



PEOPLE'S ADVOCATE



2020 Annual activity REPORT

**Bucharest
2021**

The report has been submitted to the president of the Chamber of Deputies and to the president of the Senate to be discussed in the sitting of the Parliament, pursuant to Art. 60 of the Romanian Constitution



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**Doamnei Anca Dana Dragu,
Președintele Senatului
Parlamentul României**





Stimată Doamnă Președinte al Senatului,

În conformitate cu prevederile art. 60 din Constituție și ale art. 5 din Legea nr. 35/1997 privind organizarea și funcționarea instituției Avocatul Poporului, republicată, cu modificările și completările ulterioare, vă înaintăm alăturat, **Raportul de activitate pentru anul 2020**, cu rugămintea de a fi prezentat celor două Camere ale Parlamentului.

Vă rog să primiți, Stimată Doamnă Președinte, asigurarea înaltei mele considerații.

Avocatul Poporului,


Renate Weber


București, 28 ianuarie 2021



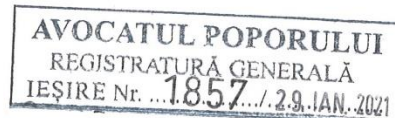
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**Domnului Ludovic Orban,
Președintele Camerei Deputaților
Parlamentul României**



Stimate Domnule Președinte al Camerei Deputaților,

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Vă rog să primiți, Stimate Domnule Președinte, asigurarea înaltei mele considerații.

Avocatul Poporului,

Renate Weber

București, 28 ianuarie 2021

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Foreword

**Mr. Ludovic Orban, President of the Chamber of Deputies,
Ms. Anca Dana Dragu, President of the Senate,
Ladies and gentlemen, deputies and senators,**

The year 2020 has been a challenge for the entire planet in the fight against the pandemic caused by the spread of the new coronavirus, SARS-CoV-2. Romania was also part of this collective effort, and the People's Advocate, in its capacity as constitutional guarantor of fundamental rights and freedoms, had to act permanently, in order to preserve all rights, assuring citizens that whenever the exercise some of their rights and freedoms were and are restricted, it was done entirely according to the Romanian Constitution, meaning it is provided by law, with the aim to protect other fundamental values and rights, and only for a specified period, without affecting the very substance of those rights and freedoms.

This report is a testimony to the constant efforts made by our institution in 2020, the vast majority of petitions received and ex officio notifications being directly related to the measures taken by the Romanian authorities to combat the pandemic.

Although due to the pandemic, the hearings, the main way of direct interaction with the citizens, were suspended, the dispatcher of the People's Advocate institution continued to be available to people who wanted to address petitions by telephone, request information, support, etc. Also, the conduct of investigations was supplemented by other means of direct communication with central and local authorities, as shown by the multitude of actions – letters and recommendations – addressed to them.

At the same time, the People's Advocate fulfilled its mandate given by the Constitution to appeal to the Constitutional Court laws and emergency ordinances, older or adopted in 2020; out of a total of 13 unconstitutionality notifications, resolved by the Constitutional Court last year, 11 were admitted.

*It is noteworthy that the General Assembly of the United Nations, by **Resolution no. 75/186 - The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law**, adopted on December 16, 2020, emphasized the need for Member States “to take the appropriate steps to ensure that adequate protection exists for Ombudsman and mediator institutions, against coercion, reprisals, intimidation or threat” regardless of who they come from.*

**Ombudsperson,
Renate Weber**

Bucharest, January 2021

PEOPLE'S ADVOCATE INSTITUTION

The department for human rights, equal opportunities between men and women, religious cults and national minorities

The department for the rights of youth, family, pensioners, people with disabilities

The department for the defense, protection and promotion of the rights of the child

The department for army, justice, police, penitentiaries

The department for property, labor, social protection, taxes and fees

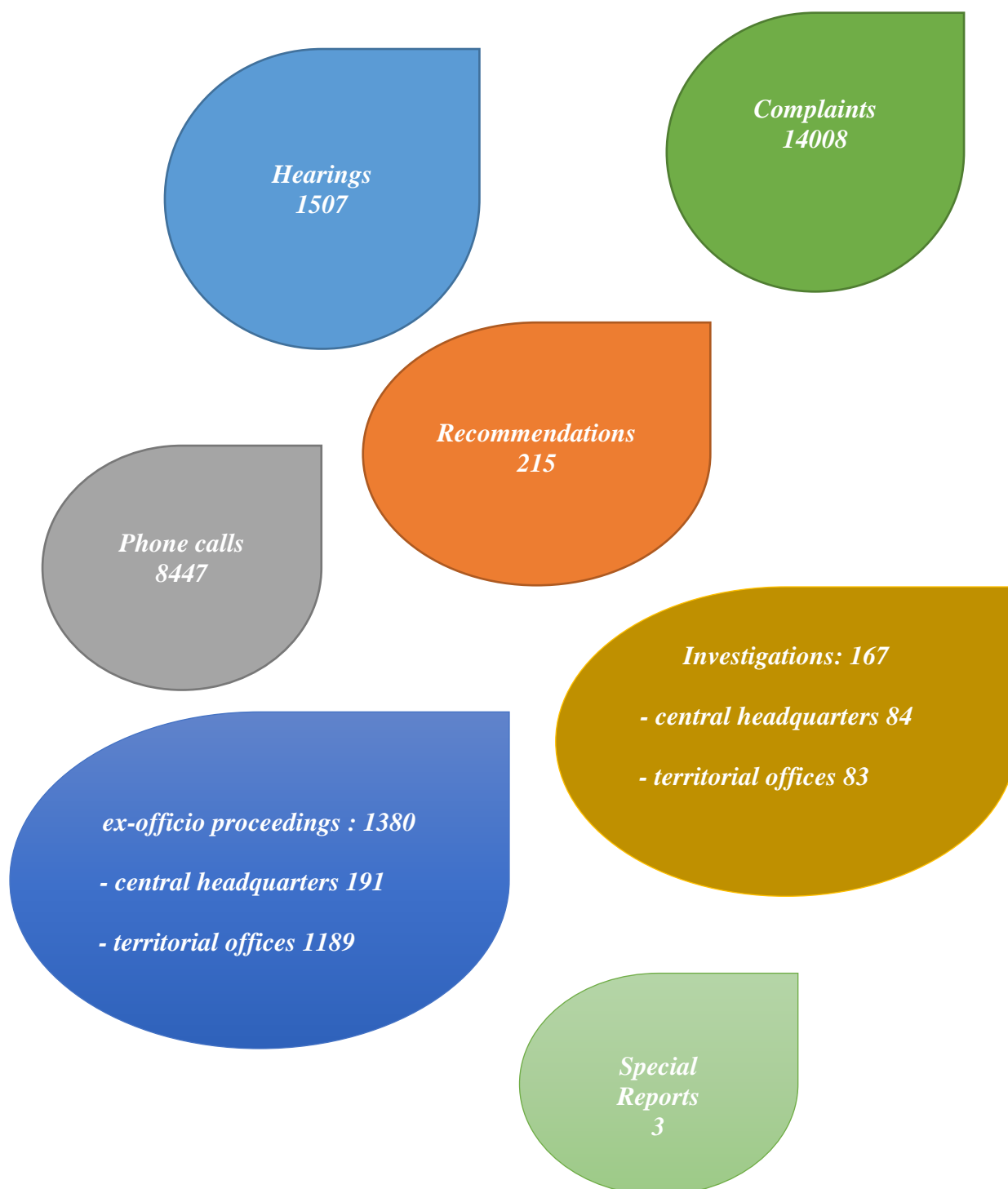
The department for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in places of detention (National Preventive Mechanism): Zonal Center Bucharest, Zonal Center Alba, Zonal Center Bacău, Zonal Center Craiova

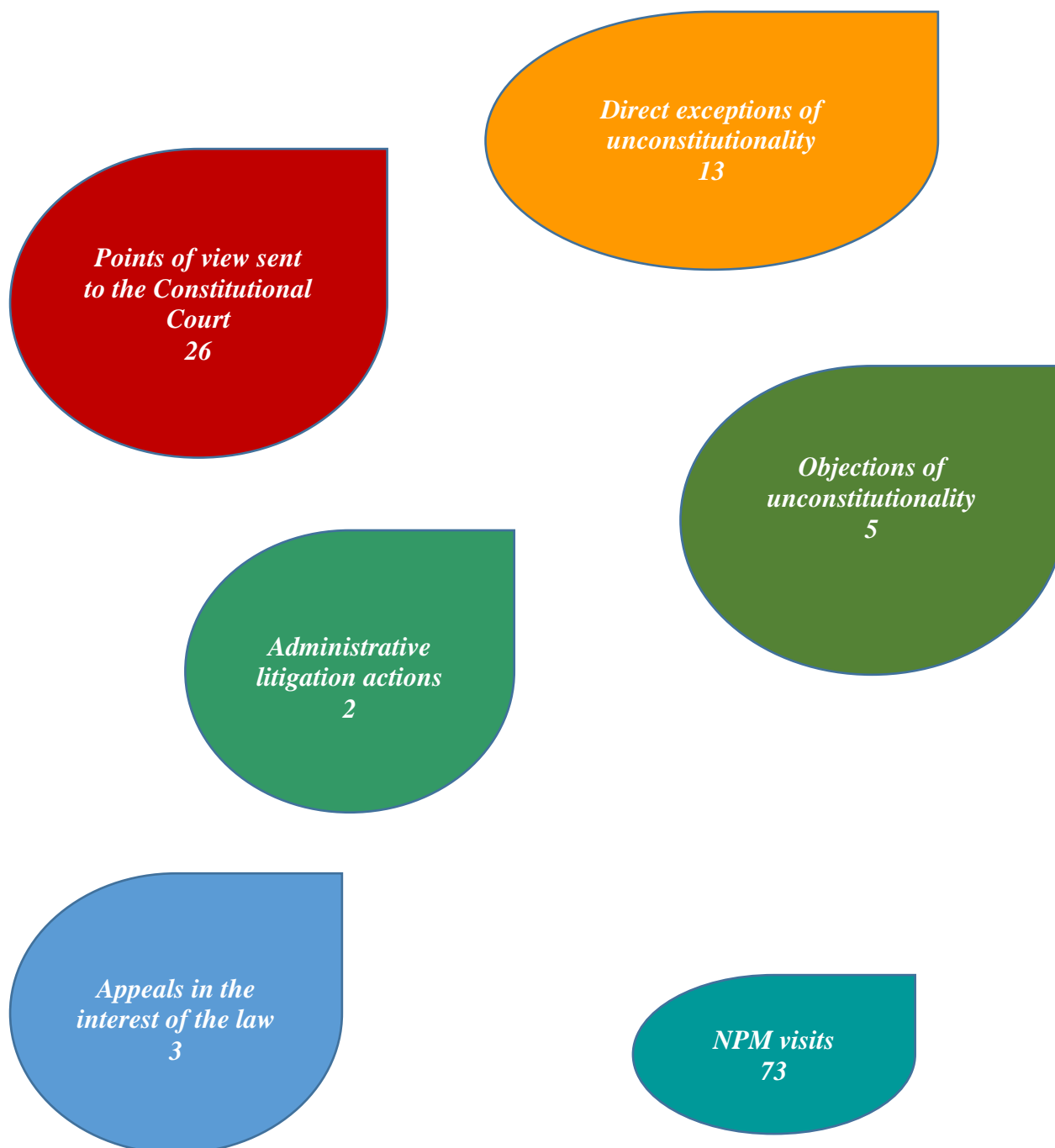
Territorial Offices:
Alba-Iulia, Bacău, Braşov, Cluj-Napoca, Constanţa, Craiova, Galaţi, Iaşi, Oradea, Piteşti, Ploieşti, Suceava, Târgu-Mureş, Timişoara

Financial, payroll and human resources bureau, Administrative bureau.

Internal Public Audit

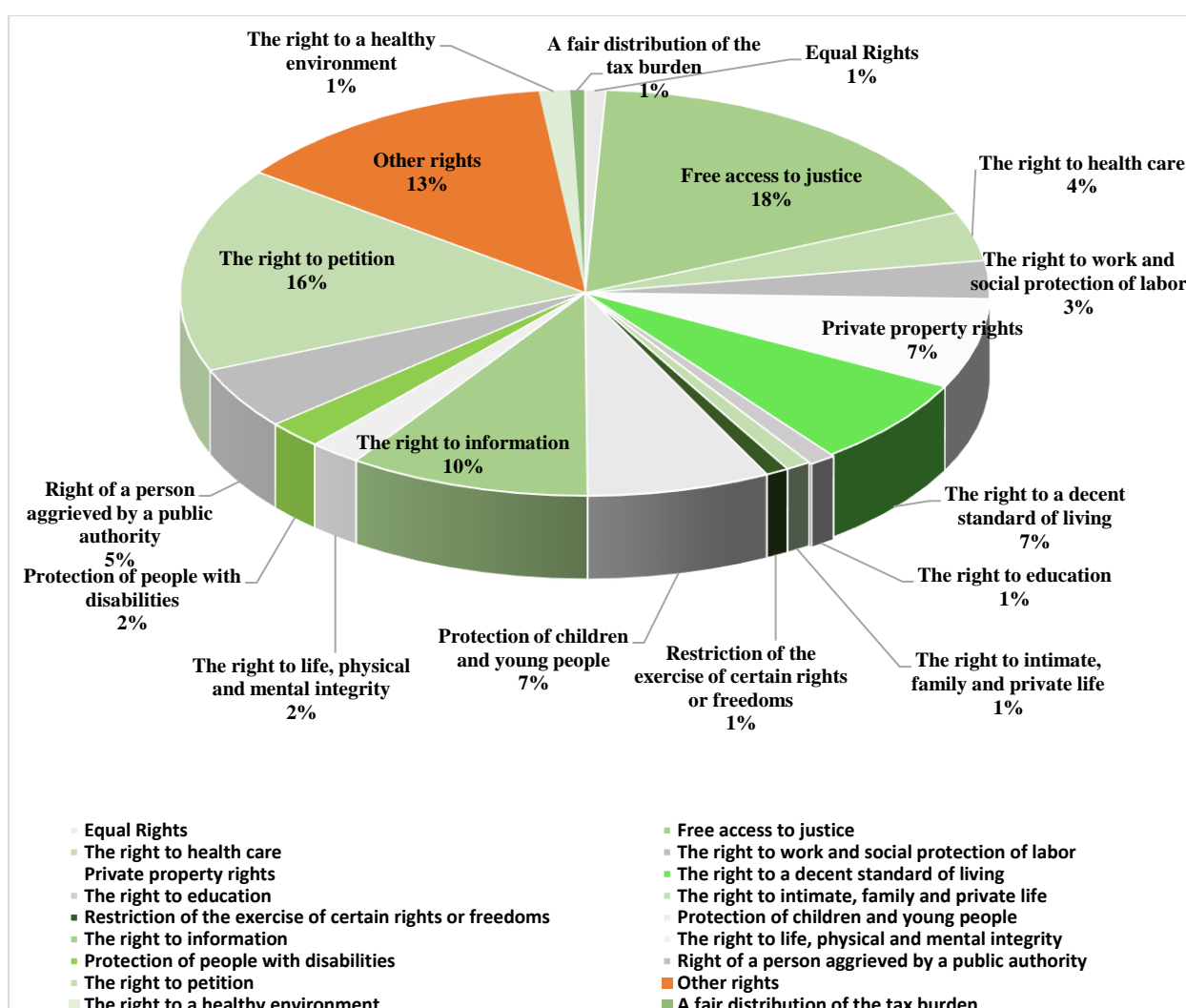
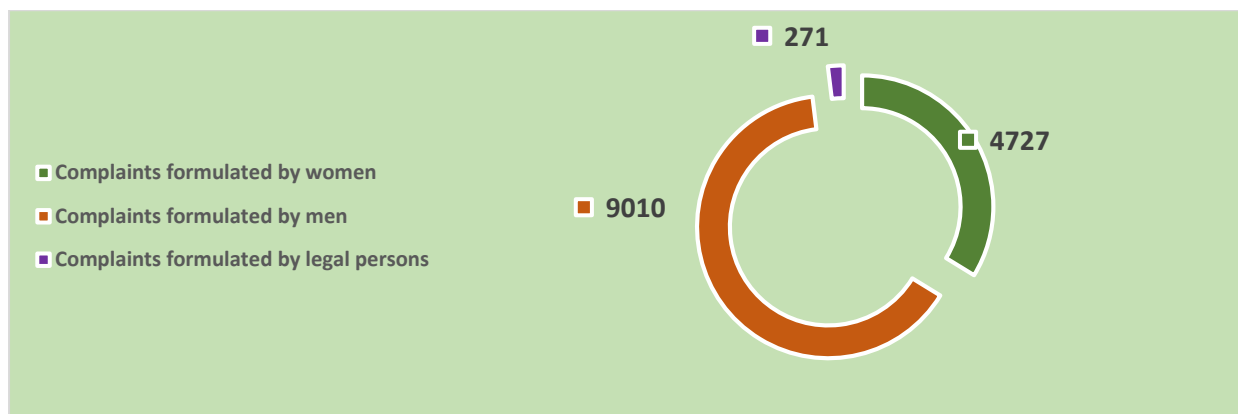
The Service for constitutional litigation, appeal in the interest of the law, administrative and legal litigation, legal affairs, external relations and communication: the Bureau for constitutional litigation and appeal in the interest of the law, the Bureau for administrative and legal litigation, the Bureau for legal affairs, external relations and communication

OVERALL VOLUME OF ACTIVITY



**PETITIONS REGISTERED IN RELATION TO VIOLATED
RIGHTS AND FREEDOMS**

No.	Constitutional rights	Number of complaints
1.	Equality of rights (Art. 16)	113
2.	Foreigners and stateless persons (Art.18)	4
3.	Right of asylum, extradition, expulsion (Art. 19)	1
4.	Free access to justice (Art. 21)	2467
5.	The right to life and to physical and mental integrity (Art. 22)	288
6.	Individual freedom (Art. 23)	15
7.	Right to defense (Art. 24)	14
8.	The right to free movement (Art. 25)	52
9.	The right to intimate, family and private life (Art. 26)	139
10.	Inviolability of the domicile (Art. 27)	1
11.	Freedom of conscience (Art. 29)	75
12.	Freedom of expression (Art. 30)	6
13.	Right to information (Art. 31)	1343
14.	Right to education (Art. 32)	148
15.	Access to culture (Art. 33)	2
16.	The right to health protection (Art. 34)	548
17.	The right to a healthy environment (Art. 35)	174
18.	The right to vote (Art. 36)	32
19.	The right to be elected (Art. 37)	13
20.	The right to be elected in the European Parliament (Art. 38)	1
21.	Freedom of assembly (Art. 39)	3
22.	The right to work and the social protection of work (Art. 41)	19
23.	Right to strike (Art. 43)	421
24.	The right to private property (Art. 44)	997
25.	Economic freedom (Art. 45)	6
26.	The right to inheritance (art. 46)	11
27.	The right to a decent standard of living (Art. 47)	976
28.	Family and the right to marriage (Art. 48)	6
29.	Protection of children and young people (Art. 49)	1016
30.	Protection of persons with disabilities (Art. 50)	309
31.	The right to petition (Art. 51)	2275
32.	The right of a person aggrieved by a public authority (Art. 52)	689
33.	Restriction on the exercise of certain rights or freedoms (Art. 53)	128
34.	The fair distribution of the tax burden (Art. 56)	82
35.	The right to a fair trial (Article 6 of the ECHR)	18
36.	Other rights	1616
	OVERALL TOTAL:	14,008



CHAPTER I.

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

The department covers human rights issues in general, which is reflected in a large number of complaints, with a complex case law on the rights and freedoms of individuals. Out of the total number of **2236** complaints assigned to the department, steps have been taken to the relevant public authorities for **171** of them, and for the rest of the complaints, the individuals were referred to the responsible institutions, authorized by law, being indicated the legal way to be followed, or specifying the conditions under which the People's Advocate institution may intervene in solving the notified issues. Of the complaints assigned to this department, in which violations of fundamental rights and freedoms were reported, as in previous years, most concerned the violation of the right to petition and the right to information, but also the right of the person aggrieved by a public authority. The analysis carried out at the level of the department showed that most of the files were resolved in favor of the complainant, in the sense of obtaining the requested information or obtaining the answers to the complaints addressed to the institutions by the complainants.

During 2020, **14 investigations** were carried out at several public institutions and, in some cases, in the minutes of the investigation, were included mentions of a recommendation nature, which the authorities concerned adopted for the most part, so that it was no longer necessary to issue recommendations under Art. 24 of Law no. 35/1997, republished.

The department proceeded ex officio in 80 situations, using this institutional power for identifying the system problems specific to the department's area of activity. These concerned, among others, health and education, a healthy environment, equal rights, etc.

22 recommendations were issued.

There have been situations where, as a result of steps taken in this regard, central public institutions have reformed normative acts, without the need to issue recommendations.

We emphasize the good inter-institutional collaboration, in solving the cases reported by the petitioners or the media, especially with the Permanent Electoral Authority, the Ministry of Environment, Waters and Forests, the Ministry of Transport, the Directorate for Culture of Bucharest, University of Bucharest, State Sanitary Inspectorate, National Health Insurance House, etc.

Among the authorities that did not provide the necessary support to the People's Advocate institution in the exercise of its duties, the following stand out: the Ministry of Education and Research, the Ministry of Health, Bucharest City Hall, Streets Administration, Ilfov County Commissariat of the Environmental Guard, Puchenii Mari City Hall, Bascov City Hall, etc.

Examples of successfully resolved cases, by authorities that have been open to collaboration

The right to health care:

The People's Advocate Institution proceeded ex officio following an article that presented the situation of children suffering from Batten disease and who didn't receive treatment in Romania, starting from the case of a 6-year-old patient whose mother pointed out

that there was a treatment that could help her little girl, but it was not free in our country, costing 2.7 million lei per year. Following this information, the institution asked the National Health Insurance House to take measures to include in the list of reimbursed medicines the drug Brineura which treats patients suffering from Batten's disease. **By Government Decision no. 315/2020 on amending and supplementing the annex to Government Decision no. 720/2008 for the approval of the List containing the common international names corresponding to the medicines available the insured persons, with or without personal contribution, on the basis of medical prescription, in the social health insurance system, as well as the common international names corresponding to the medicines granted within the national health programs**, which entered into force on 1 June 2020, **was included in the National Program for the Diagnosis and Treatment of Rare Diseases and Severe Sepsis also the drug Cerliponasum Alfa (Brineura).**

The People's Advocate Institution proceeded ex officio, regarding the observance of the right to life and physical and mental integrity and to the right to health care, provided by Art. 22 and Art. 34 of the Romanian Constitution, in the situation of people who wanted to donate plasma, but gave up due to cumbersome administrative procedures, but also high costs, necessary to perform two negative RT-PCT tests. Regarding the notified issues, **was issued the Order of the Minister of Health no. 1421 / 2020**, normative act containing amendments regarding the minimum requirements for admission as a donor cured of Covid-19, as well as the list of requested documents, taking into account the need to harmonize the legislation in force.

The People's Advocate Institution proceeded ex officio regarding the fact that starting with April 7, both public and private hospitals were not allowed to make hospitalizations other than those that represented emergencies. Outpatient consultations were also suspended. Following the approach initiated by the institution, **Recommendation no. 116/2020** was issued, addressed to the Ministry of Health, who was asked to issue, as a matter of urgency, a circular to all Covid-19 support hospitals, *to let them resume their hospitalizations and scheduled surgeries, as well as the activity in outpatient clinics, in safe conditions, respecting thus, the right to the protection of patients' health.* The Ministry of Health informed us that it informed all the county and Bucharest public health directorates about the adopted changes and their implementation.

The People's Advocate Institution proceeded ex officio in the case of about 100 patients suffering from thalassemia (a rare disease) which were being treated *"in life-threatening conditions"* receiving blood transfusions at the National Institute of Transfusion Hematology in Bucharest and not in a hospital, where there are adequate conditions for this type of pathology.

According to the information provided on the occasion of the proceedings, the Colentina Clinical Hospital has voluntarily committed itself to ensure the hospitalization of patients suffering from thalassemia. The program regarding the treatment of people suffering from thalassemia belongs to the Ministry of Health, and since Colentina Hospital is subordinated to the Bucharest City Hall, an agreement was reached between the ministry and the mayor's office in order to take over the patients. For a good functionality of this program, as well as to provide patients with the best conditions, renovation works have been started including the construction of toilets in the building where this activity is to be carried out. In this context, **Recommendation no. 39/2020** was issued, addressed to the Ministry of Health, which was requested to take all necessary measures for the proper conduct of the procedures involved in taking patients over by Colentina Clinical Hospital and ensuring the support of the National Institute of Transfusion Hematology with experienced staff from the point of view of treating people with thalassemia, so that patients are treated in the best conditions in the new ward;

the Ministry of Health was also asked to ensure all the steps and funding necessary for the timely performance of the specific set of tests and treatment with iron chelator necessary for people suffering from thalassemia; the case file is still open.

The right to information

The People's Advocate Institution proceeded ex officio, regarding the observance of the right to information, in the context of the local and parliamentary elections this year, but also related to the conditions of the future census of the population and housing in Romania, to be held in 2021. Thus, we found that, at this time, there are certain statistical inconsistencies, including the actual number of citizens with the right to vote. According to the final results of the 2011 Population and Housing Census, displayed on the website of the National Institute of Statistics, on October 20, 2011, the stable population of Romania was 20,121,641 people. The data of the same institute shows that the population by domicile, on January 1, 2020, reached 22,175,000 people. At the same time, according to the information posted on the Permanent Electoral Authority's website, the total number of voters registered in the Electoral Register on August 25, 2020 for the local elections held on September 27, 2020, was of 19,004,986, with 21,401 more than the last public information made by the Permanent Electoral Authority (AEP) on this issue, according to which, on July 31, 2020, there were 18,983,585 Romanian voters in the Electoral Register. And, according to the public information posted on the website of the World Health Organization, regarding the evolution of the Covid-19 epidemic in Romania, the population of our country is 19,778,000 inhabitants. Regarding the notified issues, we addressed the Ministry of Internal Affairs, the Permanent Electoral Authority and the National Institute of Statistics, the case being in progress.

The right to education

During the state of emergency and alert, the **People's Advocate institution** formulated over 65 steps, letters and recommendations addressed to the Prime Minister, the Strategic Communication Group, the Minister of Internal Affairs, the Minister of Health, the Minister of Labor and Social Protection, the Minister of Public Finance, but also to the Minister of Education and Research, among which we mention: **request** for the clarification of several aspects regarding the interpretation and application of Order no. 4135/2020 on the manner of conducting the teaching-learning-assessment act in the online environment, but also aspects regarding the lack of necessary infrastructure for the conduct of classes, both for students and teachers; **request** regarding the emergency regulation of the methodology of organization and conduct of the aptitude tests for admission in vocational high schools, but also those related to aptitude tests within the Baccalaureate exam, adapted to the conditions imposed by the SARS-CoV-2 epidemic; **request** on how the new school year 2020-2021 will open; **request** for a point of view on the WHO Recommendation to open schools in the current epidemiological context, etc.

A complainant notified the People's Advocate, claiming that, within the University of Bucharest, *accommodation and food services* were not provided at an appropriate level, identifying numerous problems regarding the quality of cold food and cooked meals, unqualified staff, *“lack of hygiene , lack of pest control, dirty and broken bathrooms, smoke in hallways, cockroaches, inadequate radiators, lack of reading rooms, lack of equipped kitchens or washing machines, old furniture, small living spaces, lack of hot water and poor relationship with the administration of the student dormitory”*. In order to resolve this complaint, the People's Advocate institution took steps, both by conducting an investigation at the University of Bucharest, and by granting hearings to the complainant, in order to clarify the notified issues. As to the factual and legal situation noted, the People's Advocate **issued Recommendation no. 165/2020**, to the University of Bucharest, through which we proposed

the elaboration of a transparent procedure for monitoring the fulfillment of the obligations to ensure quality of accommodation and meal services, by the University of Bucharest, a recommendation accepted by this institution.

The right to a healthy environment

Following the issuance by the European Commission of the Infringement Decision no. (2020)2033 / 12.02.2020, based on Art. 258 of the Treaty on the Functioning of the European Union (TFEU), in order to put an end to illegal logging, the People's Advocate ordered investigations to be carried out at the level of the competent forestry authorities and issued **Recommendation no. 145/2020**, addressed to the Ministry of Environment, Waters and Forests.

Also, *the Special Report on the protection of forest areas of Romania* was prepared, submitted to the Prime Minister, the Presidents of the two chambers of the Parliament and the Minister of Environment, Water and Forests.

In order to comply with the regulations adopted at international level, in the field of environmental protection and implicitly of forests, the People's Advocate formulated a series of recommendations for: streamlining the fight against illegal logging and forestry crime; sustainable management of all categories of protected natural areas in the forestry sector; combating desertification, in the context in which the south of the country is experiencing, lately, an accelerated process of aridification.

Among the proposed solutions are: the elaboration of a National Afforestation Program for implementing the objective of afforestation of lands with a destination other than forestry, in an area of 2 million ha, until 2035, legally established by Art. 88 para. (3) of the Forestry Code, the establishment of "zero intervention" areas in all categories of protected natural areas provided for in national legislation, covering a percentage of at least 80% of the protected area, including Natura 2000 and UNESCO sites, the ban on logging in protected natural areas and buffer zones and restricting the application of forest treatments by cutting to the entire forest fund, drawing up a national strategy to control floods through afforestation actions.

Electoral rights

Concerning the local and parliamentary elections held this year, the People's Advocate institution was notified by several petitioners, both regarding the manner of holding these elections, given the special conditions imposed by the authorities to prevent and combat the effects of the Covid-19 pandemic, as well as regarding the concrete situations generated by the voting process. In this context, the People's Advocate proceeded ex officio, requesting the Permanent Electoral Authority and the Central Electoral Bureau to clarify the issues related to voting through the special ballot box, so that citizens in quarantine or isolation can exercise their right to vote. Following this notification, **the Permanent Electoral Authority informed us that, on November 29, 2020, was issued Decision no. 40 of the Central Electoral Bureau, which regulates the procedure to be followed by persons in quarantine or isolation, so that they can exercise their right to vote.**

Also, the People's Advocate proceeded ex officio regarding the situation of persons *exempted from wearing a protective mask*, due to diseases that affect their respiratory capacity, but who want to exercise their right to vote, and also regarding the vote by correspondence, requested by numerous Romanian citizens domiciled / residing abroad, whose envelopes with the voting options arrived after the registration deadline.

The right to petition

A **petitioner** addressed the People's Advocate institution, being dissatisfied with the fact that the Bascov Commune City Hall did not respond to his request, formulated on behalf of several inhabitants of this commune. In order to resolve the petition, the People's Advocate

Institution initiated the procedure for verifying the manner in which the local public administration fulfilled its legal attributions. In this context, Bascov City Hall responded superficially to our request, and when we returned with a new letter, requesting clarifications, they refused to communicate another answer, situation which required the involvement of the Institution of the Prefect of Argeş County, for the local administrative authority to fulfill their legal obligations.

The right of the person aggrieved by a public authority

The People's Advocate Institution was notified in January 2020 by a petitioner regarding the lack of a response from the Center for Public Health Human Resources within the Ministry of Health regarding the submission, in June 2019, of the application for the equivalence of the Family Medicine specialization obtained in the USA, his file being complete since September 2019.

Following the repeated steps to the above-mentioned authority and to the Commission for the Equivalence of Official Titles of Family Medicine Specialist, in July 2020 the petitioner obtained the document recognizing his quality of Family Medicine Specialist, approved by order of the Minister of Health.

The rights of national minorities

The People's Advocate Institution proceeded ex officio regarding the non-existence of methodological norms that regulate the use of the mother tongue during the provision of medical care and medical assistance services, in the sense of observing the provisions of Art. 8 of Law no. 46/2003 regarding patient's rights, corroborated with those of Law no. 110/2017 for the completion of Law no. 95/2006 on the health care reform, as well as of Art. 41 of the Social Assistance Law no. 292/2011.

Information was requested from the Ministry of Health regarding the number of specialized medical or social assistance staff positions necessary to facilitate the implementation of Art. 8 of Law no. 46/2003, in the administrative-territorial units in which the citizens of national minorities have a share of over 20% of the number of inhabitants, or their number is at least 5000, the estimated budgetary impact of filling these positions and whether steps have been taken to include them in the budget of the Ministry of Health for 2020.

Thus, **Recommendation no. 36/2020** was issued, on which occasion letters were sent to all public health departments in the country, asking them to communicate the measures taken, in order to comply with legal provisions regarding the employment in health units of specialized health care staff, who know the language of national minorities. The file is under monitoring after the issuance of the Recommendation.

The People's Advocate Institution was notified by a petitioner regarding the non-clarification of the situation about which the Ministry of Internal Affairs was notified by two requests, in the sense of taking the necessary steps to allow the possibility of drawing up and completing the declaration on one's own responsibility in Hungarian, during the state of emergency, in localities where more than 20% of the population is Hungarian.

Considering that the answers received from the relevant authorities were not likely to clarify and regulate the situation set out above, the People's Advocate **issued Recommendation no. 185/2020**, by which it requested the Ministry of Internal Affairs to take measures so that, in the administrative-territorial units / subdivisions in which the citizens belonging to a national minority have a share of over 20% of the population, be available the use of declarations on one's own responsibility in the language of the respective national minority. The file is pending.

In January 2020, more information appeared regarding the situation in Ditrău commune, Harghita county, where several locals expressed their dissatisfaction with the employment of foreign citizens at an economic agent in the locality. Their fear was generated by the possibility of an influx of migrants, which would impose their culture on them and endanger their safety.

Given that the rights enjoyed by foreign citizens are, in general, the rights inherent to the human being, meaning that they enjoy the general protection of persons, the **People's Advocate institution** proceeded on its own motion and carried out an inquiry in Ditrău, at the local authority, to ensure that its representatives make every effort to settle the conflict, but also to verify that the rights of foreign citizens are respected, by virtue of their capacity as human beings and beneficiaries of rights, regardless of the place or country where they are.

As a result of the actions taken, but also the monitoring carried out over a period of 9 months, during which we closely followed the factual situation and we requested regularly, information about the issues that were the subject of the ex officio referral, it unequivocally resulted the fact that it was an isolated case, unfollowed by similar situations, the life of the community not being affected in any way.

Freedom of speech

The People's Advocate Institution proceeded ex officio regarding the possible violation, by the Bucharest Hospitals and Medical Services Administration (ASSMB), through certain provisions of the Internal Regulation no. 36238 / 19.12.2019, of the fundamental rights to freedom of expression and access to information of the employees of this authority. The People's Advocate Institution appreciated that Art. 61 of the Regulation violates the right to freedom of expression of ASSMB employees by the ban imposed indirectly on them not to transmit to the press even information of public interest provided by Law no. 571/2004, and that Art. 71 of the Regulation limits the right of the public to have access to all public information provided by law. Following the steps taken by the People's Advocate institution, ASSMB revised the Regulation, which was aligned with the applicable legal provisions.

Domestic violence

The People's Advocate Institution proceeded ex officio in relation with the information according to which *the number of domestic violence cases increased significantly* during the lockdown period. The People's Advocate addressed the institutions involved in analyzing and combating this phenomenon, namely the National Agency for Equal Opportunities between Women and Men, the Romanian Police, the Institute for Research and Prevention of Crime within the General Inspectorate of the Romanian Police and the General Directorate for Social Assistance of Bucharest, with the request to communicate information about the number of **domestic violence cases and how the domestic violence situation is managed during the period of the state of emergency. From the analysis of the reported data, there was no increase in the number of cases of domestic violence during the state of emergency**, in relation to the number of cases recorded in the same period of the previous year, nor any major shortcomings in the management of the situations referred to the authorities. Aspects concerning domestic violence are still in the attention of the People's Advocate institution.

CHAPTER II.

