webinars were organized by the Ombudsman for Children with the following topics: *Steps taken by the Ombudsman for Children regarding the situation of minors involved in criminal cases; The manner of inter-institutional intervention in the case of minors with parents diagnosed as having mental disorders, to what extent is the best interest of the minor respected; Is "parental alienation" an argument for seeking a court order of protection?; Cyberbullying . The impact of the use of digital networks on children's rights; The causes of school dropout and the method of intervention by the authorities; The intervention of the authorities in cases of domestic violence against children ; Hearing of minors. Presentation*

of methods/good practices in the case of hearing or granting an audience to a minor - at the level of the Police, at the DGASPC and at the People's Advocate Institution; Sexual education in the context of the alarming increase in the number of pregnant minor girls. The problems identified regarding the recording and reporting of cases of underage mothers, the monitoring of children who have become parents and the provision of specialized services; Voluntary departures of minors from placement centers.

At the same time, in November 2022, an action was organized **to grant social aid** from the fund made available the People's Advocate institution, according to the provisions of Art. 36 of Law no. 35/1997, republished, at Strungari Secondary School in Pianu commune, Alba county. These aids consisted of supplies, hygiene products and sweets, and were given to a number of **57 students**, boys and girls.

The complaints and ex officio notifications mainly concerned the following categories of issues: the granting of school scholarships; grant of state allowances; the conditions in some educational units; school absenteeism; the phenomenon of bullying; school transport; the conduct of some teaching staff; enrollment of children in preschool education; transfer of students between classes/educational units; exercising parental authority and maintaining personal ties with minors following the dissolution of the marriage; the phenomenon of parental alienation; non-payment of maintenance pension; requesting information regarding the establishment/denial of paternity of minors; the situation of underage mothers; grant of support allowance for adoptive families; exercising forms of verbal, physical, mental and sexual violence against minors; road accidents with minor victims; juvenile delinquency; conditions for minors to travel outside the country; the legal definition of sexual abuse against minors, by referring to their young age, as well as in any situation where children's rights are not respected.

Other relevant activities of the Department for the defense, protection and promotion of children's rights:

On March 29, 2022, the People's Advocate and a representative of the Department regarding the defense, protection and promotion of children's rights **participated** in the meeting of the Commission of Inquiry regarding the investigation of cases of sexual abuse or any physical abuse against minors in the residential services functioning under the General Directorates of Social Assistance and Child Protection, within the Senate of Romania.

At this meeting, it was shown that from the case file of the institution, an alarming increase in the number of cases of sexual abuse/rape against children can be seen in the last period.

Thus, People's Advocate reiterated its firm position to change the legal classification of the act from the crime of sexual intercourse with a minor to the crime of rape, mainly based on the fact that a possible consent of a young minor cannot be considered valid, since the minor doesn't have the necessary degree of maturity and neither the legal age to decide on having sexual intercourse nor the ability to understand the consequences of such a sexual act, serious consequences in terms of their further physical and moral development.

Hence, in the situation of very young minor victims we are in the presence of coercion through psychological and emotional manipulation, which does not necessarily involve direct threats or physical violence, but puts the victim in an inability to act, basically leading a lack of consent.

At the same time, as long as the Criminal Code protects minors who have committed criminal acts, establishing that minors who have not reached the age of 14 are not criminally liable, and those between 14 and 16 years of age are only liable if it's proven their discernment at the time of committing the act, the minor victims of crimes should be protected even more.

The legislator itself excludes the existence of the discernment of the minor up to 14 years old, admitting only the possibility, and not the certainty of the existence of the discernment for the minor aged between 14 and 16 years.

Thus, the lack of discernment is directly determined by the age of the minor, and assessing the existence of discernment differently to a "perpetrator" or "victim" goes against the principle of the child's best interests.

On August 10, 2022, at the headquarters of the General Inspectorate of the Romanian Police, a **meeting** took place between the management of the IGPR, the People's Advocate and the Ombudsman for Children, following which it was established that in order to prevent the communication difficulties between the police units and the People's Advocate institution, all the letters related to the identification data of minors will be sent, speedily, in the future, to the Sector Police Precincts of Bucharest and to the County Police Inspectorates.

On October 18, 2022, at the headquarters of the People's Advocate institution, a **meeting** was held between the management of the School Safety Directorate, the Ombudsman for Children and all the staff of the Department for the Protection and Promotion of Children's Rights from the institution's headquarters, with a view to developing a collaboration that would lead to an increase in the degree of school safety.

On September 23, 2022, a **round of consultations** took place at the Commission for Human Rights, Equal Opportunities, Cults and Minorities in the Senate of Romania on the topic of establishing a functional system regarding the payment of maintenance pensions in favor of minors and stopping possible abuses or attempts of procrastination or evasion of the person obliged to support.

Representatives of the People's Advocate institution showed that the institution was notified both through complaints, but also during the hearings granted, as well as through the dispatch service, with different aspects regarding the maintenance pension.

Another matter discussed by the representatives of the People's Advocate institution regarding the possible suggestions for improving the maintenance pension payment system referred to Art. 378 of the Criminal Code - the crime of family abandonment, which in para. (1) provides: "*Commitment by the person who has the legal maintenance obligation, towards the one entitled to maintenance, of one of the following acts: b) failure to fulfill, in bad faith, the maintenance obligation provided for by law and c) non-payment, in bad faith, for 3 months, of the maintenance pension established by court*". We consider it opportune to remove the phrase "*in bad faith*" from the content of Art. 378 para. (1) points b) and c) of the Criminal Code, because this provision leads to the majority of criminal complaints being rejected, the debtor reasoning that he is not in bad faith, but he really did not have income to be able to pay the pension to which he was obliged, all this being to the detriment the minor who during this period remains without income, being deprived of maintenance, and the system should be much more energetic regarding this payment obligation.

Between October 10-14, 2022, the *Open Days* event took place - 25 years since the establishment of the Romanian People's Advocate Institution, during which students from the Faculty of Law - University of Bucharest were welcomed and offered a presentation of the Department for the defense, protection and promotion of children's rights field and a relevant part of the case history of this department.

Participation in working groups: Working group for Children's Rights - (Inter-ministerial Committee for the Implementation, Monitoring and Evaluation of the Strategy of the Romanian Government for the Inclusion of Romanian Citizens belonging to the Roma Minority (Prime Minister's Chancellery and the National Agency for Roma); Working group regarding the observance of rights refugees from Ukraine (Ombudsman Institution of

Ukraine); Working Group on Data for Children (UNICEF Romania); Working Group of the project i- Restore 2.0 - Terre des hommes; The National Coordinating Committee of the Child Friendly Communities Initiative (UNICEF Romania); Coordination Committee of the Project "Romania for every child" (UNICEF Romania).

CHAPTER IV

ARMY, JUSTICE, POLICE, PRISONS

In the year 2022, to **the Department on army, justice, police, prisons** were assigned a number of 3748 cases, divided into sub-categories as follows:

- army: 45 complaints;
- justice : 1536 complaints;
- police : 185 complaints;
- penitentiaries: 1921 complaints;
- others: 61 complaints;

The complaints resolved by the department mainly concerned the following aspects:

- dissatisfaction of police officers regarding the logistical equipment of the police, salary and working conditions;
- the manner and term of resolution of the cases pending before the courts or in the instrumentation of the prosecutor's offices, the execution of court decisions, the manner of performance of duties by the bailiffs;
- the conditions of detention in penitentiaries, especially those regarding food, the violence exercised on persons deprived of liberty by prison staff, the violence between prisoners, the non-granting of parole and the transfer to other penitentiaries.
- clarifications requested by citizens regarding the procedures to be followed in various judicial cases.

Following some of these complaints, a number of 1207 files were created:

- army - 11 files
- justice - 80 files
- police - 40 files
- penitentiaries - 1069 files
- others - 7 files

Also, 53 files were established following **ex officio referrals**.

In 2022, the investigations carried out mainly concerned the accommodation conditions of the prisoners, the food and the medical assistance provided to them in the penitentiaries.

Following the conflict in Ukraine, during 2022, an important part of the investigations carried out by the representatives of the Army, Justice, Police, Prisons Department also concerned the state of the civil protection shelters in Romania. Following the steps taken, the General Inspectorate for Emergency Situations sent us information, from which it follows that it ordered the swift adoption of concrete measures at the county level, consisting of informing the president of the County Committee for Emergency Situations, of to the chief inspector, as his vice-president, for the organization of an extraordinary meeting of the County Committee for Emergency Situations and the establishment of a plan of measures, with deadlines for

remedying the problems identified at the level of verified civil protection shelters, developed at the level of the County Committee for Emergency Situations and assumed by the participants in the extraordinary meeting and by the representatives of the administrative-territorial units that manage civil protection shelters.

Also in the context of the armed conflict in Ukraine, a series of ex officio notifications were initiated at the Department level, which had as a starting point the information appearing in the mass media regarding the problems, mainly of a logistical nature, that appeared in the area of the eastern and northern border of Romania, due to the large flow of refugees who arrived from Ukraine.

As in the previous year, as part of the field-wide investigations, online hearings were also used, using the Skype application.

CHAPTER V

PROPERTY, LABOR, SOCIAL PROTECTION, TAXES AND FEES

Within **the Department on property, work, social protection, taxes and fees** complaints are examined regarding violations of civil rights and freedoms through administrative acts or acts, by public administration authorities and autonomous state enterprises, which have as their object issues related to property, work and the social protection of work, taxes and fees.