THE DEPARTMENT FOR THE RIGHTS OF YOUTH, FAMILY, PENSIONERS, PEOPLE WITH DISABILITIES

In 2020, the Department for the rights of youth, family, pensioners, people with disabilities was assigned 1116 petitions. According to the specializations of the field of activity, the 1116 petitions were structured as follows:

- **Rights of youth and family: 143 petitions**
- **Rights of pensioners: 507 petitions**
- **Rights of persons with disabilities: 466 petitions**

Family Rights

Most of the 46 petitions were addressed by petitioners without income, with very low occasional incomes, without housing or having unsuitable housing conditions, and whose requests to the competent authorities to provide them with the necessary support were to no avail. Petitions were also addressed to seek legal advice on: the obligation of the relatives to support the person admitted to a private asylum; the right to leave and allowance for the care of the sick or disabled child; obtaining or indexing the maintenance pension; the legal provisions in the area of adoption; delays in the resolution of applications for social housing and measures to prevent and combat social marginalization.

File no. 2066/2020 The petitioner informed the People's Advocate institution about her living situation, complaining that she is a single mother, with a precarious material situation, who lives together with her 2 children, since 2014, in a social home. This house will no longer be reassigned to her because her marital and social situation was not properly assessed and documents that affected her score were omitted (by not taking into account the score for the single parent family), leading to the loss of the right to continue to benefit from social housing.

Steps were taken at the City Hall of Brasov, asking them to inform us about the social situation of the complainant (including the social investigations carried out) and to assess what legal measures can be taken to ensure that the mother and her 2 children continue to benefit from the housing.

As a result of the steps taken, the Department of Social Assistance Brasov had carried out an analysis of the housing award file, from which it emerged that the marriage situation of the complainant had changed compared to the year the file was opened and the housing was assigned (2014) in the sense that she had married (2016). The complainant declared that she was in divorce proceedings and requested the reassessment of her situation, in view of the fact that the application for divorce was registered at a Notarial Office. However, since the divorce was not yet pronounced, it could not have taken effect in terms of awarding the benefit for the 'one-parent family' criterion. Thus, the Authority informed us that it will reconsider the social situation of the tenants in the building in which the applicant lives, in order to take into account the changes that might occur in the meantime.

File no. 8018/2020 The complainant, mother of an 11-year-old child, residing in Câmpulung Municipality, complained that she had applied for social housing since 2009, but did not receive a favorable response. The People's Advocate Institution asked the Câmpulung City Hall to clarify the issues, and as a result of this approach, the assignment of an apartment was approved, but given the military ordinances on measures to prevent the spread of Covid-

19, the renovation works that should have been done to the apartment were suspended. At the same time, we were informed that, after the completion of the renovation works and reception of the apartment, the rent contract and the minutes of handing over the apartment will be concluded.

Youth rights

On the issue of young people, a total of 97 petitions were received, mainly concerning requests for information on the right to paid leave and allowance for the care of a sick or disabled child, the legal regime of property acquired during marriage or the right to inheritance, the right of families to a guaranteed minimum income or measures to prevent and combat social marginalization, or discriminatory situations concerning young people, in connection with difficulties encountered in employment, due to lack of experience.

In 2020, the People's Advocate Institution proceeded ex officio regarding the request of the National Alliance of Student Organizations in Romania (ANOSR) to set the national minimum amount of scholarships at 838 lei, given that its recalculation will be discussed in the National Council for the Financing of Higher Education, and, as ANOSR shows, in a press release, the current minimum amount of 580 lei has not been updated since 2017, despite the evolution of the economy. Letters were sent to the General Directorate of University Education and to the President of the National Council for the Financing of Higher Education. The case is pending.

File no. 2197/2020: A young man with visual impairment encountered difficulties in traveling to Bucharest North Railway Station accompanied by the guide dog. The train controller refused to allow boarding in the berth car, arguing that dogs are not allowed in this type of car. A possible discriminatory situation was reported against the disabled person accompanied by the guide dog, who was forced to purchase all 5 seats in the sleeping compartment in case he wanted to travel with his guide dog. The Ministry of Transport, responding to the steps taken by the People's Advocate Institution, specified that a disciplinary investigation was launched against the train controller, that the appropriate sanctions were applied, but at the same time, that, according to the Romanian railway transport regulation and the European Commission Regulation no. 1371/2007, persons with reduced mobility should send a request at least 48 hours before the trip. The National Council for Combating Discrimination specified, at the request of the People's Advocate Institution, that they have no file in progress regarding the reported case.

File no. 20567/2020: Following the notification received from a young man living in the Gherla Family Type Unit, subordinated to the General Directorate of Social Assistance and Child Protection Cluj, representatives of the People's Advocate went to the residential center to objectively evaluate the complaints made by the petitioner. He complained of several physical and mental abuses from both the staff of the center and from other beneficiaries. The facts were previously investigated by the police and by the management of DGASPC Cluj, concluding that no sanctioning measures were required, neither of a criminal nature nor of an administrative nature. Following the discussions with the petitioner, it emerged that he wanted to be moved to another unit in order to benefit from the special legal protection provided by the competent bodies. The staff of the People's Advocate Institution guided him to make a request in this regard, request that was later approved.

Retirement rights

In a concise presentation, the 507 petitions on violations of pensioners' rights concerned requests for information and explanations on the legal conditions for granting pensions and how they are calculated, as well as dissatisfaction and proposals regarding the activity of the pension funds and social insurance legislation. In the petitions concerning the

rights of pensioners was requested information and guidance on the establishment and modification of pension rights and, in particular, dissatisfaction has been expressed about the activity of pension funds and other public institutions whose activity has an impact in the field, as well as criticisms on legislation.

Pension legislation has undergone numerous changes in recent years which, unfortunately, have not led to increased coherence and clarity of regulations in this area or to a decrease in pensioners' dissatisfaction, but have created great difficulties for pension funds in terms of overloading their staff with work, which lead to a decrease in the quality of services provided and the speed of resolving pensioners' requests. There were some petitions that expressed dissatisfaction about the non-indexation with the average annual inflation rate for 2021 of the state military pensions established under the law. The petitioners also complained that the indexation with the average annual inflation rate is not an increase in the pension, but a consequence of the increase in inflation last year and the increase in prices that will come during 2021. Also in 2021 civil pensioners but also the magistrates will benefit from another increase of pensions by 8%, and the military will not benefit from any indexation, in the conditions in which the military pensions have not increased as a result of the effects of the Government Emergency Ordinances no. 57/2015, no. 59/2017 and no. 114/2018.

The petitions addressed to the People's Advocate institution mainly concerned the following aspects: guidelines for recognizing the activity in work group I and work group II (special and exceptional conditions); dissatisfaction with the recalculation of the military pension; difficulties in capitalizing on the apprenticeship period; providing support for obtaining certificates on bonuses and work group II from the archives of the former employer; information on retirement conditions; clarifications regarding the conditions for termination of unemployment benefits in the situation of submitting the file of partial early retirement; the failure of the pension funds to take into account all the documents submitted by the petitioners in order to recalculate the pensions; the impossibility of obtaining certificates attesting the seniority or the amount of salaries and permanent bonuses, necessary for establishing or recalculating pensions, especially due to the destruction or loss of the former employer's archive; delays in the payment of pension rights established by decision; violation of the principle of contribution in the establishment of pension rights, by not taking into account all the salary incomes for which the social insurance contributions were due and paid; the refusal of pension funds to apply final court decisions; lack of information on seniority, in particular the difficulty of proving seniority accumulated by 31 December 2010, in the absence of a workbook; ambiguity as to how the Community pension is calculated; errors in calculating or recalculating / revising pensions; the refusal of some pension funds to recognize the activity in higher work groups and the unjustified classification in different work groups for the same profession, activity and working conditions; the non-granting of the correction index for certain categories of pensioners, by applying the correction index in accordance with Decision no. 702 of the Constitutional Court; failure to grant a 40% increase in pensions starting with September 2020, as stipulated in the provisions of Law no. 127/2019.

File no. 13113/2020 The petitioner notified us stating that he submitted a complaint regarding his retirement rights at the Local House of Pensions of Sector 1 Bucharest, without receiving an answer. Considering that the People's Advocate institution also did not receive any answer from the Local House of Pensions of Sector 1 Bucharest, we addressed the National House of Public Pensions, which transmitted that a decision was issued by which the transition to the seniority pension was made, with the reduction of the standard retirement age. Thus, in January 2021, the petitioner will receive, as arrears, for the period 01.11.2019-

01.01.2021, the amount of 25,400 lei, and starting with February 2021 the petitioner will benefit from the new amount of the pension.

File no. 10400/2020 The petitioner notified us that he had not received a response from the competent authorities in Romania to the application for a Community pension, submitted for settlement in Italy. Following the steps at the National House of Public Pensions, the Iași County House of Pensions issued the form E205RO requested by the Italian institution and necessary for receiving the Community pension.

File no. 19902/2020 The petitioner notified us that she requested the retirement decision from the Alba County House of Pensions, without receiving an answer. In this regard, we addressed the authority concerned, requesting them to communicate the solution adopted in this case. Because we did not receive any answer, we returned with a new request to the Alba County House of Pensions, considering the exceeding by 3 months of the legal term of settlement, also to no avail. Thus, the People's Advocate issued **Recommendation no. 78/2020**, requesting the executive director of the Alba County House of Pensions to take the legal measures in order to eliminate any delays in resolving the petitions, which was achieved by issuing the retirement decision for the petitioner.

File no. 7264/2020 The petitioner informed the People's Advocate institution that she did not receive a response to the requests addressed to the Local House of Pensions Sector 1 in order to enforce a judgment dated 24.10.2019, issued by the National House of Public Pensions. Following the steps taken, the Local House of Pensions Sector 1 proceeded to issue a new retirement decision, and the rights were established starting with 01.11.2019. In June 2020, the outstanding amount representing the pensions for the months 01 November 2019 to 30 June 2020 was paid by payment order.

Rights of persons with disabilities

In relation to the respect and enforcement of the rights of persons with disabilities, the department has received 466 petitions from this category of persons. The problems addressed were diverse and showed that there were still numerous barriers to living a normal life faced by people with disabilities: Discrimination against this category of persons; Lack of accessibility in public institutions; Access to health services; Ensuring public transport; Violation of the rights of adults with severe disabilities to personal assistant; Priority in obtaining adequate social housing; Access to tourist and leisure locations; The right to a free parking place of residence; The conditions for granting credit for the purchase of a car for the disabled person, in accordance with Law no. 448/2016 on the protection of persons with disabilities given the special situation of low incomes; Granting treatment tickets and other legal facilities for persons with disabilities; Obtaining or maintaining social housing appropriate to the disabled person.

People with disabilities are still not guaranteed the chances to an independent life in Romania. They still face discrimination on grounds of disability, with the lack of adequate means to ensure accessibility to the physical environment: Transport, access ramps in public institutions and public transport, incomplete accessibility to the information environment. The need to subtitle TV programs in the sign language used by persons with hearing impairments, the lack of sign language interpreters in public institutions, the right to assistance and social protection of people with disabilities and the cumbersome access to the benefits granted by law to these people were just some of the problems that needed to be resolved. Also, specific legislative measures are needed to obtain *de facto* equality of persons with disabilities in the exercise of the right to work, an obligation assumed with Romania's ratification, by Law no. 221/2010, of the Convention on the Rights of Persons with Disabilities.

Unlike previous years, in 2020, many of the actions of the People's Advocate institution focused on the fundamental rights of people with disabilities, in the context of the state of emergency and the state of alert established in Romania, as a result of the Covid-19 pandemic. The People's Advocate monitored the observance of fundamental rights of these persons by the responsible public authorities, addressing them, where necessary, recommendations. The recommendations concerned the right to health protection and social protection of people with disabilities, in institutionalized care and took into account legal and administrative aspects. The People's Advocate recommended to the Minister of Internal Affairs to strengthen the rules for the protection of people with disabilities, the recommendation being accepted by the authorities. We appreciate that Military Ordinance no. 8/2020 took into account the recommendation of the People's Advocate in which we drew attention to the fact that none of the military ordinances issued during the state of emergency refers to persons in institutional care, although, in their case, physical distancing and public hygiene measures involve additional efforts to prevent the spread of Sars-Cov-2 virus.

File no. 2222/2020 The petitioner, a person with a serious disability, without personal assistant, complained of the house of pensions, because the issuance of a free treatment ticket was conditioned by the existence of an attendant, even if his disability did not require a personal assistant. The petitioner stated that he had observed this rule in previous years, but the requirement must be abolished, as it makes it difficult to obtain the benefit he is entitled to, under the law, raising him additional problems, such as: The search for an attendant willing to accompany him to the treatment, the filing of his documents and, if he changes his mind, the reimbursement of the money paid by him (the ticket to treatment being free only for the person with severe disabilities, for the attendant is perceived an individual contribution). Following the steps taken, the National House of Public Pensions has communicated to us the Internal Note, according to which, *persons with severe disabilities or pensioners with degree I disability can travel to the resort on the basis of a declaration on their own responsibility stating that they can manage themselves at the treatment base, unaccompanied.*

File no. 1408/2020 The petitioner, a person with a high degree of disability, addressed a Romanian bank to access a credit for the purchase of a car for the disabled person, under the terms of Law no. 448/2016 on the protection of persons with disabilities. The petitioner mentioned that most people with disabilities cannot benefit from this credit, as they have low incomes compared to the rest of the population, and banks do not apply differentiated criteria, but *standard* cost and eligibility conditions, provided by the bank's internal procedures. The People's Advocate addressed the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, recommending that the issue be discussed at the first meeting of the Council for Analysis of the Problems People with Disabilities established by ANDPDCA and including it in the future National Strategy for the Rights of Persons with Disabilities 2021-2027.

ANDPDCA provided us with a 2016-2019 statistic, showing that 3786 people with disabilities, out of 846,354 who were in Romania on 31 December 2019, benefited from loans for which the subsidized interest was paid from the state budget. The People's Advocate considered that the situation notified by the petitioner stems from the low standard of living of people with disabilities and a solution should be identified to remove this primary cause and the risks of transforming the recognized/granted legal rights/benefits to persons with disabilities, into rights/benefits that cannot be fully exploited.

File no. 23056/2020 The petitioner, person with disabilities, complained that, despite repeated requests made to the Public Administration and Urban Development Sector 6, he failed to obtain a residence parking space. He informed us that parking spaces have been

released in the vicinity of the building where he lives, but none has been assigned to him. Following the steps taken, the Public Domain Administration and Urban Development Sector 6 informed us that the situation of parking places is monitored in order to resolve the petitioner's request quickly. Later, the petitioner informed us that he had been assigned a parking space.

File no. 13257/2020 The petitioner, person with disabilities, notified the People's Advocate institution, asking us to intervene in order to restore compliance with the legislation in force on the rights of persons with disabilities. He pointed out that in Botoșani County, the Evaluation Commission for Adult Persons with Disabilities, when issuing a disability certificate, for the purpose of applying Art. 58 and Art. 59 of Law No 263/2010 enters under the heading "*Date of acquiring the disability*", exclusively the date of the first disability certificate, even if they are presented with an older document (held by the disabled person), which attests the disease which was the basis of the first degree of disability. The petitioner attached a response received from the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, containing clarifications on Methodological Instruction no. 3/2019 for the application of the provisions of Art. 58 and 59 of Law no. 263/2010, which confirms that *the supporting document attesting the date of acquiring the disability is the first document certifying the affection that was the basis of the disability classification: The document may be medical (hospital release note, medical letter, copy of treatment sheet form family doctor or specialist doctor) or, if these papers no longer exist, other documents attesting the condition (copy of military record book, copy of school and professional orientation sheet).*

The People's Advocate addressed ANDPDCA requesting them to order legal measures to further clarify the procedure for completing the certificates of disability classification in order to apply Art. 58 and Art. 59 of Law no. 263/2010, so as to eliminate any interpretation contrary to the rules in force. In its reply, ANDPDCA considered that such measures were not necessary, as the document certifying the date of acquiring the disability is not regulated in Methodological Instruction no. 3/2019 and not in any another normative act, considering the particularity of each case. At the same time, although they pointed out that "the wording mentioned by the Commission for the Assessment of Adults with Disabilities in Botoșani regarding the date of acquiring the disability is not erroneous", they also mention that at the date of acquiring the disability, a medical document can be registered if it was submitted during the first assessment and the first disability certificate was issued on its basis.

File no. 12217/2020 The petitioner, person with disabilities, notified the People's Advocate institution that for several months he could no longer cash in his disability allowance from CEC Bank, although it is his only income, because he does not have a valid identity card, and the Local Public Community Service of Persons Records in the locality of residence rejected his application for the issuance of a new identity document (the temporary identity document had expired). Following the actions undertaken, the Local Public Community Service of Persons Records – Târgu Frumos, informed us that the petitioner was issued a new temporary identity card, for the reason "*lack of home address*".

CHAPTER III.

THE DEPARTMENT FOR THE DEFENSE, PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

In 2020, at the level of the Department for the Defense, Protection and Promotion of the Rights of the Child were registered 480 petitions, 38 ex officio referrals, 13 investigations were conducted, 4 recommendations were issued and 12 participations in debates, conferences, symposiums with the topic of promoting and respecting children's rights. In addition, we point out that, from the activity of the territorial offices, detailed in Chapter VII, 146 petitions, 535 ex officio referrals, 46 investigations, 72 recommendations that concerned possible violations of the rights of the child, and examples of cases in this area are found in this chapter.

At the same time, there were carried out 103 awareness raising activities aimed at presenting the responsibilities of the Ombudsman for Children, as well as other themes related to protection and promotion of children's rights.

A monitoring visit was also carried out, together with the Field on the Prevention of Torture in Places of Detention (NPM), at the Emergency Reception Centre for Children, in Slatina, Olt County.

The petitions and ex officio referrals focused mainly on the following categories of issues: Requesting information on establishing the paternity of the minor child; Custody of children and respecting parental obligations following the dissolution of the marriage; The phenomenon of parental alienation; Observance of the right to visit under conditions imposed by the pandemic situation; The exercise of verbal and physical violence against minors by other minors; The granting of the state allowance for children; Access to medical treatments or the way they are granted, in children's medical establishments; Transcription of civil status documents issued by the authorities of other states; Granting the money rights due to children with special educational requirements who are also disabled; Granting scholarships.

At the same time, ex officio referrals and petitions were registered on issues related to the Covid-19 pandemic: Conditions in quarantine centers; Wearing protective masks in classrooms and school premises; The impossibility of travelling abroad to continue medical treatment; Organizing National Evaluation and Baccalaureate exams; Suspension of school competitions, school Olympics; Carrying out school activity in the online format; Keeping personal links between the non-resident parent and the child in the context of the imposed travel restrictions.

It was also drawn up the *Special Report on granting scholarships to students at national level in the school year 2019-2020*, submitted to the Prime Minister, the presidents of the two chambers of the Parliament, the Minister of Education and Research, the Minister of Public Finance and the Minister of Labor and Social Protection. The Special Report was prepared through the joint efforts of the People's Advocate Institution and the Romanian Academic Society, launched on September 10, 2020.

The object of the report was the observance of the right of students to be granted scholarships by local public authorities in Romania, based on data from 3176 communes, cities and municipalities within which there are educational units and the six sectors of

Bucharest, in total a number of 3182 administrative-territorial units and subdivisions which have the obligation to grant scholarships for students.

The report revealed that only 5.66 % of the administrative-territorial units in Romania fully respect the legal framework in the matter of the right to scholarships, with many administrative-territorial units not granting scholarships or granting scholarships with very low values (even eight (8) lei). It was found that students' right to scholarships was not respected by the local public authorities in Romania, therefore the People's Advocate Institution closely monitors students' right to scholarships, as well as the process of awarding them, this being a theme whose implications are felt in everything that means ensuring access to quality public education for all children in Romania. Consequently, a wide-ranging survey is further carried out on the award of scholarships for school performance, merit, study and social assistance to students in state pre-university education. In order to collect data, letters were sent to all prefectures in the country and in Bucharest, the School Inspectorates and the Ministry of Education and Research to request information for the school year 2020-2021.

In January 2020, the first consultation between the new Children's Board and the Ombudsman for Children took place.

Last but not least, at the end of 2020 the People's Advocate granted financial aid from the Fund made available to the head of the public institution for five families with several children, who are facing a difficult financial and social situation.

Relevant actions taken during the state of emergency and state of alert:

♦ The People's Advocate Institution has asked the Ministry of Education and Research to clarify several aspects regarding the interpretation and application of the Order no. 4135/21.04.2020 on the approval of the Instructions to increase and/or strengthen the capacity of the pre-university education system through on-line learning. A response was also drawn up on the requests made by the National Student Council concerning the same Order. The National Student Council filed a prior complaint to the Ministry of Education and Research, requesting the annulment/repealing of OMEC no. 4135/2020, on the basis of Law no. 554/2004 on administrative contentious matters.

♦ The People's Advocate proceeded ex officio (with steps being taken both at the head office and at the level of the territorial offices) following the information disseminated in the press, but also through the petitions, which report that, across the country, a significant number of students and teachers would not have access to digital tools or internet, so that they are unable to attend on-line courses. As a result, letters were sent to the School Inspectorate of Bucharest and to all the county school inspectorates in the country, the Prefect Institutions and the Ministry of Education and Research, in order to request a series of information for the 2019-2020 school year. The same request was made for the 2020-2021 school year. Since a conclusive estimate of the indicators requested could not be made as a result of all these actions (the data communicated being incomplete) and some of the institutions notified did not respond to us, a number of follow-up letters were sent to the aforementioned institutions. The information received will then be centralized and the appropriateness of drawing up a special report will then be considered.

♦ At the level of the department were registered and analyzed, both at the head office and in the territory, dozens of petitions having the same object, concerning, among others, the cancelling of the National Evaluation and Baccalaureate exams. A collective response was drawn up on online education, protection measures to be taken to protect students against SARS-CoV-2 infection, the wearing of protective masks during exams, closing the school situation and cancelling the National Evaluation /Baccalaureate exams, which was posted on the institution's website.

♦ On the occasion of the International Children's Day, the Department for Defense, Protection and Promotion of the Rights of the Child organized a webinar on the theme *The People's Advocate – Guarantor of the observance and promotion the rights of the child*.

♦ Another relevant action was sending letters to all DGASPCs in the country and in Bucharest, calling for all necessary steps to be taken so that persons belonging to vulnerable categories (in particular children left alone, as a result of the economic migration of one or both parents, children whose families are in self-isolation or quarantine, as well as other persons who, due to their physical or mental incapacity, are unable to protect themselves or defend their rights), be monitored throughout the emergency situation in order to respect their rights, but also to benefit from all social protection measures provided by the Constitution and the specific legislation.

File no. 3171/2020 The representative in Romania of the United Nations High Commissioner for Refugees (UNHCR) has brought to our attention the situation of minors under the age of 16, staying in the Regional Center for Accommodation and Procedures for Asylum Seekers in Bucharest, as the General Directorate for Social Assistance and Child Protection Sector 2 does not have available places to take them over.

In order to clarify the issues presented, the representatives of the People's Advocate institution conducted an investigation at the General Directorate for Social Assistance and Child Protection Sector 2 (DGASPC) and an investigation at the Regional Center for Accommodation and Procedures for Asylum Seekers Bucharest (CRCPSA), resulting mainly: The accommodation conditions in CRCPSA are inadequate; Unaccompanied minors aged between 12 and 18 years are accommodated in CRCPSA, most of these minors are accommodated in rooms together with adults; Minors under the age of 16 may only be accommodated in a residential service of DGASPC Sector 2, while minors over 16 may also be accommodated in reception and accommodation centers of the General Immigration Inspectorate; The obligation to appoint a legal representative for unaccompanied minors is incumbent on DGASPC Sector 2, at the request of the CRCPSA; The CRCPSA has made a request to appoint a legal representative for all unaccompanied minors as well as to take over a residential service for unaccompanied minors up to the age of 16 and for one of the minors over the age of 16 who has given their consent to that effect; Although the legislation does not provide for a period within a legal representative must be appointed for unaccompanied minors, the period within which DGASPC Sector 2 does so, sometimes up to almost 3 weeks, is far too long; DGASPC Sector 2 has not provided any concrete justification for the fact that it has not yet taken over unaccompanied minors under the age of 16, as well as one of the minors over the age of 16 who has agreed to this effect, in order to benefit from the services of a residential center.

Following these findings, the People's Advocate issued **Recommendation no. 57/2020**, according to which the Director of the General Directorate for Social Assistance and Child Protection Sector 2 Bucharest must order legal measures to: urgently takeover the unaccompanied minors, under the age of 16 and those over 16 years of age who have expressed their consent in this regard, from the Regional Center for Accommodation and Procedures for Asylum Seekers in Bucharest and accommodate them in a residential service; Identifying solutions to reduce bureaucracy and establish an efficient circuit of documents concerning minors, foreign or stateless citizens, entering the territory of Romania unaccompanied; The immediate appointment of a legal representative for unaccompanied minors, and the director of the Regional Center for Accommodation and Procedures for Asylum Seekers Bucharest should order legal measures to: Accommodate unaccompanied minors separately from adults; Start the specific work to renovate the center, with a view to

improving accommodation conditions; Carry out programs or identify solutions for ensuring the compliance of people staying in the center with hygiene rules.

Both the Director of the General Directorate for Social Assistance and Child Protection Sector 2 Bucharest, as well as the director of the Regional Center for Accommodation and Procedures for Asylum Seekers Bucharest have accepted the recommendation of the People's Advocate.

File no. 1090/2020 Following the media report of an incident in Alexandria, where the saleswomen of a shop humiliated two minor girls, hit them, stained them with a marker on their face, and kicked one of them out of the store in her underwear only, as punishment for trying to steal a few pairs of jeans, the People's Advocate **proceeded ex officio**, and the following steps were taken: **Investigation** at the General Directorate for Social Assistance and Child Protection Teleorman, the Town Hall of Țigănești and the Secondary School "I. Gh. Duca" Țigănești, Teleorman County; **visits** to the home of the minor girls; **Letters to:** the General Directorate for Social Assistance and Child Protection of Teleorman, Alexandria Police, Town Hall of Tiganesti commune, Prefect Institution of Teleorman County;

In view of the findings, the People's Advocate issued **Recommendation no. 28/2020**, addressed to the mayor of Tiganesti commune. The Authority has informed us that the following measures have been taken following the recommendation: The three minor girls were monitored and the results of the investigations regarding their behavior were transmitted to DGASPC Teleorman; The representatives of the town hall of Țigănești contributed to the preparation of the file of one of the minors for the establishment of family placement with her maternal grandmother and for the issuing an identity card; The town hall of Țigănești will identify all children with parents working abroad or in other risk situations and will proceed to their monitoring.

The Alexandria City Police informed us that the aspects of the incident involving the minor girls are the subject of a criminal case in which investigations are made *in rem* into the commission of the criminal offences of disturbance of public order, assault and theft. The General Directorate for Social Assistance and Child Protection Teleorman told us the following: By the director-general's order, the emergency placement measure was established for the minors concerned, at the Emergency Center of DGASPC Teleorman; For one of the minor girls, DGASPC Teleorman has started legal proceedings for the establishment of emergency placement with her maternal grandparents; The situation of the minor girl will be monitored by representatives of the town hall.

File no. 5771/2020 The People's Advocate proceeded ex officio, following the presentation in the media of the situation of two minors, who were brought to a placement center of the General Directorate for Social Assistance and Child Protection of Teleorman, who had negative COVID-19 test, given that their parents and two other brothers had positive test results and were admitted to the "Matei Balș" Hospital in Capital.

Thus, the General Directorate for Social Assistance and Child Protection Teleorman was requested to provide information on the situation of minors, as well as to take the legal measures ordered. The Authority informed us of the following: Starting with 28.03.2020, the two minors, who tested negative for Covid-19, were placed, as a matter of urgency, in a space of isolation, accommodation and care belonging to the DGASPC, in Roșiori de Vede Municipality; At the level of DGASPC, a space for isolation, accommodation and care for children with parents/ legal representatives/care takers infected with Covid-19 virus has been set up; The two minors in the isolation center communicated and interacted with the staff, showed no problems of adaptation; They have been provided with a mobile phone with which they have been in constant contact with their parents and siblings; The minors were provided

with food, bedding, medical services, psychological counseling, information, as well as leisure activities, being permanently monitored by the specialized staff.

File no. 12536/2020 The complainant notified us of the fact that her child, aged 4 years old, was not accepted at the extended program kinder garden no. 17 from Tulcea, although she lives in the kindergarten area and applied for a place on 09.06.2020. In order to clarify the issues raised, we addressed the extended program kinder no. 17 from Tulcea, who informed us of the following: Whereas the 26 seats from each middle group have been completed since last year (groups running with continuity), it follows that the seats available for registration were 0; No request for withdrawal has been registered at kindergarten level, therefore no place became available in that age group for the following school year; However, the petitioner's application was approved, the child being already enrolled, due to the increase in the number of places.

File no. 16396/2020 Following the publication of the article *The PNL candidate for the City Hall of Sector 3 accuses that the headquarters of the Electoral Bureau in this sector was illegally established in the building of a school, reason for which 10 classes of secondary school students had to move to the main building of the educational unit*, the People's Advocate proceeded ex officio, and the representatives of the institution conducted investigations at the Secondary School no. 75 "Leonardo Da Vinci" and the City Hall of Sector 3, the following conclusions being drawn:

- Secondary School No. 75 "Leonardo Da Vinci" faces overcrowding, and needs additional space;
- The City Hall of Sector 3 has taken the necessary steps to resolve this situation by identifying the C2 building body, as well as the 1910 sqm area of land located in Bucharest, in Pictor Ion Țuculescu Street, no. 42 of the "Mihai Bravu" Technical College and the started the rehabilitation/modernization works;
- The fact that this building was not assigned to the educational unit before the beginning of the school year was not caused by the temporary operation in that space of the District Electoral Bureau no. 3 of Sector 3, but by the fact that the works were not completed;
- The City Hall of Sector 3 will make every effort to complete the work by the end of October 2020.

On the other hand, in October, the two institutions resumed their efforts in order to assess the situation at the time. Thus, both the Secondary School no. 75 "Leonardo Da Vinci", as well as the City Hall of Sector 3 Bucharest, informed us that, on October 21, 2020, the works for increasing energy efficiency and modernization were completed, and the building was delivered to the educational establishment in order to perform the educational activity in optimal conditions.

File no. 13008/2020 The complainant notified us that, on July 9, 2020, she presented herself to the Clinical Children's Hospital "Victor Gomoiu", together with her minor daughter, in order to carry out a check, and a team of the TV station *ProTv* filmed without her knowledge or approval. Later, ProTv News aired the reportage "*More and more Romanian children infected with coronavirus*", in which images of the complainant and her minor daughter were used, misleading the public and damaging the image of her daughter.

In order to clarify the issues presented, we addressed the National Audiovisual Council and the National Supervisory Authority for the Processing of Personal Data.

The National Audiovisual Council (CNA) told us the following: CNA members watched the news *About 2000 children infected*, broadcasted on 09.07.2020 during the ProTV News at 19:00; The viewpoint of the TV station's representative was heard, who said that they apologized and the news was removed from the station's website as a result of correspondence

with the complainant; As the broadcast of the news was not done in compliance with the provisions of the audiovisual legislation on the protection of the right to one's own image, CNA sent a warning letter to ProTV.

The National Supervisory Authority for the Processing of Personal Data informed us that the complainant addressed directly this authority, through her lawyer, and she received a reply.

CHAPTER IV

THE DEPARTMENT FOR ARMY, JUSTICE, POLICE, PENITENTIARIES

In 2020, the Department for army, justice, police and penitentiaries was assigned **3338 files**, as follows:

Army: 21 complaints

Justice: 1687 complaints

Police: 256 complaints

Penitentiaries: 1252 complaints

Others: 122 complaints

The complaints handled by this department, within the limits of its constitutional and legal competences, had, in essence, as object: Dissatisfaction of military staff on wage rights and pensions; Dissatisfaction of police officers regarding technical equipment, armaments, motor vehicles, salaries, pensions; How and when will be solved the cases pending before courts or at the prosecutors' offices, the enforcement of judgments by bailiffs, the manner of fulfilling the duties of the bailiffs, the measures taken during the state of emergency and the state of alert; Conditions of detention in prisons, food, violence exerted on persons deprived of liberty by prison personnel, violence between detainees, the use of video monitoring equipment inside places of detention, failure to grant conditional release and transfer to other prisons.

As a result of some of these petitions, were opened **909 files**: (Army — 3, Justice — 119, Police — 57, Prisons — 730). In addition, a number of 37 files were opened following ex-officio referrals.

Investigations have often used online hearings, in particular during emergency and alert period, in particular in places of detention, using the Skype app.

Examples of actions in the field of the Army, Justice, Police, Prisons

Case No 832/1496/2020 The petition raised issues related to proceedings concerning passenger cars that are irregularly parked. The information received from the Directorate-General for Local Police and Control — Bucharest Local Police and the Secretary General of the Chamber of Deputies, which was communicated to the petitioner, showed the following:

According to the relevant legal provisions, the act of stopping/parking a vehicle irregularly on the side of public roads constitutes an offence and is punishable by a fine in accordance with the law. In the event of irregular parking, the police officer may also order the measure of the lifting of the vehicle in question, in accordance with the law.

At the same time, blocking the way of public transport vehicles or of intervention vehicles, the access to a public institution or to a particular street fall within the scope of the offence of preventing or hindering public road traffic, provided for in Article 339 of the Criminal Code, the jurisdiction of which is exclusive to the Bucharest Traffic Brigade Police.

By HCGMB 371/2019 was approved the Regulation on lifting, transport, storage and release of vehicles parked illegally on public roads, applicable only to vehicles parked illegally on the main arteries of Bucharest, which block the way of emergency vehicles, access to hospitals, schools or public institutions, as well as the circulation of public transport or the activity of snow removal and street sweeping vehicles.

The ICCJ Decision no. 11/2017 established that local police officers can apply this sanction only insofar as they identify the driver of the vehicle, not having the right to request

from the owner or legal holder the data of the person to whom the vehicle was entrusted to be driven on public roads (power which is exclusive to the traffic police officers, according to GEO No. 195/2002).

Also, from the information obtained as a result of the steps taken, it results that before the Chamber of Deputies (decision-making chamber) there is pending a legislative initiative for the amendment of GEO no. 195/2002 regarding the traffic on public roads (PL-x 561/2017). The bill was tacitly adopted by the Senate and submitted to the Committee on Industries and Services, the Committee on Legal Affairs, Discipline and Immunities and the Committee on Transport and Infrastructure for a joint report. The draft law is in the internal phase of the preliminary reports between the commissions notified on the merits, in order to finalize a joint report; so far a preliminary report rejected the bill.

File no. 1362/2020 The petitioner, detained in the Bucharest Jilava Penitentiary, notified us about the non-compliance with the food refusal procedure.

The checks carried out showed that on Friday, 17 January 2020, the petitioner expressed his intention to refuse food; the petitioner ended the food refusal on Sunday, 19 January 2020, prior to the hearing by the director of the detention unit, who was not present at the penitentiary on Saturdays and Sundays, which led to the failure to start the actual food refusal procedure.

Taking into account the data obtained during the investigation, **Recommendation no. 25/2020** was issued, which requested the Director General of the National Administration of Penitentiaries to take the necessary measures to ensure compliance with the legal provisions in force, which regulate the procedure of food refusal, given its specificity and the effects that deprivation of food for a long time can have on the persons resorting to this form of protest, recommending that the persons deprived of liberty be heard either by the director of the place of detention or, in his absence, by the person delegated to fulfill his duties. The authority in question, the National Administration of Penitentiaries, specified that outside the working hours, on Saturdays and Sundays, during public holidays and whenever the director or the appointed deputy are not present at the place of detention, the shift leader takes over the management duties, fulfilling also the specific duties of the officer in charge in the event of incidents, concluding that this regulation also applies to the procedure of food refusal.