2631 cases were examined, **67 investigations** were carried out at several public institutions and **3 recommendations were issued**. At the same time, the People's Advocate **proceeded ex officio in 62 cases**.

2 special reports were drawn up by the department: *The special report regarding the observance of the right to work and the social protection of work* and *The special report on the respect of property rights in the process of reconstitution/establishment of private property rights over agricultural and forest lands*.

Property

As part of the activity of the subfield, issues were analyzed mainly related to: the defective way of applying reparative laws in the matter of land ownership, delay in granting possession, delay in the release/modification/cancellation of property titles; difficulties/delays in the realization of parcel plans; delays in the execution of court decisions (which contain mandatory provisions, such as the cancellation of some property titles); difficulties in establishing the right of ownership over the land related to the construction, requested pursuant to Law no. 18/1991 regarding the land fund, republished, (especially through the amendments made by Law no. 231/2018, Law no. 87/2020 and Law no. 263/2022); the delay/refusal of ADS to make available to the local land commissions, the necessary lands in order to put the entitled persons in possession; difficulties in registering the public property rights of the state or administrative-territorial units over the forest fund, which leads to delays in issuing government decisions to change the legal regime of the areas in question, and, as a consequence, causing delays in the issuance of property titles; delay in the adoption of solutions in the files established pursuant to Law no. 10/2001; complaints about compensation

decisions issued by CNCI; delaying the adoption of solutions in the files established pursuant to Law no. 9/1998, as well as Law no. 290/2003; the impossibility of initiating government decisions to transfer some areas of ponds from the public/private domain of the state and make them available to the local land commissions, reconstituted either by court order or by the decision of the county commission; the failure to update by decision of the Government of the monthly allowances due to the persons persecuted for political reasons by the dictatorship established on March 6, 1945, as well as those deported abroad or made prisoners together with the indexation applied to pensions and other state social security rights; difficulties in obtaining the necessary documents for the issuance of the construction attestation certificate and the construction authorization and the methodological Norms for the application of the Government Emergency Ordinance no. 93/2022 etc.

In order to resolve the reported cases, approaches were made to the involved/responsible entities, including investigations, through which the aspects presented by the complainants were clarified, the minutes of taking possession were issued and, subsequently, the property titles, the requested documents were issued, including the communication of the decisions of the county commissions in question, in order to exercise the right to appeal against the solutions adopted by them, as the case may be, etc. At the same time, considering the difficulties found in the reconstitution process, both legislative difficulties as well as those resulting from their application, even after the entry into force of Law no. 165/2013¹, the People's Advocate drew up *the Special Report regarding the observance of property rights in the process of reconstitution/establishment of private property rights over agricultural and forest lands*².

Work and social protection of work

Just like every year, in the activity carried out, the People's Advocate institution was notified by the complainants, in numerous cases, regarding the difficulties they encountered from employers, both public institutions and commercial companies, regarding the execution of work contracts.

At public institutions, the People's Advocate undertook legal proceedings in accordance with Law no. 35/1997, republished, but with regard to the problems encountered by the complainants from the commercial companies, they were directed to address the institutions with control powers in labor relations, or they were made aware of the legal provisions based on which they could exercise their rights.

By way of example, we specify that the issues submitted to the attention of the institution, among others, concerned the following: the non-granting of the increase of up to 15% of the basic salary, pursuant to the Framework Law no. 153/2017 in the case of the personal assistant of the employed person with a degree of severe disability (we do not have a unitary practice at the level of the country); non-granting of salary rights by employers and commercial companies; legal possibility of transformation of some contractual positions into public positions; failure to place employees of Voluntary Services for Emergency Situations in special conditions or special working conditions; failure to grant food allowance; non-granting of vacation leave; the issuance of certificates to attest a higher work group; simplifying the procedure for issuing the medical leave certificate for COVID-19; payment of outstanding salary rights for employees of vaccination centers; payment of salary rights for census takers; staff shortages at the ambulance service; migration of medical staff from

¹Law no. 165/2013 on the measures to complete the restitution process, in kind or by equivalent, of buildings taken over abusively during the communist regime in Romania

²<https://avp.ro/wp-content/uploads/2022/10/Raport-special-proprietate.pdf>

hospitals; supplementing local budgets in order to ensure the payment of staff from the local public administration in the border areas with Ukraine, etc.

A peculiarity of this year was represented by the complaints / ex officio notifications regarding **acts of moral harassment at the workplace**. The complainants reported abuses, moral and sexual harassment at work against them both by bosses and colleagues. Most of the complainants, when they addressed the People's Advocate institution, had already filed actions both with the National Council for Combating Discrimination, with the criminal bodies, and actions with the court.

In collaboration with the Department for human rights, equal opportunities between men and women, religious cults and national minorities is being handled **the ex officio referral (File no. 3498/2022)**, which aims to analyze the relevant national related to the Convention on the Elimination of Violence and Harassment in the World of Work (ILO Convention No. 190), adopted in Geneva in the 108th ILC session on June 21, 2019 and the conditions necessary for its ratification by Romania. It was considered opportune to carry out an in-depth analysis of the national legislation in the field of labor, in order to observe whether all the elements included in the ILO Convention no. 190 are regulated in national legislation. In this context, approaches were also made to authorities/institutions with attributions in the field, as well as to courts of appeal.

Another particularity of this subfield is represented by the cases regarding **work accidents and occupational diseases**. Also in this situation, in relation to the case file of the People's Advocate institution, a detailed analysis of the factual situation is made, in relation to the competences and activity of the institutions with attributions in the matter and the relevant legislation.

In early 2022, it was introduced *The special report on the observance of the right to work and the social protection of work*, report that took into account the following topics: *the gross minimum basic salary guaranteed in payment at the level of the country; unemployment; improper execution of individual employment contracts and problems arising in practice with regard to mandatory vaccination and testing of employed personnel as a result of the pandemic.*

Social protection

Within this subfield, during 2022, were analyzed complaints that concerned the reduced number of existing social housing, as well as requests from various applicants to be granted such housing, obtaining social voucher cards, problems resulting from the invoicing method of electricity and natural gas etc.

Also, ex officio notifications were made regarding: the lack of supply of heating agent in two cities in the country; obtaining specific sanitary materials for endoprosthetic treatment of patients with several conditions; the conditions for establishing the person who can be designated as guardian, the duration of the measure, the categories of documents for which representation is necessary; cancellation of fines given for not completing the form at the entry into the country; the situation of electricity recalculation invoices; the situation of the families affected by the fire in Sector 5; the case of a disabled person who set up an access ramp to his own building; correcting errors in referral tickets and prescriptions, by medical services and medicine providers, etc.

Taxes and duties

In the matter of taxes and fees, in the course of 2022, were analyzed complaints which had as their object, mainly, problems related to: the calculation method of the tax/fee on

buildings, respectively of the tax/fee on land, the content of the imposition decisions regarding taxes/fees on buildings, tax/fee on land, respectively tax on the means of transport, grievances related to the rejection of appeals against taxing decisions, seizures, executory titles and summonses regarding forced execution, special taxes (habitat tax, sanitation tax - natural persons, authorized natural persons, legal persons), conditioning the release of certain documents on the payment of tax obligations, etc.

Certain complaints were the object of the People's Advocate institution's approaches to local tax and tax departments, public finances administrations, the Regional General Directorate of Public Finances Bucharest, city halls, etc. With regard to the cases that did not fall within the competence of the institution, the complainants were informed about the procedures that could be followed, with the indication of the legal basis in question and the authority to which they could turn for the solution of the problems encountered, some of the files being the subject of investigations.

§ Analysis of legislation following the preparation of special reports:

1. After the elaboration and presentation of the *Special Report regarding the observance of the right to work and the social protection of work* - one of the chapters had as its object *the gross minimum basic salary guaranteed in payment at the level of the country*, **the following were adopted:**

- **Emergency Government Ordinance no. 67/2022** regarding some fiscal measures, as well as for the amendment and completion of Art. 59 of Law no. 207/2015 on the Fiscal Procedure Code, which established the possibility for employers to pay voluntarily at any time between June 1 and December 31, 2022 the amount of 200 lei for employees who carry out activity based on individual employment contracts, in execution on June 1, 2022, which provides for a level of the basic gross monthly salary on the same date;

- **Law no. 135/2022** for the amendment and completion of some normative acts - for the agricultural field and the food industry, a gross employment salary for 8 hours of work/day of at least 3,000 lei per month was provided.

2. Following the preparation and presentation of the *Special Report on the lack of family doctors in rural areas and disadvantaged or hard-to-reach areas in 2021*, **the following were adopted:**

- **Law no. 282/2022** for the amendment of Art. 75 of Law no. 95/2006 on health reform, *family medicine practices can open a maximum of two secondary work points if the applicant provides a fractional program of at least 10 hours per week in his basic norm or above his basic norm. The work points can be opened in the rural environment in the same administrative-territorial unit or in other units where there is a shortage of doctors attested by a commission organized at the level of the county public health directorates or of the city of Bucharest;*

- by **Order no. 2182/2022** was approved the Beneficiary's Guide for the specific investment II.1 Family doctors' offices or associations of primary healthcare offices within pillar V: Health and institutional resilience - component 12: Health - investment II. Development of the pre-hospital medical infrastructure – equipment was provided for family doctors' offices or associations of primary medical assistance offices;

- in PNRR investment I.2 from Component 10 Local Fund Construction of nZEB housing plus young people/service housing for health and education specialists;

CHAPTER VI

THE DEPARTMENT REGARDING THE PREVENTION OF TORTURE IN PLACES OF DETENTION - NPM

No one shall be subjected to torture or to inhuman or degrading treatment or punishment... not even in case of war or other public danger threatening the life of the nation.