File no. 5722/2020 The People's Advocate proceeded ex officio in connection with the observance of the right to life, physical and mental integrity, in the Satu-Mare Penitentiary, following the information published in the media, according to which, three detainees died in this penitentiary after setting the mattresses on fire, upset that following the establishment of the state of emergency the visits schedule was reduced. The Director General of the National Administration of Penitentiaries was requested to provide information on: the real causes that led to the occurrence of the negative event; the actions undertaken at the level of the Satu Mare Penitentiary; which rights were supplemented at the level of Satu-Mare Penitentiary following the establishment of the state of emergency.

The National Administration of Penitentiaries specified that the Prosecutor's Office attached to the Satu Mare Tribunal is conducting a criminal investigation, and it is important that the subordinated units of the National Administration of Penitentiaries implement some measures, such as emphasizing the preventive purpose of the current restrictions in their dialogue with the detainees, conducting individual or group counseling activities with people with vulnerabilities, monitoring the mindset of the persons accommodated in the place of detention and making available to detainees information materials in this epidemiological context.

For ensuring the good information of the detainees, at the level of the penitentiary units, information campaigns were carried out for the persons deprived of liberty, by

distributing information materials, displaying information posters, both in the spaces where the social reintegration activities take place and within detention sections, in places visible and accessible to detainees (clubs, gyms, visiting sector, information panels at the section level, dining rooms, library, office of the educator / psychologist / social worker, classrooms, medical offices, etc.).

It was also decided to reanalyze and periodically transmit, at the level of each place of detention, information on SARS-CoV-2, through their own radio and television circuits, to organize information meetings on SARS-CoV-2., carry out frequent of sanitation activities, both in the accommodation spaces and those intended for social reintegration activities, conducting individual counseling activities (educational, social, psychological) in order to raise awareness and increase acceptance of strict hygiene measures to limit the spread of the virus, paying more attention to people deprived of their liberty known as former drug users or those in substitution treatment.

In order to protect the life, bodily integrity and health of persons deprived of their liberty, staff and other persons, at the level of places of detention under the subordination of the National Administration of Penitentiaries, measures have been taken regarding the safety of place of detention according to the Plan of Measures on preventing Covid-19 infection among staff and persons deprived of their liberty. The National Administration of Penitentiaries constantly sent guidance to its subordinate units.

Also: all activities (including sports) involving inmates were reanalyzed, so that they be carried out in series with a small number of inmates, limiting, as much as possible, the grouping of more rooms to the same activity; it was ordered the cessation of school training and vocational training activities for persons in custody; in order to maintain the connection with the support environment, the duration and number of phone calls was increased for convicted persons serving the sentence in maximum security regime, to a maximum of 45 minutes per day, and for convicted persons serving the sentence in closed, semi-open, open or under interim detention regime or those from whom the detention regime was not established yet, at a maximum of 75 minutes a day. The right of detainees to online conversations, regardless of their disciplinary situation and the frequency of contacts with the family, was supplemented according to the number of visits to which they are entitled based on the detention regime.

File no. 9459/2020 The People's Advocate proceeded ex officio regarding the conflictual situation caused by the thermal scanning performed by security guards at a supermarket in the Ferentari neighborhood. From the content of the media materials it resulted that the police officers refused to identify themselves, did not wear protective equipment appropriate to the alert state and have allegedly reacted disproportionately in their interaction with the citizens.

The management of the Bucharest Police Directorate was asked for a point of view regarding the published information, and to specify if an internal investigation was ordered regarding the equipment and behavior of the police officers in question and if in the professional training plans of the staff are processed the particularities of the current context subsequent to the alert state, especially regarding the reactions of the citizens and their possible escalation.

Regarding the event which occurred at a supermarket within the radius of Police Station no. 24, we were informed that the Police Station no. 24 was notified through the emergency number 112, regarding the fact that near a store in Sector 5, several people were making scandal, reason for which the intervention of a law enforcement crew was sent to deescalate the scandal. The first responders who arrived to the scene was a patrol consisting

of two public safety police officers from the Police Station no. 24 and a gendarme from the General Directorate of Gendarmes of the Municipality of Bucharest, who was assigned to carry out the mixed patrol service with them. Arriving at the scene, the police and the gendarme noticed a group of three people, respectively two men and a woman, who caused a scandal, addressing insults and swear words to the security guards of the shop, and it was assessed that they wanted to amplify a state of conflict with the law enforcement crew and attract the attention of nearby people.

In order to avoid further escalation of the conflict by attracting a group of curious people to the area, the two policemen and the gendarme decided to take the people to the headquarters of the Police Station no. 24 and sanctioned them with a fine. During the subsequent assessment, it was found that the police officers who intervened to solve the incidents of disturbing public order and peace complied with the legal provisions and the intervention methodology, using force gradually only on two people, who opposed the measures taken.

At the same time, the Police Department of Bucharest communicated that the particularities of the mode of action in the context of emergencies and alerts are subject to continuous analysis and the police officers always undergo a brief training before starting their shift, training which is constantly verified by the superior officers or structures within the General Police Directorate of the Municipality of Bucharest with duties in this field.

File no. 13231/2020 The petitioner, detained in the Brăila Penitentiary, notified us about the failure to provide medical care corresponding to the autoimmune disease he suffers from, which, among its effects, makes it impossible for him to eat. The petitioner also pointed out that, in the place of detention, the conditions of accommodation and hygiene worsen his state of health.

Considering the aspects found on the occasion of the investigation carried out on July 29, 2020, **Recommendation no. 142/2020** was issued. The National Administration of Penitentiaries informed us that in the execution of the pilot decision pronounced by the ECHR in the case of *Rezmiveş and others against Romania*, a revised action plan was developed for the period 2020-2025, taking into account the optimization of the prison population, the authority making steps for the extension and modernization of accommodation spaces; at the level of the penitentiary system, actions are permanently carried out to ensure a climate suitable for the accommodation of persons deprived of liberty, including by transferring them (gradually, according to the regulations in force), permanently aiming to identify solutions for resizing / building accommodation and improving the conditions in the existing spaces. It was also shown that on January 3, 2020, the Brăila Penitentiary had a degree of overcrowding of 152.51% and by September 1, 2020 it was reduced by 14.06%, bringing it down to 138.18%.

File no. 13234/2020 The petitioner notified us about the prison's failure to provide food corresponding to the religious cult to which he belongs and the failure to provide an area within the prison's food court in which to prepare his own food.

From the verifications performed, it resulted that the persons deprived of liberty belonging to the Mosaic cult benefit from a space within the prison's food court where they can cook food according to their religious belief. The petitioner and another detainee incarcerated in the same detention room do not want to cook in that designated space, but in the detention room, asking for the approval to purchase the necessary food and a refrigerator. Currently, in an area of the bathroom, the petitioners cook using an improvised installation, which can put in danger their safety as well as the safety of the place of detention.

The petitioner indicated a court ruling obliging the Bucharest-Rahova Penitentiary to provide kosher food (including cooked food), at a cost, to the petitioner and other two persons

belonging to the Mosaic cult, as well as to ensure that the food is served in the same conditions as for the other inmates and that food is available in storage for the days when it cannot be delivered.

Recommendation no. 143/2020 was issued for taking the necessary measures to respect the religious faith of the petitioner by enforcing the court decision invoked by the petitioner (for all petitioners in that case). The National Administration of Penitentiaries informed us that the petitioner is assigned to the food norm 17 - kosher and a space was identified in which he can prepare his meals according to the religious belief, as far as possible (the petitioner cannot receive, store, buy food that requires thermal preparation - Article 148 paragraph 8 letters *a* and *b* of Annex 1 to GD No. 157/2016 for the approval of the Regulation implementing Law No. 254/2013, and the penitentiary is not able to directly purchase meat from animals slaughtered according to the Mosaic ritual, without complying with the provisions of Law No. 98/2016 on public procurement). The petitioner is accommodated together with other people of Mosaic religion, so that he is able to perform specific rituals, even if not in a specially arranged room, which is not possible due to lack of necessary spaces.

File no. 14303/2020 The People's Advocate proceeded ex officio in connection with the observance of the right to life and physical and mental integrity within the Poarta Albă Penitentiary, respectively the testing modalities for the new coronavirus and certification of the causes of deaths in prison, context in which the director general of the National Administration of Penitentiaries was asked for information regarding: the situation of deaths of persons deprived of liberty at the level of penitentiaries in the country, given the suspicions that deaths would occur due to coronavirus infections; the real causes that led to the death of a person deprived of liberty in the Poarta Albă Penitentiary on August 3, 2020; the actions taken at the level of the entire penitentiary system in order to prevent the occurrence of any risk situations generated by the current epidemiological context.

The National Administration of Penitentiaries informed us that none of the deaths that occurred until that date in the penitentiary system was caused by Covid-19 infection, and between January 1 and August 31, 2020, 65 deaths were registered. Further to this response, the People's Advocate requested additional information regarding the tests for Covid-19 performed at the level of the Romanian penitentiary system, for persons deprived of liberty and prison staff, both preventively as well as after the confirmation some cases among prison staff; performing autopsies in the case of deaths of persons deprived of their liberty.

The National Administration of Penitentiaries specified the following:

- RT-PCR type testing is performed in institutions authorized for this purpose. However, given that persons deprived of their liberty in prisons or other places of detention may be more vulnerable to the spread of the disease caused by the new coronavirus, at the level of the National Administration of Penitentiaries multiple steps have been taken to the National Institute of Public Health, the Ministry of Health or the Department for Emergency Situations in order to analyze the recommendations to prioritize tests for Covid-19, in the sense of introducing a new paragraph to include persons deprived of liberty and staff of the penitentiary police who, through their duties, enter in direct contact with the detainees; the answers received rejected the proposal.

- all deaths of persons deprived of their liberty are certified by the forensic services which issue death certificates, according to the legislation in force, establishing the causes of death.

File no. 17109/2020 The petitioner expressed his dissatisfaction with the trial term granted by the High Court of Cassation and Justice in judging an appeal in the interest of the law. Following the steps taken to the Judicial Inspection within the Superior Council of

Magistracy, we were informed that the preliminary verifications carried out by the Inspection Directorate for judges within the Judicial Inspection, on the reported issues, did not lead to the identification of a disciplinary violation. Thus, the file was closed.

Considering the legal limits of competence of the People's Advocate institution regarding the acts and deeds of the judicial authority, the file was closed, the petitioner being communicated the information received from the notified authority.

File no. 18662/2020 The People's Advocate proceeded ex officio as a result of the information published in the press, according to which the border police would not have allowed the entry into the country of some Syrian citizens, who had the status of residents in Denmark. The 11-year-old girl was the one who translated for her parents during the communication with the authorities of Otopeni International Airport.

Considering the above, an investigation was carried out at the Romanian Border Police, following which, the People's Advocate issued **Recommendation no. 200/2020**. According to this recommendation, the presence of an interpreter in the communication with foreign nationals should be ensured, including by calling on the embassy of the country of origin of those citizens, and more attention should be paid to minors, pregnant women, the elderly or the sick, during the period when these people are accommodated in spaces belonging to the Romanian authorities.

Other activities

Distinct from the activity specific to the department, notes and points of view were drawn up regarding: the US State Department 2019 Country Report on Human Rights Practices, the draft law on the organization and operation of forensic institutions - Pl-x no. 333/2020, the activity of courts and penitentiaries in the context of the Covid-19 pandemic.

Representatives of the department also carried out other activities besides handling petitions, namely: hearings and dispatch service, representation of the institution at various domestic and international events, activities related to integrity (implementation of provisions on declarations of wealth, assets and interest, according to Law no. 176/2010 on integrity in the exercise of public offices and dignities, for amending and supplementing Law No. 144/2007 on the establishment, organization and functioning of the National Integrity Agency, as well as for amending and supplementing other normative acts) and activities related to ORNISS (National Registry Office for Classified Information).

CHAPTER V

THE DEPARTMENT FOR PROPERTY, LABOR, SOCIAL PROTECTION, TAXES AND FEES

The department examines petitions on violations of citizens' rights and freedoms through administrative acts or deeds, by public administration authorities and autonomous state management enterprises, which deal with issues related to property, labor, social protection, taxes and fees.

1984 complaints were handled, **18 investigations** were conducted at several public institutions, **4 recommendations** were issued and **29 ex officio proceedings** were initiated by the department.

Property

Within this subdomain, were examined petitions that had as object aspects related to the violation of the right to private property, mainly aiming at: the application of the reparative laws in the matter of property; procrastination of vesting in possession; delaying the issuance / modification of property titles; the lack of response from the authorities to the requests made by the beneficiaries of the laws for restitution of the property right; delaying the adoption of solutions in the files opened under Law no. 10/2001¹ by the entities responsible for solving the notifications (we mention as an example **Bucharest City Hall**, where, out of the **42,600 notifications made**, a number of **37,732 notifications, were unresolved**, according to the Centralized Situation of notifications made under Law no. 10/2001, registered and unresolved, at the level of entities invested by law, in October 2020, published on the ANRP website); delaying the adoption of solutions in the files that have as object the requests formulated under Law no. 9/1998², as well as of Law no. 290/2003³; dissatisfaction regarding the granting of installments / payment titles by ANRP for the compensation decisions issued by CNCI based on court decisions; the inaccuracy of controls carried out by APIA by remote sensing in the case of farmers who submitted applications for SAPS support (single area payment scheme), which led to the delay in the payment or even to non-payment of the area subsidy; the delay / refusal of ADS to make available to the local land commissions, through the minutes of delivery-receipt, the lands necessary for vesting in possession the persons entitled to the reconstitution of the property right; requesting information on the procedure for obtaining the construction attestation certificate.

Thus, following the steps taken at the responsible / involved entities, the aspects presented by the petitioners were clarified, the property titles and the requested documents were issued and, when necessary, were notified the decision makers involved in the regulation

¹ Law no. 10/2001 regarding the legal regime of some buildings abusively taken over between March 6, 1945 - December 22, 1989, republished, with subsequent amendments and completions;

² Law no. 9/1998 on granting compensations to Romanian citizens for goods transferred to the property of the Bulgarian state following the application of the Treaty between Romania and Bulgaria, signed in Craiova on September 7, 1940, republished, with subsequent amendments and completions;

³ Law no. 290/2003 on granting compensation for Romanian citizens whose immovable property located in the former provinces of Bessarabia, Northern Bukovina and Hertza, was confiscated without due compensation as a consequence of the state of war and the application of the Paris Peace Treaty signed by Romania with the Allied Powers on 10 February 1947, as subsequently amended and supplemented;.

of some situations that appeared in practice, in the relevant primary and secondary legislation. In situations where the complaints addressed exceeded the sphere of competence of the institution, the petitioners were instructed to address the competent entities / authorities, being also informed about the relevant legal provisions.

Given the succession of normative acts from 1991 until now, in this matter, we emphasize the fact that the **work in the files generated by the process of reconstitution, respectively the establishment of property right is quite difficult and takes time**, *first of all*, due to the authorities involved (local commissions, county commissions, schools / forestry directorates, research and development centers, OCPI, ANCPI, ANRP, ADS), *secondly*, because of the documentation that must be prepared for opening a file (where the parties and the authorities are equally involved), including the respective plot and cadastral plans, and *thirdly*, generated by the court decisions, which contain mandatory provisions such as the obligation to take certain steps or the annulment of some property titles. Given the pandemic, a small number of investigations were carried out, shortcoming which was supplemented by the intensification of correspondence with the authorities involved, context in which it was necessary to carry out repeated steps, which led to longer terms for resolving the petitioners' cases.

A special category of notifications was the one related to the application of the Government Emergency Ordinance no. 37/2020⁴, through which the petitioners requested support in order to benefit from the legal provisions or complained about a series of difficulties encountered in the requests made. As the reported issues did not fall within the competence of the institution, the petitioners were provided with the relevant legal information and were directed, as appropriate, to address the Centre for Alternative Dispute Resolution in Banking Sector, the National Authority for Consumer Protection or the County Commissioner for Consumer Protection. At the same time, they were informed that they have at their disposal a governmental portal <https://aici.gov.ro>, through which they can report about this matter to the Ministry of Public Finance.

File no. 6288/2020 Considering that during the state of emergency, several news items appeared in the press in which it was reported that “forests were illegally cut down”, the People's Advocate proceeded ex officio regarding the observance of the property right, the right to protection of health and the right to a healthy environment. Thus, steps were taken at: Ministry of Waters and Forests (MAP), National Forest Administration – Romsilva (RNPR) and the National Committee for Special Emergency Situations (CNSSU), requesting them to consider stopping deforestation during the state of emergency or intensifying the controls in the forests by the representatives of the Forest Guards, together with the law enforcement forces, as well as carrying out, in traffic, specific activities / controls on the forest control line. In this regard, MAP informed us that a series of measures have been taken to prevent and combat the criminal phenomenon of illegal deforestation, including the amendment of Law no. 46/2008 – Forestry Code, and RNPR informed us that the control actions were intensified, being found both forestry misdemeanors and forestry crimes, for which the legal measures were taken.

Recommendations:

- two recommendations were issued, addressed to the president of the Tulcea County Land Commission and to the president of the Răchiteni Land Commission, requesting them to take the legal measures in order to resolve the reconstitution requests, the issuance of property titles and the application of the provisions of Art. 36 letter (i), corroborated with

⁴ on granting facilities for loans granted by credit institutions and non-bank financial institutions to certain categories of borrowers;

those of Art. 37-39 of Law no. 165/2013, in case the procrastination continues in solving the requests (**Recommendations no. 205/2020, no. 211/2020**).

- a recommendation was issued to the President of the Authority for the Administration of State Assets, as debtor, requesting the taking of the necessary measures for the payment of compensations due to former FNI depositors; the recommendation was **partially accepted**, in the sense of starting the procedures for allocating funds. Consequently, we took steps to the Minister of Economy and the Prime Minister, as decision makers in the budgeting and allocation of the amounts in question, **without receiving a response** (Recommendation no. 38/2019). The file is in progress.

During 2020, **16 investigations** were carried out at several public entities / institutions, and the investigation reports, were noted provisions of a recommendatory nature, which were adopted for the most part or are in the process of being applied/implemented.

File no. 9508/2018 (closed in 2020) The petitioner complained about procrastination in the issuance of some property titles by the Zătrenești Local Land Commission. Following the steps taken at the entities involved and the two investigations carried out at the Town Hall of Zătrenești commune, the petitioner was issued two property titles, one for the total area of 1.2588 ha of land and another for the area of 1.5379 ha of land.

File no. 19927/2019 (closed in 2020) The petitioner complained to the Local Land Commission Țibănești and the Iași County Land Commission, about delaying the request for administrative cancellation of one of the two property titles issued for the same owner, with the same location, area and neighborhoods (request made since 2017). Following the steps taken at the two land commissions and the investigation carried out at the Institution of the Prefect of Iași County, we were informed that the mayor of Țibănești commune filed an action for annulment of one of the property titles, at the Iași Court.

Proposals for legislative amendments in the attention of the People's Advocate, following the petitions addressed to the institution:

- failure to regulate, in the Norms of 17 June 2009 for implementing the 'New House' programme for the purchase of dwellings, approved by Government Decision No 717/2009, as amended and supplemented, the situation in which the compensations paid exceed the RON equivalent of EUR 10,000 and **the limit of 50% of the amount of the credit initially granted**. Following the steps taken, the Ministry of Public Finance informed us that no such situations had been encountered during the programme, and, in the coming period, all the parties involved (financiers, the National Credit Guarantee Fund for Small and Medium-sized Enterprises) will assess the possibility of identifying a mechanism so that such situations could also be regulated from a legislative point of view;

- regarding the blockage which intervened in the reconstitution of the property right over the forest lands, as a result of the Decision of the Constitutional Court no. 395/2017, it is still maintained today. Thus, the Draft Law on some measures to unblock the process of restitution of land to former owners - Pl-x 188/2020, adopted by the Chamber of Deputies, was sent for promulgation to the President of Romania, who notified the Constitutional Court. By Decision no. 685/2020, the Constitutional Court admitted the objection of unconstitutionality. The project was sent to the Senate for re-examination, registered with no. L36/2020, currently being sent for the *Report on the decision of the Constitutional Court to the Committee on Legal Affairs, Appointments, Discipline, Immunities and Validations and to the Committee on Constitutionality* (Deadline: 30/12/2020).

Labor and social protection of labor

Within this sub-domain of activity, in 2020, were handled petitions regarding the observance of the right to work and the social protection of labor, provided by Art. 41 of the Constitution.

Unlike other years, in 2020, a number of issues were examined by the institution, which concerned in particular the protection measures imposed by the authorities, in the context of the pandemic triggered by the SARS-CoV-2 virus. More than ever, the petitioners who approached our institution requested support in obtaining their due rights or various information regarding the proper conduct of employment or work relations, whether they took place at the usual work place, or in telework, or regarding the free days granted to parents in order to supervise their children, for the periods when teaching activities were limited or suspended.

In some cases, the petitioners were provided with the necessary guidance, indicating the relevant legal texts and the competent authorities. In other cases, as a result of our interventions with the authorities, were clarified or regulated the aspects generated by the application in practice of the legal provisions imposed by the pandemic.

As an example, we specify that the issues submitted to the attention of the institution, aimed at the following: issuing medical leave certificates for people in isolation / quarantine; delays in the issuance by the health directorates of the documents necessary for the issuance of the isolation decision which enables the family doctor to grant medical leave so as the person concerned can benefit from the medical leave allowance; compliance with the work schedule of intensive care physicians involved in preventing and combating the effects of the Covid-19 pandemic; not granting the risk incentive to the entitled persons; the duty of the employer to provide equipment necessary for the performance of telework; the way / procedure for online teaching in the case of teachers with chronic diseases / those with comorbidities and those over the age of 60; application of the legal provisions regarding the granting of days off to parents, in order to supervise their children, in case of limitation or suspension of teaching activities which involve the actual presence of children in schools and early childhood education units, following the spread of SARS- CoV-2 also to the staff of the Ministry of Internal Affairs; disorders caused by the obligation of weekly testing of employees in some DGASPCs and late communication of the tests results; the situation of the resident doctors who work without secondment at the Bucharest Public Health Directorate; conflicts between doctors and manager (for example, Clinical Hospital No. 1 Căi Ferate Witting); extension of parental leave and unemployment benefits during the state of emergency; validity of collective labor contracts and collective agreements during the state of emergency; framework – methodology regarding the mobility of teaching staff in pre-university education in the school year 2020-2021; non-payment of salary rights; job loss, followed by the impossibility of obtaining unemployment benefits for various reasons, etc.

We emphasize the situation regarding the granting of survivor's pension for the children of the medical staff who died as a result of the medical complications caused by the infection with the SARS-CoV-2 virus, provided by Law no. 56/2020. It appears that, in practice, difficulties are encountered which hinder / prevent the granting of due rights under the said law. Following the steps taken, the Ministry of Health and the Ministry of Labor and Social Protection were notified, in order to clarify some aspects and, possibly, to take into account, in order to complete and amend the mentioned normative act, the following aspects: the institution / entity issuing the document which proves that the medical staff in question did not commit a crime punishable by law (Art. 1 paragraph (2) of the law); clarification of the conditions for granting the survivor's pension for the disabled child: if they are entitled to the survivor's pension according to Law no. 56/2020, after reaching the age of 18 (taking into

account the different conditions provided by Law no. 263/2010); if it is to be regulated the option between the survivor's pension, established according to Law no. 263/2010 and Law no. 223/2015 and the survivor's pension, established according to Law no. 56/2020; if additional documents issued by the employer, DSP, etc. are required, to establish the salary of the medical staff at the date of death; the fact that the death of the medical staff occurred as a result of the SARS-CoV-2 infection, etc.

At the same time, the People's Advocate, finding possible violations of the right to work and social protection of labor, **proceeded ex officio in 27 cases**, issued **2 recommendations** and conducted **an investigation**.

Thus, by way of example, we can mention the fact that, in 6 cases, the ex officio proceedings concerned the lack of SARS-CoV-2 protection equipment, at national level, in the case of firefighters; medical staff in hospitals; sanitation workers; police officers; commissioners of the Environmental Guard. Following the steps taken, the notified public institutions replied that all categories of employees mentioned above were provided with the means of protection in the fight against the Covid-19 virus, and these protection measures will be continuous, depending on evolution of the situation.

An exceptional situation was **the situation of the general directorates of social assistance and child protection, which, due to the lack of funds, could not pay on time the salary rights of employees**. The People's Advocate proceeded ex officio and took steps to the county authorities, in some cases, and to the Ministry of Public Finance, in order to identify budgetary resources and pay salary rights. Following the steps taken, in the case of DGASPC Giurgiu, the Giurgiu County Council approved the rectification of the revenue and expenditure budget. The Ministry of Public Finance informed us that it has supplemented for 2020 the budgets of social services in the child protection system and the public centers for adults with disabilities. The situation of the D.G.S.P.C.s will remain in the attention of the People's Advocate in 2021 as well.

Also as a result of the pandemic situation, the People's Advocate proceeded ex officio about the **lack of doctors in ICU departments, but also on the observance of the work schedule of intensive care physicians involved in preventing and combating the effects of the pandemic**, taking steps, both at the Ministry of Health, as well as at a number of 185 hospitals that provide medical care to patients tested positive for SARS-CoV-2 virus, in phase I and phase II, as well as at Covid support hospitals.

Also, starting from the particularly important role of **family doctors** in providing basic health services and from the fact that the rural areas are deficient in terms of coverage with medical units represented by family doctors or permanent centers, in collaboration with another department within the institution, a series of steps were taken to the competent authorities. All four cases mentioned above are underway.

Through the issued **Recommendations**, we asked the mayor of Dărmănești, Bacău county to provide in the local budget for 2021 the amounts of money for covering the teachers' commute expenses (**Recommendation no. 188/2020**), and the mayor of Gâdinți commune, Neamț county to allocate, from the local budget, the amount required to pay the bonus of up to 15% for harmful or dangerous conditions to all employed personal assistants (**Recommendation no. 187/2020**).

File no. 15788/2020 The People's Advocate Institution proceeded ex officio regarding the persons who were confirmed with Covid-19, but for whom no medical leave was issued. Following the steps taken, Order no. 946/2020⁵ and the Government Emergency Ordinance

⁵ for amending and supplementing the Norms for the application of the provisions of the Government Emergency Ordinance no. 158/2005 regarding the holidays and the social health insurance allowances, approved by the

no. 180/2020⁶ were issued. At the same time, for the situation in which employers require a negative test to allow the employees to return to work, the Ministry of Labor and Social Protection was approached, and asked to recommend to the labor inspectorates to intensify awareness raising among employers that asymptomatic / symptomatic patients with mild forms of the disease, who have completed the isolation period of 14 days from the date of the first test, declared cured without the second test, are allowed to resume their work.

File no. 5710/2018 The petitioner addressed the People's Advocate institution and complained about the lack of Methodological Norms for the application of Law no. 229/2016 on the organization and exercise of the profession of physiotherapist, as well as for the establishment, organization and functioning of the Romanian College of Physiotherapists. As a result of the numerous steps taken by the People's Advocate institution and of 4 inquiries carried out at the competent institutions in the period 2018-2020, on February 6, 2020, **we were informed about the issuance of the norms.**

Taxes and fees

Within this subfield of activity, were analyzed petitions, mainly concerning: the method of calculating the building tax / fee, respectively the land tax / fee, the content of the tax decisions on the building tax / fee, the land tax / fee, respectively the tax on means of transport, dissatisfaction with the rejection of appeals against tax decisions, seizures, enforceable titles and summonses on enforcement, special taxes (habitat tax, sanitation tax - natural persons, authorized natural persons, legal persons), documents for the payment of fiscal obligations, non-communication of decisions issued by all sector public administrations (except for the Administration of Public Finances of Sector 1), which have as object the requests for reimbursement of the amounts provided by the Government Emergency Ordinance no. 52/2017, an aspect that had as an effect the impossibility of challenging the respective decisions in court by the interested persons, the failure to refund the Oxygen tax, etc.

In some cases, in order to clarify the aspects presented by the petitioners, the institution addressed the local tax departments, the public finance administrations, the General Regional Directorate of Public Finances Bucharest, the town halls, etc. In other cases, which did not fall within the scope of the institution's activity, the petitioners were informed of the legal proceedings they could follow, indicating in this regard both the legal basis applicable to the case and the authority to which they could apply for solving the problems encountered.

Partially accepted recommendation Starting from **files no. 2982/2019 and no. 4823/2019**, was issued the Recommendation no. 121/2019, addressed to the Director General of the Regional General Directorate of Public Finances Bucharest, requesting him to take measures in order to complete the procedure for communicating the decisions on the refund of amounts representing the special tax for cars and motor vehicles, the tax for polluting emissions from motor vehicles and the environmental stamp for motor vehicles, related to the activity of the Public Finance Administration Sector 1 and, if applicable, to the activity of all public finance administrations, a recommendation that was partially adopted, by finalizing the communication of decisions issued at the level of sector 1. The file is in progress.

Order of the minister of health and of the president of the National House of Health Insurance no. 15/2018 / 1,311/2017;

⁶ for the amendment and completion of Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk and of the Government Emergency Ordinance no. 158/2005 on leave and social health insurance benefits, as well as for establishing measures regarding the granting of medical leave;

File no. 6446/2020 The complainant expressed her dissatisfaction with the lack of response to the petition addressed to the Sector 2 Administration of Public Finances.

Following the steps taken at the authority, as we did not receive a response from it, we notified the Regional General Directorate of Public Finances Bucharest, which sent us a copy of the answer communicated to the petitioner by AFP Sector 2. We were also informed that the petitioner was also refunded the amount of 292 lei, according to the payment order of April 15, 2020.

File no. 11073/2020 The petitioner complained that he was charged the security fee for a building inherited in Săpata commune, Argeş county, and that the mayor's office officials refused to collect the payment of the main fiscal obligations (house and land tax). Following the investigation, we were informed that the petitioner's main fiscal obligations, respectively taxes on buildings and land, were extinguished, until 2019, inclusive. For 2020, he has not paid his tax obligations. Regarding the special security fee, it was not paid, therefore the payment information no. 2000 / 27.05.2020 was issued. The petitioner was not conditioned to pay the security fee to be able to pay the real estate tax, as he claimed, the proof being the payment notice where it appears only with the unpaid tax for 2020. We were also informed that the real estate in question is on the names of the petitioner's parents, who were deceased, and the petitioner did not start the succession proceedings.

Regarding the payment of the special security fee, taking into account the provisions of Art. 30 para. (6) of Law no. 273/2006 on local public finances, the file was submitted to the administrative and legal litigation bureau within the People's Advocate institution, and a request for a summons was filed on behalf of the petitioner.

CHAPTER VI.

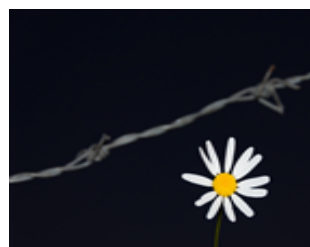
THE DEPARTMENT FOR THE PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN PLACES OF DETENTION – NPM

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment... not even in time of war or other public emergency threatening the life of the nation.”

(Articles 3 and 15 (2) of the Convention for the Protection of Human Rights and Fundamental Freedoms)

“The National Preventive Mechanisms are those who give the OPCAT strength, direction, momentum and hope to achieve its objectives”

Elizabeth Odio Benito
(Judge, President of the Inter-American Court of Human Rights)



*Department on the
Prevention of Torture - NPM*

By ratifying the *Optional Protocol of 18 December 2002 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)*, Romania has undertaken to set up the National Mechanism for the Prevention of Torture in Detention (NPM). Thus, in 2014, by GEO no. 48 it was established that the People's Advocate institution, through the Department for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in places of detention, shall fulfill the specific duties of a national preventive mechanism. NPM exercises a preventive mandate, its role being to identify situations with potential risk of ill-treatment.

The activity of the NPM consists mainly in: carrying out regular visits, announced or unannounced, in places of detention, formulating recommendations to the managements of the places visited and the hierarchically superior authorities and formulating proposals for legislative changes. The purpose of the monitoring activity is to strengthen the protection of persons deprived of their liberty against ill-treatment and ensure the non-discriminatory exercise of fundamental rights.

Place of detention means any place where a person is or may be deprived of liberty, and deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority, including by decisions of legal persons managing social services. Also, Law no. 35/1997, republished (Art. 34 letter (j)) states that **all places that are part of the social assistance system are subject to NPM monitoring.**

In the context of the coronavirus pandemic and the restrictive measures adopted by the authorities, throughout the state of emergency and subsequently the state of alert, NPM made every effort to fulfill its mission to verify the observance of fundamental rights of the persons who are or could be deprived of their liberty and their protection against ill-treatment. For this

purpose, NPM monitored all types of places of detention which, according to Art. 4 of the OPCAT fall within its sphere of competence, including institutionalized quarantine places and Covid-19 hospitals, new places of detention that appeared as a response of the Romanian authorities to the current epidemiological situation.

The MNP took into account the SPT Opinions adopted between 10-14 February 2020, and on 25 March 2020 (which were communicated to States Parties and national preventive mechanisms) stating that: *Any place where a person is kept in quarantine and which they are not free to leave, is a place of detention according to Art. 4 of OPCAT; quarantine facilities are de facto a form of detention and any other places from which persons are prevented from leaving for similar purposes (those of quarantine) inexorably fall within the scope of the OPCAT mandate and therefore within the scope of both of the SPT, as well as of the national preventive mechanisms established according to OPCAT*, among the places of deprivation of liberty the Subcommittee listing *other medical establishments*.

In carrying out its activity, the NPM was guided by the *do no harm* principle, consequently, the monitoring activity was carried out through classic visits but also through alternative means, when the existing epidemiological situation required the cessation of visits.

From the beginning of the state of emergency, NPM monitored the implementation of the measures ordered by the public authorities, as well as their consequences, requesting information on measures taken to protect detainees (and staff) against coronavirus contamination and for observance of the fundamental rights of persons deprived of their liberty, provided that the exercise of certain rights has been restricted / suspended (for example, the following have been verified: • in *penitentiaries*, the actual application of compensatory measures - supplementing the scope of telephone conversations, online communications, in the conditions of suspending the exercise of the right to receive visits, the right to intimate visit, the right to receive goods through the visit sector, etc.; • in *psychiatric hospitals*: ensuring the connection with the family, the visits of the relatives being forbidden; the situation of patients following the discharge of all patients who did not represent emergencies and who did not necessarily require the provision of medical care in the hospital; the situation of social cases; • in *homes for the elderly*: ensuring the connection with the family; the situation of deaths; possible deficiencies in the provision of medical care; • in *quarantine centers*: their number and location, capacity, number of persons placed in quarantine, accommodation conditions provided, rights and obligations of quarantined persons, incidents and their resolution. The responsible authorities were also requested to make available to the quarantined persons the brochures sent by the NPM containing information on the role and responsibilities of the NPM and the contact details). The answers communicated by the authorities / units will be included in the Special Report on the MNP's activity in the state of emergency and the state of alert, which will be published at the beginning of this year.

The above information was requested in approximately **880 letters**, sent to the following authorities: Ministry of Internal Affairs; Ministry of Health; Ministry of Labor and Social Protection; National Committee for Special Emergency Situations; National Administration of Penitentiaries (ANP); National Authority for the Rights of Persons with Disabilities, Children and Adoptions; General Inspectorate for Immigration (IGI); The General Inspectorate of Romanian Police; The institutions of the Prefect at the level of each county and of the municipality of Bucharest; General Directorates of Social Assistance and Child Protection; The local councils of the Municipality of Bucharest and the county councils; town and city halls; private homes for the elderly. An ongoing dialogue was maintained with some of the authorities, noting in this regard the availability of ANP and IGI representatives

to work with the NPM in implementing the recommendations and improving the conditions and treatment of persons deprived of their liberty.