(Art. 3 and 15 letter 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms)



*Department on the prevention of
torture in places of detention - NPM*

By ratifying the *Optional Protocol of December 18, 2002 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)*, Romania assumed the obligation to establish the National Mechanism for the Prevention of Torture in Places of Detention (NPM). Thus, in 2014, by the Government Emergency Ordinance no. 48, it was established that the People's Advocate institution, through the Department regarding the prevention of torture and other cruel, inhuman or degrading punishments or treatments in places of detention, shall fulfill the specific duties of a national preventive mechanism. The NPM mainly exercises a **preventive mandate**, its role consisting in identifying situations with potential risk of ill-treatment and strengthening the protection of persons deprived of liberty against ill-treatment and ensuring the non-discriminatory exercise of fundamental rights.

The NPM's activity generally consists of: making periodic visits, announced or unannounced, to places of detention; carrying out joint unannounced control visits, ex officio or upon request, initiated by the representatives of the Ombudsman for Children and joined by the NPM, to the educational or detention centers where minors carry out the custodial measures provided for by Law no. 286/2009, with subsequent amendments and additions, in the field of criminal liability of minors, to the persons responsible with the supervision and guidance of minors in the execution of non-custodial measures provided for by Law no. 286/2009, with subsequent amendments and additions, in the field of criminal liability of minors, at placement centers, family-type homes, foster care and family placement where the minor is placed as a special protection measure provided for by Law no. 272/2004, republished, with subsequent amendments and additions, to the extended family, as well as to

children's hospitals; resolving, in collaboration with the other structures of the People's Advocate institution, complaints regarding acts of torture, cruel, inhuman or degrading treatment in places of detention; formulating recommendations to the management of the places visited (and sometimes to the places where investigations are carried out) and hierarchically higher authorities; formulating legislative amendment proposals; awareness raising about the NPM mandate and the professional training of staff working in places of detention, regarding the prohibition of torture and the prevention of ill-treatment; maintaining contact with the Subcommittee on Prevention of Torture (SPT).

NPM includes: The central structure, which also includes Bucharest Zonal Center and Territorial structure, made up of 3 zonal centers: ● Alba Zonal Center; ● Bacău Zonal Center; ● Craiova Zonal Center. Within the 4 regional centers, during the year 2022, were employed specialized staff - 7 lawyers, 3 doctors, 2 psychologists, 2 social workers - and 4 people with administrative duties (drivers), and at the end of the year there were vacancies as follows: 2 positions of doctors (Zonal Center Bucharest and Zonal Center Bacău), 1 position of social worker (Zonal Center Bucharest) and 1 position of psychologist (Zonal Center Bucharest).

For carrying out the NPM activities are co-opted and external collaborators, based on service contracts, selected by the People's Advocate, based on the proposals received from the Romanian College of Physicians, the Romanian College of Psychologists and the National College of Social Workers. Thus, in 2022, the People's Advocate institution had 42 external collaborators (11 doctors, 11 social workers and 20 psychologists). Also, in the torture prevention activity participate representatives of non-governmental organizations active in the field of human rights protection, selected, depending on the requirements of the specific activity, by the People's Advocate. Currently, collaboration protocols are concluded with 27 non-governmental organizations.

I. Monitoring visits to places of detention

In the course of 2022, the NPM made **63 visits** to places of detention (part of the visits also checking the implementation of the recommendations formulated through previous visit reports):

- **Penitentiaries - 13 visits**
- **Psychiatric hospitals - 2 visits**
- **Detention and Preventive Arrest Centers - 9 visits**
- **Centers for adults with disabilities - 7 visits**
- **Centers for migrants - 6 visits**
- **Homes for the elderly - 15 visits**

II. Legislative amendment proposal

► *amendment of the Regulation regarding the organization and operation of detention and remand centers, as well as the necessary measures for their safety, approved by MAI Order no. 14/2018, by:*

a) the explicit introduction of the provisions of Art. 71 para. (6) from Law no. 254/2013, in the sense that the person deprived of liberty has the opportunity to benefit, for a fee, from an examination carried out by a doctor, at his choice, both in the standardized Minutes (provided in Annex no. 2 of the Regulation, in the section II - letter (a) and letter (b)), as well as in the extract that is displayed on the doors of the cells (in which the rights and obligations of the persons incarcerated, during the detention period are listed);

b) elimination of the phrase "with the opinion of the doctor who provides medical assistance at the level of the center", provided for in Art. 136 para. (5) of the Regulation, which **adds an additional condition** (doctor's approval), **which is not established by law**

(respectively: Art. 71 paragraph (6) of Law no. 254/2013, which also applies in detention and remand centers, according to Article 110 paragraph (1) of the same normative act, in conjunction with Article 237 paragraphs (1), (4), (5) and (11) of the Regulation on the application of Law No. 254/2013 and CPT Rules - Rule 42, which states: "... the right of access to a doctor should include the right to benefit, if the prisoner wishes, from an examination by a doctor of his choice (in addition to any other examination performed by the doctor called by the police)". Also in this sense, the provisions of Article 33 of the Law of Patient Rights No. 46/2003, stipulate: "The admitted patient has the right to medical services provided by a doctor accredited from outside the hospital."

In this sense, the NPM notified the Ministry of Internal Affairs, which, through the leadership of the General Inspectorate of the Romanian Police (IGPR) and the Medical Directorate, communicated the following:

"... the implementation of these aspects requires making legislative changes to the Regulation approved by the order of MAI no. 14/2018, which implies taking steps at an institutional level. ... At the level of the Detention and Remand Centers Coordination Service, activities are already underway to modify and complete the provisions of the approved Regulation by O.MAI no. 14/2018, the recommended aspects will be taken into account and materialized within these steps.

... measures were ordered to amend and complete the internal order regulations of the centers and, implicitly, of the extracts displayed on the doors of the detention rooms, so that they also contain the mentions regarding the possibility of the person deprived of liberty to benefit in the center, for a fee, following a written request, of medical assistance from a doctor chosen by them, with the opinion of the doctor who provides medical assistance at the level of the center and after informing the head of the center."

III. Actions to publicize NPM duties, participation in conferences, internal and international symposia, staff training, working groups

When setting the annual activities, the NPM takes into account the SPT's recommendation to emphasize not only visits, but also other prevention activities, such as media actions (awareness raising actions regarding the prevention of torture) (CAT/OP/ROU/1). Also, in accordance with the provisions of OPCAT and Law no. 35/1997, republished, NPM carried out professional training activities for the staff from places of detention, in the sense of Art. 4 of OPCAT, but also for its own members.

► **In order to increase the level of awareness regarding the prevention of torture and ill-treatment, the NPM carried out an extensive awareness raising activity this year as well (141 activities)**, addressed both to persons deprived of liberty, as well as to staff in places of detention and to the authorities that have subordinate units subject to NPM monitoring.

On the occasion of *the Open Days* of the People's Advocate institution celebrating 25 years in the service of the citizen, between October 10-14, 2022, NPM members met with the students of the Faculty of Law of the University of Bucharest and with groups of visitors who expressed their interest in knowing the People's Advocate institution.

► **NPM members participated** (physically or online) **in a series of webinars, meetings, conferences, symposia, working groups organized at national and international level.**

► NPM carried out **professional training activities for staff from units under the competence of monitoring by NPM**, among the topics addressed being: *Recognition of situations/forms of torture, cruel, inhuman, degrading treatments ; The concept of torture, the NPM mandate; the NPM activity report for 2021 ; Prevention, recognition and reporting*

forms of exploitation, violence and abuse; Investigation, analysis, reporting of traumatic marks, practice of CPT, SPT, Istanbul Protocol .

► Regarding **the professional training of NPM members** , during 2022, along with national and international seminars, workshops attended by NPM members, professional training activities were organized at an internal level, within the People's Advocate institution, with topics such as: *Mendez Principles ; Knowledge and promotion of human rights in social assistance activity; Maintaining contact with the family or other relevant people in the beneficiaries' lives; Presentation on the occasion of World Suicide Prevention Day, marked annually on September 1; The role of evaluation, monitoring and control institutions in the field of social services; Rights, obligations and prohibitions of asylum seekers; Aspects regarding the tolerance of foreigners who do not have the right of residence to stay on Romanian territory and who, for objective reasons, do not leave the territory of Romania; Best practice guide for cyber security, navigating the internet.*

This year, in July 2022, the NPM carried out a professional training activity for all its members, in Slănic Moldova, on the topic of *Guarantees of national preventive mechanisms (according to OPCAT) and the Procedure for carrying out visits. Strengthening the monitoring skills of NPM Romania staff by conducting a practical visit to the Târgu-Ocna Educational Center, Bacău County.* The event, through the participation of the entire NPM in the same monitoring visit, facilitated the exchange of experience between its members, specialists in different fields: legal, medical, psychological and social, more efficient.