Also, **83 letters were drawn up and sent to other institutions / organizations / associations involved in monitoring the treatment of persons deprived of liberty:** non-governmental organizations and bars within the National Association of Romanian Bars (in order to inform the NPM about the situations of violation of human rights and ill-treatment of persons deprived of their liberty, of whom they become aware during the course of their work); courts of appeal (requesting information on the procedure of involuntary hospitalization: trial on the merits and on appeal of the measure of involuntary hospitalization, ensuring the participation and hearing of the patient in court, as well as ensuring the patient's defense, ex officio, if they don't have an attorney).

On 13 April 2020, following the example of the **Subcommittee on Prevention of Torture (SPT) and the European Committee for the Prevention of Torture (CPT)** and related to the Romanian reality, a set of principles was formulated to be respected by all relevant authorities responsible for persons deprived of liberty, in order to prevent any acts of torture or cruel, inhuman or degrading treatment - *Declaration of principles on the treatment of persons deprived of liberty during a state of emergency established in response to the coronavirus epidemic (Covid-19)*, posted of the People's Advocate institution.

Following the cessation of the state of emergency, monitoring was carried out both by alternative means to classic visits, as well as classic visits, where possible, and a procedure in this regard was developed. For the awareness raising and increasing the efficiency of the monitoring activity (facilitating the access of persons deprived of liberty to the NPM teams) **were prepared:** • *press releases* regarding the monitoring activity of penitentiaries / psychiatric hospitals / Covid-19 hospitals / quarantine centers; • *questionnaires* for persons deprived of their liberty in penitentiaries / psychiatric hospitals / Covid-19 hospitals / quarantine centers / homes for the elderly and staff in penitentiaries / homes for the elderly⁷; • *announcements* regarding the monitoring of psychiatric hospitals / Covid-19 hospitals, the possibility to complete the aforementioned questionnaires and the contact details of the NPM, communicated to the monitored units to be displayed in accessible places.

During 2020, the NPM carried out **73** monitoring activities in places of detention (**43 classic visits** - some of the visits aiming to verify the implementation of the recommendations formulated through previous visit reports and **30 monitoring activities by alternative means** to classic visits):

• **Penitentiaries – 13 monitoring activities:** Mărgineni Penitentiary; Valu lui Traian Exterior Section of the Constanța-Poarta Albă Penitentiary; Craiova Penitentiary-Ișalnița Exterior Section (women); Craiova Pelendava Penitentiary; Bacău Penitentiary; Târgu Ocna Penitentiary-Hospital; Botoșani Penitentiary; Brăila Penitentiary; Deva Penitentiary; Bistrita Penitentiary; Satu Mare Penitentiary; Ploiești Women's Penitentiary Târgșorul Nou; Bucharest-Rahova Penitentiary;

• **Detention and Remand Centers – 5 monitoring activities:** Caraș-Severin Detention and Remand Center; Arad Detention and Remand Center; Galați Detention and Remand Center; Brașov Detention and Remand Center; Prahova Detention and Remand Center;

⁷ questionnaires that can be filled in on the website of the People's Advocate institution and which were also sent in physical format during the monitoring in penitentiaries, psychiatric hospitals and homes for the elderly

- **Centers for migrants – 2 monitoring activities:** Center for Accommodation of Foreigners taken into Public Custody Arad; Galati Regional Center for Procedures and Accommodation for Asylum Seekers;

- **Residential centers for children – 3 monitoring activities:** Emergency Reception Center for Children Slatina, Olt County; Emergency reception center for the neglected and exploited child – Social Services Center "Casa Soarelui" Târgoviște, Dâmbovița County; Alexandria Maternal Center, Teleorman County;

- **Centers for adults with disabilities – 14 monitoring activities:** Babadag Neuropsychiatric Recovery and Rehabilitation Center, Tulcea County; Sinersig Neuropsychiatric Recovery and Rehabilitation Center, Timiș County; Suseni Social Care and Assistance Center, Gorj County; Jariștea Neuropsychiatric Recovery and Rehabilitation Center, Vrancea County; Hârlău Neuropsychiatric Recovery and Rehabilitation Center, Iași County; Adășeni Care and Assistance Center, Botoșani County; Sasca Mică Neuropsychiatric Recovery and Rehabilitation Center, Suceava County; Care and Assistance Center for persons who cannot take care of themselves - Berceni, Bucharest; Center for Care and Assistance for Adults with Disabilities Puchenii Mari, Prahova County; Movila Neuropsychiatric Recovery and Rehabilitation Center, Ialomița County; Ileanda Medical and Social Assistance Center, Sălaj County; Nucet psychiatric Medical and Social Assistance unit, Bihor county; Center for Recovery and Rehabilitation of Adults with Disabilities Baia Mare, Maramureș County; Gherla Neuropsychiatric Recovery and Rehabilitation Center, Cluj County;

- **Psychiatric hospitals - 8 monitoring activities:** Mocrea Psychiatric Hospital, Arad County; Poiana Mare Psychiatric Hospital, Dolj County; Siret Chronic Psychiatric Hospital, Suceava County; Socola Institute of Psychiatry - Șipote External Section, Iași County; Săpoca Psychiatric Hospital for Safety Measures, Buzău County; Săpunari Psychiatric Hospital, Călărași County; Nucet Psychiatric Hospital, Bihor County;

- **Nursing homes for elderly – 15 monitoring activities:** Răcari Center for the Elderly, Dâmbovița County; "Sfântu Gheorghe" Center for the Elderly Oltenița, Călărași County; Home for the elderly " Cuviosul Iov " Vânjuleț, Mehedinți County; The home for the elderly „ St. Maria ”Șișești, Mehedinți County; Home for adults and the elderly Anina, Caraș-Severin County; Mozăceni Home for the Elderly, Argeș County; Tutova Home for the Elderly, Vaslui County; ProSenectute Lilieci Home for the Elderly, Bacău County; „St. Antim Ivireanul” Home for the Elderly Călărași, Călărași County; Home for the elderly Blaj, Alba county; Speranța Center for the Elderly, Bucharest; Sky Angel Residential Center for the Elderly, Dărmăști-Vlașca, Giurgiu County; Home for the Elderly Christian Association St. Prooroc Ilie, Balotești, Ilfov County; Home for the Elderly Casa Bunicilor, Valea Mare commune, Dâmbovița county; Sf. Elena Social Center for the Elderly, Târgovite municipality, Dâmbovița county;

- **Covid-19 Hospitals – 13 monitoring activities:** Ploiești County Emergency Hospital; "Marius Nasta" Institute of Pneumoftiziologie Bucharest; Constanța County Emergency Clinical Hospital; Constanța Clinical Hospital of Pneumoftiziologie; Giurgiu County Emergency Hospital; Râmnicu Sărat Municipal Hospital, Buzău County; Oltenița Municipal Hospital, Călărași County; Târgoviște County Emergency Hospital, Dâmbovița County; Câmpina Municipal Hospital, Prahova County; Fetești Municipal Hospital, Ialomița County; CF Ploiești Hospital, Prahova County; Tulcea County Hospital - Infectious Diseases Department, Tulcea County; Bolintin Vale City Hospital, Giurgiu County;

- **Quarantine centers – 1 monitoring activity:** Techirghiol Spa and Recovery Sanatorium, Constanța County.

Collaboration of the authorities with the NPM teams during the monitoring activities:

NPM emphasizes the good cooperation of management and staff with NPM team members in most of the monitored places, as they demonstrated good knowledge of national and international legal provisions regarding the NPM's mandate, as well as the common interest, which is improved living conditions and treatment for the people deprived of liberty. For example, in the case of the visit to the **Valu lui Traian Exterior Section within the Constanța-Poarta Albă Penitentiary** (visit by alternative means), the management of the penitentiary unit facilitated and ensured meetings of the NPM team through Skype with the persons in custody, in privacy, in a specially arranged space for online calls, equipped with computer, headphones and microphone; also, the management of the Săpunari Psychiatric Hospital facilitated in optimal conditions the access of the NPM team to the video surveillance system from the common spaces of the hospital; During the monitoring of the Techirghiol Spa and Recovery Sanatorium, it was found that the Institution of the Prefect of Constanța County sent to the sanatorium the NPM brochure intended for persons placed in quarantine.

The same cannot be said about the **management of some Covid-19 hospitals, which refused to comply with the NPM's requests** (they expressly refused or ignored the NPM's letters)⁸, and a **virulent media attack was launched against the Ombudsperson and the Deputy Ombudsperson, head of the NPM. Also, high representatives of the Government and the Prime Minister publicly requested that the NPM withdraw its requests for information and documents sent to these hospitals**, arguing that the assimilation of these institutions with places of detention would be a distortion of reality, and a comparison done in bad faith of situations that have nothing in common.

All these actions demonstrated the ignorance or lack of knowledge of the Conventions and Protocols on the prohibition and prevention of torture, to which Romania is a party, including by the Government which must be the guarantor of their observance; ignorance or lack of knowledge of the national legal provisions by which **Romania undertook to establish the National Mechanism for the Prevention of Torture and to ensure its access to: all information on the number of persons deprived of liberty in places of detention, as well as the number of such places and their location; all information regarding the treatment applied to those persons, as well as the conditions of detention; all places of detention and their installations and facilities.** NPM members should have the **opportunity to meet with persons deprived of their liberty** without witnesses, as well as with anyone who can provide relevant information and the **freedom to choose the places they want to visit and the people** they want to have meetings with.

In these circumstances, **the MNP appealed to the provisions of the OPCAT⁹ and addressed the SPT, requesting its support and an official point of view** to assist the NPM

⁸ *Expressly refused the monitoring:* the National Institute of Infectious Diseases "Prof. Dr. Matei Balș" and the Clinical Hospital for Infectious and Tropical Diseases "Dr. Victor Babeș"

Did not answer: Constanța Infectious Diseases Clinical Hospital; Central Military Emergency University Hospital «Dr. Carol Davila» Bucharest - ROL2-COVID-19 level, military field hospital; Military Emergency Hospital «Dr. Alexandru Gafencu» Constanța - Modular medical isolation and treatment system. COVID-19 isolation and quarantine camp; Policlinico di Monza Medical Center - "Monza Metropolitan Hospital" branch; Medgidia Municipal Hospital; Pucioasa City Hospital; Caritas Municipal Hospital Roșiori de Vede; Colentina Clinical Hospital.

⁹ art. 11 lit. b) pct. (ii): SPT menține contactul direct și, dacă este necesar, confidențial cu mecanismele naționale de prevenire și oferă acestora pregătire profesională și asistență tehnică pentru a le consolida capacitățile.

in the exercise of its mandate. The **response of the SPT was prompt**, Mr. Daniel Fink, SPT member and leader of the Regional Team for Europe, addressing His Excellency M. Adrian Cosmin Vierita, Ambassador Extraordinary and Plenipotentiary to the Permanent Mission of Romania to the United Nations Office at Geneva and International Organizations based in Switzerland, reiterating the provisions of the aforementioned SPT Opinions and ***emphasizing that in accordance with Art. 20 of the Optional Protocol, national preventive mechanisms shall have access to all data, including relevant medical documents, records and other information necessary for the prevention of inhuman or degrading treatment in places where persons are or could be deprived of their liberty [...]. In addition, in the Opinion of the Subcommittee sent to States Parties and national preventive mechanisms, on the prevention of coronavirus (CAT/OP/10), the SPT clarified that all people held in official quarantine places should be able to benefit from fundamental safeguards against ill-treatment.***

We remind that the mandate of the NPM includes the monitoring of any place where a person is or may be deprived of liberty (therefore a place that they cannot leave at their own free will), regardless of whether this place (considered to be detention) is a penitentiary, hospital, residential center for minors, quarantine center, etc.

Other situations faced by NPM teams during monitoring:

- ***The prefect's institutions*** notified about the institutionalized quarantine places communicated partial information / failed to answer or refused to give certain information, such as the location of the quarantine centers, indicating the following reasons: *the location of the centers is NOT intended for the general public (Arad); communication is made only at the central level, through the Strategic Communication Group (Giurgiu); additional information can be requested from the local public administration (Bucharest); the locations of these centers are known by a small number of people, who have responsibilities in managing the situation related to COVID 19 (Neamt); there were also Institutions of the Prefect that did not respond to the request for information of the People's Advocate (Bistrița-Năsăud, Buzău, Călărași, Galați, Iași, Maramureș, Mehedinți, Sibiu, Suceava, Timiș and Vrancea);*

- some of the ***Covid-19 hospitals*** partially communicated the requested information / documents: for example, Ploiești County Emergency Hospital communicated an extract from the analysis reports on the implementation and compliance with the provisions of the Operational Procedure on assessing patient satisfaction, during March -May 2020;

- ***Săpoca Psychiatric Hospital for Safety Measures:*** throughout the monitoring activity (monitoring was performed by alternative means to classic visits) there was a permanent dialogue with hospital representatives (financial director, legal advisor), the NPM team appreciating their availability to provide the requested information and documents. However, although the team's access to the video surveillance system in the common areas and the isolation rooms within the monitored sections was repeatedly requested, the team's access was only ensured to the video surveillance system in the courtyard of the Ojasca location;

- ***San Francisco Center for the Elderly, Giurgiu Municipality,*** private center: refused to be monitored by the NPM, arguing that their center is no place of detention.

- ***The Medical-Social Assistance Unit „Dr. Elena Popovici” Flămânzi, Botoșani County:*** during November 2020, NPM was to carry out a follow-up visit to verify the implementation of the recommendations made following visits in 2019. Although, initially, the new management of the center (management changed between two visits) was willing to participate in the scheduled visit, after we sent them the letter requesting information /

documents on the activity of the unit, the staff of the unit refused to comply with the requests. This change of attitude was motivated by the fact that the unit is not a detention center and does not fall under the scope of Law no. 35/1997, republished.

Examples of good practices found during monitoring:

- appropriate measures to protect against SARS-CoV-2 infection have been taken in most monitored units; for example, in the *Techirghiol Spa and Recovery Sanatorium* (which functioned as a quarantine center between March 23 and July 3), operational procedures adapted to the epidemiological context (specific to Covid-19) have been developed since the beginning of the state of emergency: - disinfection of rooms inhabited by patients potentially contaminated with Covid-19, putting on the personal equipment and taking it off by the staff, organization of triage before entering quarantine, distribution of quarantined persons, administration of medication to quarantined persons, triage of luggage and packages at the entrance to the quarantine center, etc.;

- at the *Mărgineni Penitentiary*, the conditions for **granting the right to online conversation were maintained at the maximum limit** provided by law also after the cessation of the state of emergency; both the ANP and the prison staff were actively involved in maintaining the relationship with the family and the support environment during the period when visits were banned (for example, measures were taken to reduce telephone charges and the prices of items sold at the commercial point); the management of the Mărgineni Penitentiary requested the flexibility of prices for the products sold by the store inside the penitentiary, so that, starting with March 17, 2020, the company reduced the prices of the products by 8-10%, the store being supplied according to the existing situation;

- regarding *the situation of the beneficiaries in residential centers*, during the state of emergency, the Ministry of Labor and Social Protection recommended to identify the families / support persons who can take care of the beneficiaries at home during the state of emergency, reason for which the units sent notifications regarding this possibility (however, there were very few situations in which the legal support persons wanted and had the possibility to take home the beneficiaries of social services, and requested this in writing; in some homes, all beneficiaries – elderly people – represented social cases, had no relatives or income to support themselves);

- in the *Techirghiol Spa and Recovery Sanatorium*, for those who did not have a telephone (in order to maintain permanent contact with quarantined persons, in conditions of limited physical contact) the unit purchased prepaid mobile phones, which were returned when leaving the quarantine center. In case of emergencies, the quarantined persons had at their disposal a mobile phone number, accessible by mobile phones and an extension number, which they could call via the landline in the room. The quarantined people could communicate by phone with the physiotherapist employed by the unit, who recommended physical exercises, and those who had compatible devices could also communicate by video call. The beneficiaries of services in the center were people who had lumbar disc disease, gonarthrosis, arthralgia, coxalgia, acute chronic gonalgia (knee pain), etc. The sanatorium also provided free internet;

Similar situations were found in other units, such as: *Constanța Pneumoftiziologie Clinical Hospital*, which purchased mobile phones for each room; *„Anghel Saligni” Municipal Hospital Fetești*, *Giurgiu County Emergency Hospital* and *Constanța County Emergency Clinical Hospital „Sf. Apostol Andrei” Agiea Pneumoftiziologie Department* where patients had unlimited access to the internet;

- in the *Psychiatric Hospital for Safety Measures Săpoca*, the social workers in the hospital undertook numerous steps for the family and community integration of patients – social cases, during March-June 2020 being made transfers of patients to the Buzău Recovery and Rehabilitation Center for Adults with Disabilities, Buzău Emergency Center, in a modular home in Râmnicu Sărat or discharged at home. However, most patients could not be discharged, although there were no medical reasons to keep them in the hospital, but in most cases there were no actual solutions for discharge or transfer to a neuropsychiatric recovery and rehabilitation center / home for the elderly / sheltered housing. The hospital representatives notified the NPM team of the poor relationship, which has persisted for years, with the Public Social Assistance Services within the City Halls and the general directorates of social assistance and child protection, appreciating that these institutions, through the communicated answers, *discriminate and stigmatize* people with mental disabilities (they do not have social services in the community, they have all the places occupied, they are in the process of restructuring or they do not accept the admission to residential centers of people with criminal history). In order to identify solutions for these cases, they called on the support of the NPM to set up a working group;

- the *Municipal Hospital “Anghel Saligni” Fetești* (which is not a psychiatric hospital and does not have a psychiatric ward) does not apply the measure of restraint, the hospital representatives communicating that: *such a measure would exceed the legal framework, as Law no. 487/2002 on mental health and protection of persons with mental disorders, republished, was adopted for the protection of persons with mental disorders and not for taking a restraint measure under the provisions of a law*; the measure of applying restraints is approached from the perspective of the code of medical deontology and the rules of medical practice, noting that, for non-compliance with medical laws and regulations, the doctor is liable to disciplinary action, according to Art. 450 of Law no. 95/2006 on health care reform, republished; consequently, there wasn't established a procedure or register on patient restraint in the hospital.

- in the *Giurgiu County Emergency Hospital*, a representative of the patients' association was also part of the Ethics Council.

Examples of deficiencies found:

As in previous years, the main deficiency systematically encountered was the **lack of staff compared to the real needs** of the respective units. For example, in the Mărgineni Penitentiary there was a shortage of medical staff with a negative impact on the activity of the medical department (out of the 7 positions provided for doctors, 4 positions were vacant, respectively: 1 position of primary dentist, 2 positions of primary care family medicine, 1 position of primary psychiatrist), as well as a shortage of psychologists (out of the 5 positions provided for psychologists, 3 positions were vacant, given that it is recommended to hire a minimum of one psychologist for every 100 persons deprived of liberty). The same situation was also found in other monitored penitentiaries (Bacău Penitentiary, Tg. Ocna Penitentiary-Hospital). In this context, should be emphasized the prompt response of the ANP to the recommendations of the NPM, in order to address these shortcomings, presented in the section Successfully Implemented Recommendations.

In residential centers there was a shortage of physiotherapists, occupational therapists, masseurs (important to improve the quality of life and maintain the degree of autonomy of beneficiaries), these positions were not provided in the organization chart of the centers (Center for the Elderly Răcari, Center for the Elderly „Sfântu Gheorghe” Oltenița) or were provided, but were vacant at the time of monitoring (Home for the Elderly „Sf. Maria” Șişești, Sinersig Neuropsychiatric Recovery and Rehabilitation Center). In these centers, it was also

found the lack of adequate space and of the necessary equipment in order to ensure the functional recovery / rehabilitation therapies for the beneficiaries.

In private homes / centers for the elderly, a great difficulty was the provision of the necessary personnel, because part of the staff worked as part-time collaborators, who, according to Military Ordinance no. 8/2020 were isolated at the main workplace. The problem was even more accentuated due to the division of the staff into 2 groups to ensure the cyclical presence in the home / center for the period of 14 days, according to the same ordinance. Also, isolation at work created a lot of stress for employees, especially due to the short time in which Military Ordinance no. 8/2020 had to be implemented, namely 24 hours. In the same context, the lack of clear procedures for the application of this ordinance, regarding the way of settling the institutions' expenses with food, accommodation and transport of isolated employees at work has caused confusion and difficulties in this regard.

In Covid-19 hospitals there were requests to terminate the employment contract by resignation, as well as dismissals of staff. For example, at the Câmpina Municipal Hospital: 6 staff members (3 ICU doctors, a nurse and 2 orderlies) resigned, motivating that they were not provided with safe working conditions; as a result of non-compliance with the notice period, the employment contracts were terminated for disciplinary violations. Given the resignation of the 3 doctors, other ICU doctors who previously resigned were called, but they did not comply with the requests. There were also a large number of applications for retirement, and the following measures were taken as a result: redistribution of staff to the Department of Recovery, Physical Medicine and Balneology and epidemiological triage of staff upon entry into service; providing financial resources for salary bonuses (maximum bonuses and increased payment for staff on call, on Saturdays, Sundays and public holidays).

Also, during the monitoring, it was found the **lack of access ways and the necessary facilities for people with disabilities** in the accommodation rooms and bathrooms, in many of the monitored units. For example, the "Marius Nasta" Institute of Pneumoftiziology lacked an elevator necessary for overweight people (therefore a 130 kg patient, immobilized in bed, had to be redirected to the Clinical Hospital for Infectious and Tropical Diseases "Victor Babeș").

This year's monitoring also revealed the **failure to complete / inadequate completion of the procedures / registers** provided by the relevant law, especially in the case of homes for the elderly and residential centers for adults with disabilities, for example: the Neuropsychiatric Recovery and Rehabilitation Center Sinersig was missing the procedure for suspension / termination of the provision of social service; at the Home for the Elderly "Cuviosul Iov" Vânjuleț, in the Register of evidence of special incidents were not recorded all the incidents that affected the physical and mental integrity of the beneficiaries; in the Home for the Elderly „Sf. Maria” Șișești was not developed a new manual of operational procedures according to the legislation in force (Order no. 29/2019).

It was found, at the level of some penitentiaries and detention and remand centers, that **foreign detainees signed forms written in Romanian**, without ensuring translation into their mother tongue. One such case was in the Bistrita Penitentiary. Following the visit and the recommendations of the NPM, the penitentiary administration communicated the fact that a proposal was submitted to ANP for the transfer of the foreign person deprived of liberty, to another penitentiary where communication can be provided in a language known by him.

We mention below some of the **deficiencies encountered by the NPM, depending on the place of detention visited:**

- **homes for the elderly:** • failure to draw up all the procedures and all the registers of evidence provided by the Minimum Standards, approved by Order no. 29/2019, and in some

centers not even their own admission procedure was drawn up (Center for the Elderly Răcari);

- the informative materials were missing, these not existing either on paper, nor displayed in a visible place, on the notice board, nor on electronic support; also, the information provided on the website of the social service provider was not updated (Răcari City Hall);
- the box of notifications and complaints was missing;
- during the state of emergency and afterwards, the psycho-social assistance services were restricted in order to respect the physical distance; also counseling and support services were provided through permanent telephone communication, videoconferencing system via Skype or Facetime, the solution being limitative due to the difficulties inherent in the case of patients with senile dementia, who are unable to use, even with help, modern communication devices;
- The individualized assistance and care plans were not customized and did not include sections showing the activities proposed by each specialist, activities adapted to the identified needs of the beneficiary, nor assuming the responsibility of each specialist in the multidisciplinary team on the proposed objectives and activities;
- personalized care plans for some beneficiaries were not reviewed periodically;
- the annual clinical evaluation was not performed by specialized doctors (psychiatry, neurology, internal medicine, recovery medicine) for some beneficiaries (Center for the Elderly Răcari and Center for the Elderly „Sfântu Gheorghe” Oltenița);
- the medical staff was insufficient and poorly trained on how to prepare and complete medical documents (some centers didn't have a register for drug prescriptions);
- there wasn't available a properly arranged and equipped psychological office (Anina Home for Adults and the Elderly);
- deficiencies were found in the communication with the public social assistance services within the domicile town halls of the beneficiaries;
- poor hygiene of some bedrooms and bathrooms;

- **psychiatric hospitals:**

- in the General Clinical Observation Sheets (FOCG) the consent to hospitalization was not found, although the admissions were considered voluntary; in the Săpunari Psychiatric Hospital, the only existing consent in the FOCG was the informed consent of the patient for medical procedures, signed by the patient but which did not mention in all cases the medical procedure for which the consent was requested; in the Psychiatric and Hospital for Safety Measures Săpoca was found the situation of 6 people who, being in an institutionalized quarantine center, presented psychomotor agitation; those persons were rushed to the quarantine center and hospitalized; in the FOCG were not found the forms of informed consent for hospitalization; moreover, one of the patients expressly requested to be discharged, but the discharge was made only at the end of the quarantine period, after obtaining the approval from the Buzau Public Health Directorate;
- in the patient observation sheets was found a list of patients' obligations, signed by patients, but not a list of their rights;
- restraint and isolation measures were applied without complying with the relevant legislation (restraints were applied in the ward where the patient was hospitalized, along with other patients, which is contrary to the CPT Rules; it was not clear who performed the restraint, in the register for restraints there was no mention in this respect, the register also lacked a heading on the degree of restriction - partial or total - in case of restraint, and the column on monitoring vital functions was not completed properly - the values of vital functions were not specified for each monitoring visit); there were no isolation rooms arranged according to the legal provisions in force and the patients were isolated in spaces that had other purposes;
- in the Săpunari Psychiatric Hospital, according to the “Patient Restraint” procedure drawn up in the hospital, patients were required to sign a Consent Form when applying the restraint measure, the procedure not explicitly indicating when the form was completed; the hospital representatives could not specify to the NPM team at what time this form was presented to the patient and in none of the FOCG, randomly verified, was the consent to the application of the restraints found;
- The involuntary hospitalization

commission was not composed according to the provisions of Law no. 487/2002, republished, respectively of 3 members appointed by the hospital manager - 2 psychiatrists and a doctor of other specialty or a representative of the civil society (Siret Chronic Psychiatric Hospital, Săpoca Psychiatric Hospital for Safety Measures); • there was a shortage of medical and auxiliary personnel, as well as security personnel, and their proper continuous professional training was not performed; • there were no actions to promote ethical values among the medical staff during this period and, at the same time, there were no participations from patients' associations in the meetings of the Ethics Council; • no Procedure for conducting visits was developed, although approximately half of the patients received visits from relatives, the visits being recorded in the FOCG (Institute of Psychiatry Socola - Exterior Section Șipote); • patients hospitalized in isolation wards in an epidemiological context (people with increased vulnerability, being people with psychiatric disorders) were not involved (for a period of 14 days) in any recreational activity, given that the hospital didn't allow access in open air; • in the Săpunari Psychiatric Hospital, identification bracelets were used (applied on the patient's left forearm); not the practice itself was considered by the NPM team to be worrying, but the fact that it wasn't applied uniformly (black color was not used in all cases) – this allowed patients to be classified into certain categories, visible to all (patients, relatives, staff): patients with aggressive manifestations (green color), patients at risk of falling (red color), patients with disabilities (blue color); the practice was not mandatory, patients being able to refuse, but when applied it is stigmatizing for the patient and can affect the patient's state of mental comfort; • in the Psychiatric Hospital for Safety Measures Săpoca, the patients hospitalized in the legal departments were dressed identically, with green pants and a black T-shirt, in order to be identified if they are trying to escape; we recall that the CPT, during the visit in 2014 to this hospital, highlighted that the *patients from the legal departments were stigmatized, being obliged to wear uniforms in order to facilitate the searches in case of flight* and asked the Romanian state to stop these practices.

We note the case of a patient admitted to the Săpunari Psychiatric Hospital with "marks left by handcuffs in his right hand", which occurred at the patient's home and at the hospital from which he was transferred. These injuries may be the result of improper application of immobilizers or lack of proper supervision of the person to whom they were applied. The NPM team considers that a continuous training of the law enforcement bodies regarding the application of the means of immobilization and their permanent observation is required, in order not to affect the physical integrity and dignity of the handcuffed person. This aspect will be taken into account during the NPM courses for the continuous professional training of the staff of the detention and remand centers, as well as of the students from the School of Police Agents¹⁰.

- **penitentiaries:** • overcrowding (Craiova Penitentiary - Ișalnița Exterior Section, Craiova Pelendava Penitentiary, Deva Penitentiary); • inadequate accommodation conditions; • the registers drawn up in the penitentiary were not filled in properly; for example, in the Mărgineni Penitentiary: Register of traumatic injuries and self-aggression - the chronological order of the notes was not observed, the calendar date was missing, the signature of the medical staff who found the injury in case of several notes was missing; Register of consultations and treatment - the signature of the person deprived of liberty to whom the treatment was administered was missing, as well as the signature and initials of the prescribing doctor in some cases; Register for monitoring food refusals - it was difficult to distinguish the

¹⁰ such courses have been scheduled for 2020, but have been suspended in the context of the Covid-19 epidemic, and will be resumed when the epidemiological situation allows it).

date and time of leaving this form of protest in some cases; • the staff was insufficient; • there was no medical office arranged at the Işalnița exterior section of the Craiova Penitentiary, and at the Craiova Pelendava Penitentiary there was no infirmary; • in the Craiova Penitentiary - Işalnița External Section, only a small number of courses for initiation, qualification, requalification, training and specialization of detainees were organized; • in Bistrița Penitentiary, disciplinary sanctioning was practiced (even repeatedly of the same persons) in case of self-aggressive behaviors (for example, an inmate who cut himself around the neck on two different days in 2019 was subject to two disciplinary sanctions proceedings, suspension of the right to work and receipt of goods or making purchases), some of the sanctioned persons having a psychiatric diagnosis; there were also cases of persons deprived of their liberty sanctioned disciplinary as a result of suicide attempts;

Under this aspect, NPM recommended to ANP, in 2019, to notify the Ministry of Justice regarding the examination of the provisions of Art. 82 lit. t) and Art. 100 para. (2) of Law no. 254/2013 on the execution of sentences and custodial measures ordered by the judiciary during criminal proceedings, with subsequent amendments and completions, regarding the prohibition of acts of self-aggression, considered serious disciplinary offenses and sanctioned, in terms of their harmonization with the CPT's recommendation to no longer impose disciplinary sanctions for acts of self-aggression. Following the recommendation, ANP sent to the Ministry of Justice a draft law for amending and supplementing Law no. 254/2013 (the revised form following the analysis of the recommendations that involve legislative interventions formulated by CPT following the visit made during February 2018, as well as the proposals coming from the judges supervising the deprivation of liberty), which provides as follows: Art. 101, after paragraph 3, a new paragraph, paragraph (3¹), shall be inserted, with the following content: ***"(31) Convicted persons diagnosed with serious mental illness may not be sanctioned for non-compliance with the prohibition provided in Art. 82 lit. t)."*** legislative amendment which has not been carried out so far.

- **centers for migrants:** • shortage of staff and especially medical and psycho-social staff (Accommodation Center for Foreigners taken into Public Custody Arad, Regional Center for Procedures and Accommodation for Asylum Seekers Galati); the impossibility of ensuring permanence in providing medical assistance at the Accommodation Center for Foreigners taken into Public Custody Arad - at the time of monitoring, the positions of doctor and nurse were vacant, and two of the 3 nurses were on vacation, respectively in sick leave; • not all the fields were filled in the medical records and the records were not signed / initialed (Regional Center for Procedures and Accommodation for Asylum Seekers Galati); • insufficient number of telephone sets installed for foreigners; • lack of a stock of clothes for the foreigners accommodated; • no connection to the cable television network of the TV sets in some accommodation rooms; • regarding the disciplinary situation, in the Regional Center of Procedures and Accommodation for Asylum Seekers Galati, between May 15 and August 27, 2020, as a result of non-compliance with the obligations provided in the internal regulations of the center (ROI), 111 sanctions were applied. Given the large number of sanctions applied, as well as the fact that none of the sanctions imposed were challenged by the people accommodated in the center, NPM members recommended an information campaign on compliance with and application of the rules of the center. The Center communicated that asylum seekers are informed, at the time of accommodation, of the rights and obligations, prohibitions and disciplinary sanctions applicable during the accommodation in the center, and on the first working day after accommodation, the designated workers, together with NGO representatives carry out group and individual counseling and information activities on compliance and enforcement of (ROI) and the consequences of non-compliance.

During 2020, NPM notified ANDPDCA, the School Inspectorate of Bucharest - Sector 2, DGASPC Sector 2 and the Gymnasium School no. 145 in Bucharest, regarding the difficulties encountered in the Regional Center for Accommodation and Procedures for Asylum Seekers Bucharest (notified to the NPM team during a visit in 2019) when appointing a legal representative, or concerning the accommodation of minors in residential centers under DGASPC (the center being forced to accommodate minors, including those under the age of 16), as well as to enroll the minors in school. ANDPDCA communicated that a draft Law was initiated to amend and supplement Law no. 272/2004 on the protection and promotion of children's rights, which brings a series of amendments and completions regarding the situation of minors seeking asylum or beneficiaries of a form of international protection, as well as the harmonization of the provisions of Law no. 272/2004 with those of Law no. 122/2006 on asylum in Romania, for example: adding this category of children to the categories of children benefiting from special protection measures and amending accordingly the provisions regarding placement; the obligation for the appointment, by the DGASPC, of a person to assist the minor asylum seeker during all legal procedures regarding the clarification of their situation, in order to ensure the premises for the observance of all their rights.

Also, in December 2020, NPM sent requests to local authorities in the counties of Giurgiu, Maramureș, Suceava, Galați, Timișoara and Bucharest (counties / cities where centers for migrants are located): Public Health Directorates and City Halls (Bucharest, Giurgiu, Galați, Rădăuți, Timișoara, Șomcuta Mare), on the measures taken to ensure an adequate protection environment in migrant centers, as well as to ensure the placing into institutionalized quarantine of foreigners entering Romania. The following were taken into account: the situation of some migrants who arrived in Timiș County, through Serbia, who were deprived of accommodation in appropriate conditions (aspects presented in the press); letters sent to the United Nations High Commissioner for Refugees (UNHCR) and the IGI referring to institutionalized quarantine measures and other local support measures for persons arriving from abroad.

The situation of centers for migrants as social services was the main topic of meetings / correspondence with the General Inspectorate for Immigration, held during 2020.

- detention and remand centers: ● lack of Sanitary Operation Authorization (Caraș-Severin Detention and Remand Center, Arad Detention and Remand Center); ● non-compliance with the legal provisions regarding the compulsory provision of psychological assistance for minors; for example, at the Brașov Detention and Remand Center, between January 1, 2019 and September 15, 2020, 89 minors were detained, of which **only 3 minors received psychological assistance**; ● in the same center were also kept minors who belonged to the social centers of DGAPC Brașov and who had not received support from the institution (clothing, packages, etc.), provided that the center administration immediately informs the representatives of DGASPC, to provide goods (clothing, footwear, food, sums of money, etc.) or the necessary socio-legal assistance; ● lack of a space equipped for respecting the right of persons arrested/detained to online communications; ● lack of a space arranged in order to provide psychological assistance; ● insufficient furniture in the detention rooms; in the Galați Detention and Remand Center, the rooms were not equipped with food storage shelves, tables and chairs for dining; of the 13 rooms, only 8 were equipped with TVs and there was no other space for recreational activities equipped with TV.

- centers for adults with disabilities: ● failure to review and approve the *Organization and Functioning Regulation*, according to the legislation in force; ● failure to fully comply with the specific minimum quality standards required for social services for adults with disabilities; ● no Procedure was developed, and no appropriate intervention measures were

adopted in the case of the psychomotor agitation behaviors of the beneficiaries; ● the Procedure regarding the maintenance of the beneficiaries' health was not drawn up; ● the staff was insufficient (for example, at the Movila Neuropsychiatric Recovery and Rehabilitation Center, there were 12 vacancies: 1 general practitioner, 1 physiotherapist, 1 speech therapist, 1 social worker, 1 nurse, 4 orderlies, 2 caregivers, 1 guard; the representatives of the center informed DGASPC Ialomița and requested the filling of vacancies, but without a favorable response in this regard); ● there was no *Register to record the deaths of beneficiaries* and details of the circumstances of the deaths, the measures adopted (Ileanda Medical and Social Assistance Center); ● the personalized care plans were not reviewed, periodically, for all the beneficiaries of the center; ● at the level of the Movila Neuropsychiatric Recovery and Rehabilitation Center, the beneficiary was not assessed in terms of general condition and degree of autonomy and communication, specific rehabilitation needs, the need to maintain or develop independent living skills and integration, etc., whereas the documents prepared for this purpose did not clearly include the identified needs, the objectives set, and the recommended services and activities; ● the health monitoring sheet and the informed consent form for medical care and treatments in exceptional situations, which should be included in the personal file of the beneficiary (Suseni Care and Social Assistance Center), were not drawn up; ● the anti-decubitus mattresses and wheelchairs were insufficient; ● the center did not have adequate spaces for staff accommodation; thus, in order to apply the provisions of the Military Ordinance no. 8/2020, the accommodation of the staff was made in the lobby of the center; also, to a large extent, the staff members of the center procured their own food (Care and Assistance Center for Adults with Disabilities Puchenii Mari); ● the capacity of the center was exceeded (Jariștea Neuropsychiatric Recovery and Rehabilitation Center, although it had a capacity of 25 people, at the time of the visit, it provided services to a number of 35 beneficiaries); ● the center did not have spaces for daily activities, equipped with adequate furniture; ● in the center there were only two common bathrooms, one of which was locked and used as a warehouse; the other bathroom (equipped with bathtub and shower) was open, but not suitable for use by people with disabilities or reduced mobility (it was not adapted and the small size of the shower made it difficult to use) (Care and Assistance Center for Adults with Disabilities Puchenii Mari); ● the center did not have its own means of transport, which made it difficult for the beneficiaries to travel outside the center for interdisciplinary consultations and non-urgent specialized medical interventions; ● during the monitoring of the Care and Assistance Center for Adults with Disabilities Puchenii Mari, the NPM team was informed of the situation of two beneficiaries who were investigated at the Ploiești County Emergency Hospital (Emergency Reception Unit), as a result of some health problems that have exceeded the possibilities of intervention at the level of the center; the beneficiaries were tested for SARS-CoV-2 infection and, although the test result came much faster (the result was negative), the representatives of the center became aware of it after a longer period (more than a week), the beneficiaries being kept, in all this time, in the room;

- **residential centers for children:** ● overcrowding (Alexandria Maternal Center); ● the working procedures, registers and all the organization and functioning documents of the center were not updated according to the Order of the Minister of Labor and Social Justice no. 81/2019 on the approval of minimum quality standards for social services organized as maternal centers; ● in the Emergency Reception Center for Children Slatina were missing: the record of the medicines and sanitary materials purchased, a Register containing professional documents of the psychologist, and in the Register of special incidents there were no records; ● not all files contained the quarterly reports on the evolution of the beneficiaries' situation during the residence in the center and the services provided, and the evaluation forms

were not filled in properly (Alexandria Maternal Center); • no quarterly programs were developed for recreation and socialization; • no social integration / reintegration plan was developed and implemented, including specific activities, therapies and services; • no continuous professional training courses have been taken by the staff; • there was no separate refrigerator for storing food samples (Slatina Children's Emergency Reception Center);

- **quarantine centers:** • regarding the rights ensured to persons placed in institutionalized quarantine, there were institutions of the prefect who replied that the personal rights of quarantined persons are respected according to law, but **didn't specifically indicate what rights they referred to** Caraș-Severin), some answered generically that the quarantined persons, as well as the personnel working in these centers **are guaranteed all the rights in the conditions generated by the emergency situation** (Bihor, Botoșani, Hunedoara etc.), and other prefect institutions did not provide information on this issue (for example, Bucharest, Alba, Arges, Bacau, Giurgiu); in the case of the Techirghiol Spa and Recovery Sanatorium, the information provided by the sanatorium specified that the quarantined persons have been informed of their rights and obligations through the materials displayed in each room; those materials, communicated to the NPM team and visible in the submitted photos, however, contained a list of rules of conduct and internal order, which had to be followed during quarantine, as well as the schedule of meals, bed linen exchange and household waste removal; no list of rights was found; • regarding the restrictions provided for quarantined persons, it was found that there was no unitary approach, at national level, in this regard, most institutions of the prefect responding generically: the restrictions are those derived from compliance with the rules adopted to prevent the spread of the new Coronavirus (Bucharest); the restrictions are those provided by the Decisions of CNSSU, Military Ordinances, Orders of the Minister of Health and the Minister of Internal Affairs, etc. (Alba, Argeș, Bihor, Brăila); • in the Techirghiol Spa and Recovery Sanatorium, the 14-day quarantine period was exceeded in the case of 12 people with a negative test result, but who were in direct contact with positive confirmed persons (those persons being kept in quarantine 14 days from the date of last contact with a confirmed case); the MNP team found that only in 6 of the 12 daily activity sheets was mentioned, by the doctor, the contact with an infected person (in the other 6 sheets appeared only the fact that the person was moved to another room, the team understanding that the date of the last contact with the infected person was the date of the move), and in the case of a person, was exceeded the period of 14 days since the last contact with a confirmed case; some of the files were not fully communicated, therefore the team could not assess the time spent in quarantine by those persons.

During the monitoring, in the Techirghiol Spa and Recovery Sanatorium was found the acute need for psychological intervention for the people in quarantine, several people dealing with moderate or severe depression, anxiety, crying crises, irritability, difficulty concentrating. In the sanatorium, they had access to psychological assistance, by telephone or by videoconference, the unit employing a psychologist and a speech therapist. However, most quarantine centers are organized in hotels, leisure centers, boarding schools or cultural centers, which do not have the services of a psychologist, permanently or perhaps not at all. The NPM team is concerned with the management of such situations, in these centers which, in the absence of an alternative, resort to the most convenient solution, hospitalization in a psychiatric ward / hospital; which leads to other problematic situations, related to requesting / obtaining informed consent to hospitalization and treatment.

- **Covid-19 hospitals:** • successive transfers of suspected / confirmed patients were found in at least 2 hospitals, imposed not only by the division of hospitals into Covid-19 and non-Covid-19 hospitals, but also by the further division of Covid-19 hospitals, situations that

are problematic in several respects: respect for the patient's right to choose the hospital, as well as the attending physician; hospitalization of the patient close to their home and family, in order to make it easier to obtain information about the patient (especially in cases where their health does not allow maintaining telephone contact with the family), transmitting packages and quick access of relatives, in case of death, given the extremely rigorous procedure in these situations; ● in some hospitals to the patients suspected of infection with SARS-CoV-2 were applied the discharge criteria applicable to positive patients; they were not discharged / transferred to a non-Covid hospital (as appropriate) when the test result was negative, but had to take a second test at least 24 hours after the first test, which led, obviously, to the prolongation of their hospitalization, which was compulsory; ● control tests were performed a few days later than the date indicated by the hospital from where the patient was transferred, for example, the test was not performed on the 25th, but on the 29th of that month; ● contrary to the recommendations of the National Institute of Public Health which provided that in case of asymptomatic patients, no treatment shall be administered, there were hospitals (Constanța Pneumophthisiology Clinical Hospital, Bolintin-Vale City Hospital, "Marius Nasta" Institute of Pneumoftiziology, Râmnicu Sărat Municipal Hospital, Râmnicu Sărat) whose treatment protocol provided the administration of antiviral treatment to asymptomatic patients, and hospitals (or some hospital doctors) that administered, in practice, antiviral treatment to asymptomatic patients, contrary to their own treatment protocol (Giurgiu County Emergency Hospital); ● administration of antiviral treatment, in hospitals where there were no doctors specializing in infectious diseases, the treating doctors being of another specialties such as: surgery, internal medicine, gastroenterology, pneumology, ICU, pediatrics, etc.), they either adopted the therapeutic schemes prescribed by a physician specializing in infectious diseases, which were generally not re-evaluated during hospitalization, by the infectious disease physician, or even initiating / modifying such schemes; ● the medicines necessary for the treatment of patients' secondary conditions were frequently provided by the patients themselves (the FOCG contains the item "personal medication"), while the hospitals generally provided treatment for SARS-CoV-2 infection; ● staff members noticed the lack of a procedure regarding patients who refuse hospitalization, to be used in such situations (CF Ploiești General Hospital). The unique predicament in which the doctors from Covid-19 hospitals found themselves after the forced hospitalization of the suspected / confirmed Covid-19 patients created confusion regarding the procedure to be followed when the patient requests the observance of their autonomy; ● from the FOCG verification, it does not appear that the hospitalization consent of the suspected / confirmed Covid-19 patients was requested and obtained (a consent form, in this sense, is not found in the procedures regarding the hospitalization of patients / obtaining their consent - aspect which may be a consequence of the fact that in the hospitals designated as Covid-19 hospitals, admission was previously done only at the request of patients); ● the Informed Consent Form on treatment or investigations did not exist in all the verified FOCGs and, when attached to the FOCG, most often was improperly completed: the medical act was not described; there were consents that contained only the patient's signature and the date of signing, no boxes were ticked regarding the information related to the health status of the patient (for example: proposed therapeutic strategy, possible complications, diagnosis, prognosis, etc.); or all fields were ticked, but there was no patient signature, etc.; ● regarding the possibility to contact the relatives, the NPM couldn't ascertain whether their contact details were requested, upon admission, in all monitored hospitals; in the majority of FOCG the telephone number of the next of kin was not recorded, on the first page (neither in the case of Giurgiu County Emergency Hospital, although in the procedure for "admission-discharge of patients" it was underlined that, upon

admission, it shall be noted the contact number of the relatives); • patients were locked in rooms: in the Câmpina Municipal Hospital, the doors of the rooms had to remain closed, and the windows were not to be opened completely, but only vertically; in the Clinical Hospital of Pneumoftiziologie Constanța, all patients were considered suspects and isolated in their rooms; in the General Hospital CF Ploiești it was forbidden to go outside the specially arranged spaces, patients were not allowed to leave the room and had to answer the phone in the room, whenever needed, and if their health allowed it. A patient suspected of Covid-19 infection, admitted in this hospital, tried to leave the medical unit, but *he was turned away by two doctors who took measures to further check the locking system* on the floor where the person was accommodated; • in most hospitals, in the procedures regarding the patient's access to medical data, the form «*Patient agreement on the communication of personal medical data*» (agreement attached to FOCG) was not mentioned and/or there were requirements regarding the communication of medical data that exceeded the legal provisions. • according to the procedure developed by the hospital, in the Surgery Department of the Câmpina Municipal Hospital, Covid-19 patients, accommodated in rooms that were not equipped with their own bathroom, in the large wing of the hospital, were required to use urinary catheters and diapers, as they were not allowed to leave the rooms (given that the rooms was dedicated to the care of patients infected with SARS-CoV-2, including asymptomatic ones).

► Following the visits, in the reports prepared by the end of 2020, **numerous recommendations** were made to the monitored units and the hierarchically superior authorities (Ministry of Labor and Social Protection, National Administration of Penitentiaries, DGASPC Ialomița, DGASPC Brașov, DGASPC Sălaj, J Council Calarasi).

Examples of successfully implemented recommendations:

• **Mărgineni Penitentiary**, starting with April 6, 2020, had in custody persons deprived of liberty, vulnerable from a medical and social point of view (HIV-AIDS). In accordance with the provisions of Law no. 584/2002 on measures to prevent the spread of AIDS in Romania and to protect people infected with HIV or having AIDS disease, **these persons benefit from monthly food allowances**, the manner of granting them being provided in the Order of the Minister of Labor, Social Solidarity and Family no. 223/2006 for the approval of the Methodology for granting the monthly food allowance to adults and children infected with HIV or having AIDS disease, and check how it is used by those entitled. However, **the methodology does not contain provisions regarding the situation when a person changes their address, the beneficiary's obligation being only to announce, within 5 days, any change in the situation that was the basis for granting the right to allowance.**

Although the penitentiary in which the persons deprived of their liberty were accommodated announced the change regarding the new address, the aforementioned Methodology does not provide for the automatic transfer of the allowance right to the new address, being required again the documents necessary to establish the right, at the new address. The reopening of the right to allowance is done according to Art. 5 of the mentioned normative act, which stipulates that *“the monthly food allowance is established from the month following the registration of the application”*, therefore a **payment delay** occurs;

Through the visit report, *it was recommended to the director of Mărgineni Penitentiary to inform ANP on this aspect, which should inform, in turn, the Ministry of Labor and Social Protection which, as issuing body, can complete / modify the aforementioned Methodology, with the provision of maintaining payment of the allowance.*

Following the recommendation of the NPM, the director of the penitentiary unit informed the NPM team that a letter has been drawn up and sent to the ANP on this matter.

- **Hârlău Neuropsychiatric Recovery and Rehabilitation Center, Iași County** operated with a number of 240 employees, with 66 vacancies, including: primary care physician, specialist, nurse, social worker, orderly, recovery teacher and psychologist. Following the recommendations of the NPM, reports were drawn up for the employment of staff, by the end of 2020, 31 people being employed. According to the answer received, the employment competitions are to be completed by April 1, 2021;

- in the **Bacău Penitentiary**, the activity was provided by a number of 252 employees, but in the list of positions 80 vacancies were observed (16 officer positions and 64 agent positions), the largest shortage of staff being registered in the medical field, in the Psychosocial Intervention Directorate and in the operative sector. Also, during the visit, it was found that in some sections, the rooms were equipped with bunk beds on three levels and it was reported the presence of bedbugs, the existence of old furniture and mattresses, toilets with dampness and bad smell, as well as lack of spaces storage of personal goods and objects.

As a result of the NPM recommendations, at the level of the National Administration of Penitentiaries, the employment procedure was carried out, through a competition, for medical, psychological and educational staff, as well as in the operative field. Regarding the improvement of accommodation conditions, until August 2020, current repairs and maintenance were carried out, in 12 detention rooms, 8 actions of punctual pest control and 2 actions of general pest control were carried out, mattresses were purchased, furniture for storing personal belongings was built, and in the draft budget for 2021 was provided for the replacement of beds.

At the level of ANP, employment procedures were organized, through competition, for medical, psychological and educational staff, as well as in the operative field, for the **Târgu Ocna Penitentiary-Hospital**, where the greatest lack of staff was registered in the medical field (10 officer posts and 4 agent posts) and for the security of detention and penitentiary regime (2 officer posts and 5 agent posts), as well as for **Botoșani Penitentiary**, where there were 67 vacancies (25 officer posts and 42 agent posts), the greater lack of staff being in the medical field, education, psychosocial assistance, escort and in the operative sector. At the level of the Botoșani Penitentiary, two doctors were hired (general medicine and dentistry).

- during the monitoring of the **Siret Chronic Psychiatric Hospital**, it was found that the legal provisions were not observed, when setting up the Commission for involuntary hospitalization (2 psychiatrists and a doctor of other specialty or a representative of civil society): it was composed of 3 members, respectively two psychiatrists and a lawyer employed by the unit.

Also, in the **Psychiatric Hospital for Safety Measures Săpoca**, the Commission of involuntary hospitalization did not have a precise structure and didn't comply with the categories of personnel provided by Law no. 487/2002, republished. The commissions, set up during 2016-2020, were made up of: 2, 3 or even 4 psychiatrists; a doctor of another specialty (laboratory doctor or internal medicine doctor); a social worker. In the last order of the interim manager, dated 1 July 2020, a legal adviser was also mentioned in the commission. According to the abovementioned order, the social worker provided the secretariat (but in all decisions taken by the Commission, he signed and applied his personal stamp, as a member), and the legal adviser provided the communication of court decisions. Both the social worker and the legal adviser, who do not represent medical staff, participated as members of the commission in the psychiatric assessment of the persons for whom involuntary hospitalization / cessation of involuntary hospitalization was requested and signed the decisions adopted.

Following the recommendations made in the visit reports, the Involuntary Hospitalization Commissions were set up according to the legal provisions.

► During the year 2020, based on the collaboration between the departments of the **People's Advocate institution**, NPM paid a **visit** to the Emergency Reception Center for Children Slatina, Olt County, and carried out an **investigation** at the National Center for Accommodation and Procedures for Asylum Seekers Bucharest (following the notification made by Ms. Nisreen Rubaian, Representative in Romania of the United Nations High Commissioner for Refugees - UNHCR, on the situation of minors, aged between 12 and 13 accommodated in this center), both together with representatives of the Ombudsman for Children.

There has been a permanent collaboration with the Department on army, justice, police, penitentiaries regarding the preparation and development of a joint work plan, for monitoring the measures for the protection of persons deprived of liberty / of the personnel from penitentiaries and detention and remand centers, undertaken by the ANP and the General Inspectorate of the Romanian Police, as well as informing the NPM regarding the complaints of the persons kept in such places of detention. Similarly, the Department on human rights, equal opportunities for men and women, religious cults and national minorities informed the NPM of possible human rights violations in Covid-19 hospitals and institutionalized quarantine sites.

There were also several collaborations with colleagues from the Department on the rights of family, youth, pensioners, people with disabilities: • preparation of the response to the Ministry of Foreign Affairs, regarding the apparently discriminatory treatment applied to beneficiaries of CRRN Sasca Mică (Suceava County), CIA Paclișa (Hunedoara county), CRRN Costâna and Svorîștea (Suceava county) and the “Sf. Ilie ”(Galați County), as well as on the access to adequate medical care for institutionalized people with disabilities, infected with COVID-19; • interview on Skype with the representative of the World Bank, regarding the project «*Strengthening the coordination mechanism for the implementation of the UN Convention on the Rights of Persons with Disabilities in Romania*» and elaborating a diagnosis of the situation of persons with disabilities in Romania, to substantiate the future «*2021-2027 National Strategy on the Rights of Persons with Disabilities*»; • formulating a complex response to the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, regarding the observance of the rights of persons with disabilities, which will contribute to informing the *National Strategy for the Rights of Persons with Disabilities 2021-2027*.

Proposals for legislative changes:

- *introducing in Law no. 487/2002, republished, the obligation of the court to periodically verify the involuntary hospitalizations (with the establishment of a maximum term of 3 months).* During the monitoring of the Săpoca Psychiatric Hospital for Safety Measures, an aspect that preoccupied the NPM team, was the long period, since a patient was admitted involuntarily, namely 4 years. The team does not question the decisions of the Commission of involuntary hospitalization, but raises awareness about the fact that the mental health legislation does not provide for a regular control by the court in case of involuntary hospitalization¹¹, as it does in the case of the safety measure of medical hospitalization;

- *establishing a courtroom in each psychiatric hospital for safety measures; such courtrooms would also be useful in hospitals that carry out involuntary hospitalizations (one in each hospital or a courtroom for several hospitals, located nearby) - as a solution to avoid transporting patients to court, given that:* • the representatives of the Săpoca Psychiatric

¹¹ Law no. 487/2002, republished, provides for notifying the court to confirm the decision of involuntary medical hospitalization / termination of the measure; The decision of the Commission that re-examines the patients on a monthly basis or whenever-necessary are not subject to court review.

Hospital for Safety Measures recalled to the NPM team, as they did during the visit made in 2016, the difficulties faced by the hospital, both financial and human, related to ensuring the transport of patients, with own ambulances, accompanied by staff members (which makes the shortage of staff even worse at the hospital level, and the costs of these trips are not reimbursed by the Ministry of Health nor by the Ministry of Justice); • notifying the hospital about the need to set up specialized judicial panels, which will judge only the cases that have as object the safety measures - in order to avoid the marginalization / discrediting of these patients, given that court hearings are public); • the fact that bringing patients in the common courts can be traumatic for them, who are already vulnerable.

Such a practice exists in France, where the judge rules in a courtroom, belonging to the Ministry of Justice, specially arranged, in a hospital, or in another medical unit, under the jurisdiction of the same court.

- in case of replacement / termination of the compulsory medical treatment (Art. 568), maintenance / replacement / termination of the measure of medical hospitalization (Art. 571) and lifting the measure of temporary medical hospitalization (Art. 248), the Code of Criminal Procedure should provide the obligation of the court to set a deadline for resolving the notification, within 3 days, from the date on which it was notified (preferably immediately, as provided for the measure of temporary medical hospitalization); also, the trial should take place, as a matter of urgency, as provided by the legislator in case of involuntary hospitalization (in Law no. 487/2002 on mental health and protection of persons with mental disorders, republished (Art. 62 para. 1). Members of the medical staff from Ploiești Penitentiary reported to the NPM team that there were situations in which detainees, for whom was applied the measure of compulsory medical treatment (Art. 109 Criminal Code), refused to take the treatment. According to the provisions of Article 567 paragraph (1) letter b), paragraph (2) and para. (3) Code of Criminal Procedure (if the person obliged to compulsory medical treatment evades the treatment after presentation, the administration of the place of detention has the obligation to communicate this aspect to the court in whose district the health unit is located); the court was notified each time, repeatedly, but no answer was received.

Awareness raising activities of the NPM regarding its powers and duties, participation in conferences, domestic and international symposia, staff training

In order to increase the awareness of the authorities who have subordinated units subject to NPM monitoring, regarding the prevention of torture and ill-treatment, the NPM members carried out, again this year, an extensive awareness raising activity.

Over **130 such actions** were carried out at: Professional Associations (Romanian College of Psychologists, Romanian National College of Social Workers, UNBR Bars), Ministry of Health; at all medical and pharmacy universities / medical faculties in Romania; Order of Nurses, Midwives and Medical Assistants in Romania; Ministry of Education and Research, Center for Public Health Human Resources; DGASPC (Ialomița, Maramureș, Bacău, Galați, Suceava, Botoșani, Arad, Vaslui); Străulești Social Services Complex within DGASPC Sector 1, Bucharest; Neuropsychiatric Recovery and Rehabilitation Centers for Adults with Disabilities (Urlați, Nedelea, Mitocul Dragomirnei, Suceava); Urlați Occupational Therapy Integration Center; Fântânele Social Services Complex; Ploiești University of Oil and Gas; Penitentiaries (Poarta Albă, Craiova, Tg. Jiu, Bacău, Focșani); Manor Care House for the Elderly, Prahova County; Nursing Home Sfânta Mănăstire Christiana, Bucharest; "Pasărea" Nursing Home - "Pasărea" Social Settlement;

Home for the elderly "Zamfira Seniors House" Association, Lipănești locality; Strehaia Home for the Elderly; Drobeta Turnu-Severin Penitentiary – Vânjuleț Exterior Section; Gătaia

Psychiatric Hospital; Home for the elderly “Salvați Bătrânii” Săucești - Bacău; Detention and Preventive Arrest Centers in Buzău, Călărași, Ialomița, Dâmbovița, Teleorman, Constanța, Tulcea, Teleorman, Ilfov, Hunedoara, Alba, Bihor, Bistrița-Năsăud, Brașov, Cluj, Covasna, Harghita, Hunedoara, Maram counties Sălaj, Satu Mare, Sibiu; Otopeni International Airport etc.

NPM members participated (on a monthly or even weekly basis) in a series of webinars, meetings, conferences, symposia, organized at national and international level, for example: Webinars organized by the Association for the Prevention of Torture, with the following topics: *Covid-19 & Monitoring of places of detention, Monitoring of places of detention and the Principle - Do no harm - from theory to practice, in the current context of the Covid-19 pandemic, Monitoring psychiatric institutions during the Covid-19 pandemic: challenges and good practices; Combating torture and ill-treatment during the Covid-19 pandemic*; Videoconferences I and II organized by the Ludwig Boltzmann Institute of Fundamental and Human Rights in Vienna, on the topic of *Monitoring Violence in Prisons*; The final conference *on Prison Monitoring Methodologies for National Preventive Mechanisms*, organized online by the Ludwig Boltzmann Institute, Associazione Antigone, the Bulgarian Helsinki Committee and the Hungarian Helsinki Committee; meeting with experts from the Group of Experts on Action against Trafficking in Human Beings (GRETA); The National Bioethics Conference, during which the material *Ethical Challenges in the centers for the elderly in Romania* was presented; Webinars organized by the National College of Social Workers in Romania, for example *Community Social Assistance. Perspectives in times of pandemic*.

Internationally, the NPM has responded positively to requests from the South-Eastern Europe NPM Network, the Association for the Prevention of Torture, for example, by participating in surveys on monitoring places of detention during the pandemic. At the same time, it developed and sent **informative materials** that were included in each issue of the European NPMs Newsletter (developed by the Torture Prevention Unit, a newly established unit within the Directorate General of Human Rights and the Rule of Law of the Council of Europe), a publication that is developed and distributed to all NPMs in Europe and human rights organizations. The European Newsletter no. 7 (May-June 2020) included more information about Romania, such as the publication of the People's Advocate's annual report containing a section of the NPM Report, specifying the successful implementation of the NPM's recommendations. In the European Newsletter no. 8 (July-September 2020) the contribution of the Romanian NPM was monitoring the observance of the rights of the elderly in penitentiaries, with clarifications of the conclusions resulting from the visits of NPM in penitentiaries. NPM Romania sent material for the December 2020 Newsletter, on the theme of social care services for the elderly. At national level, an article was published in the August Newsletter of the National College of Social Workers in Romania, on social workers during the pandemic.

Meetings took place with **non-governmental organizations** (Organization for the Defense of Human Rights - Craiova Regional Branch; Pro-Democracy Association Piatra-Neamț Ruhama Oradea Foundation, UCOS Sibiu, LADO Cluj, Association “Împreună pentru ei” Baia Mare, Association for Community Partnership Brașov, “Amuradia” Association Brașov, ASCA Harghita Association, Romanian National Council for Refugees) and participation in conferences / symposia / meetings organized by / together with them: Aspects regarding the observance of human rights in the conditions imposed by pandemics or special situations; Aspects of the collaboration between the NPM - Bacău Zonal Center and the Piatra-

Neamt Pro-Democracy Association, during the visits carried out in 2019; Monitoring of forced return missions.

Meetings were organized **with external collaborators** (psychologists, social workers) on professional topics (national and international legislation on the prevention of torture, issues found during the NPM visits, regarding the provision of psychological / social assistance).

Collaboration with SPT and other international partners

Since the beginning of the pandemic, the SPT has requested information from the NPM on the measures taken on Part IV of the *Advice of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease*, adopted March 25, 2020 - measures to be taken by NPMs to continue to exercise their visitation mandate during this pandemic. Thus, as already mentioned, SPT promptly intervened, at the request of the NPM, in the exercise of its mandate, regarding the monitoring of Covid-19 hospitals.

NPM also participated in meetings organized by other NPMs, for example the one organized by Serbian NPM on *the treatment of people addicted to psychoactive substances in prisons*; the NPM had a permanent collaboration and exchange of information, through the SLACK platform and by e-mail (for example, NPM sent information on the application of alternative means, used to monitor places of detention, to the Head of the International Relations Department and Organizational Development - Office of the Chancellor of Justice, Estonia).

CHAPTER VII.

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

At the level of 2020, the activity of the territorial offices materialized in: solving a number of **3496 petitions**, **1189 ex officio proceedings**, conducting **83 investigations**, granting **1391 hearings**, registering **6509 telephone calls** through the dispatching service, formulating **124 recommendations** and conducting **673 awareness raising activities / collaboration with other authorities**, as follows:

- **Alba-Iulia Territorial Office:** resolved a number of 170 petitions, granted 85 hearings, registered 291 telephone calls through the dispatching service, carried out 18 awareness raising activities / collaboration with other authorities, proceeded ex officio in 19 cases, conducted 5 investigations and made 4 recommendations.

From the point of view of the violated rights, out of the 137 cases, a number of 102 cases concerned possible violations of the provisions of Art. 47 and of Art. 52 of the Constitution, regarding the right to a decent standard of living, respectively the right of the person aggrieved by a public authority, namely by the Alba County Pension House. Most of the aspects claimed by the petitioners concerned delays in resolving the requests for recalculation of pensions by capitalizing on the contribution period achieved after retirement, but also delaying the application of the provisions of Law no. 221/2018, for the amendment and completion of Law no. 263/2010 on the unitary public pension system.

In the first half of the previous year, the collaboration with the Alba County Pension House was good, in the sense that it responded within the legal term to the steps taken by the Alba-Iulia Territorial Office. Subsequently, evasive and inconclusive responses were received for a number of 24 cases. Considering the legal term for solving the requests, provided by Art. 106 para. (1) of Law no. 263/2010, we appreciated that their settlement is unduly delayed, reason for which, follow-up letters were drawn up. Following the steps taken, all 24 cases were promptly resolved by the Alba County Pension House, in a favorable manner. With the exception of the above, in the activity of solving the petitions we did not encounter difficulties or reluctance on the part of the authorities, which were open to collaboration.

Authorities open to collaboration:

File no. 22/2020 The petitioner notified the Alba-Iulia Territorial Office, claiming a delay in resolving the request for recalculation of the pension by applying the provisions of Law no. 221/2018. As he did not receive any decision to recalculate the pension, he asked us for support in this regard. Information was requested from the Alba County Pension House, which informed us that in the case of the petitioner were applied the provisions of Law no. 221/2018 by decision issued on 23.06.2020.

File no. 48/2020 The petitioner, serving a custodial sentence at the Aiud Maximum Security Penitentiary, notified the Alba-Iulia Territorial Office, requesting support, because detainees were being transferred for the execution of the sentence at the Arad Penitentiary, which could concern him too. He also mentioned that he has his family closer, in Cristuru Secuiesc, Harghita County, and has scheduled visits in March and April 2020.

Information was requested from the Aiud Maximum Security Penitentiary, regarding the petitioner's situation and the possibility of keeping him for the rest of his the sentence at this penitentiary. The notified authority informed us that on 25.02.2020, the Commission for the individualization of the regime of execution of custodial sentences settled the petitioner's

request, as he executes the sentence in the Maximum Security Penitentiary Aiud, according to the order of the National Administration of Penitentiaries.

File no. 361/2020 The petitioner notified the Alba-Iulia Territorial Office, claiming that between July and August 2019, he was allowed to have hearing aid headphones, as he has hearing impairments. When he returned from the Mioveni Penitentiary-Hospital, his headphones were withheld. Because he needs them to listen to TV and radio, due to his hearing problems, he asked for our support.

Information was requested from the Aiud Maximum Security Penitentiary, and the authority informed us that the petitioner's request receive back his personal headphones from the unit's warehouse was approved by the penitentiary management, on 10.10.2020. It was also shown that the petitioner is registered in the medical records with a condition for which he also benefits from a hearing aid.

File no. 337/2020 The People's Advocate **proceeded ex officio** regarding the aspects presented in the media, regarding the situation of a woman from Rapoltu Mare commune, Hunedoara county, who protested in front of the commune mayor's office, dissatisfied that she could not obtain the title for eight plots of land she owns. Information was requested from the mayor's office of Rapoltu Mare commune, which communicated the following: the topographic documentation and the possession report for the owner were drawn up; the documentation was submitted to the Office of Cadastre and Real Estate Advertising Hunedoara - OCPI, and received an admission report, to be entered in the E-Terra 3 database, for the first registration of the building; on 08.09.2020, the cadastral documentations were registered electronically, at OCPI Hunedoara, and the land book extracts for the respective plots will be issued.

Recommendation successfully implemented:

File no. 399/2019 The representatives of the Alba-Iulia Territorial Office carried out an investigation at the "Horea, Cloșca and Crișan" High School in Abrud, Alba County, following a petition regarding alleged situations of abuse and / or neglect of two minors, students at the mentioned educational unit, during the classes.

As a result of the identified problems, the People's Advocate issued **Recommendation no. 27/2020**, addressed to the director of the "Horea, Cloșca and Crișan" High School from Abrud. The recommendation aimed at: equipping the classroom, where the two students learn, with video surveillance cameras, in compliance with the legal provisions in force; monitoring the daily situation in the special education class VII - X, with emphasis on carrying out all the activities included in the schedule, the presence of students and teachers in classes, and the preparation of weekly reports in this regard.

The management of the educational unit informed us of the following: in the meeting of the Administration Board of February 2020, it was approved to equip the classrooms for special education with video surveillance cameras, in compliance with the legal provisions in force regarding teachers' and parents' consent; the daily situation of the 7th to 10th special education classes is monitored regarding the presence of students and teachers at the courses, the conduct of all activities included in the schedule, the weekly report being sent to the specialized inspector, from the School Inspectorate of Alba County.

Steps taken during the state of emergency and the state of alert:

- *Request for psychological assistance for the medical staff and support staff, addressed to the Strategic Communication Group (no. 5829/2020).* Given that in terms of safety and security at work, the most important seem to be the physical problems, but also the emotional problems can lead to work incapacity, the People's Advocate has advanced, as a solution for the proper management of such situations, that all medical and auxiliary

personnel, in the first line, to be assigned to a clinical psychologist and, depending on the identified needs, or on request, to benefit from specialized assistance and support.

From the answers received from the Department for Emergency Situations and the Center of Psychosociology within the Ministry of Internal Affairs (MAI), the following emerged: clinical psychologists were identified at the level of the medical units, within the institutions of defense, public order, etc.; Regarding the MAI staff, which is at the forefront of the fight against the pandemic, at the ministry level, the provision of specialized psychological assistance is provided by specialists of the MAI Psychosociology Center and, implicitly, by unit psychologists; starting with 01.03.2020, the Psychosociology Center provides to the MAI staff e-mental health services, virtual clinic, for rapid assessment and scientific therapy for anxiety, depression, problems related to emotion control, panic attacks, and problems generated by stress; in order to fulfill their duties, the psychology structures within the Ministry of Internal Affairs carry out specialized activities through a network of almost 300 psychologists; The Psychosociology Center provides the psychological assistance activity for the staff of the units within the central apparatus of the ministry and these subordinated to it who don't have psychologists employed.

- *Request for psychological assistance for quarantined persons, addressed to the Strategic Communication Group* (no. 5825/2020). It was considered that the quarantine of persons coming from red areas of the pandemic, given the restrictive nature (severe restriction of freedom of movement for 14 days) should be accompanied, at least for those with severe behavioral decompensation or other mental vulnerabilities, at their request or following the occurrence of undesirable behaviors or personal history with such a pathology, assessment and psychological assistance, face to face or online.

- *Request regarding the provision of psychological assistance for medical and auxiliary staff*, addressed to the Minister of Health (no. 6607/2020). Regarding some medical staff in the first line of fight against the new coronavirus, who face a number of deficiencies and dysfunctions at the workplace, it was appreciated that setting appropriate objectives for intervention in the psychological crisis, generated by the action of potential traumatic events, in emergency situations, must be based on a realistic wording of what crisis intervention means. Thus, in the opinion of the People's Advocate, a solution for the proper management of such situations would be for medical and auxiliary staff to be registered with a clinical psychologist and, depending on the needs identified or on request, to receive assistance and specialized support.

Among the authorities that **were open to collaboration** and that provided their support in the exercise of our legal duties, we mention: the General Directorate of Social Assistance and Child Protection Alba, the General Directorate of Social Assistance and Child Protection Hunedoara, the Alba County Police Inspectorate, which responded promptly and professionally to all requests addressed.

- **Bacău Territorial Office:** resolved a number of 187 petitions, granted 107 hearings, registered 278 telephone calls through the dispatch service, carried out 13 awareness raising / collaboration with other authorities, proceeded ex officio in 39 cases, conducted 1 survey and made 6 recommendations.

Authorities open to collaboration:

File no. 30/2020 The complainant notified us that the request of her son, a student of the Vocational School within the Theoretical High School "Ion Borcea" Buhuși, to be granted the amounts representing the daily allowance of food and the rights to clothing, footwear, sanitary materials, supplies, transport, due to students with special educational needs was refused.

From the documents attached to the petition it resulted that the minor has a certificate of school and professional orientation valid until the end of the school year 2021-2022, as well as a certificate of serious disability, with personal assistant, issued by the Commission for Child Protection of Bacău County.