Also, NPM (through a representative) participated in the second professional training session of the People's Advocate institution, organized in Albac commune, Alba county, between September 21-23, 2022, during which the activity of NPM was presented and solutions were identified for collaboration, under optimal conditions, with the other departments within the institution.

► **NPM meetings with non-governmental organizations** with which the People's Advocate institution has signed collaboration protocols, during which topics related to the monitoring visits, organization and ascertained aspects were addressed.

► Meetings were held **with external collaborators** (doctors, psychologists and social workers) on professional topics (national and international legislation regarding the prohibition and prevention of torture, aspects found in the NPM visits regarding the provision of medical/psychological/social assistance, the drawing up of visit reports, the presentation of the report on the activity of the NPM for the year 2021 etc.).

► NPM coordinates **the Working Group**, established on February 24, 2022, **in order to monitor the respect of the rights of refugees from Ukraine** (in the context of the increased flow of people who took refuge from Ukraine on the territory of Romania, after the outbreak of the armed conflict), made up of representatives of the 6 departments within the People's Advocate institution and met weekly.

In exercising their assigned duties, starting on February 28, the members of the group centralized the entire activity undertaken by the representatives of the People's Advocate institution regarding the refugee situation: information requests to the authorities; investigations at border points and refugee centers; visits to regional procedure centers and accommodation of asylum seekers.

The information regarding the actions taken by the representatives of the People's Advocate institution can be viewed on the institution's website, where a special section has been set up, *Monitoring respect for the rights of refugees from Ukraine*, by accessing the links: <https://avp.ro/index.php/2022/05/25/monitoring-of-respecting-the-rights-of-refugees-from-Ukraine/> (in Romanian); <https://avp.ro/index.php/en/2022/05/25/monitoring-the-observance->

of-rights-of-the-refugees-from-ukraine/ (in English). The reports of the visits made by the NPM can be viewed in full by accessing the link: <https://avp.ro/index.php/centre-pentru-migranti-2022/>.

IV. Collaboration with CPT, SPT and other international partners

► Subcommittee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (SPT)

In accordance with Art. 49 of Law no. 35/1997, republished, the NPM maintained contact with the SPT, this year participating in the event with the theme *The role of the NPMs in monitoring places where migrants are deprived of their freedom*, organized by the SPT, on the occasion of the 47th session for the NPM.

► European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

In 2022, the CPT visited Romania, ad hoc, for the second consecutive year. If in 2021 they visited penitentiaries and detention and pretrial detention centers, this year were monitored psychiatric hospitals and neuropsychiatric recovery and rehabilitation centers. The concerted actions of the various entities at the CoE level indicate their special concern for identifying solutions that improve the situation of people with mental disorders who are or could be deprived of their freedom in Romania, by involving the competent Romanian state authorities.

On the occasion of the CPT's visit to Romania, between September 19-30, 2022, the NPM collaborated with the CPT representatives, by exchanging information and holding meetings online and at the headquarters of the People's Advocate institution, which were attended by Ms. Renate Weber, the Romanian Ombudsperson, and the entire NPM staff.

► Association for the Prevention of Torture (APT)

During 2022, as in previous years, NPM maintained contact with APT and participated in events organized by this association, on topics such as: *Promoting the effective protection of LGBTI and persons deprived of liberty*, organized by APT in collaboration with ODIHR; *Preventing torture in the context of public assemblies*, *Meet the candidates for the SPT*.

► National Prevention Mechanisms - SEE NPM Network

NPM Romania is part of the Network of National Preventive Mechanisms from South-East Europe, whose activity can be viewed by accessing the link : <https://see-npm.net/>. Also this year, NPM members maintained contact with other NPMs and participated in meetings/training sessions organized by them, such as the one organized in Vienna by the Austrian Ombudsman institution and the Council of Europe's NPM Forum, with the theme *Special needs of elderly and disabled people in places of detention*.

CHAPTER VII

THE ACTIVITY OF THE TERRITORIAL OFFICES OF THE PEOPLE'S ADVOCATE INSTITUTION

At the level of 2022, the activity of the territorial offices resulted in: resolving a number of **2,499 complaints**, **ex officio notifications in 1,815 cases**, conducting **138 investigations**, granting **4,294 hearings**, registering **6,072 of telephone calls** through the dispatched service, the formulation of **124 recommendations** and **767 of awareness raising activities/collaboration with other authorities**, as follows:

- ***The Alba-Iulia Territorial Office:*** resolved a number of 67 complaints, granted 208 hearings, recorded 271 telephone calls through the dispatch service, carried out 8 awareness raising activities/collaboration with other authorities, proceeded ex officio in 173 cases, conducted 3 investigations and made a recommendation.

- ***Bacău Territorial Office:*** solved 141 complaints, granted 235 hearings, answered 262 telephone calls through the dispatch service, carried out 29 awareness raising activities/collaboration with other authorities, proceeded ex officio in 66 cases and formulated 10 recommendations.

- ***Braşov Territorial Office :*** resolved a number of 200 complaints, granted 301 hearings, answered 438 telephone calls through the dispatch service, carried out 204 awareness raising activities/collaboration with other authorities, proceeded ex officio in 164 cases, carried out 28 investigations and formulated 24 recommendations.

- ***Cluj-Napoca Territorial Office:*** resolved a number of 124 complaints, granted 244 hearings , answered 594 telephone calls through the dispatch service, carried out 19 awareness raising activities/collaboration with other authorities, proceeded ex officio in 279 cases, conducted 7 investigations and formulated 29 recommendations.

- ***The Constanţa Territorial Office:*** resolved a number of 188 complaints, granted 424 hearings, answered 794 telephone calls through the dispatch service, carried out 47 awareness raising activities/collaboration with other authorities, proceeded ex officio in 129 cases, conducted 10 investigations and made a recommendation.

- ***Craiova Territorial Office:*** resolved a number of 62 complaints, granted 259 hearings , answered 353 telephone calls through the dispatch service, carried out 2 awareness raising activities/collaboration with other authorities, proceeded ex officio in 67 cases and conducted 8 investigations.

- ***The Galati Territorial Office :*** resolved a number of 141 complaints, granted a number of 176 hearings, answered a number of 333 telephone calls through the dispatch service, carried out 84 awareness raising activities/collaboration with other authorities, proceeded ex officio in 109 cases, conducted 1 investigation and formulated 4 recommendations.

● **Iasi Territorial Office:** resolved a number of 328 complaints, granted 299 hearings, answered 274 telephone calls through the dispatch service, carried out 38 awareness raising activities/collaboration with other authorities, proceeded ex officio in 112 cases, conducted 25 investigations and made 14 recommendations.

● **Oradea Territorial Office:** resolved a number of 90 complaints, granted 250 hearings, answered 442 telephone calls through the dispatch service, carried out 5 awareness raising activities/collaboration with other authorities, proceeded ex officio in 89 cases, carried out 2 investigations and formulated 1 recommendation.

● **Pitesti Territorial Office:** resolved a number of 131 complaints, granted 272 hearings, answered 233 telephone calls through the dispatch service, carried out 35 awareness raising activities/collaboration with other authorities, proceeded ex officio in 57 cases, conducted 4 investigations and formulated 5 recommendations.

● **The Ploiești Territorial Office:** resolved a number of 270 complaints, granted a number of 768 hearings, answered a number of 934 telephone calls through the dispatch service, carried out 156 awareness raising activities/collaboration with other authorities, proceeded ex officio in 86 cases, carried out 20 investigations, formulated 8 recommendations and prepared, together with the Department of human rights, equal opportunities between men and women, religious cults and national minorities, the *Special Report - Prevention and information in the medical field in Romania*.

● **Slobozia Territorial Office:** resolved a number of 59 complaints, granted 103 hearings, answered 107 phone calls through the dispatch service, carried out 41 awareness raising activities/collaboration with other authorities and proceeded ex officio in 181 cases, were carried out 11 activities to promote the activity of the Ombudsman for Children and its representative in the territory, conducted 3 investigations and formulated 7 recommendations.

● **Suceava Territorial Office:** resolved a number of 266 complaints, granted 189 hearings, answered 151 telephone calls through the dispatch service, carried out 26 awareness raising activities/collaboration with other authorities, proceeded ex officio in 179 cases, conducted 2 investigations and formulated 13 recommendations.

● **Târgu-Mureș Territorial Office:** resolved a number of 150 complaints, granted 389 hearings, answered 521 telephone calls through the dispatch service, carried out 29 awareness raising activities/collaboration with other authorities, proceeded ex officio in 53 cases, conducted 4 investigations and formulated 2 recommendations.

● **Timișoara Territorial Office:** resolved a number of 282 complaints, granted 177 hearings, answered 365 telephone calls through the dispatch service, carried out 44 awareness raising activities/collaboration with other authorities, proceeded ex officio in 71 cases, conducted 21 investigations and formulated 5 recommendations.

CHAPTER VIII

The service of constitutional litigation, appeal in the interest of the law, administrative and legal litigation, legal affairs, external relations and communication

The Ombudsperson directly coordinates the activity in the field of constitutionality control of laws and Government ordinances (simple or emergency), unification of judicial practice and administrative litigation, which is carried out through the constitutional litigation and appeal in the interest of the law bureau, and the administrative and legal litigation bureau.

Also, the People's Advocate carries out its activity in the field of external relations, mass media, communication, etc. with the support of the Bureau for legal affairs, external relations and communication.