As a result of the approach taken, the Theoretical High School "Ion Borcea" Buhuși maintained its point of view, according to which the student in question cannot benefit from the rights resulting from the quality of student with Special Educational Needs (SEN), claiming that these rights could not be cumulated with the scholarship granted during the attendance of vocational education. Regarding this situation, the point of view of the Bacău County School Inspectorate was requested, which informed us that the student in question must benefit from the rights provided by law for children with SEN, this being the practice adopted by other vocational schools in county that educates students with SEN.

Consequently, the educational unit was requested to reanalyze the situation, taking into account the applicable legislation and the point of view expressed by the Bacău County School Inspectorate. The educational unit in question informed us that on May 6, 2020, the amounts related to the period September 2019-March 2020 were calculated and paid, and starting with May 16, 2020, the monetary rights will be granted monthly, according to the legal provisions.

File no. 78/2020 The petitioner, having the quality of plaintiff in a case pending before the Roman Court, which had as object the establishment of the minor child maintenance pension, claimed that although the summons had been registered since September 18, 2019, she hasn't been notified yet of a trial term.

The petitioner stated that in order to provide the material means necessary for the upbringing and care of the minor child resulting from the marriage with the defendant, it was necessary to have a court decision by which the defendant was obliged to pay maintenance, as he did not fulfill his obligations as a parent on his own initiative.

As a result of the approach taken, the Roman Court communicated that on July 8, 2020, the case in question was resolved by admitting the request, the petitioner being informed in this regard.

Successfully implemented recommendations:

The People's Advocate issued **Recommendation no. 5/2020**, addressed to the mayor of Plopana commune, Bacău county, in the context of the constitutional provisions regarding the protection of persons with disabilities. The issued Recommendation requested the mayor of Plopana commune to take the necessary measures so that the employees who have tasks related to the rights of persons with disabilities in the job description, perform their duties correctly.

The mayor's office accepted the Recommendation, in the sense that the employees proceeded to rectify the information erroneously sent to the Bacău County Pension House, consequently the disabled persons receiving their rights.

By **Recommendation no. 45/2020**, addressed to the director of the "Justin Pârvu" School in Poiana Teiului, Neamț County, the educational unit was requested to take the necessary measures to remedy the technical and organizational deficiencies found by ISU Neamț and DSP Neamț as a result of the malfunction of the heating system, which led to smoke poisoning of some students.

Following the recommendation, at the request of the school, the Local Council of Poiana Teiului Commune, Neamț County, allocated the necessary funds for the purchase of a new heating system, subsequently proceeding to replacing the defective heating system.

The People's Advocate issued **Recommendation no. 195/2020**, addressed to the General Director of the General Directorate of Social Assistance and Child Protection Neamț and to the President of the Neamț County Council. The issued Recommendation requested the continuation of the steps for identifying the necessary funds, respectively the payment of the outstanding salary rights of the DGASPC Neamț staff.

The Authority informed the Bacău Territorial Office that: all steps were taken by the Neamț County Council, the Institution of the Prefect of Neamț County and the Ministry of Public Finance, to ensure the necessary funds for full payment of salaries and insurance contributions; by decisions of the Neamț County Council, the budget credits were supplemented with the necessary amounts in order to pay in full the net salaries corresponding to the months of October and November for the staff of DGASPC Neamț as well as the staff of the subordinated children's centers, and the contributions to the state budget; on 24 December 2020 there were no more unpaid salary rights.

Steps taken during the state of emergency and the state of alert:

- *Request regarding the situation of a laboratory where samples necessary for the detection of SARS-CoV-2 virus infection are received and processed, which the press reported it allegedly works without the approval of the health authorities, addressed to the Bacău Public Health Directorate.* (File no. 234/2020) The answer of DSP Bacău revealed the following: the laboratory in question has a sanitary authorization for operation, issued based on the Order of the Minister of Health no. 1301/2007 for the approval of the norms regarding the operation of the medical analysis laboratories; the representatives of DSP Bacău proceeded to the structural-functional evaluation of the spaces of the laboratory located in Gârleni commune, Bacău county, and concluded that it observes the legal provisions in force, therefore the unit was included on the list of specialized laboratories performing RT-PCR testing to establish the diagnosis of Severe Acute Respiratory Syndrome caused by the new coronavirus.

- *Request to communicate the measures adopted to protect the right to health care of beneficiaries following the Covid-19 outbreak at the Care and Assistance Center for Persons with Disabilities Târgu Ocna, addressed to the General Directorate of Social Assistance and Child Protection Bacău.* (File no. 272/2020) Response of DGASPC Bacău - measures adopted: on 29 September 2020, samples were collected for testing for a number of 57 employees and 51 beneficiaries, and the results, received by mail on October 1, 2020, showed that a number of 49 beneficiaries and 19 employees tested positive; these persons were to be taken over by the County Ambulance Service and transported to hospital units at the request of DSP Bacău; beneficiaries with symptoms of Covid-19 were given antibiotic or antipyretic treatment, as appropriate; the representatives of DSP Bacău were present in the social assistance unit and evaluated the way in which the measures to prevent the spread of the infection with the new virus were observed, finding that the working procedures were followed; The Care and Assistance Center for Persons with Disabilities Târgu Ocna, was provided with the necessary personal protective equipment and disinfectants, in this regard being purchased protective materials totaling 62,522.65 lei.

- *Request regarding the communication of the measures adopted to protect the right to health care of the beneficiaries as a result of Covid-19 outbreaks at the Războieni Neuropsychiatric Recovery and Rehabilitation Center and at the Bozienii de Sus Disability Care Center, addressed to the General Directorate of Social Assistance and Child Protection* (File no. 281/2020). The authority's response revealed the following: the measures ordered by DSP Neamț were implemented, respectively the establishment of the quarantine measure in

the unit and the work shifts of 14 days of isolation / quarantine in the center, respectively 14 days of isolation / quarantine at home; clinical evaluation of the beneficiaries by infectious disease doctors and pulmonologists, appointed by DSP Neamț; monitoring the health of the beneficiaries through consultations performed by the family doctor and the health staff in the unit; ensuring the medication prescribed by specialists and observing their recommendations by urgently supplying the center's pharmacy with the prescribed drugs; providing protective equipment for center staff and disinfectants in accordance with the epidemic situation in the unit; compliance with the cleaning and disinfection program 3 times / day.

- **Brașov Territorial Office:** resolved a number of 407 petitions, granted 89 hearings, registered 434 telephone calls through the dispatch service, carried out 179 awareness raising activities / collaboration with other authorities, proceeded ex officio in 198 cases, conducted 11 investigations and made 37 recommendations.

Successfully implemented recommendations:

File no. 777/2019 The petitioner notified us showing that he is disabled, with a medium degree of disability, unmovable, needs an oxygen mask, has no people to take care of him, is alone, has been hospitalized several times. The Brașov Social Assistance Directorate (DAS Brașov) does not provide home care to the elderly if they have a disability, regardless of the degree of disability.

Thus, it was found that according to the decision of the Local Council Brașov no. 75/2019, the eligibility criteria exclude the persons who have a disability certificate, even if they are over 65 years old - an aspect which contradicts the legal provisions in force, which is why the People's Advocate issued **Recommendation no. 46/2020**, by which it requested the general director of DAS Brașov to immediately order measures for discussing in the Local Council of the Municipality of Brașov of the proposal to amend Art. 6 of the decision of the Local Council Brașov no. 75/2019 approving the Regulation on the organization and operation of the social service provided at home "Home care unit for the elderly", in order to eliminate the condition according to which the elderly person classified as disabled cannot benefit from home care. DAS Brașov informed us that the amendment to the Regulation on the organization and operation of the Home Care Unit was approved, eliminating the aforementioned condition.

File no. 286/2020 The People's Advocate proceeded ex officio, after the publication of an article presenting the difficult situation faced by thyroid patients at national level, as an essential medicine for patients with thyroid disease was no longer found in any pharmacy in the country.

As a result of the identified problems, **Recommendation no. 133/2020** was issued, by which the People's Advocate requested the Minister of Health to order the legal measures required for the Electronic Inventory Reporting System, SER, to be functional, to trigger the national alert level and to proceed to take appropriate measures to prevent the shortage of medicines on the market. Also, the People's Advocate requested the adoption of the necessary measures for the Mechanism on preventing the lack of medicines on the market to become functional.

Following the steps taken, the Ministry of Health together with the National Agency for Medicines and Medical Devices (ANMMDMR) started supplementing the inventory by authorizing special needs for concentrations of 75 mcg and 125 mcg for the product with DCI LEVOTHYROXINUM. In this regard, ANMMDMR issued authorizations for special needs for: LEVOTHYROXINUM 75 mcg: 200,000 boxes x 100 pcs. and LEVOTHYROXINUM 125 mcg: 200,000 boxes x 100 pcs.

Merck Romania pharma company has communicated to ANMDMR the production planning schedule for the period June 2020-February 2021, which shows that, starting with October 2020, the quantities manufactured for delivery to Romania will double for Euthyrox 100mcg and 50mcg compared to previous months, and from December 2020 will be supplemented with 25% also the quantity delivered for Euthyrox 25mcg. Thus, if this production and delivery schedule for Euthyrox will be maintained, the quantities of Levothyroxin will be provided as required by the Endocrinology Commission in May 2020 for a number of approximately 750,000 patients.

In order to prevent such situations, the Ministry of Health requested ANMDMR, regular information on possible discontinuities and proposals to improve the current legislative framework. At the same time, it completed the procedures for approving the maximum price-cap, respectively it adopted the Order of the Minister of Health no. 1727/2020. According to the information received from the pharmaceutical company, some of the quantities have already been entered on the distribution chain. In addition, ANMDMR issued three parallel import authorizations, so that the need be covered in the short term by supplementing the Romanian market in this way, until stocks stabilize.

File no. 694/2019 - Ex officio notification regarding the information presented in the media about a case in which 3 children aged 12 were not allowed by the driver to enter a bus, although they had tickets.

In this regard, steps were taken at the Braşov County Council and the Braşov County Commissioner for Consumer Protection. Subsequently, the steps were extended to the State Inspectorate for Road Transport Control - I.S.C.T.R. - Territorial Inspectorate no. 8.

Based on the communicated information, **Recommendation no. 42/2020** was issued, by which the People's Advocate ordered the elaboration of a mandatory procedure for training the personnel performing road passenger transport, awareness raising and/or organizing campaigns in this regard, collaborating with other specialized bodies, in order to prevent the refusal to allow children in the means of road transport or leaving them on the road.

The State Inspectorate for Road Transport Control informed us that the activity of the transport operator is still under monitoring, so that the public road transport of people through regular services in Braşov County will take place in conditions of quality and safety, in accordance with the legal provisions.

File no. 301/2020 - Ex officio notification regarding the case of a minor, beneficiary of the Placement Center "Casa Ioana" from Rupea, Braşov County, who managed to walk 15 km to his parents' home, fleeing from the center where "everyone" was beating him.

Steps were taken to the Rupea City Police and the General Directorate of Social Assistance and Child Protection in Braşov, and, as a result of the identified problems, the People's Advocate issued **Recommendation no. 139/2020**. The recommendation addressed to the director of DGASPC Braşov aimed at: preventing the minors to voluntarily leave the "Casa Ioana" Rupea Placement Center and the "Sfântu Stelian" Ghimbav Placement Center; improving the internal procedures applicable at the level of both centers, by implementing additional security and control measures in order to eliminate the possibility of flight from the centers subordinated to DGASPC Braşov; updating the existing collaboration between DGASPC Braşov and the Romanian Police, firefighters, ANITP, NGOs, in order to provide and diversify services, activities for minors; awareness raising about the dangers and possible negative consequences for minors, which may arise if they voluntarily leave the center and remain unattended, unaccompanied, without a legal representative; filling staff vacancies in order to increase the efficiency of the center's personnel.

Measures implemented at the level of DGASPC Braşov:

- the DGASPC Braşov Annual Action Plan on special services managed and financed from the budget of Braşov County Council for 2020 of was approved, deciding to temporary close of the Placement Center "Casa Ioana" Rupea as well as of the Placement Center "Sfântu Stelian "Ghimbav";
- the support of the County Committee for Emergency Situations was requested in order to increase the number of Police patrols in the areas of residential centers;
- within the Placement Center "Casa Ioana" Rupea, measures were taken by raising the wire fence on the side behind the center (approximately 3 meters), and, to avoid the access of unauthorized persons inside the center, at the main gate of the residential service was installed a bell;
- collaboration agreements were concluded with ANITP - Braşov Regional Center, Braşov County Police Inspectorate, as well as with associations and foundations that carry out meetings and thematic activities within the residential social services for children, subordinated to DGASPC Braşov;
- the Project "Our children and youth, closer to the community" was approved. The aim of the project is to increase the quality of services provided in the community for children with behavioral disorders, at risk of family separation and young people who are about to leave the institutionalized child protection system in Braşov County;
- the Vocational Training Plan for 2020 has been drawn up.

Steps taken during the state of emergency and the state of alert:

• *Request regarding the inclusion of Covid-19 disease in the group A of infectious diseases, provided in the Government Decision no. 1186/2020, addressed to the Minister of Labour and Social Protection and the Minister of Health (File no. 445/2020).* The People's Advocate requested the two authorities to take urgent measures for Covid-19 disease to be included in the group A of infectious diseases, provided in Government Decision no. 1186/2000. According to the legislation in force at the date of the ex officio notification, those who were temporarily unable to work due to Covid-19 disease, received only 75% of the salary.

Following the steps taken, Government Decision no. 423/2020 was adopted, for the approval of the List comprising the medical-surgical emergencies, as well as the infectious-contagious diseases from group A, for which the insured persons are paid during the temporary incapacity for work, even without fulfilling the condition of minimum required contribution. As such, Covid-19 disease has been included in group A of Infectious Diseases, so that the insured persons may receive benefits during the temporary incapacity for work without contribution conditions, and the medical leave allowance for patients diagnosed with Covid-19 will be 100% of the salary.

• *Request addressed to the Minister of Health (File no. 901 / 2020) to analyse the opportunity of amending Order no. 1092/2020 in accordance with the provisions of the law, so that persons suspected of Covid-19 infection who have been in quarantine for a certain period, can benefit from the medical leave allowance in the amount of 100%.* The National Health Insurance House informed us that, by the Order of the Minister of Health and of the President of the National Health Insurance House no. 1546/938/2020, the following changes were made: introduction in the form of the medical leave certificate of a new allowance code related to infectious diseases for which the isolation of persons is established at their home, at the location declared by them or, as the case may be, in sanitary facilities or in alternative locations attached to them; amending the form of the medical leave certificate by increasing the percentage related to the code 07-Quarantine, from 75% to 100%; modification of the

instructions regarding the use and the way of completing the medical leave certificates, in accordance with the regulations provided by Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk. File no. 901/2020.

- *Request addressed to the Prime Minister* (File no. 230/2020), *for taking the necessary legal measures to identify the causes that generate dysfunctions and frequent blockages in the Health Insurance Information Platform (PIAS)*, The People's Advocate proceeded ex officio, after taking note of the difficult situation patients were facing due to the fact that the computer system of the National Health Insurance House, the one which family doctors, hospitals and pharmacies work with, keeps stalling at a time when the health system is at its peak, due to epidemiological alerts. At the date of the ex officio proceeding of the People's Advocate, according to the information published on the website of the National Health Insurance House, the Health Insurance Information Platform (PIAS) was unavailable.

As a result of our actions, at the CNAS level, the necessary steps were taken to identify the causes that generated malfunctions and blockages of the Health Insurance Information Platform (PIAS), as well as to ensure the operation of information systems in normal parameters, even at peak times of activity. Currently, CNAS implements measures for the proper functioning of the Health Insurance Information Platform (PIAS). In this regard, framework agreements were concluded for a period of 36 months for the provision of administration, maintenance, technical support, development and help desk services related to PIAS components, applications, hardware and databases: the Unique Integrated Computer System, the Electronic Health Insurance Card, the Electronic Prescription, the Electronic Health File. Starting with April 2020, a certain stability in the use and operation of the PIAS IT platform was ensured, regardless of its degree of demand, which led to a decrease in the number of complaints related to this issue.

- *Request addressed to the Minister of Health and the Head of Department for Emergency Situations* (File no. 252/2020) *for the prompt resolution of doctors' requests to provide them with protective materials and approved biocidal substances to prevent infection with Covid-19, which are minimum protection measures in the activity of providing medical services to the population*. Family doctors from Braşov County notified the Braşov Territorial Office, exposing the dramatic situation faced by this professional category in the fight against the Covid-19 pandemic, requesting support for the provision of protection materials and approved biocides, as the distributors of sanitizers no longer have stocks for the supply of family medicine offices, a situation that endangers the health of patients, but also of medical staff in medical offices and permanent centres. Measures taken:

- Braşov Public Health Directorate: simple FFP2 masks were distributed to family doctors in Braşov County and, at the same time, was being considered that all sponsorships and any other protective equipment that will follow the centralized procurement, to be redirected to family doctors as well;

- The Ministry of Health forwarded the notification to the National Health Insurance House, which took measures to ensure access to medical services, medicines and medical devices in safe conditions for doctors and patients; measures were taken to limit travel and interaction with other people, a series of notes were posted on their website to inform the insured persons and service providers;

- Department for Emergency Situations: proposed the distribution of protective equipment and sanitizers, according to the urgent needs of public emergency response structures, including city and municipal hospitals with emergency reception facilities, and at

the proposal of the Ministry of Health, these were assigned to the Directorates of Public Health, as well as to hospitals designated for the care of patients infected with Covid-19.

Among the authorities that **were open to collaboration**, we mention: the City Hall of Braşov, the Institution of the Prefect of Braşov County; Braşov County Police Inspectorate; Braşov County Commissariat - National Environmental Guard; Braşov County Emergency Clinical Hospital, Braşov County Council; Covasna County Police Inspectorate; General Directorates of Social Assistance and Child Protection Braşov and Covasna.

Recommendation ignored by authorities:

Recommendation no. 109/2020, addressed to the Minister of Labor and Social Protection (MLSP), regarding the necessity to take measures concerning the obligation of social service providers to allow access to the public institutions for control / monitoring of the rights of elderly beneficiaries of social services. The MLSP envisages amending and supplementing the Minimum Quality Standards for social services with accommodation, organized as residential centers for the elderly, *without providing a definite deadline in this regard and referring strictly to the Mechanism on the Prevention of Torture, although Recommendation no. 109/2020 refers to the unrestricted access of the People's Advocate institution*, which is why we returned to the MLSP, requesting information on the measures taken to complete the provisions of the Minimum Quality Standards for social services with accommodation, organized as residential centers for the elderly. The file is in progress, no response has been communicated so far. File no. 130/2020.

Among the authorities that **did not provide the necessary support** in the exercise of the duties of the People's Advocate institution, the following stood out: the County Emergency Hospital "Dr. Fogolyán Kristóf" Sfântu Gheorghe, Covasna County; Dumbrăvița commune town hall, Braşov county.

Proposals for legislative changes:

- by Order no. 502/417/2020 for the amendment and completion of the Norms for the application of the provisions of GEO no. 158/2005 on leaves and social health insurance benefits, was modified Art. 10 of the Order of the Minister of Health and of the president of the National Health Insurance House no. 15/2017/1311/2018. Thus, it was given the legal possibility for the doctors employed in the Emergency Reception Units to be able to issue medical leave certificates or to be able to issue a recommendation based on which the medical leave certificates will be issued, subsequently, by the family doctor;
- promoting an initiative to amend the *Norms of the Framework Contract* to take into account the introduction of the criterion of the number of patients, in establishing the quarterly ceiling, settled by the health insurance houses, for dental medical services, provided by Annex no. 14 of the Order no. 397/236/2018, as well as the increase of the quota allocated to dentistry in FNUASS (**Recommendation no. 207/2020**);
- completing the provisions of the Minimum Quality Standards for social services with accommodation, organized as residential centers for the elderly, by inserting the main obligation of public service providers to allow unrestricted access of the People's Advocate and other public authorities and institutions with legal powers of monitoring and/or control regarding possible abuses and/or violations of the rights of elderly people, beneficiaries of public services (**Recommendation no. 109/2020**);
- elaboration of protocols regulating the protection measures applicable to oncology patients (**Recommendation no. 127/2020**);

- regulation of the legal framework for the hospitalization of asymptomatic persons found positive with Covid-19, according to the recommendations of the World Health Organization and the European Center for the Prevention and Control of Infectious Diseases within the European Union, on the possibility of home quarantine for people who test positive for Covid-19 but who have no symptoms or only mild symptoms (**Recommendation no. 125/2020**);
- application of the provisions of Art. 52 lit. c) -d) of Law no. 211/2011 on the waste regime, republished, namely, the development of specific regulations for the management of waste from medical activities and any other activities generating waste referred to in class 18, subclass 18 01 of the Annex to Commission Decision 2014/955/EU (**Recommendation No. 174/2020**);
- inconsistency reported to the Minister of Agriculture, between the provisions of Order no. 182/2020 on the approval of the Norms for fire prevention and extinguishing specific to the activities of the agricultural sectors, issued by the Minister of Agriculture and Rural Development, respectively Law no. 307/2006 on fire protection, republished, which regulates emergency services, these being professional or voluntary, public or private. Order no. 182/2020 was subsequently repealed;
- non-correlation reported to the Secretary General of the Government regarding the fact that GEO no. 197/2020 regulating volunteering in support of health units and pre-hospital emergency services by students of the faculties of general medicine and the faculties of nurses, during the state of alert and for a period of 30 days from the date of termination of the state of alert, does not provide for the possibility of unilaterally terminating the volunteer contract.

● **Cluj-Napoca Territorial Office:** resolved a number of 333 petitions, granted 79 hearings, registered 557 telephone calls through the dispatch service, carried out 22 awareness raising activities / collaboration with other authorities, proceeded ex officio in 190 cases, conducted 11 investigations and made 20 recommendations.

Successfully implemented recommendations:

File no. 93/2020 - Ex officio notification following the reportage *Disaster at the National Evaluation*. In order to verify the situation presented in the media, information was requested from the Maramureş County School Inspectorate and the Romanian Agency for Quality Assurance in Pre-academic Education (ARACIP).

The Maramureş County School Inspectorate sent the requested data, and ARACIP sent a response in which it indicated that on the institution's website can be consulted the Reports and Studies on the state of quality in the pre-university education system, the National Strategy for quality improvement in the system education. Following the analysis of the answers received, the People's Advocate issued **Recommendation no. 149/2020**, to the County School Inspectorate and the Institution of the Maramureş Prefect.

The Maramureş County School Inspectorate showed that it took note of the recommendation of the People's Advocate and that it responsibly treats the educational needs of students in Maramureş, the quality of the educational act in pre-university education units, as well as the duties it has according to Art. 95 of Law no. 1/2011 of national education, detailing the steps taken in this regard.

The Institution of the Prefect of Maramureş County mentioned that an objective analysis of the results obtained by the students from Maramureş County at the National Evaluation Exam was performed, following which it was found that the discrepancies between rural and urban results persist and, to reduce differences, are needed actions to increase the quality of education in rural schools, as well as projects to boost the level of education in rural communities. In this sense, the Maramureş County School Inspectorate proposed rapid intervention measures in all educational units in the county.

In order to improve the school performance of students in 8th grade, who will take the National Evaluation exam in the 2020-2021 school year, at the level of the Maramureș County School Inspectorate, the objectives that will be pursued through the school inspection have been established. Taking into account the recommendations from ARACIP, the Maramureș County School Inspectorate will periodically monitor the educational units which educate students included in the category of educational vulnerability, will make efforts to establish partnerships between educational units, between teachers in urban and rural areas, will involve the experts of the Maramureș County Center for Resources and Educational Assistance, in ensuring the counseling and guidance of students with poor learning outcomes.

File no. 3/2020 The petitioner complained that he addressed a request to the Local Taxes and Fees Directorate within the Turda City Hall asking to be granted the exemption from the payment of the tax related to the means of transport that he owns jointly with his wife, given that he is a beneficiary of the Law no. 189/2000, and his wife is the beneficiary of Decree-Law no. 118/1990, republished, with subsequent amendments and completions. The petitioner's dissatisfaction was generated by the fact that he did not receive a favorable response to the request. The authority informed him that he could benefit from the tax exemption only for one of the means of transport of his choice, the petitioner being the co-owner of two means of transport together with his wife. Given the context created by the applicable legal provisions, the petitioner considered that both spouses are fully exempted for a means of transport, at their choice, from those jointly owned.

Steps were taken to the Local Taxes and Fees Directorate within the City Hall of Turda, which informed us that the exemption applies to a single means of transport of those held jointly with the spouse, at the choice of the taxpayer, thus refusing, to apply the tax exemption to both means of transport.

However, in order to resolve the case as correctly as possible, the Local Taxes and Fees Directorate requested a point of view from both the General Directorate of Legislation, Fiscal Code and Customs Regulations within the Ministry of Public Finance, and the Directorate for Local Fiscal and Budgetary Policies, but didn't receive any answer.

Subsequently, the People's Advocate returned with a new request to the City Hall of Turda, which specified that the tax authorities correctly applied the legal provisions in force, because, given that the exemption would apply to several means of transport, co-owned, as common goods, it would be a violation of the legal regime provided by the Fiscal Code.

In addition, steps were taken at the Ministry of Public Finance, requesting the communication of a point of view regarding the presented situation, more precisely on the possibility to grant the tax exemption for both means of transport. The Ministry of Finance opined that according to the legal provisions in force, in the event that both spouses fall under the conditions of exemption provided by the Fiscal Code, and are co-owners of two means of transport, then each of them fully benefits from exemption from paying tax on means of transport, for a means of transport of their choice.

Thus, considering that the petitioner is the beneficiary of Law no. 189/2000, and his wife is the beneficiary of Decree-Law no. 118/1990, and the only legal and equitable solution is for both spouses to benefit in full from the payment of the tax on means of transport, for a means of transport of their choice, the People's Advocate issued **Recommendation no. 175/2020**. The City Hall of Turda adopted the recommendation, in the sense that starting with 31.12.2019 the petitioner and his wife were exempted from paying the tax on the means of transport they own in co-ownership, in percentage of 100%.

File no. 40/2020 The petitioner complained that she addressed a request to the Social Assistance Directorate within the City Hall of Bistrița-Năsăud asking the granting of the 15%

increase to the basic salary (for the activity carried out in dangerous or harmful conditions), her dissatisfaction being generated by the fact that she did not receive a favorable response to the request made, being employed by individual employment contract as a personal assistant for her son, minor, severely disabled.

In order to verify the presented situation, steps were taken at: Bistrița Social Assistance Directorate, which informed us that, at the level of the authority, there is a home care service for the elderly, which carries out its activity according to Law no. 17/2000, republished, with subsequent amendments and completions, and to the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, which informed us that the increase for special conditions is granted under the existence of determination bulletins highlighting the existence of dangerous or harmful conditions at the workplace of the personal assistant, respectively social service for the disabled persons in which the personal assistant is employed.

We also asked the Bistrita Social Assistance Directorate to inform us what is the number of personal assistants for the severely disabled persons and what is the amount of the salary increase they benefit from. The authority informed us that there are 184 assistants for the severely disabled persons and none of them benefit from any salary increase for work under harmful or dangerous conditions.

The People's Advocate issued **Recommendation no. 156/2020**, accepted by the City Hall of Bistrița, which took steps in order to issue the determination bulletins, in this sense requesting the Public Health Directorate Bistrița-Năsăud to assess the work places, in order to grant the salary increase for harmful conditions for the personal assistants of the severely disabled people.

Recommendation no. 163/2020, to the National College „Gheorghe Șincai” from Baia Mare Municipality, regarding the application of the legal provisions in force regarding the conduct of online education, compliance with the legal framework on how to establish / approve the schedule at the unit level and inform all teachers of its compulsory nature, in accordance with the decision of the Board of the educational unit and the application of the principle of the best interests of the child, which must prevail in all decisions and actions of public authorities, training of all staff on the impossibility of derogating from the provisions of Law no. 1/2011 of the national education, with the subsequent modifications and completions regarding the way of establishing / approving the schedule of the educational unit.

The educational unit confirmed that they accepted of the recommendation, the teachers were informed about its content within the Teachers' Council held on 08.10.2020. The instructive-educational activity is carried out according to the established schedule, which is strictly observed. At the national exams in 2020 (National Evaluation, Baccalaureate) the pass rate was 100%.

Recommendation no. 72/2020, to the City Hall of Luduș, Mureș County and the Department of Social Assistance and Child Protection Mureș.

The two authorities communicated the measures taken, as follows:

- Luduș City Hall requested the specialized support of the Mureș Directorate of Social Assistance and Child Protection regarding the coordination and methodological guidance of the activity of the public social assistance service, in the field of child protection and promotion. Regarding the continuous professional training of all the staff within the Public Social Assistance Service, the necessary measures will be taken immediately after the end of the emergency situation;

- The Department of Social Assistance and Child Protection of Mureș has organized and continues to organize courses on methodological guidance and continuing education courses for the representatives of the Public Social Assistance Service within the town halls. In 2019, training courses were organized for the representatives of the Public Social Assistance Services, focusing on: the procedure on preventing the separation of the child from the natural family, the importance of developing and implementing the service plan, the most effective collaboration in the best interests of the child, concrete examples of efficient / less efficient management situations and team solving of more complex cases; the monitoring file and the monitoring process itself, the importance of preparing and applying the service plan by the representatives of the Public Social Assistance Service. The Mureș Directorate of Social Assistance and Child Protection will order new measures regarding the support and guidance of the representatives of the Public Social Assistance Service in the field of children's rights and, at the same time, will continue the professional training of the staff to properly manage the risk situations which involve children.

- **Constanța Territorial Office:** resolved a number of 362 petitions, granted 150 hearings, registered 866 telephone calls through the dispatch service, carried out 64 awareness raising activities / collaboration with other authorities, proceeded ex officio in 92 cases, conducted 9 investigations and made 15 recommendations.

Authorities open to collaboration:

File no. 422/2020 The petitioner notified us in connection with the fact that on 19.07.2020 she had to leave urgently for Turkey, in order to undergo surgery on her left eye. The petitioner stated that upon leaving Romania, both she and her husband, who accompanied her, performed the SARS-CoV-2 test, with a negative result. The reported problem refers to the moment of returning to Romania, on 24.07.2020, when they were sent to quarantine, although following the control performed by the representative of the public health directorate at customs, from a medical point of view, they were excluded from quarantine, but the representative of the Border Police ordered the quarantine, applying the provisions of Decision no. 36/2020.

At the same time, the petitioner specified that from 27.07.2020, at 00:00, Turkey was removed from the list of countries at risk, which is why she requested to be lifted the measure of quarantine, because she has to go to travel for regular checks indicated by specialists in Turkey.

Considering the aspects notified by the petitioner, steps were taken at the Tulcea County Center for Coordination and Management of the Intervention and the Tulcea Public Health Directorate. The authorities informed us that on 30.07.2020, both the petitioner and her husband were no longer listed in the database as quarantined persons, being removed from the records as a result of the supporting documents submitted.

File no. 91/2020 The petitioner notified us in connection with the fact that his mother received, at the beginning of February 2020, a notification to the domicile address in Romania, regarding the submission of the fiscal declaration in order to establish the sanitation tax allegedly due, for a building which she owns in Năvodari.

Currently, the petitioner is in France, being a national in this country since 1999, which makes it impossible to travel to Romania, which is why he requested the support of the People's Advocate to request the City of Navodari to exempt him from paying special sanitation taxes, for the respective building, specifying that no person lives at that address. Moreover, the petitioner pointed out that this property does not benefit from any public utility,

although he made numerous requests to the Năvodari City Hall for public utilities to be brought in the area: water, gas or electricity.

Steps were taken to the City Hall of Năvodari, which informed us the following: City Hall officials asked the petitioner to provide information and clarifications necessary to establish the real situation regarding the sanitation tax, without imposing tax obligations on the taxpayer; the sanitation tax must be paid by all natural persons who own properties in the city of Năvodari, who reside in the city of Năvodari or live in the city under other legal forms; according to the Decision of the Local Council no. 275/2019 on the establishment of local taxes and fees for 2020, for owners living at another address, in another city or abroad, a sanitation fee of 108 lei / year is established. In this case, the owners are obliged to certify that the building is uninhabited, by presenting identity or residence documents and other documents attesting to this fact.

Following the verifications on the ground, as well as from the correspondence with the Public and Private Domain Administration Department, it emerged that the owners of the buildings located in Năvodari benefit from the garbage collection service, but not from sanitation services. The representatives of Năvodari City Hall informed us that the petitioner does not owe to the City Hall any amount as sanitation fee.

File no. 444/2020 The petitioner notified us in connection with the fact that by a civil court decision pronounced by the Mangalia Court, a case having as object the obligation of the minor's father to pay alimony for the minor, was solved in the sense of admitting the request and obliging him to pay to the petitioner and in favor of the minor an alimony in the amount of $\frac{1}{4}$ of the net income earned by the defendant in Norway, starting with 20.08.2018, and until the minor reaches the age of 18 years. Specifically, the petitioner requested information on how to enforce in Norway a decision handed down by a court in Romania, by which the father of the minor was obliged to pay alimony.

Steps were taken to the Ministry of Justice - Directorate of International Law and Judicial Cooperation - International Judicial Cooperation in Civil and Commercial Matters. The Authority informed us the following: in the Romania-Norway relationship, the provisions of the *2007 Hague Convention* on the International Recovery of Child Support and Other Forms of Family Maintenance are applicable. Thus, the petitioner can request the recovery of the alimony from Norway, free of charge, through the central authorities; attached to the point of view regarding the legal procedure to be followed in the situation reported by the petitioner, the representatives of the Ministry of Justice also submitted to us the forms recommended by the Hague Conference in Romanian and English which were sent to the petitioner.

Successfully implemented recommendations:

File no. 49/2020 The petitioner has repeatedly requested the City Hall of Băneasa commune, Constanța county, to issue the property title according to the decision issued by the Băneasa Local Land Commission for the area of 6.30 ha., but the authority did not comply with the request.

In order to clarify the situation, an investigation was carried out at the City Hall of Băneasa commune, Constanța county, following which the People's Advocate issued **Recommendation no. 69/2020**, addressed to the mayor of Băneasa commune, Constanța county.

The authority informed us that it accepted the recommendation, stating the following: after the cessation of measures restricting the movement of persons, Băneasa City Hall will take all measures to register in the cadastre the sector that includes the land for which the decision was issued. In this sense, a specialized company was contracted to provide services

for cadastre works within the Băneasa area and the financing was obtained related to the cadastre of the 70 plots for which the decisions were issued, among which the land plot of the petitioner. In order to complete the restitution process in kind or by equivalent, it will continue the cadastre of all sectors that include the lands and plots for which the decisions were issued, after which all the documentation will be sent to the County Land Fund Commission for the approval of annexes and the issuance of property titles, to persons entitled to restitution.

File no. 138/2020 The petitioner notified the fact that, as heiress, she requested the City Hall of Topalu commune, Constanța county, the reconstitution of the property right for the surface of 14 ha. of extra-urban land. Through the decision of October 2006, the heirs were put in possession with an area of 7 ha. arable land, located in the cadastral territory of Crucea commune, Constanța county and through another decision were put in possession with an area of 7 ha. arable land, located in the cadastral territory of Topalu commune, Constanța county. The petitioner claims that through several requests and hearings she requested the Topalu Commune City Hall to issue property titles for the areas to which the heirs are entitled, according to the decisions, but until the date of notification of the People's Advocate, the case was not resolved.

The People's Advocate carried out an investigation at the City Hall of Topalu Commune, Constanța County, following which it was concluded that the two property titles were not issued. As such, **Recommendation no. 79/2020** was issued.