Section 1. The activity of the Bureau of constitutional litigation and appeal in the interest of the law

1.1. Direct referral to the Constitutional Court

During 2022, the People's Advocate made a number of **14 referrals to the Constitutional Court**, both in order to trigger the prior constitutionality check (10 objections) and in order to carry out the subsequent constitutionality check (4 exceptions).

Regarding the prior constitutionality control, the number of referrals to the Constitutional Court experienced a significant increase in 2022. This increase can be explained by 2 arguments: on the one hand, the increase in the trust in the institution due to the personality and public interventions of to the Ombudsperson, and on the other hand, unfortunately, due to the decrease in the quality of the lawmaking activity.

Compatibility with the rules of the Constitution is analyzed from an **extrinsic** point of view (compliance with the parliamentary procedure, the rules of legislative technique from the perspective of compliance with the principle of legal security) and **intrinsic**, which usually involves the verification of the violation of the constitutional provisions regarding rights and freedoms.

Out of the total of **14 notifications of unconstitutionality** (objections and exceptions) raised directly by the People's Advocate, **4 notifications were admitted, 4 notifications were rejected**, the remaining **6 notifications** which are in the report phase.

1.1.1. Prior control of constitutionality

During *the control prior to the promulgation*, **10 objections of unconstitutionality** were formulated:

- *Notification of unconstitutionality regarding the provisions of the Law on Cyber Security and Defense of Romania, as well as for the modification and completion of some normative acts*

The solution of the Constitutional Court: The objection of unconstitutionality is pending before the Constitutional Court, with a trial date set for February 15, 2023.

- *Notification of unconstitutionality regarding the provisions of Art. 2 point 27, with reference to Art. 102, which amended the Government Emergency Ordinance no. 111/2011 on electronic communications, with subsequent amendments and additions, those of Art. 10, which amended the Land Fund Law no. 18/1991, republished, with subsequent*

amendments and additions, and those of Art. 13 with reference to the provisions of Law no. 24/2007 regarding the regulation and administration of green spaces in the urban areas, republished with subsequent amendments and additions, and those of Art. 48 with reference to Art. 71 of the Government Emergency Ordinance no. 195/2005 on environmental protection, amended, from the Law for the amendment and completion of some normative acts in the field of electronic communications and for the establishment of measures to facilitate the development of electronic communications networks.

The solution of the Constitutional Court: The Constitutional Court admitted the referral of the People's Advocate and found that the law was unconstitutional.

• *Notification of unconstitutionality regarding the provisions of the Law for the amendment and completion of Government Ordinance no. 2/2001 regarding the legal regime of contraventions.*

The solution of the Constitutional Court: The Constitutional Court admitted the referral of the People's Advocate and found that the law was unconstitutional.

• *Notification of unconstitutionality regarding the provisions of the law for the amendment of Government Ordinance no. 2/2001 regarding the legal regime of contraventions and Law no. 286/2009 regarding the Criminal Code.*

The Constitutional Court's solution: The Constitutional Court admitted the appeal of the People's Advocate and found that the law was unconstitutional.

• *Notification of unconstitutionality regarding the provisions of the law regarding the transfer of immovable property intended for sanitary-veterinary assistance activities, which are privately owned by the state, from the administration of the State Domains Agency to the administration of local councils, as well as for the repeal of Government Emergency Ordinance no. 89/2004 on the sale of immovable property where veterinary health assistance activities are carried out.*

The solution of the Constitutional Court: The Constitutional Court admitted the referral of the People's Advocate and found the law unconstitutional.

• *Notification of unconstitutionality regarding the provisions of the Law on the approval of Government Ordinance no. 16/2022 for the amendment and completion of Law no. 227/2015 regarding the Fiscal Code, the repeal of some normative acts and other financial-fiscal measures.*

The solution of the Constitutional Court: The Constitutional Court rejected the referral made by the People's Advocate and found the constitutionality of the criticized normative act.

• *Notification of unconstitutionality regarding the provisions of Art. 206, Art. 228 para. (5), (6) and (7), Art. 234 para. (2) and Art. 271 of the Law on the status of judges and prosecutors.*

The solution of the Constitutional Court: The Constitutional Court rejected the referral made by the People's Advocate and found the constitutionality of the criticized normative act.

- **Notification of unconstitutionality regarding the provisions of Art. 15 paragraph (1) and (3) with reference to the phrase "general assembly" and Art. 33 para. (3) and (4) of the Youth Act.**

The solution of the Constitutional Court: The deadline set by the Constitutional Court for resolving the objection was successively postponed, until 31.01.2023.

- **Notification of unconstitutionality regarding the provisions of the Law on the approval of Government Ordinance no. 18/2021 for the amendment and completion of Law no. 95/2006 regarding the reform in the field of health and for the modification of some normative acts in the field of health as well as for the repeal of Art. 4 of Law no. 584/2002 on measures to prevent the spread of AIDS in Romania and to protect people infected with HIV or AIDS, as well as Art. V from Government Ordinance no. 18/2021 .**

The solution of the Constitutional Court: The Constitutional Court rejected the objection formulated by the People's Advocate and found the constitutionality of the criticized normative act.

- **Notification of unconstitutionality regarding the phrase "political (...) opinion" from the provisions of Art. I of the Law for the amendment of Art. 369 of Law no. 286/2009 regarding the Criminal Code.**

The solution of the Constitutional Court: The Constitutional Court rejected the referral made by the People's Advocate and found the constitutionality of the criticized normative act.

1.1.2. The subsequent control of constitutionality

During *the subsequent control* , The People's Advocate formulated **4 exceptions of unconstitutionality**, as follows:

- *The exception of unconstitutionality of the provisions of Art. 36 para. (3) from Law no. 335/2007 of the chambers of commerce in Romania, with subsequent amendments and additions.*

The solution of the Constitutional Court: The Constitutional Court **admitted the referral of the People's Advocate** and found that the law is unconstitutional.

- *The exception of unconstitutionality regarding the provisions of Art. 393 para. (3) and of Art. 488 para. (3) from Law no. 95/2006 regarding health reform, republished and amended, against Art. 1 paragraph (5), Art. 21 para. (3), Art. 131 and Art. 132 of the Constitution - **The file is in the report phase;***

- *The exception of unconstitutionality regarding the provisions of the Government's Emergency Ordinance no. 16/2022 for the amendment of Art. 7 para. (13) from Law no. 52/2003 on decision-making transparency in public administration - **The file is in the report phase;***

- *The exception of unconstitutionality of the provisions of Art. 148 para. (7) of the Criminal Procedure Code - **The file is in the report phase.***

1.1.3 Admission decisions issued in 2022 by the Constitutional Court with regard to referrals made before the reference year

✓ Decision no. 368 of July 5, 2022 regarding the exception of unconstitutionality of the phrase "in the urban environment" contained in Art.

2 point 27) of Law no. 61/1991 for the sanctioning of acts of violation of some rules of social coexistence, order and public peace ;

✓ Decision no. 215 of April 7, 2022 regarding the exception of unconstitutionality of the provisions of Art. 36 para. (4) and (5) of Law no. 218/2002 regarding the organization and operation of the Romanian Police;

✓ Decision no. 55 of February 16, 2022 regarding the objection of unconstitutionality of the provisions of the Law for the approval of the Government Emergency Ordinance no. 6/2016 regarding some measures for the implementation of the technical supervision mandates ordered in the criminal trial, as well as the provisions of Art. I point 1, second sentence, of Art. II point 1, of Art. IV point 1 third sentence and of Art. IV point 2 second sentence of the Government Emergency Ordinance no. 6/2016 regarding some measures for the implementation of the technical supervision mandates ordered in the criminal trial;

✓ Decision no. 369 of July 5, 2022 regarding the exception of unconstitutionality of Law no. 136/2020 regarding the establishment of measures in the field of public health in situations of epidemiological and biological risk, as a whole, and the phrase "within 5 days from the date of publication of the administrative act" contained in Art. 15 para. (4) of this law, in particular.

1.1.4. Resolution of complaints requesting referral to the Constitutional Court

In the year 2022, **a number of 962 complaints were analyzed and resolved** by which the referral to the Constitutional Court was requested regarding the normative acts considered by the complainants to be unconstitutional. In addition to these, a number of 31 complaints were resolved following collaboration with the fields of activity.

The resolution of the complaints addressed to the Constitutional Litigation Bureau by which the referral to the Constitutional Court is requested involves carrying out the constitutionality analysis of the normative acts invoked by the complainants, by referring to the allegedly violated constitutional texts, as they were developed in the jurisprudence of the Constitutional Court, the European Court of Human Rights, the High Court of Cassation and Justice and in doctrine.

Following the constitutional analysis, the complainants who request the support of the People's Advocate receive a detailed answer including the arguments that underpin the decision of the People's Advocate to refer the matter to the Constitutional Court or not. Moreover, in 2022, in order to support people who request a referral to the Constitutional Court, we posted a petition model on the institution's website.

1.1.5. Notification of public authorities

In certain situations, in order to resolve the complaints, it was necessary to notify the competent public authorities because either legislative inconsistencies or the need for legislative interventions were identified, as follows:

a) *The commissions for education within the Senate and the Chamber of Deputies, as well as the Minister of Education,* in the sense of considering the introduction of an amendment to Art. 6 para. (3) from the Project on the Pre-University Education Law, a project pending in the legislative process, in the sense of regulating a sanction for the acts of cheating the baccalaureate exam, by law as a formal act of the Parliament, a

normative act that meets the constitutional requirements of predictability and proportionality against the intended purpose. In the opinion of the People's Advocate, **the sanction that provides for the prohibition of participation in two sessions of the baccalaureate exam is disproportionate, all the more so since the obligation to organize the baccalaureate competition under legal conditions rests with the authorities of the Romanian state.**

b) The Commission for economic policy, reform and privatization; Commission for Industries and Services; Committee for budget, finance and banks; Commission for human rights, religions and minority issues national and the legal, disciplinary Commission and immunities, in order to consider, in the legislative process, the following situations:

1. Using electricity to heat homes due to the lack of natural gas pipelines in certain areas.
2. State support for families living together in one home.
3. Introducing an amendment to Art. I point 1 of the Government Emergency Ordinance no. 119/2022, by which the provisions of Art. 1 paragraph (5)-(7) of the Government Emergency Ordinance no. 27/2022, which also includes the situation of consumers living in two separate individual units connected to a common installation with a single consumption meter.
4. Modification of the calculation basis for capping the final billed price, so that it is no longer related to the average monthly consumption achieved at the place of consumption in 2021, but related to the current consumption of the consumer.

c) The President of the Senate, with the aim that, in the draft law amending the Fiscal Code, the return to the previous solution from the Fiscal Code, which provided for minimum and maximum limits for the tax rates, regardless of the amount chosen by the legislator, should be taken into account.

In the opinion of the People's Advocate, the regulation of minimum and maximum limits between which public administration authorities have the freedom to set tax rates, respecting the principle of local autonomy, is likely to meet the constitutional requirements of the principle of legality of taxation, as well as the principle of legal security.

1.1.6. Verification of the nature of the information requested under the Law on the Protection of Information of Public Interest

In the context of the resolution of complaints related to the constitutionality control, at the level of the Litigation Service, was verified the nature of the information requested in a number of **10 requests** formulated pursuant to Law no. 544/2001 on the protection of information of public interest.

1.2. Referral to the High Court of Cassation and Justice with the appeal in the interest of the law

At the beginning of 2022, the High Court of Cassation and Justice **admitted the appeal in the interest of the law** filed by the People's Advocate and established that in *the interpretation and application of the phrase "until the settlement of the appeal to execution" from the contents of Art. 719 para. (1) of the Code of Civil Procedure, the suspension of enforced execution is limited in time until the first-instance resolution of the appeal to execution.* (Decision No. 2/2021 pronounced in the interest of the law).

During the year 2022, in the exercise of its attribution regarding the unification of judicial practice, the People's Advocate formulated **1 appeal in the interest of the law**, having as object **the interpretation and application of the provisions** of point 3 in conjunction with points 6-8 and point 12 related to annex no. 2 of the Order of the Ministry of Labor and Social Protection, Ministry of Health and the National Commission for Labor Protection no. 50/1990 for specifying jobs, activities and professional categories with special conditions that fall into work groups I and II with a view to retirement, with subsequent additions, and the provisions of points 1-5 of the Order of the Ministry of Labor and Social Protection, Ministry of Health and the National Commission for Labor Protection no. 125/1990 for specifying jobs, activities and professional categories with special conditions that fall into work groups I and II with a view to retirement, for the period worked after March 1, 1990, in order to establish whether the activity carried out within the former territorial calculation centers can be included in the group of II of work.

The solution of the High Court of Cassation and Justice: By Decision no. 17/2022 of October 3, 2022, the High Court of Cassation and Justice rejected as inadmissible the appeal in the interest of the law promoted by the People's Advocate.

1.2.1 Resolution of complaints requesting referral to the High Court of Cassation and Justice in order to unify non-unitary judicial practice

85 complaints were resolved through which the complainants requested referral to the High Court of Cassation and Justice.

The resolution of the complaints from the analysis of which the referral to the High Court of Cassation and Justice takes shape: (i) the identification of the legal provisions whose interpretation and application determined the non-unitary judicial practice; (ii) identifying the same legal issue that received a different resolution; (iii) referral to the 15 courts of appeal.

Out of the 85 complaints, in **6 files** it was necessary to make requests to the courts of appeal from the whole country, in order to communicate the court decisions regarding the non-unitary judicial practice. Following the analysis of the submitted court decisions, in five of the files it emerged that the legal conditions for notifying the High Court of Cassation and Justice with an appeal in the interest of the law were not met, and in one file the Supreme Court was notified, as we noted above.

Section 2 Activity of the Administrative and Legal Litigation Bureau

For the reference period, the activity of this office can be summarized as follows:

2.1. Formulation of 2 actions in administrative litigation

a) *Full annulment of the Decision of the Local Council of Blejoi Commune no. 14/30.01.2020, regarding the approval of the tariff strategy regarding drinking water and sewage in the commune of Blejoi ;*

b) *Action in the partial annulment of some decisions of the Local Council of Băleni commune, Dâmbovița county and of the Intercommunity Development Association "Integrated Waste Management in Dâmbovița county" .*

2.2. Resolution of complaints requesting referral to the administrative litigation court

A number of 8 files were resolved, with the object of the request for referral to the administrative litigation court regarding the illegality of some administrative acts.

2.3. Settlement of prior complaints

The administrative and legal litigation office resolved a number of 4 prior complaints.

2.4. Cases in which the People's Advocate has the capacity of defendant/respondent; procedural documents drawn up:

In 2022, at the level of the Bureau, administrative and legal disputes were managed **53 cases** (newly registered cases and cases from previous years, which are in different procedural phases) for which the necessary procedural documents were drawn up : **a) 26 objections ; b) 10 points of view at the request of the courts ; c) 10 responses to objections; d) 12 written notes/conclusions; e) 2 addresses** drawn up at the request of criminal investigation/prosecution bodies in order to resolve some criminal complaints against the People's Advocate institution.

Until the date of this report, none of the cases in which the People's Advocate was the defendant/respondent **was lost, so we can highlight a 100% success rate.**

2.5. Cases resolved through institutional dialogue

Through the administrative intervention, prior to the initiation of the judicial procedure, the People's Advocate, through the Administrative and Legal Litigation Bureau, determined the review of a decision granting the due rights based on Decree-Law no. 118/1990. Thus, the Cluj County Agency for Payments and Social Inspection **complied with the request made by the People's Advocate** and issued **Decision no. 439/R/05.10.2022 revising the rights provided for by Decree-Law no. 118/1990 republished, with subsequent amendments and additions**, in the sense that, starting from 1.10.2021, the period of imprisonment in the USSR of the parent was changed to be **23.08.1944 - 2.12.1948**, in accordance with the mentions in the military booklet, and not since **September 12, 1944** , as originally established. In addition, the complainant was retroactively granted her rights.

2.6. Other activities

In addition to the activities of representing the institution's interests before the courts, other specific legal activities were also carried out: **a)** Drafting or revision, as the case may be, and legality visa for all orders and regulations issued by the People's Advocate; **b)** formulating points of view regarding various administrative acts or facts, at the request of the People's Advocate; **c)** legal approval of all contracts and additional documents concluded by the People's Advocate institution.

2.7. Daily information on normative acts with an impact on human rights, published in the Official Gazette

230 daily information bulletins were prepared at the level of the administrative and legal litigation bureau.

Section 3

The activity of the Bureau for legal affairs, external relations and communication

Even though the state of alert on the territory of Romania ended in March 2022, the specific activity continued at a very alert pace and although the challenges we were talking about in the previous year no longer existed, new ones appeared, which we tried to address and face successfully.

After two years marked by restrictions, where we were forced to carry out certain activities only in online format, in 2022 we returned to the traditional format at an intensive pace and saw a significant increase in invitations sent to our institution in order to participate in conferences, seminars, round tables.

Also, during 2022, the People's Advocate institution organized two important events for the institution's activity, events that subsumed 3 working groups related to the legal recognition of gender and three round tables dedicated to combating hate speech and anti-Semitic and racist manifestations in the environment online.

3.1. For the reference period, the activity can be summarized as follows:

√ **Approaches at the level of the authorities in Romania :**

- preparing the response of the People's Advocate institution to the requests of the Ministry of Foreign Affairs regarding the conclusions of the US State Department's annual report on human rights for the year 2021;

- preparing the response of the People's Advocate institution to the request of the Directorate for Human Rights, Protection of Minorities and Council of Europe, within the Ministry of Foreign Affairs, regarding the opportunity to collaborate with the Ombudsman for Patients' Rights in Poland;

- preparing the answers of the People's Advocate institution to the requests of the General Secretariat of the Government on the Annex regarding the results of monitoring compliance with the standards regulated by Law no. 544/2001 regarding free access to information of public interest, at the level of the People's Advocate institution;

- preparing the response of the People's Advocate institution to the requests of non-governmental organizations;

√ **Approaches at the level of Ombudsman institutions in Europe, but also of other authorities at European level:**

- preparation of responses to various requests/questionnaires received from European Ombudsman institutions/associations and organizations which the People's Advocate institution is a part of;

- correspondence with the Ombudsman in Türkiye with a view to seconding two representatives of this institution for a period of one month, during 2022, within the institution of the Romanian People's Advocate, according to the Technical Assistance Project on "Increasing the Role of the Ombudsman Institution in Protection and Promotion of Human Rights", carried out by the Turkish Ombudsman institution.