The town hall of Topalu commune informed us the following: the State Domains Agency and the Topalu Local Land Commission started the conclusion procedure of the Protocol of handover-takeover of agricultural lands; the petitioner was notified and asked to submit all the necessary documents in order to complete the file in order to issue the title deed, respectively copies of the identity documents / death certificate accompanied by the heir certificate (as the case may be), for all heirs; after filling in the requested documents, the City Hall of Topalu commune will submit the file to the Office of Cadastre and Real Estate Advertising Constanța in order to issue the property titles.

Currently, the Topalu Local Land Commission is analyzing and updating all the files with the entitled persons (52 positions), a process that is ongoing. The updating of Annex 22S is underway, and, in this regard, the City Hall of Topalu commune requested the persons listed in the annex to come with documents to complete the files, respectively with copies of identity documents / death certificates accompanied by heir certificate. After receiving the land with an area of 452 ha. by a handover-receipt protocol from the State Domains Agency, the Topalu Local Land Commission will proceed according to the legal provisions in force in order to issue the property titles to the entitled persons.

Regarding the authorities within the territorial competence of the Constanța Office, we found that most of the time they **were open to collaboration**, responded promptly to the requests of the People's Advocate institution and in situations where recommendations were issued, they adopted them and communicated the measures ordered.

However, there were also isolated cases in which the notified authorities delayed the communication of the information requested by the representatives of the People's Advocate institution, their behavior leading to the extension of the term for solving the petitioners' files. In order to clarify the situations complained of, it was necessary to continue the proceedings and request the institutional support of the hierarchically superior authorities.

Proposals to improve the activity of the authorities, resulting from the recommendations issued by the People's Advocate to the authorities of Constanța and Tulcea counties, we consider it appropriate that: at the level of social assistance services within territorial administrative units, to be implemented and applied the obligation of the authorities

to ensure, on a permanent and continuous basis, the counseling and information of families with dependent children, about their rights and obligations, on the rights of the child and on locally available services; at the level of the employees within the general directorates of social assistance and child protection, it is necessary to carry out periodic training activities to ensure that all staff members know the provisions of Order no. 26/2019 issued by the Ministry of Labor and Social Justice approving the Minimum Quality Standards for family-type social services for children in the special protection system.

● **Craiova Territorial Office:** resolved a number of 302 petitions, granted 27 hearings, registered 171 telephone calls through the dispatch service, carried out 14 awareness raising activities / collaboration with other authorities, proceeded ex officio in 90 cases, conducted 6 investigations and made 5 recommendations.

Authorities open to collaboration:

File no. 394/2020 - Ex officio notification regarding the lack of protection equipment against coronavirus infection for police officers from Olt County.

Steps were made to the Olt County Police Inspectorate, which informed us of the following: it was started an investigation on the reported situation, and the necessary legal measures will be taken; the Olt County Medical Center was asked to communicate which sectors are at risk of contamination, which protection / cleaning materials should be used and which measures and prophylactic conduct should be adopted to prevent / limit / eliminate the risk of SARS-CoV-2 contamination, as well as the quantities of materials required; all IPJ Olt staff were trained on the measures and prophylactic conduct to be adopted for preventing the disease; procurement procedures for protective materials for staff have been started as a matter of urgency; surface disinfectants were purchased (desks, counters, door handles, work cars interiors, etc.), surgical gloves, rubber boots for protection, biohazard surgical masks, FFP2 masks, disposable hooded jumpsuit, goggles protection, disinfectants for biohazard surfaces, non-contact digitized thermometers for measuring body temperature, liquid soap, hand sanitizer.

File no. 764/2020 - Ex officio notification regarding the disappearance of a minor girl from a placement center in the city of Târgu Cărbunești, Gorj County. Steps were made to the General Directorate of Social Assistance and Child Protection Gorj and the Gorj County Police Inspectorate.

The General Directorate of Social Assistance and Child Protection Gorj communicated the following information:

- the minor was taken over from the family by the representatives of the General Directorate of Social Assistance and Child Protection Gorj, establishing the measure of emergency placement in the Maternal Center within the Community Services Complex for the Child in Difficulty Târgu Cărbunești, because she was in risk situation, being diagnosed with an evolving pregnancy. Subsequently, the Gorj Court ordered the change of the emergency placement with the special protection measure - placement in the same center;

- between 21-27.02.2020, the minor was hospitalized at the Târgu Jiu County Emergency Hospital, where she gave birth. Throughout the hospitalization, the doctor, nurses and psychologist of the Community Services Complex for the Child in Difficulty in Târgu Cărbunești went daily to the hospital, in order to maintain contact with the beneficiary;

- at the time of the incident, the representative of the security company was on duty outside the center, due to epidemiological conditions, having visual access only to the front and part of the right side of the room;

- on the evening of the day when the minor disappeared, a nurse, an orderly and an educator were on duty at night, checking that all the beneficiaries had entered the bedrooms. The minor asked to go for a walk in the yard of the institution, and after about 5-10 minutes the educator in the respective sector noticed her disappearance;

- the head of the center organized a search for the minor, both inside and in the yard, but she was not found, reason for which the police and the management of DGASPC Gorj were announced;

- the minor was found on 14.05.2020, by the police, in the locality of Fieni, Dâmbovița County, and she was preventively isolated in the epidemiological triage center within the Alternative Services Complex - Residential Protection Târgu Jiu.

The Gorj County Police Inspectorate communicated the following information:

- at the level of the inspectorate, the search at national level was requested, the minor being detected in Fieni locality, Dâmbovița county, in the entourage of a man, leaving with him from the Community Services Complex for the Child in Difficulty Târgu Cărbunești;

- during her absence from the center, the police established that the minor had not been the victim of any crime;

- it was proceeded to her preventive isolation in the Alternative Services Complex - Residential Protection Târgu Jiu, and at the same time, the search was stopped.

Successfully implemented recommendations:

File no. 1181/2020 - Ex officio notification following the information published in the press, according to which a minor, aged 17, left voluntarily, on 14.08.2020, from a placement center in Calafat, subordinated to the Directorate General of Social Assistance and Child Protection Dolj, and did not return.

Measures taken following our intervention:

- The General Directorate of Social Assistance and Child Protection Dolj informed us that: the minor benefits from special protection in a family-type house within the General Directorate of Social Assistance and Child Protection Dolj; the minor requested the permission to exit the and did not return to the center; in this situation, the employees of the house followed the procedure of searching for the child and notifying the competent bodies in the field, in this case, the Calafat Municipality Police; regarding the security and safety of the beneficiaries, the organization of family-type houses within the General Directorate of Social Assistance and Child Protection Dolj in which children or young people benefit from protection measures, is not compatible with ensuring security and protection at the door; the minor in question, as well as all children and young people who benefit from a special protection measure, benefit from a psychological evaluation.

- The Dolj County Police Inspectorate informed us that: the minor is being placed at the Calafat Family House within the General Directorate of Social Assistance and Child Protection Dolj; according to the police records he has 22 voluntary departures in the years 2019-2020, returning each time, after a short time, to the headquarters of the center. He was reported missing twice nationally; also, he appears in the evidence of the criminal files from the Calafat Municipality Police.

Considering the fact that this child is listed with 22 voluntary departures in the last two years, as well as with two criminal files under investigation, **Recommendation no. 191/2020** was issued.

File no. 1654/2020 A news item was published in the regional daily Gazeta de Sud according to which a minor girl from Orșova left the placement center, without the consent of the center's staff and never returned. According to the information published in the press, an

all-points bulletin was put on the minor at the national border of Romania and a search was initiated at national level.

The People's Advocate Institution proceeded ex officio and steps were taken at the General Directorate of Social Assistance and Child Protection in Mehedinți, which informed us of the following:

- the minor girl was admitted to the Residential Center for the child separated from parents on 24.09.2019. Prior to the establishment of this protection measure, the minor benefited from placement to a foster carer, who during 2019 took her to the Emergency Reception Center for street children, motivating that the minor became disobedient, missing from home until late hours, and had an age-inappropriate entourage;

- on 03.03.2020, the minor was allowed to leave the apartment within the Residential Center for the child separated from her parents, between 5 PM - 7 PM, to meet with her biological mother, but she did not return at the scheduled time. The minor's mother was contacted by phone, and stated that they had met, and her daughter left for the Center's apartment. Subsequently, at 8 PM, the police were notified by telephone. The minor was found in Orșova Municipality, Mehedinți County, by the representatives of IPJ Orșova, and was brought to the center;

- the minor is placed in the Residential Center for the child separated from the parents, family-type center, composed of several apartments located in ordinary blocks of flats, in different locations in the Municipality of Drobeta Turnu Severin. In each apartment the permanent supervision of the beneficiaries is ensured by specialized personnel, an educator during the day and a supervisor during the night;

- after returning to the Center, the minor was examined within the Forensic Medicine Service Mehedinți and heard by the representatives of IPJ Mehedinți, establishing that she hasn't been the victim of any crime during her absence from the center.

- the minor was included in a psychological counseling program, and from the date of departure until now she has not been absent from the center without permission.

Considering the above, the People's Advocate issued **Recommendation no. 197/2020**.

Steps taken during the state of emergency and the state of alert:

- *Ex officio notification regarding the situation of insufficient ventilation devices in the Hospital from Târgu Cărbunești, Gorj County.* (File no. 510/2020) Steps were taken to: Târgu Cărbunești Hospital, Gorj Public Health Directorate, Târgu Cărbunești City Hall and the Ministry of Health. As a result of the steps taken, the authorities reported that: the hospital was supported to identify ventilators that can be borrowed from other medical units, being transferred two devices from the Târgu Jiu County Emergency Hospital; it was approved the secondment of some specialist doctors from the hospitals from Rovinari, Motru, Novaci, Turceni and Bumbești Jiu, for the period 10.04-09.06.2020, according to the order of the prefect of Gorj county; by decision of the Târgu Cărbunești Local Council regarding the rectification of the revenue and expenditure budget for 2020, sums of money were allocated to the hospital for the purchase of protective equipment, sanitary materials, medicines, medical equipment.

- *Ex officio notification regarding the lack of quarantine accommodation in Bechet city, Dolj county.* (File no. 418/2020) Steps were taken to: Bechet City Hall and Dolj Public Health Directorate. As a result of the steps taken, the City Hall of Bechet informed us that: the quarantine center was subjected to the evaluation control performed by DSP Dolj, being declared appropriate in terms of health and hygiene norms; the space destined for quarantine, respectively the school campus in the city of Bechet, is a new construction, which was not

previously inhabited, all the facilities made available to the people being new; on the occasion of the control, the food was checked from an organoleptic point of view, this being appropriate in terms of appearance and smell; the routine cleaning operations in the rooms are carried out in a self-management regime, the necessary materials and substances being made available by the economic operator who also supplies the food in the respective center; at the level of the restaurant, deficiencies were identified consisting in the fact that food samples were not stored, reason for which the administrator of the company was sanctioned with a fine.

- *Ex officio notification regarding the storage of medical waste on the outskirts of Slatina Municipality, in the current epidemiological context.* (File no. 1195/2020) Approaches were made to the Slatina City Hall and the Environmental Guard - Olt County Commissariat. As a result of the steps taken, we were informed that controls carried out and it was ordered the sanitation of the area which is in the public domain, the action being carried out by a company authorized in the collection, transport and disposal of medical waste. The company that had the obligation to collect and destroy medical waste was fined.

All the notified authorities **were open to collaboration**, in this sense being mentioned as an example: "Pelendava" Penitentiary Craiova, Târgu Jiu Penitentiary, Craiova Penitentiary, National Administration of Penitentiaries, County School Inspectorates in Dolj, Gorj, Olt and Mehedinti, General Directorates of Social Assistance and Child Protection Olt, Dolj, Gorj and Mehedinti, Public Health Directorates Dolj, Olt, Gorj and Mehedinti, County Emergency Hospitals Dolj, Gorj, Olt and Mehedinti, County Police Inspectorates in Dolj, Gorj, Olt and Mehedinti, Craiova City Hall.

As for the **negative side** of the collaboration with the authorities, there were no such situations, but it is worth mentioning that within the city halls there are no specialized staff employed in the social assistance departments; the activity of these departments which should, among other responsibilities, be the interface between the local communities and the county directorates of social assistance and child protection, is often dysfunctional, inefficient and purely symbolic.

- **Galați Territorial Office:** resolved a number of 148 petitions, granted 33 hearings, registered 229 telephone calls through the dispatch service, carried out 13 awareness raising activities / collaboration with other authorities, proceeded ex officio in 91 cases, conducted 5 surveys and made 2 recommendations.

Authorities open to collaboration:

File no. 621/2020 - Ex officio notification - Brăila Public Health Directorate - Control at the Brăila Psychiatric Hospital following the approach regarding the presence of vectors in the medical unit, control after which a contravention sanction was applied, for the non-conformities found (presence of vectors, respectively dead cockroaches in accessible areas, in P3 accommodation area for patients with mental illness and possible contamination with SARS-CoV-2, who do not have specific symptoms of infection and who do not meet the test criteria according to the methodology). A radical pest control action at unit level was also done by a specialized company, with 2 operations.

File no. 237/2020 - Vrancea County Construction Inspectorate The complainant expressed her dissatisfaction with the actions of her neighbors, who began in 2019 to carry out construction works, without holding a permit. She addressed both the City Hall of Vulturu commune, Vrancea county, and the Vrancea County Construction Inspectorate to complain about this. The mayor's office of Vulturu commune informed her that the neighbor in question was informed to present himself for obtaining of the urban planning documentation, but he

did not respond to the request and continued to build, reason for which he was to be sanctioned.

The Vrancea County Construction Inspectorate informed her that the construction works were stopped and that Ms. [...] has started the procedures for obtaining the building permit. The mayor's office of Vulturu commune will follow the observance, by s. [...], of the measure ordered to stop the works until obtaining the building permit.

The petitioner addressed our institution, claiming that even at the time of submitting the petition (April 2020), the neighbor is still building on the border between the properties, does not have a building permit, being encouraged by the indifference of the local public administration.

Initially, at the level of the Galați Territorial Office, steps were taken towards the City Hall of Vulturu commune. The local authority submitted the point of view, accompanied by copies of several documents, which show that a field inspection was carried out on 24.04.2020 and it was found that there is a construction at the foundation stage and slab above the ground; it was ordered to interrupt the construction until obtaining of the construction authorization from the City Hall of Vulturu commune. The building permit was issued on 04.05.2020.

Also, the Vrancea County Construction Inspectorate was asked to analyze the way in which the local authorities fulfilled their duties in this case and to order the legal measures. Vrancea County Construction Inspectorate carried out verifications and found that the law in force was violated by the mayor of Vulturu commune when he issued the urbanism certificate and the building permit. As such, it will submit to the prefect of Vrancea county the request to address the administrative litigation court, based on the provisions of Art. 12 of Law no. 50/1991, which establish: *“(1) The construction or demolition permits, issued in violation of the legal provisions, may be annulled by the administrative litigation courts, according to the law, as a result of the notification of the court by the prefect, following the activity of control of the State Inspectorate for Constructions.”*

File no. 564/2020 - Ex officio notification - Dumbrăveni commune town hall, Vrancea county - The situation of a single mother, raised 10 children, in a house that was not her property, without electricity and running water. School-age children could not attend online school classes due to the difficult financial situation faced by the family. The point of view of the mayor of the respective locality was requested, who informed us that this family is in the records of the local public authorities, which supported it both through the social benefits provided by law, but also through the integration of its members in the community. Thus, the family receives from a neighbor electricity and water, as support, two of the older children were helped to train professionally, to acquire a job and to be able to live independently, and school-age children participate in online courses currently. The mayor's office even identified another home for the family, in another locality of the county, but the children refused to move, declaring that in the locality where they now live they have friends and relatives, and that it would be difficult for them to start over elsewhere.

File no. 572/2020 - Ex officio notification - Pufești commune town hall, Vrancea county - The situation of a single mother, who was taking care of 2 children, in a house without electricity. However, the children were not absent from school and always did their homework. The point of view of the mayor of the locality was requested, who transmitted that the family was supported by the mayor's office to connect to the electricity system, and the children received from donations the necessary tools to follow the online school courses. The family also received food, clothing and hygiene products.

Steps taken during the state of emergency and the state of alert:

- *Request regarding the situation of the beneficiaries of social services from the Odobești Residential Center for the Elderly, Vrancea County and the measures ordered after the occurrence of cases of coronavirus*, addressed to the General Directorate of Social Assistance and Child Protection Vrancea (File no. 226/2020).

Measures ordered at the level of the Residential Center for the Elderly (CRPV) Odobești, specific measures were implemented to prevent infections with the new Covid-19 coronavirus: providing personal protective equipment for all workers, stocks of sanitary materials and disinfectants; sanitation and disinfection of spaces; drawing up work schedules in order to comply with the measure of preventive isolation at work (shift I) and at home (shift II) for the staff of the center; prohibiting the access of visitors / family / supporters / legal representatives of the beneficiaries of social services, etc.

After the date of confirmation of the first infection within CRPV Odobești, DGASPC sent letters to DSP Vrancea requesting the testing of all beneficiaries and employees of the center, the test being performed on 18.04.2020, when 29 people were found positive: 25 beneficiaries and 4 employees, who were subsequently hospitalized at the Adjud Municipal Hospital; at the request of DGASPC, on 21.04.2020, the testing of the employees preventively isolated at home (16 people) was also performed, 8 of them being positively detected and hospitalized at the Adjud Municipal Hospital; In order to comply with the strictest possible measures to prevent the transmission of the new coronavirus, the staff was retrained.

After the hospitalization of those found positive (37 people), 12 elderly people remained in CRPV Odobești, whose care was provided by 6 employees. The 37 hospitalized persons were monitored, permanently, by telephone, by the DGASPC representatives.

The premises of CRPV Odobești were completely disinfected by a specialized company, in a contractual relationship with DGASPC Vrancea. After the action of total disinfection of the living space, performed by the specialized company, within CRPV Odobești, surface disinfection operations were performed daily, by the staff of the center.

- *Request for information related to the situation of those who return to the country from areas considered to be at epidemiological risk and for which quarantine is required, based on the provisions of Law no. 136/2020, regarding the competent authority to issue the quarantine decision* (the public health directorate of the county where the border point is located or the public health directorate of the location declared for quarantine) (File no. 612/2020).

Answer of Brăila Public Health Directorate: The Ministry of Internal Affairs and the Ministry of Health established in Workflow 17749/6042/2020 on inter-institutional communication of data and information regarding persons for whom the quarantine or isolation measure was instituted, that *in the crossing points of the state border, the representatives of the county public health directorates establish, according to the law, by an individual motivated decision, the measure of quarantine or isolation*. For persons who have crossed the state border and who, according to the legislation and procedures, receive the decisions at the state border crossing points, no other decisions are issued by the territorial DSPs where they declare the quarantine location. For the persons identified by the Romanian Police that they live together with the person against whom the measure of quarantine at the border was instituted, the DSPs, under the conditions of Art. 7 of the Workflow 17749/6042/2020, issue the decisions to establish the quarantine.

- *Request regarding the communication of information about the situation of hospitals in Vrancea County regarding the number of places for Covid-19 patients in ICU wards, the degree of bed occupancy, the measures ordered and the steps taken to the competent institutions to increase the treatment capacity of patients with moderate and severe forms, in*

the medical units and the number of employees in hospitals, in the context in which the press published information according to which the capacity for hospitalization of Covid-19 patients at SJU Focșani Hospital was exceeded (File no. 601/2020)

Answer of the Vrancea Public Health Directorate: at the level of Vrancea county, Covid-19 patients who need medical care in the Anesthesia and Intensive Care (ICU) wards are treated in the County Emergency Hospital (SJU) „St. Pantelimon” Focșani (10 beds for serious cases) and Adjud Municipal Hospital (10 beds for mild and medium cases). The 10 beds within the ICU section of SJU „St. Pantelimon” Focșani are occupied by the patients from the infectious diseases department of the medical unit, who need intensive care services, the critical patients transferred from the Adjud Municipal Hospital, and within the limit of the available places, by the critical patients transferred from other counties. In order to ensure a greater number of ICU beds, the management of SJU „St. Pantelimon” Focșani organized a new intensive care sector with 10 beds, for which it obtained from DSP Vrancea the approval to conduct medical activities in the form proposed by the therapists, but due to the lack of staff this sector cannot function.

At the date of the DSP Vrancea response, in the ICU section of the County Emergency Hospital „St. Pantelimon” Focșani were working 9 ICU specialists, 38 nurses, 13 orderlies, 2 stretchers, 20 caregivers and 1 psychologist. At the level of the Adjud Municipal Hospital, Covid-19 support hospital, in the ICU department (10 beds) medical assistance was provided only to mild and moderate cases of patients admitted to this hospital, there was only one ICU specialist and no on-call doctors were provided.

• *Request for information on: the number of students and teachers who have / do not have access to the internet / digital tools for carrying out teaching activities*; how to ensure the right to education for students who do not have access to the internet / do not have digital tools; the way of monitoring the activity carried out by the teachers during the state of emergency / alert; collaboration with local authorities in order to solve problems in online education; mechanisms for collecting feedback from students, parents, teachers, other categories of staff involved in organizing and conducting the support activity for online learning; the way of training / instruction of teachers and the calendar of these trainings / trainings regarding the teaching-learning-evaluation activity carried out on-line, etc. (File no. 241/2020).

Answer of the Galati County School Inspectorate: a weekly *monitoring sheet of online teaching activities* was designed; Following the collection of data from the completed forms, it was possible to propose measures to ensure technical resources for both teachers and students, so as to increase the number of children who have access to education; the way of monitoring the online courses program that the students must benefit from - is done by completing the *Weekly Monitoring Sheet of the didactic activities carried out online*; the existence of digital materials and tools necessary for students' participation in online courses; teachers were supported for the design of online teaching-learning-assessment activities and for the development of appropriate educational resources for online education; the schools or town halls have given computers into custody, both to students and teachers; the centralization of the way of conducting the online courses is done on the school unit, not on the subject of study; both local authorities and private entities have collaborated to provide tablets / computers / internet connection for as many children as possible; where students did not have access to the internet, teaching materials necessary for learning (worksheets, textbooks) were made available to them, distributed through teachers, volunteers, school mediators, social workers, etc.

All the notified authorities and institutions **were open to collaboration**, in this sense being mentioned as example: the Inspectorates for Emergency Situations in the three counties, Galați, Brăila and Vrancea, the County Emergency Hospital "St. Pantelimon" Focșani, Galați County School Inspectorate, Brăila County Emergency Hospital.

- **Iași Territorial Office:** resolved a number of 305 petitions, granted 108 hearings, registered 346 telephone calls through the dispatch service, carried out 19 awareness raising activities / collaboration with other authorities, proceeded ex officio in 70 cases, conducted 8 investigations and made 5 recommendations.

Authorities open to collaboration:

File no. 722/2020 The petitioner, as a parent of a student at Rediu Secondary School, a child with a certificate of school orientation and a certificate of disability, expressed her dissatisfaction with the fact that, although she had submitted all the necessary documents to the school, in order to receive the due rights for the 2018-2019 school year, according to the legal provisions in force, no payment was made for these rights.

Steps were taken at the City Hall of Rediu commune, Iași county, which informed us that the amounts necessary for granting the rights of the minor were included in the budget for 2020, in an extraordinary meeting of the Rediu Local Council, and the payment will be made after completing the fiscal procedures.

File no. 777/2020 The petitioner expressed his dissatisfaction with the refusal of the State Domains Agency to draw up the delivery-receipt protocol regarding the land with an area of 2 ha., located within the Municipality of Iași, as ordered by the Iași Court and implicitly, delaying the possession and the issuance of the title deed for the mentioned land.

Approaches were made at: the State Domains Agency, the Institution of the Prefect of Iași County and the City Hall of Iași.

The institution of the Prefect of Iași County informed us that all the restitution documentation necessary for the handover by protocol of the land area necessary for the possession and issuance of the title deed for the area of 2 ha. land was sent in 2012 with the adoption of the decision of the Iași County Land Commission no. 846.

The State Domains Agency (ADS) informed us that the *Property Reconstitution Service has drawn up the handover-takeover protocol*, which was in the process of being approved by the institution, and after completion, it will be sent for signature to the Iasi Municipal Land Commission.

The City Hall of Iași specified that the Iași State Domains Agency submitted to the Local Commission for Land Fund Iași, the handover-takeover protocol regarding the land with an area of 2 ha., in order to sign it and retransmit it to ADS Iași.

File no. 336/2020 The petitioner expressed her dissatisfaction with the delay in the procedure for issuing a new rectifying title related to the original title deed, issued in the name of its author, based on a civil sentence from 2013, which remained final by decision of the Iași Court.

From the answer sent by the Institution of the Prefect of Iași County it results that after drawing up the technical verification report, the Office of Cadastre and Real Estate Advertising (OCPI) Iași retransmitted the documentation, and the file was submitted to analysis and debates in the meeting of Iași County Land Commission on 28.04.2020, the rectification decision was adopted, following that the property title will be sent to OCPI Iași in order to correctly register the cadastral indicators.

File no. 696/2020 The petitioner told us that since 2013, she lives, as a tenant, in a social housing, granted by the City Hall of Iasi, where she made several investments for its

arrangement and expressed her dissatisfaction with the fact that in common areas of the condominium is very dirty, and no sanitation or renovation of these spaces was performed.

Following the steps taken, the City Hall of Iași informed us that the Housing Fund Department has started the procurement procedure for installing individual cold water metering in the living spaces of the building, and, in the next period, an action will be initiated to make the necessary repairs, painting the walls of the common spaces of the building, the halls and the staircase.

File no. 1491/2020 The petitioner informed us that the City Hall of Curtești commune, Botoșani county, sent to the Botoșani County Agriculture Directorate, the documentation for obtaining the approval necessary for the alienation of its agricultural land, located within Curtești commune, Botoșani county, to a lessee, but did not receive any response, although he requested that the issue of this alienation notice be expedited.

Initially, steps were taken at the Directorate for Agriculture and Rural Development Botoșani and, subsequently, at the Legal Directorate within the Minister of Agriculture and Rural Development. Following the steps taken, the final opinion was communicated and handed over to the petitioner on 8 December 2020.

Successfully implemented recommendations:

Recommendation no. 16/2020, issued by the People's Advocate following the ex officio notification regarding the *expenses made by parents with the title of "class fund" / "school fund", the money being used by school principals for the payment of security services of school units.*

The Vaslui County School Inspectorate adopted the recommendation, communicating that the following measures have been taken: 86 notifications were addressed to the local councils of the administrative-territorial units in the county, requesting them to provide material and financial support to the educational units, for the fulfillment of the necessary measures, for ensuring the security conditions, respectively the fencing of the school perimeter, indoor-outdoor surveillance cameras, card-based school access system, *framework protocol for ensuring protection* in collaboration with the local police bodies; the Institution of the Prefect of Vaslui was informed about the situation regarding school safety in the educational units in the county, with data on the number of pre-university education units with / without guard, equipped with video surveillance systems, which do not have a fence, with school safety plan, which have concluded cooperation agreements on school safety; the implementation of the actions provided in the *Joint Territorial Action Plan for increasing the safety of students and teaching staff and the prevention of juvenile delinquency in the premises and in the areas adjacent to pre-university education units*, carried out together with the Vaslui County Gendarme Inspectorate, Vaslui Inspectorate for Emergency Situations, Vaslui County Police Inspectorate.

Recommendation no. 70/2020, issued by the People's Advocate following the ex officio notification regarding the situation of a little girl from Măscurei, who ran away from home, after she was allegedly assaulted by her stepmother. The recommendation concerned the observance by the City Hall of Pogona commune, Vaslui county, of the legal provisions in force, regarding the protection and promotion of children's rights and of the Framework Regulation for the organization and functioning of the social assistance department, organized at commune level.

The local authority has put in place a number of measures to improve and streamline the monitoring of all minors in the community, such as: appointing a person in charge to monitor minors in the commune in order to prevent abuse, neglect, exploitation and any form of violence, regardless the environment in which they are located; reorganization of the

Community Advisory Council so that, in the future, all risk situations involving minors in the commune can be prevented; elaboration of collaboration protocols with the General Directorate of Social Assistance and Child Protection Vaslui and with the Gymnasium School no. 1 Pogana; initiating collaborations with the competent institutions on the issue of domestic violence, psychological counseling and inclusion of minors in psychotherapy programs against abuse, neglect, exploitation, as well as any forms of violence; in the extraordinary meeting of the Pogana Local Council, Decision no. 20/2020 on approving the implementation of the project *Development of the social assistance system and combating poverty and social exclusion*, SMIS code 126924; families in difficulty will continue to be supported, locally, by informing them about the services available, by providing social benefits, under the conditions imposed by the legislation in force.

Recommendation no. 80/2020, issued by the People's Advocate following the ex officio notification regarding the situation of 12 children from Poiana cu Cetate village, Grajduri commune, Iași county, who walk daily over 5 km, on foot, through the field, to attend classes at the school unit from Protopopești locality, Vaslui county. The recommendation to Tăcuta commune town hall, Vaslui county and Grajduri commune town hall, Iași county aimed at taking measures to ensure the transport of students to the school where they are enrolled, as well as taking steps to ensure the necessary funds to purchase a school minibus.

The local authorities in this case communicated that the following measures have been taken: it will be proposed, at the level of the Grajduri Local Council, the possibility of concession for one of the two school minibuses owned by the Grajduri commune City Hall, to be used for the transport of students to school; the possibility of hiring a driver at the level of the Tăcuta Local Council will be discussed; the steps will be continued at the Ministry of Public Works Development and Administration to ensure the necessary funds for the purchase of a school minibus for Tăcuta commune; it is intended, as a possible alternative measure, to have a dialogue with the parents of children from Poiana cu Cetate village, Grajduri commune, Iași county, who are currently going to the school unit in Protopopești, Tăcuta commune, to consider their enrollment in Grajduri Secondary School, where transport back and forth from home to this school is available. If the parents do not accept, the Grajduri commune town hall will support the Tăcuta commune town hall and will provide the means of transport.

The Public Works Directorate within the Ministry of Public Works, Development and Administration informed us that at the ministry level there are no programs, or funds allocated from the state budget, for the purchase of vehicles for student transport, but the ministry has taken steps for identifying and obtaining funding from alternative sources. Also, in December 2019, the ministry initiated a process to identify the need for vehicles for student transport, and Tăcuta commune, Vaslui county is in the records, with a request for a school vehicle, type 16 + 1.

Recommendation no. 103/2020, issued by the People's Advocate following the ex officio notification regarding the case of two minors, from Banca locality, Vaslui county, for the benefit of whom the measure of emergency placement was taken, as they were subjected to violence and forced labor, by the father, and did not attend classes. Recommendation to the City Hall of Banca commune, Vaslui county, and the Gymnasium School no. 1 Sat Gară Banca aimed at: verifying the activity of the employees of the Social Assistance Department; improving the monitoring of minors in the community; carrying out specific inter-institutional actions aimed at reducing the phenomena of absenteeism and school dropout.

The local authority and the educational unit communicated to us the following measures: measures were taken to ensure the implementation of specific inter-institutional actions, through effective cooperation with the General Directorate of Social Assistance and

Child Protection Vaslui, educational units from locality and other public or private institutions that, by the nature of the profession, come into contact with the child; streamlining the monitoring of minors in the community and preventing similar situations in the future, through the active participation of the community advisory council in identifying risk situations and verifying the activity of the employees of the Social Assistance Department; concluding collaboration / partnership protocols, having as main objective the promotion and observance of children's rights, between the City Hall of Banca commune - Social Assistance Department and DGASPC Vaslui, Gymnasium School no. 1 Sat Gară Banca, the Police Station Banca and an individual Medical Office; concluding collaboration protocols, having as objectives the prevention and reporting of cases of abuse, neglect or ill-treatment of students and reducing the phenomena of absenteeism and school dropout, between the Gymnasium School no. 1 Sat Gară Banca and ATU Banca - Social Assistance Department, Vaslui County Center for Resources and Educational Assistance and Section 7 Rural Police Banca, as well as the development, starting with the school year 2020-2021, of the Educational Project *Education is your chance!*

- **Oradea Territorial Office:** resolved a number of 177 petitions, granted 74 hearings, registered 498 telephone calls through the dispatch service, carried out 12 awareness raising activities / collaboration with other authorities, proceeded ex officio in 33 cases, conducted 1 investigation and made 4 recommendations.

Authorities open to collaboration:

File no. 193/2020 The petitioner said that her sister who is a student in the 8th grade, will take the National Assessment exam in 2020. Due to family problems (the parents are divorced, they do not keep in touch with the father, and in order to obtain a visa and the residence permit they were requested to present a schooling approval from the father, but he refuses to sign it, therefore the problem can only be solved by the court; this procedure takes time and they do not have enough time to take the exam), the student did not obtain the residence permit in his absence, and the school informed her that she would not be able to take the exam.

The petitioner stated that she has a valid residence permit in our country, and her mother gave her consent for the minor daughter, an 8th grade student, to remain under the supervision and care of her sister.

Regarding the notified issues, steps were taken at the Bihor County School Inspectorate, the institution informing us that a temporary solution has been identified, which allows the student to take the National Assessment Exam, but the issue of her right to stay in Romania is not solved yet, reason for which she will still have to obtain her father's consent for schooling in Romania.

File 285/2020 The petitioner notified us stating that his wife was hospitalized at the Satu Mare County Emergency Hospital, and died shortly after.

Subsequently, the petitioner requested the hospital to issue a medical certificate regarding the cause of death, his request being rejected.

As a result of the steps taken at the Satu Mare County Emergency Hospital, the medical unit communicated to us the requested documents, which were submitted to the petitioner.

Successfully implemented recommendations:

The representatives of the Oradea Territorial Office carried out an investigation at the Dobrești Technological High School, Dobrești City Hall, respectively, written requests to the Bihor County School Inspectorate, as a result of the information disseminated in the media according to which a 7-year-old girl lost her life, in the locality Crâncești, Dobrești commune, Bihor county, after a football goalpost, from the school yard in the locality, collapsed on her,

while playing, and hit her directly in the head. The girl was a first grade student at the school, she participated in a dance class at the local cultural center, a building adjacent to the primary school and which has a common yard with the school.

The People's Advocate issued **Recommendation no. 49/2019**, addressed to the director of the Technological High School no. 1 Dobrești (whose structure includes the Crâncești Primary School) and to the mayor of Dobrești commune.

The recommendation was accepted and implemented as follows:

- the director of the Technological High School no. 1 Dobrești informed us that at the school level a commission was appointed which had the task of updating the job description of all employees with clear responsibilities and duties, for everyone; the Dobrești Commune City Hall was requested to delimit and fence the space destined for the educational process from the Primary School no. 1 Crâncești.

- the mayor of Dobrești commune informed us that following the analysis carried out after this event, he decided to remove the mini-football goalpost from the sports field in the school yard and to store them in the town hall yard, and send them back to the school only when the management of the high school will make a request in this regard and will allocate funds for their stabilization in the ground.

Recommendation no. 86/2020 The Oradea Territorial Office was notified ex officio as a result of the information published in the press regarding the case of five families with children, living in the immediate vicinity of the landfill in Satu Mare. The People's Advocate issued **Recommendation no. 86/2020**, addressed to the Director General of the General Directorate of Social Assistance and Child Protection Satu Mare, to take all steps and measures to continue monitoring and analyzing the situation of the children concerned, and if necessary, to establish measures for their protection; providing assistance and support to the parents of the respective children, ensuring that they can assume their responsibilities and fulfill their obligations regarding the children, in order to prevent the occurrence of situations that endanger their safety and development.

The Authority informed us that all the steps and measures requested by Recommendation no. 86/2020 will be taken.

Recommendation no. 100/2020 The Oradea Territorial Office was notified ex officio as a result of the information published in the press, regarding the placement in pre-trial detention, for rape, of a man accused of repeatedly raping his concubine's daughter. The People's Advocate issued **Recommendation no. 100/2020**, addressed to the Director General of the General Directorate of Social Assistance and Child Protection Bihor, to take all steps and measures to: continue monitoring and analyzing the situation of children, both the abused child and his brother, ensuring that their rights are observed; providing psychological counseling, using, if necessary, interpreters; providing assistance and support to the mother of the children, ensuring that she can assume the responsibilities and fulfill the obligations regarding the children, in order to prevent the occurrence of situations that endanger their safety and development.