√ Other specific activities at the level of the Bureau for legal affairs, external relations and communication: drafting the Activity Report of the People's Advocate institution for the year 2021; receiving, analyzing and verifying summaries prepared by the specialized departments and the 15 territorial offices, in relation to relevant actions of the institution and sending them for being posted on the institution's website; checking, correcting, drafting, documenting, sending special reports; management of documents received/sent by Special

Mail; translation of all invitations and requests received from Ombudsman or other organizations with which the People's Advocate institution collaborates; preparing press releases; responses to requests received from the media/NGOs; management of the following chapters on the institution's website: *Actions of the People's Advocate related to decisions regarding the state of alert; News, Documents adopted by international bodies, Monitoring the respect for the rights of refugees from Ukraine*, by submitting for being posted on the institution's website/updating all the steps taken by the Ombudsman, respectively the answers received, as well as the documents adopted by the international bodies in which the Ombudsman is a member/collaborates.

Also, the head of the Bureau for legal affairs, external relations and communication is also the Secretary of the Monitoring Commission within the People's Advocate institution, carrying out a series of activities in this regard: preparing the Commission's meetings, drawing up the minutes of the meetings, drawing up the annual centralizing situation regarding the stage of implementation and development of the internal managerial control system as of December 31, 2021, as well as the Report on the internal managerial control system as of December 31, 2021, the documents drawn up in accordance with the provisions of Order no. 600/2018 regarding the approval of the Internal Managerial Control Code of public entities .

3.2. Information on the normative acts related to human rights adopted/issued during the state of alert

30 information bulletins were drawn up at the office level .

3.3. Externally also in 2022, a large part of the organized events will continue to take place in the online system, but it will gradually return to events organized in the classic format. The representatives of the People's Advocate institution participated in international meetings, organized by: the European Ombudsman, the European Ombudsman Institute, the International Ombudsman Institute, the Association of Francophone Ombudsman and Mediators, the Council of Europe, the Commissioner for Human Rights of the Council of Europe, other European institutions with which we collaborate.

- the webinar on the topic *Impact of measures regarding COVID-19 on people with disabilities*, organized by the Public Defender of Georgia and the European Network of National Institutions for Human Rights;
- the conference organized by the Terre des Hommes Hungary Foundation within the CLEAR RIGHTS Project, Budapest - Hungary;
- online bilateral discussions with European Commission experts on the new European Rule of Law Mechanism;
- the conference of the European Network of Ombudsmen, with the theme *The role of ombudsmen in times of crisis*, organized by the European Ombudsman, Strasbourg - France;
- the webinar with the theme *Promoting the effectively protection of LGBTI and persons deprived of liberty*, organized by the Association for the Prevention of Torture;
- the online conference of the International Institute of the Ombudsman European Region, with the theme of *the Ombudsman reloaded: mandate and operational framework in the post-modern era* , organized by the Greek Ombudsman;
- the webinar on *the role of NPMs in monitoring places where migrants are deprived of their liberty*, organized by the Subcommittee for the Prevention of Torture;
- the meeting of NPMs within the South-East European NPM Network, with the theme *Special needs of elderly and disabled people in places of detention*, Vienna - Austria;

- the webinar *Preventing torture in the context of public assemblies*, organized by the Association for the Prevention of Torture, in collaboration with ODIHR;
- the working meeting of Ms. Renate Weber, the Romanian Ombudsperson, with Mr. Ceslav Panico, the People's Advocate from the Republic of Moldova and Ms. Maia Bănărescu, the People's Advocate for the rights of the child from the Republic of Moldova. During the meeting, issues were discussed regarding: the role of the Ombudsman institutions in ensuring the protection and promotion of human rights in Romania and the Republic of Moldova; a possible exchange of experience, by receiving a delegation from the Republic of Moldova to the Romanian People's Advocate Institution; monitoring the respect of the rights of refugees in Ukraine and how both institutions could work together.
- the international conference in hybrid format *The rights of the elderly and the role of the Ombudsman and Mediator institutions*, organized by the Public Defender (Ombudsman) of Georgia and the Association of Mediterranean Ombudsman;
- the international scientific conference on the topic *The best interest of the child: socio-cultural, normative and jurisprudential approach*, organized by the People's Advocate for the Rights of the Child from the Republic of Moldova, Chisinau - Republic of Moldova;
- the webinar *Website accessibility and the ENO questionnaire procedure*, organized by the European Network of Ombudsmen;
- the online conference on the theme *Battle for human rights. Crimea. Ukraine. World*, organized by the Ombudsman of Ukraine and the Ombudsman of Croatia;
- The *UN Youth Conference on Climate Change*, organized by YOUNGO - the Official Group of Children and Youth, established in the context of the implementation of the United Nations Framework Convention on Climate Change, Sharm El Sheikh - Arab Republic of Egypt;
- the online conference *on the violation of children's rights in conditions of large-scale war*, organized by the Office of the President of Ukraine;
- *the study visit regarding cases X. (8961R) and Y. (8962R)*, organized by the Council of Europe in partnership with the ACCEPT Association, Lisbon - Portuguese Republic.

In the context of good collaborative relations with other Ombudsman institutions, we should remember **the exchange of experience** in which two experts from the Turkish Ombudsman Institution participated for 4 weeks, within the Technical Assistance Project on "Enhancing the Role of the Ombudsman Institution in the Protection and Promotion of Human Rights", carried out by the Turkish Ombudsman Institution. During the 4 weeks, there were meetings with the People's Advocate, the deputies of the People's Advocate, councilors and experts from the fields of activity, as well as visits to the Ploiesti and Braşov Territorial Offices.

3.4. From the activities that took place *internally*, we recall:

- the meeting of the People's Advocate with the representatives of the National Council of Students;
- the debate on the subject of *the minimum salary and the dynamics of labor relations*, organized by the European Institute in Romania;
- the online debate *Medical ethics and patient rights*, organized by the National Authority for Quality Management in Health;
- the launch conference of the Project Consolidation of medical and mental health services in Romanian penitentiaries;

- the online meeting of the Romanian Ombudsperson with the Greek Ombudsman, in the context of the conflict in Ukraine;
- the meeting of the Inter-ministerial Committee for monitoring the implementation of the National Strategy for the prevention and combating of anti-Semitism, xenophobia, radicalization and hate speech, related to the period 2021-2023;
- the meeting of the Ombudsperson with the deputy director of the Office of the Commissioner for Human Rights of the Council of Europe, in the context of the conflict in Ukraine;
- the event with the theme of *the Constitutional Court - guarantor of the supremacy of the Constitution, factor of balance and stability and foundation of democracy and the rule of law*, organized on the anniversary of 30 years of existence of the Constitutional Court;
- the meeting of the People's Advocate with a delegation of the Council of Europe, having as subject the process of execution of the judgments of the European Court of Human Rights;
- working meeting with the Special representative of the UN General Secretariat for violence against children;
- the international conference on *the accessibility of criminal justice for people with disabilities (minors and adults)*, organized by the Legal Resources Center;
- the international conference *Human behavior in road safety*, organized under the auspices of the Chamber of Deputies;
- the meeting with OECD representatives, in the framework of the workshops organized in the context of the implementation of the Project - Development of administrative capacity in the field of public governance - a coordinated approach of the Romanian Government Center;
- the meeting of the People's Advocate, with the co-rapporteurs of the Commission for compliance with the obligations and commitments assumed by the member states of the Council of Europe within the PACE;
- the participation of the People's Advocate at the International Conference *on the Rule of Law after the pandemic, in times of war and economic crisis*, organized by the Faculty of Law of the "Titu Maiorescu" University in Bucharest;
- the participation of the People's Advocate at the national conference *Crisis of the legislative process and the quality of the law in Romania*, organized by the Faculty of Law and Administrative Sciences of the "Ovidius" University in Constanța and the International Law and Comparative Law Section of the Romanian Academy of Legal Sciences;
- meeting with a delegation of the Commission for Protection Against Discrimination in Bulgaria;
- the meeting with a monitoring delegation of the Congress of Local and Regional Authorities;
- the online meeting with OECD representatives, regarding the current state of the Open Governance Review - its findings and preliminary recommendations;
- the visit of the rapporteur of the Commission for Legal Affairs and Human Rights within the PACE, for documentation in order to prepare the report on the implementation of the ECHR judgments;
- *The debate on the Romanian Government's obligation to implement the ECtHR rulings in the matter of the rights of persons with psychosocial and intellectual disabilities through the elaboration of the National Action Plan for the prevention of ill-treatment in psychiatric hospitals and residential centers*, organized by the Center for Legal Resources;

- the meeting of the Cooperation Platform of independent authorities and anti-corruption institutions.

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To support students who have applied for *internships* within the People's Advocate institution, these were conducted online, through the Zoom Platform, but also in hybrid format:

Thus, throughout the year, **2** online / hybrid internships were carried out by **27 of students** from the Faculty of Law - University of Bucharest, the Faculty of Law - "Titu Maiorescu" University from Bucharest, the Faculty of Law from the Romanian-American University of Bucharest and the Faculty of Law from the Academy of Economic Studies.

In addition, practice agreements/conventions were signed with several universities, in order to carry out internships within the university degree programs.

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With regard to *professional training, at the level of the Bureau for legal affairs, external relations and communication*, **6** activities were carried out.

In order to support citizens interested in the activity of the fields of activity and territorial offices, in 2022, dedicated sections were created on the institution's website - *Activity* - where examples from relevant cases are posted weekly.

3.5. The communication and relations of the People's Advocate institution with the mass media

In 2022, in the context of the removal of the restrictions generated by the COVID-19 pandemic, the People's Advocate intensified, in particular, the activity of observing the local media, the main result being a significant increase in the number of ex officio notifications, as a result of analyzing news related to possible violations of rights and freedoms, as well as various phenomena reflected by the mass media. Therefore, the Ombudsman continued to be a pro-active observer in the relationship with the press, civil society and the authorities and continued to take a stand in numerous cases.

In the context of the **25th anniversary of the establishment of the People's Advocate institution, between October 10-14, 2022, the Doors Open Days** was organized at the headquarters and at the territorial offices, an event that marked a new stage in the transparency process of the activity of the People's Advocate, being invited: journalists, students of legal sciences, social sciences, journalism and communication, public administration, as well as middle school and high school students.

In the year 2023, we want to continue the **Open Doors event** and maintain some specific objectives, such as carrying out information campaigns, in the high school and university environment, on the duties of the People's Advocate and on the aspects related to the defense of fundamental human rights and freedoms .

In 2022, the activity of the People's Advocate institution was reflected in **166 radio-TV broadcasts, 1923 articles in the central and local press, 5 press releases**. There were also organized **3 press conferences** :

- January 26, 2022, during which the conclusions of *the Special Report on respecting the right to work and the social protection of work were presented*;

- October 19, 2022, during which the conclusions *of the Special Report on the respect of property rights in the process of reconstitution/establishment of private property rights over agricultural and forest lands were presented* ;
- November 23, 2022, during which the conclusions *of the Special Report on prevention and information in the medical field in Romania were presented*.

Communication and the relations of the territorial offices with the mass media took shape in the publication in the local press a **416** of *articles*, regarding the activity of the territorial offices, and their representatives participated in **86** *radio and television shows*. At the same time, the representatives of the territorial offices continued to show an open and active attitude, maintaining contact with the local mass media, by participating in shows, giving interviews or statements.

CHAPTER IX

HUMAN AND MATERIAL RESOURCES AND BUDGETING

Section 1 – Human Resources

The institution is headed by the Ombudsperson, assisted by 6 deputies, specialized in the following areas of activity:

- a) human rights, equal opportunities between men and women, religious cults and national minorities;
- b) the rights of the family, young people, pensioners, people with disabilities;
- c) defense, protection and the promotion of children's rights;
- d) army, justice, police, penitentiaries;
- e) property, work, social protection, taxes and fees;
- f) prevention of torture and other cruel, inhuman or degrading treatments or punishments in places of detention, through the National Preventive Mechanism.

The position of Deputy Ombudsperson is assimilated in terms of rank, salary rights and retirement conditions with the position of secretary of state, benefiting accordingly from all their rights.

In addition to the 6 fields of activity, within the People's Advocate institution is organized the Constitutional Litigation Service, appeal in the interest of the law, administrative and legal litigation, legal affairs, external relations and communication. It is composed of three bureaus, each with well-defined powers: The Constitutional litigation and appeal in the interest of the law bureau, the Administrative and legal litigation bureau and the bureau for legal affairs, external relations and communication. The Litigation Service is under the direct authority of the Ombudsperson.

In the territory, the institution's activity is carried out through the 15 territorial offices, organized according to the geographical criteria of the appeal courts, as well as the 4 zonal centers of the National Preventive Mechanism.

The number of existing personnel in the institution is 144 employees (95 are women and 49 are men), including the following positions: 7 dignitaries; 1 coordinating director; 1 head of service; 3 heads of bureau; 108 counselors; 5 experts; 4 referees; 11 drivers; 4 counselors at the office of the Ombudsperson.

The organizational structure of the People's Advocate institution is provided in the Regulation on organization and operation of the institution and reflects the fields of specialization, as established by law.

The economic-financial and administrative activity of the institution is managed by the coordinating director.

Within the institution, the Advisory Council operates, composed of the Ombudsperson, her deputies, the coordinating director, as well as other persons appointed by the Ombudsperson. The Council meets once a week, or whenever deemed necessary, being convened by the Ombudsperson.

In 2022, the People's Advocate institution carried out its activity with a personnel scheme comprising a number of 165 funded positions, of which 157 positions were allocated to the headquarters and territorial offices/zonal centers, and 8 positions at the office of the Ombudsperson.

At the beginning of 2022, there were 141 employees and 24 vacancies, of which 3 managerial positions and 21 non-managerial positions. During the year, between January and December 2022, 6 new employment contracts were concluded, and 4 employment contracts were terminated.

At the end of 2022, 22 vacancies were registered, consisting of 2 management positions and 20 non-managerial positions, of which 4 positions at the office of the Ombudsperson.

The management and specialized non-managerial positions are assimilated to those of the Parliament apparatus.

Section 2 – Material and budgetary resources

This section deals with the financial resources of the institution and how they were consumed, the legal basis and the legislative changes regarding the credits made available through the institution's budget.

The situation of budget and commitment credits allocated and consumed by the People's Advocate institution in 2022 is presented in the following table:

The title	Initial budget Law no. 317/2021	Influences transfers according to art. 47 of Law no. 500/2002	Influences budgetary rectification according to GEO no. 19/2022	Influences budgetary rectification according to GEO no. 160/2022	Reduced budget remaining to be executed	Budget consumed on 31.12.2022	Percentage consumed %
Total, of which:	24,864,000	-	-1,480,000	-250,000	23,134,000	22,981,640	99.34
Staff expenses	19,715,000	-	-1,000,000	-250,000	18,465,000	18,411,010	99.71
Goods and services	4,803,000	+6,000	-480,000	-	4,329,000	4,231,664	97.75
Other transfers	16,000	-	-	-	16,000	15,263	95.40
Other expenses	170,000	-6,000	-	-	164,000	163,798	99.88
Capital	160,000	-	-	-	160,000	159,904	99.94

<i>Payments made in previous years and recovered in the current year</i>	-	-	-	-	-	-426,260	-
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In 2022, the People's Advocate institution was allocated budgetary and commitment credits in the amount of **24,864,000 lei, approved by Law no. 317/2021 of the state budget for the year 2022.**

The People's Advocate institution achieved, during 2022, savings in the amount of **1,730,000 lei**, an amount which it returned to the state budget, on the occasion of budget rectifications, thus remaining to be executed budget and commitment credits in the amount of **23,134,000 lei**.

CHAPTER X

AUDIT AND RISK MANAGEMENT

In 2022, as in previous years, the planning activity of the audit missions carried out within the People's Advocate institution took into account the principle of cyclicity, which implies the inclusion in the multi-annual program of all auditable areas, at the latest once every three years.

Thus, audit missions were carried out regarding:

a) System audit, i.e. an in-depth assessment of management and internal control systems, with the aim of establishing whether they operate economically, effectively and efficiently, to identify deficiencies and formulating recommendations for their correction.

b) The regularity/compliance audit, which represents the examination of actions on the financial effects on public funds or public patrimony, in terms of compliance with all the principles, procedural and methodological rules, according to legal norms.

c) The performance audit, which examines whether the criteria established for the implementation of the objectives and tasks of the public entity were correct for the evaluation of the results and assesses whether the results comply with the objectives.

The steps of the internal public audit activity in 2022 aimed at improving the effectiveness, efficiency and economy of operations, compliance with rules and regulations, trust in financial information, protection of assets, prevention and discovery of possible irregularities.

In the prepared audit reports, was found the reliability of the audited systems, the functionality of the internal control and the governance processes, and improvements were proposed both from the procedural and organizational point of view, as well as the human resources involved.

The annual report was also drawn up in relation to the internal public audit activity for the previous year. It was submitted within the legal term to the Court of Accounts and the Central Harmonization Unit for Internal Public Audit within the Ministry of Public Finance.

The audit reports revealed that in 2022, the People's Advocate institution made progress, both from the procedural and organizational point of view, as well as the human resources involved, necessary to achieve the objectives.

Within the internal control system of the People's Advocate institution, preventive financial control played a very important role; the monitoring carried out by the delegated controller and the evaluation made by the internal audit were likely to provide a basis for reasonable assurance that the internal control procedures operate effectively in practice.

The People's Advocate institution has a specialized structure, established for the purpose of monitoring, coordination and methodological guidance of its own managerial control system, namely **the Monitoring Commission**.

In 2022, the members of the Monitoring Commission met regularly, in order to develop new procedures and to review the existing ones. Also, the self-assessment activity of the implementation stage of internal control standards in the People's Advocate institution was carried out, which was the basis for the preparation of the Annual Report on the internal control system.

The risk analysis was carried out at the level of each compartment and the risk register was completed at the level of the institution, in order to monitor the exposure to risk, an indicator calculated according to two components:

- the probability of risk manifestation;
- the impact of risks on the achievement of the institution's objectives.

During 2022, risk management represented a continuous process based on permanent control and monitoring activities, which involved: identifying risks that may affect the achievement of objectives, compliance with rules and regulations, assessment of inherent risks, residual risks and risk appetite, assessment of the probability that the risk will materialize and the size of its impact, monitoring and assessment of risks. The major risk mitigation strategy was prevention, in order to achieve objectives without disruptive events.