The General Directorate of Social Assistance and Child Protection of Bihor sent us a response stating that they accepted the Recommendation no. 100/2020.

In 2020, all the authorities notified by the Oradea Territorial Office **were open to collaboration**, and accepted our recommendations. In this sense, we mention as an example, the General Directorate of Social Assistance and Child Protection Bihor, the Bihor County School Inspectorate, the Bihor County Pension House, the Satu Mare County Pension House. There were no cases in which the public authorities did not provide the necessary support in the exercise of the duties of the People's Advocate institution.

● **Pitești Territorial Office:** resolved a number of 128 petitions, granted 114 hearings, registered 379 telephone calls through the dispatch service, carried out 29 awareness raising activities / collaboration with other authorities, proceeded ex officio in 59 cases, performed 2 investigations and made 87 recommendations.

Authorities open to collaboration:

File no. 182/2020 - General Directorate of Social Assistance and Child Protection

Argeș - Considering the measures ordered by establishing the state of emergency and the risks affecting the local communities, the People's Advocate proceeded ex officio and requested the Institution of the Prefect of Argeș County and the General Directorate of Assistance Social and Child Protection Argeș to establish clear responsibilities for the social workers / delegates with responsibilities in social assistance, within all public social assistance services, organized in municipalities, cities, communes in Argeș County, to monitor and support vulnerable people at the community level, depending on the specifics of the situations in which these people find themselves at a given time, during the entire period of the state of emergency - especially regarding their health, undeclared births or immediate bureaucratic obstacles in their declaration, possible situations of abuse on the physical and mental integrity of these persons, the situation of social benefits, etc.

DGASPC Argeș sent to all social assistance services in Argeș county, a set of recommendations, in order to ensure the protection of beneficiaries and the safety and health of employees within local public authorities, involved in supporting vulnerable people in isolation to prevent Covid- 19, as well as regarding the application of measures established at the internal level of the institution: support provided by telephone, by contacting all isolated persons, so as to carry out an initial assessment for intervention and monitoring, travel to the homes of self-isolated persons to provide them household material, food or other necessary materials, the application of alternative measures, to support the activity of public relations, which can be obtained from the DGASPC Argeș website.

File no. 256/2020 The petitioner informed us that during February 2020, his nephew was allegedly assaulted at school, during one of the breaks, at the entrance into the toilet, by a classmate. The student's grandfather found out about this incident, when he was called from the Pitești Children's Hospital by an agent from the Police Station no. 2.

In connection with this event, he notified the school management through a request sent by fax, on 20.03.2020, requesting them to verify of what happened and the take the necessary legal measures. He also submitted two petitions, during March 2020, to the Police Station no. 2. At the same time, the grandfather of the student involved in the incident, complained that after the assault, he had to travel with his nephew to perform three checks at the hospital and the Argeș Forensic Medicine Service, where he was issued a medical forensic certificate attesting the injuries. Regarding the notified issues, steps were taken at School no. 19 „Matei Basarab” from Pitești.

The educational unit communicated to us the following: the information presented by the petitioner regarding the development of the event was not correct; following the notification made by the petitioner, an explanatory note was requested from the class leader; the class leader accompanied the petitioner's nephew to the hospital, being the one who informed, by telephone, the petitioner, regarding the incident produced in the school; within the school unit there is a Commission for the Prevention and Elimination of Violence, Corruption and Discrimination in the School Environment and the Promotion of Interculturality; after completing the investigation, the head teacher concluded that the event following which the petitioner's nephew was injured was a school incident, which was

punished with "individual verbal reprimand", as a measure of disciplinary sanction; at the school level, at the beginning of each school year, the Regulation of Organization and Operation of the educational unit, is presented both for children and parents, taking into account the age and individual characteristics of the children.

File no. 529/2020 The petitioner showed that she became, by way of succession, the owner of a plot of land, located in Oradea, to which she cannot have access. The petitioner sent a request to the City Hall of Oradea asking to be informed if the local authority is planning works to extend the street on which her plot of land is located, as well as the others in the vicinity, so that she can be can have access to the property.

One of the reasons on which she bases her request is justified by the fact that she received several fines for not grooming / pruning of overgrown shrubs and small trees that are on her land, and was given a deadline of 15 days to implement the measures.

Following the request to the City Hall of Oradea, the authority informed us that the topographic identification of the road section (public domain of Oradea Municipality) was requested, in order to construct the access road to the property.

Successfully implemented recommendations:

Recommendation no. 75/2020, having as objective the identification of the protection measures that were taken or must be taken in the school units, from Argeş and Vâlcea counties, in order to reduce the antisocial acts committed inside and near the area of educational units, for the school year 2020-2021.

Recipients of this recommendation – The institutions of the Prefect of Argeş and Vâlcea counties proceeded to adopt it, as follows: for all educational units, provided with human security, the security plan was approved by the county police inspectorates; at the level of the administrative-territorial units, depending on the established local budget, decisions of the local council will be adopted for the guarding of school units in the public or private domain of the administrative unit, security that will be provided by the mayor's office own qualified security staff; carrying out preventive activities, within the school units, in order to raise awareness about criminal liability in case of crimes; the main credit officers will identify possibilities to allocate the necessary amounts to ensure the security of the educational units and other security systems, intended for the safety of the students inside the unit, through appropriate delimitations of the area of the educational buildings; police officers, representatives of the school inspectorate and local authorities will participate in meetings of parents' committees to optimize communication between actors with support functions in preventing and combating juvenile delinquency on the premises and in the area near to the schools; The Commission for Combating Violence and School Dropout will intensify its activity to inform parents as accurately as possible and to make students aware of the usefulness / obligation of continuing school classes; opportunities will be identified for partnerships with non-governmental organizations and government institutions, to support the activities carried out at territorial level by the staff of the Ministry of Internal Affairs and the Ministry of National Education, by initiating programs / projects / campaigns to prevent violence in school environment; the decision-makers will request the introduction, in the evaluation lists, of some criteria for the management of the school units, depending on the results obtained in the field of increasing the degree of safety, inside the educational unit; the protocols concluded between the school and the police units will be renewed; national programs will be carried out in which specialists from the Ministry of Internal Affairs structures will train teachers and students, within the school; The DGASPCs, through their subordinate institutions, will take measures to mobilize the community in order to prevent and

resolve situations, by signaling the cases in which children at risk of vulnerability need additional social protection.

File no. 16273/2020 - Ex officio notification - Considering the information published in the media regarding the lack of involvement of the authorities from Argeş County to equip the educational units with electronic means as well as with medical protection, disinfection and mobile sanitary containers equipment, steps were taken at the Argeş County School Inspectorate.

In order to remedy the deficiencies found, **Recommendation no. 178/2020** was issued, to the Argeş County School Inspectorate. It was implemented at the level of educational units in Argeş County. Also, the Argeş County School Inspectorate requested the administrative-territorial units from Argeş County to adopt a plan of measures in order to identify the necessary resources to ensure the digital equipment and the internet connection of the educational units, in order to carry out the educational process in good conditions, in the context of the risk of infection with Covid-19.

Steps taken during the state of emergency and the state of alert:

- *Ex officio notification regarding the insurance of the salary rights of the assistants of the disabled persons from Horezu city, Vâlcea county.* (File no. 8802/2020) Information was requested from the City Hall of Horezu, Vâlcea County Council and the Vâlcea Agency for Payments and Social Inspection, regarding the measures taken to ensure the salary rights of assistants to persons with disabilities. The answers formulated by the notified public authorities needed clarifications, reason for which steps were initiated at the Ministry of Labor and Social Protection, as well as at the Ministry of Public Finance, regarding the situation of allocating financial resources to cover the financial needs, in order to pay the outstanding salary rights to personal assistants of people with severe disabilities, but also the outstanding social contributions for personal assistants. The case is pending.

- *Ex officio notification regarding the situation of vulnerable persons who are unable to protect or defend their rights* to be closely monitored throughout the emergency period by establishing clear responsibilities to social workers / delegates with responsibilities in social assistance within all public social assistance services organized at the level of municipalities, cities, communes in Argeş and Vâlcea counties, depending on the specifics of the situations in which these people find themselves at a given time. (File no. 182/2020)

The General Directorate of Social Assistance and Child Protection Argeş has a set of recommendations to ensure the protection of beneficiaries and the safety and health of employees of local public authorities, involved in supporting vulnerable people in isolation to prevent Covid-19, as well as application of measures established at the internal level of the institution.

- *Ex officio notification regarding the situation in Bujoreni commune, Vâlcea county, where in a Roma community who returned from abroad, self-isolation measures at home were not observed.* (File no. 5337/2020) Letters were sent to: Bujoreni City Hall, Vâlcea County, Vâlcea County Police Inspectorate, Vâlcea County Gendarme Inspectorate and Vâlcea Public Health Directorate, regarding the measures ordered in this case.

Bujoreni City Hall told us that all the necessary measures were taken to protect the population, being adopted several measures in the Local Committee for Emergency Situations Bujoreni. The Vâlcea Public Health Directorate carried out on-the-spot checks and made recommendations to the Bujoreni commune City Hall, regarding the surveillance of the home isolation measure of people who came from the areas affected by the Covid-19 pandemic, and the Vâlcea County Gendarmerie Inspectorate, in collaboration with the Communal Police and

representatives of the mayor's office checked, at home, the persons arriving from countries affected by Covid-19.

- *Notification regarding issues related to technical unemployment, given that the websites of the County Agency for Employment and the Territorial Labor Inspectorate Argeş were not updated for rapid dissemination, transparency, and permanent updating of practical measures required by the context of special regulations, during the state of emergency, regarding telework and work at home.* (File no. 183/2020) Letters were sent to the two authorities, and as a result of this approach, the websites were updated and became functional by order of the prefect of Argeş county.

Recommendation ignored by authorities:

File no. 167/2020 - Ex officio notification considering the information published in the media regarding an incident at the Bistrița Care and Assistance Center, Vâlcea County, according to which a beneficiary was bitten by a stray dog. Approaches were made to the General Directorate of Social Assistance and Child Protection of Vâlcea and the City Hall of Costești commune, Vâlcea county.

Following these steps, the People's Advocate issued Recommendation no. 102/2020 to the mayor of Costești Commune, Vâlcea County, requesting all necessary steps to implement the established measures on managing the problem of stray dogs, to ensure the prevention of such serious incidents in the future in Costești. The mayor's office of Costești commune, Vâlcea county refused to adopt the recommendation, not communicating any answer to the People's Advocate institution.

- **Ploiești Territorial Office:** resolved a number of 404 petitions, granted 228 hearings, registered 1175 telephone calls through the dispatch service, carried out 98 awareness raising activities / collaboration with other authorities, proceeded ex officio in 90 cases, conducted 9 investigations and made 9 recommendations.

Authorities open to collaboration:

File no. 653/2020 - Ploiești City Hall - The petitioner requested the support of the Ploiești Territorial Office, showing that, although, since 2019, he notified the Ploiești City Hall and implicitly the company *SC Servicii de Gospodărire Urbană Ploiești SRL*, regarding the illegal occupation of the public domain, by several cars, being informed by the City Hall of Ploiești that these cars were picked up by the owners or are under procedure of being picked up, after almost a year from that information, the cars were in the same locations.

As a result of the steps taken, *SC Servicii de Gospodărire Urbană Ploiești SRL* proceeded to verify the aspects notified by the petitioner, informing us that the measures provided by law were ordered, the cars notified by the petitioner being removed from the public domain and stored in the specially arranged space by the local authority.

File no. 557/2020 The petitioner complained that she was not granted all the days of leave that she would have deserved for the periods worked at the “Nicolae Simache” High School in Ploiești, in the 2019-2020 school year, nor was she given the holiday vouchers due to her for 2020.

The “Nicolae Simache” Ploiești Secondary School stated that the petitioner is entitled to benefit from the holiday vouchers and, in order to be able to grant them, steps were taken at the Prahova County School Inspectorate to supplement the amounts necessary for their these vouchers and that, as soon as possible, after the allocation of the amount, the petitioner will take possession of the rights due to her. Regarding the number of days off, the

representatives of the school mentioned that they were correctly calculated and granted, in relation to the periods worked.

File no. 582/2020 The petitioner notified that she has concluded a lease contract for the surfaces with the destination of housing, for a house in Câmpina Municipality, and Câmpina City Hall, as lessor, has not completed the formalities necessary for the location of the ecological toilet, necessary to ensure living conditions and compliance with health protection rules.

Câmpina City Hall informed us that the location of the ecological toilet is under construction, as steps are being taken to purchase a thermally insulated container in which two toilets will be functional (one for the petitioner's family and the other for another family). These will be connected to the water and electricity network of each family, and the sewage drains will be connected, temporarily, to the existing septic tank, until the completion of the sewerage works. During the meeting of the Local Council of Câmpina Municipality in October 2020, in annex no. 2 to the Local Council Decision no. 139/2020, in the List of investment objectives for 2020 with partial or full financing from the local budget, was included, in the chapter *Investment endowments*, the amount necessary for the purchase of the container. In the shortest time, it will proceed to its purchase and installation, considering that the price offer is also obtained.

Successfully implemented recommendations:

File no. 81/2020 - Ex officio notification regarding the situation of some offended and humiliated students during a class by a teacher of the “Nichita Stănescu” Gymnasium School from Ceptura commune, Prahova county.

Representatives of the Ploiești Territorial Bureau conducted an investigation at the school, which revealed the following: the incident reported by the press was not included in the category of acts of school violence, meaning that the Commission for the Prevention and Elimination of Violence in Schools did not start checks, did not convene the students involved and their parents, did not propose sanctions according to the Regulation on the organization and operation of the school, this commission not having developed its own procedure for intervention in the management of situations of school violence; there was a lack of evidence (register) of acts of school violence or other incidents occurring in the school, the teacher / teachers on duty not having the obligation to record in writing the acts of indiscipline found, although from discussions with teachers and the management of the education unit, it turned out that they were constantly confronted with the indiscipline of students from most classes, situation which was not recorded, at the time of the occurrence of those behaviors; at the school level there is no psychologist to provide psychological counseling services, psycho-pedagogical assistance is provided by the representatives of the Prahova County Center for Resources and Educational Assistance.

The People's Advocate issued **Recommendation no. 93/2020**, which aimed at: revising the Regulation on the organization and operation of the school, according to the legislation in force; posting this revised regulation on the notice board of the school and, where appropriate, on the website of the educational unit; recording all acts of school violence / school incidents in a special register set up to be available to teachers / teachers on duty; developing a specific operational procedure for monitoring and combating school violence; formulating a request to the Prahova County Center for Resources and Educational Assistance, for the inclusion of students involved in acts of school violence, in individual / group programs, psychological counseling, with the consent of their parents; informing in writing the parents / legal representatives of the minors involved in cases of school violence,

regarding the free provision of psycho-educational counseling services, with the prior written consent of the parents / legal representatives; intensifying the development of thematic activities, having an educational-preventive character. The recommendation was fully adopted by the director of the “Nichita Stănescu” Gymnasium School, Ceptura commune, Prahova county.

File no. 333/2020 - Ex officio notification regarding the case of a minor girl, institutionalized in the Emergency Reception Center for the Abused, Neglected and Exploited Child from Târgoviște Municipality, Dâmbovița County, who on the night of 13-14 May 2020, allegedly left, voluntarily, and would have been held in a location, restricting her freedom of movement.

Following the steps taken at the General Directorate of Social Assistance and Child Protection Dâmbovița, it was concluded that at the level of the Emergency Reception Center for Abused Children, Exploited Târgoviște, the provisions of MMJS Order no. 25/2019 on the management and notification of incidents were not fully respected, and the supervision of the beneficiaries of this center was ensured in a deficient way, not taking all the safety and security measures necessary for the protection of children.

The People's Advocate issued **Recommendation no. 126/2020**, to the management of the General Directorate of Social Assistance and Child Protection Dâmbovița. The issued recommendation was adopted by the authority in question, as follows: training of employees within the center on the proper completion of documents and records provided in the standards on management and notification of special events, in accordance with the provisions of MMJS Order no. 25/2019; training the staff of the center on the assessment of risks / events / risk situations that may occur inside the center and solving situations that can be anticipated; more effective solutions for the supervision of beneficiaries have been identified, so as to avoid the occurrence of special incidents (leaving the center without permission), in order to ensure the protection of children; were processed, both with the staff and with the beneficiaries of the centers, the Regulation of organization and operation of each center, the specific operational procedures of each center regarding the management and notification of special incidents, risk assessment, solving cases of absenteeism, provided by MMJS Orders no. 25/2019, respectively OMMJ no. 81/2019; group counseling sessions and activities with instructive-preventive topics, related to personal safety, prevention of sexual exploitation, were carried out with the beneficiaries from the Maternal Center and the Emergency Reception Center for the Abused, Neglected and Exploited Child Târgoviște.

File no. 680/2020 - Ex officio notification after an article was published in the press from Dâmbovița County in which it was mentioned that a person is being investigated by the authorities, after he had made sex films with minors, which he would have distributed then on the internet. Approaches were made to: Valea Mare commune City Hall, Dâmbovița General Directorate of Social Assistance and Child Protection and Section no. 8 of Valea Mare Rural Police.

Following the identified dysfunctions, the People's Advocate issued **Recommendation no. 181/2020**, to the mayor of Valea Mare commune, Dâmbovița county and the executive director of the General Directorate of Social Assistance and Child Protection Dâmbovița.

The recommendation was adopted as follows:

- DGASPC Dâmbovița informed us that: several assessments were carried out at the home of the children involved in the incident, both by the representatives of the department and by the representatives of the City Hall of Valea Mare commune, which monitors their situation; the provisions of Law no. 272/2004, republished, which establish responsibilities

for the local authority in such cases and the proposals they can formulate to DGASPC Dâmbovița in the situation where it is necessary to establish a special child protection measure;

- The mayor's office of Valea Mare commune informed us that the Service Plan for the minor in question was drawn up, this being evaluated according to the recommendations of the family doctor and the psycho-educational file, in order to prepare the file for special educational requirements (SEN); all children involved in the incident were included in psychological counseling programs; weekly, the social worker of the mayor's office visits and constantly monitors the minors and their families.

Steps taken during the state of emergency and the state of alert:

- *Request to analyze the opportunity of speeding up the organization of the specialized exam for doctors who have completed their residency and have been waiting for more than 5 months to participate in this exam to acquire the right to practice, addressed to the Minister of Health* (Notification no. 14964/2020) Ex officio notification regarding the difficulties encountered in ensuring the medical staff related to the second on-call line from the Intensive Care Unit of the Ploiești County Emergency Hospital. Steps were taken at the Public Health Directorate of Prahova, Ploiești County Emergency Hospital, which communicated the steps taken and the difficulties they face in ensuring the need for doctors. Although no response was made to the request of the People's Advocate, the Ministry of Health proceeded to organize the examination.

- *Ex officio notification regarding the impossibility of the doctors from the Câmpina Municipal Hospital and from the Voila Psychiatric Hospital to move to the homes but at their disposal by the employer* due to the delay in the tabulation of the building, by the Câmpina City Hall. (File no. 129/2020) Repeated steps were taken at the City Hall of Câmpina, which informed us that all the measures were ordered for giving into the administration of the Câmpina Municipal Hospital and the Voila Psychiatric Hospital of the homes for doctors.

- *Ex officio notification regarding the way of providing medical assistance, on an outpatient basis, in Râmnicu Sărat Municipality.* (File no. 584/2020) The situation was generated by the fact that the Râmnicu Sărat Municipal Hospital was declared a Covid hospital, and the inhabitants of the area no longer benefited from outpatient medical services. Approaches were made to DSP Buzău, Râmnicu Sărat City Hall and Râmnicu Sărat Municipal Hospital. From the information provided by the above mentioned authorities, it results that, starting with 07.09.2020, in the Integrated Outpatient Clinic of the Râmnicu Sărat Municipal Hospital medical activity is carried out, in compliance with the conditions imposed by the Buzău Public Health Directorate, which monitors compliance in the current pandemic context.

- *Ex officio notification regarding the improper conditions in which the patients suspected of Covid-19 are consulted, in the triage tent of the Buzău County Emergency Hospital.* (File no. 743/2020) Approaches were made to the Buzău County Emergency Hospital and the Buzău Public Health Directorate, which clarified the aspects regarding the conditions in which the patients suspected of Covid-19 are consulted, in the triage tent of the Buzău County Emergency Hospital. Buzău County Emergency Hospital has taken measures to create conditions for the consultation of patients with specific symptoms, in spaces adequately equipped, heated and provided with toilets, and for better management of the situation and to come to the aid of patients and of their relatives, were created spaces that provide shelter during the cold season.

- *Ex officio notification as a result of the appeal that the mayor of Corbii Mari commune, Dâmbovița county sent to the press regarding the refusal of food distributors to make deliveries in this commune, for fear of infection with Covid-19.* (File no. 224/2020). The

mayor also complained about the lack of support from the county authorities (the Institution of the Prefect of Dâmbovița County and the Dâmbovița County Committee for Emergency Situations). Approaches were taken at the Dâmbovița County Council and the Institution of the Dâmbovița County Prefect. Through the involvement of the county authorities, following discussions with food distributors and their proper information, the situation was resolved, ensuring the supply of residents with the necessary products.

Among the authorities that **were open to collaboration** we mention: General Directorate of Social Assistance and Child Protection Prahova, General Directorate of Social Assistance and Child Protection Dâmbovița, Public Health Directorate Dâmbovița, Public Health Directorate Buzău, Prahova County School Inspectorate, Buzău County School Inspectorate, Dâmbovița County School Inspectorate, Valea Mare commune town hall, Dâmbovița County, Dâmbovița County Pension House, Prahova County Pension House, Dâmbovița Territorial Labor Inspectorate.

Among the authorities that **did not provide the necessary support** to the People's Advocate in exercising its legal duties, were: National Authority for Consumer Protection Bucharest, Commissariat for Consumer Protection Bucharest-Ilfov Region, Prahova Public Health Directorate (brief answers, sent late, after several additional letters and after several telephone calls). It is also necessary to mention the attitude of the **Community Public Service for Computerized Evidence of People from Ploiești**, which, although it responded, in a very short time, to the requests addressed by our institution (the next day), the reply letter contained ironies about the People's Advocate institution.

• **Suceava Territorial Office:** resolved a number of 222 petitions, granted 61 hearings, registered 166 telephone calls through the dispatch service, carried out 13 awareness raising activities / collaboration with other authorities, proceeded ex officio in 126 cases, conducted 5 investigations and made 4 recommendations.

Authorities that were open to collaboration:

Călărași commune town hall, Botoșani county, for the way in which it understood to respond to our requests and to order the necessary measures to solve the issues signaled by:

File no. 1081/2020 - Ex officio notification after the publication of a press article reporting on the improper conditions existing in the playgrounds located within the commune of Călărași, Botoșani county. The precarious conditions of the existing furniture, as well as the dirt in the playgrounds in this commune endangered the health of children, the issues presented infringing the constitutional rules on the protection of children and young people, the right to health and the right to a healthy environment.

As a result of the steps taken, the local public authority completely remedied the reported issues and informed us, quickly, enclosing also photos supporting of the communicated answer.

File no. 1097/2020 - Ex officio notification after the publication of a press article that presented the improper conditions existing in a significant number of schools in Botoșani County, which do not have adequate toilets nor running water, putting in danger the children's health who study in these educational units.

As a result of the approach to the Botoșani County School Inspectorate, the Suceava Territorial Office was informed about the situation of the school units from Botoșani County without appropriate toilets, which are under the administration of 27 administrative-territorial units. Among them was the Gymnasium School no. 1 Călărași, administered by the City Hall of Călărași commune, Botoșani county.

The town hall of Călărași commune informed us that the works for the toilets at the Gymnasium School no. 1 Călărași were completed, enclosing, in copy, the account statement regarding the payment of the works carried out, as well as photos attesting this fact.

File no. 1021/2020 The petitioner claimed that he addressed the town hall of Udești commune, Suceava county, requesting the elaboration of the documentation underlying the issuance of the title deed and its submission to the County Commission for establishing the right of private property over lands in Suceava, for the area of 1050 sqm, land located in the built-up area of Plăvălari village.

The mayor's office of Udești commune informed the petitioner that he will be put in possession, on an area left at the disposal of the Udești local land commission, and on 16.07.2020, he refused the location offered by the Commission.

Regarding the presented issues, the City Hall of Udești commune was asked to analyze the situation presented above and to inform on the measures taken, and subsequently, given the response received, an investigation was carried out at the local authority in this case.

Following the investigation, the local authority and the agricultural department understood that they must comply with a court decision, and implicitly, respect the property right of the petitioner, which is why by signing the report, concluded on October 20, 2020, at Udești commune City Hall, undertook to prepare and submit the documentation within 30 days from the date of the investigation in order to issue the title deed for the surface of 1050 sqm, land located in the village of Plăvălari village, Udești commune, with the neighborhoods described in the topo-cadastral map, submitted to the Office of Cadastre and Real Estate Advertising Suceava.

On November 25, 2020, the City Hall of Udești commune sent, on the e-mail address of the Suceava Territorial Office, the report on submitting into the possession of the petitioner an area of 1050 sqm, arable land located in the village of Plăvălari village, Udești commune.

File no. 866/2020 *After the publication of the article "The 'North Sea' from Ștefănești has become a real outbreak where people have fun in dirt and garbage! Nobody respects any protection measure!", the People's Advocate institution proceeded ex officio and took steps at: Ștefănești City Hall, Botoșani County, Botoșani Public Health Directorate, National Environmental Guard - Botoșani County Commissariat and Local Police.*

The notified authorities provided the following information:

- The representatives of the City Hall of Ștefănești, Botoșani County had discussions with the owners of the land around the Sînca accumulation lake (North Beach area), without having the expected legal consequences. Thus, controls were carried out, reports of the findings were drawn up, the competent control bodies were notified repeatedly, requesting verifications and the withdrawal of authorizations / certificates, by the institutions that issued them, for non-compliance with the criteria underlying the issuance of the Building and Operation Permit, with the taking of urgent measures, in accordance with the legal regulations in the field;

- The Ștefănești City Police, together with the institutions involved in preventing the spread of the SARS-Cov-2 virus, coordinated three control activities at the work point in Stânca, in the beach area called "North Sea", activities aimed at ensuring compliance with the rules of physical distancing and health protection, legislation on the protection of goods, but also the protection of the population against illicit trade activities;

- The Botoșani Public Health Directorate checked the hygienic-sanitary conditions for the operation of the outdoor terrace of the public food unit, and found that the measures imposed by the pandemic were observed, but they didn't have sanitary authorization for the bathing area, which is why the unit administrator was fined;

- National Environmental Guard - Botoșani County Commissariat ordered measures with deadlines for implementation, in order to remedy all the non-conformities found regarding the sanitation of the site where abandoned waste was found, such as: continuous maintenance of the sanitation of the area managed by the company; permanent emptying of the concrete basin for domestic wastewater and their transport to an authorized treatment plant; ensuring the selective collection of waste resulting from the activity carried out; demolition of the 20 umbrellas and other facilities on the shore, bringing the land to its original shape; concluding contracts for recyclable waste with authorized economic operators. Two sanctions were applied: a fine amounting to 60,000 lei and a warning.

Successfully implemented recommendations:

File no. 155/2020 After the publication of some articles that presented in detail the case of a minor girl from Horodnic de Sus locality, Suceava county, beaten with a whip and forced to put her hands on hot coals, the People's Advocate **proceeded ex officio** and ordered an investigation.

The situation reported by the media determined the rapid intervention of the Suceava County Police Inspectorate (IJP) and the General Directorate of Assistance and Child Protection (DGASPC) Suceava, these institutions promptly taking the necessary measures: IPJ Suceava opened a criminal case on the aggressor, immediately taking the measure of detention, subsequently the court approving the proposal for pre-trial detention, and DGASPC Suceava, by order of the executive director of the institution, ordered, starting with February 17, 2020, until the decision of the competent court, the measure of emergency placement of the minor, within the Emergency Reception Center for the Abused, Neglected, Exploited Child Suceava.

Checks were carried out at the headquarters of the Emergency Reception Center for Abused, Neglected, Exploited Child Suceava, in which the minor was staying, under the measure of emergency placement, and from the discussions with her, the aspects reported by the press were confirmed.

During the investigation carried out at the Horodnic de Sus commune town hall, Suceava County it was found that the representatives of the local public authority were not aware of the existence of any risk situation for the minor, nor did they have the information that she was pregnant, even though in the town hall also worked as a civil servant with the position of social worker.

On that occasion, it was concluded that the person designated as a social worker could not carry out this activity properly due to other duties. The report of the social worker showed that he was also responsible for the activities of human resources and civil status, since, of the 39 positions provided in the organization chart of the local authority, more than half of them were not occupied, although the locality had over 5000 residents.

The deficiencies found in the social assistance activity within the City Hall of Horodnic de Sus commune, determined the People's Advocate to issue **Recommendation no. 87/2020**, which proposed to the mayor of Horodnic de Sus commune, to order the necessary measures for the proper conduct of the social assistance activity at the level of the local public authority, by relieving the main social assistance inspector of the duties which should be performed by employees in other positions in the public authority organization chart, as well as taking steps to hire a community nurse.

The mayor's office of Horodnic de Sus commune communicated that: it was organized a competition for the temporary filling of the vacant position of clerk, following which a person was hired, for a determined period, taking over the additional duties that had been temporarily delegated to the main inspector of social assistance within the local public

authority; was requested from the Suceava Public Health Directorate the agreement regarding the hiring of a community nurse.

File no. 1543/2019 The petitioner expressed her dissatisfaction with the fact that, although she requested it, in writing, her daughter, classified as disabled (with assistant), according to the certificate issued by the Commission for Child Protection within the Suceava County Council, having a certificate of school and professional orientation for children with special educational needs, issued by the County Center for Resources and Educational Assistance (CJRAE) Suceava, was not granted daily allowance for food, school supplies, bedding, clothing and footwear, in an amount increased by 50%, equal to the minors in the child protection system.

In this context, the Suceava Territorial Office carried out checks at the Suceava City Hall and the Orthodox High School Theological Seminary "Metropolitan Dosoftei" Suceava - educational unit which comprises in its structure the kindergarten where the petitioner's daughter is enrolled, subsequently requiring points of view from the Suceava County Council and the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (ANDPDCA).

From the verifications performed it resulted that the City Hall of Suceava did not grant the requested rights for the minor, the authority admitting that based on the disability certificate, in accordance with the provisions of Art. 129 para. (3) of Law no. 272/2004 on the protection and promotion of children's rights, republished, with subsequent amendments and completions, which provides for an increase by 50% of the amounts necessary for granting the rights provided in par. (1) of the same article, *for the minor in this case, these amounts could be granted, but by the County Council and not by the local public authority, based on a decision elaborated and approved, in accordance with the provisions of par. (2) and (5) of the same article, mentioned above.*

Suceava County Council communicated that the obligation to grant the rights provided by Art. 129 para. (3) of Law no. 272/2004, republished, with subsequent amendments and completions, would have been the duty of the County Council *"... if the minor had been the beneficiary of a special protection measure, or in the situation where the payments for providing the services offered by the Kindergarten with Normal Program no. 5 Suceava would have been made by it."*

Given that the issue under analysis has generated numerous controversies over time, clarifications were requested from the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, and in the response communicated by this institution, was emphasized that *"in the case of children with special educational needs which also have a certificate of classification in a degree of disability, the amounts necessary for granting the rights provided in Art. 51 para. (2) of Law no. 1/2011 are increased by 50%. **This increase applies to all children with SEN, not just those with special protection measures.**"*

After the conclusions that were reached following the analysis of the replies communicated by the notified authorities, **Recommendation no. 121/2020** was issued, to the mayor of Suceava and the director of the Orthodox High School Theological Seminary "Metropolitan Dosoftei" Suceava, in order to be taken the necessary measures to provide daily allowance for food, school supplies, bedding, clothing and footwear, in an amount increased by 50% for the minor in this case, in accordance with the legal provisions in force.

If initially Suceava City Hall did not agree with the recommendation, arguing that the institution that must provide funding in this case would be Suceava County Council, and the Orthodox High School Theological Seminary "Metropolitan Dosoftei" Suceava did not communicate any response to the Suceava Territorial Office, subsequently, based on new

steps taken, the two institutions took the necessary measures, being granted the appropriate amounts.

Among the authorities that **were open for collaboration** we mention: the Prosecutor's Office attached to the Rădăuți Court, Suceava County, the Prosecutor's Office attached to the Darabani Court, Botoșani County, the Institution of the Prefect Suceava County, Suceava Health Insurance House, Suceava County Agency for Payments and Social Inspection, Botoșani County Agency for Payments and Social Inspection, Botoșani County Council, General Directorate of Social Assistance and Child Protection Suceava, General Directorate of Social Assistance and Child Protection Botoșani.

Examples where we met with opposition from the authorities:

On the occasion of the steps taken in order to ensure the implementation of Recommendation no. 31/2020 there was an opposition from the former manager of the County Emergency Hospital "Sfântul Ioan cel Nou" Suceava, but later, after the management of this medical unit was changed, we found the improvement of collaboration with this institution.

When implementing Recommendation no. 43/2020, we met opposition from the former mayor of Coțușca commune, Botoșani county, but after the September elections and the validation of the newly elected mayor, we received a letter informing us that our recommendation was accepted.

Among the authorities that **did not provide the necessary support** to the People's Advocate were: Suceava Medical College, Botoșani Public Health Directorate (answers sent late, after several follow-up letters and several telephone calls), Hospital "Mavromati" County Emergency Department Botoșani (incomplete answers after several follow-ups), Tudora commune City Hall, Botoșani county (incomplete answers, after sending several follow-up letters and the intervention of the Institution of the Prefect of Botoșani County), Mihai Eminescu commune town hall, Botoșani County. Also, it is necessary to mention the attitude of the Town Hall of Cornu Luncii commune, Suceava county, which not only it responded late, the reply letter did not contain any reference to our requests.

- **Târgu-Mureș Territorial Office:** resolved a number of 144 petitions, granted 175 hearings, registered 665 telephone calls through the dispatch service, carried out 155 awareness raising activities / collaboration with other authorities, proceeded ex officio in 40 cases, conducted 2 investigations and made 3 recommendations.

Authorities open to collaboration:

File no. 248/2020 The petitioner requested the support of our institution, showing that his mother is a 94-year-old person with a severe disability, according to the certificate of disability, issued by the Commission for the Assessment for Adults with Disabilities. The person's condition is precarious, both from a medical and social point of view, needing permanent support and help, she cannot manage on her own and is physically, mentally and materially unable to ensure the minimum socio-medical conditions.

In order to clarify the situation, we addressed the City Hall of Adămuș commune, Mureș county, which informed us that a social investigation was carried out, on 20.03.2020, regarding the situation of the petitioner's mother, the mayor's office representatives going to her home, where discussions were held with the relatives, on which occasion conclusions and proposals were formulated in the sense that the situation of the person in question be monitored and that steps be taken in accordance with Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities.

File no. 281/2020 The petitioner notified us, specifying that she is a pensioner - partially early retirement pension, and when fulfilling the conditions provided by Law no.

263/2010, namely the age of 61 years and 3 months and of the completion of the contribution period of 31 years and 2 months, having a contribution period, actually completed, of 37 years, 11 months and 9 days, requested in writing to the Mureș County Pension House to change her pension to an age pension.

Although the transition from early retirement pension to age pension is made ex officio, according to the applicable legal provisions, until the time of the petition to the People's Advocate, its application had not been resolved, although the legal deadline had been exceeded.

Following the steps taken, the Mureș County Pension House informed us that the petitioner met the conditions for granting the age pension on 22.01.2020, and, in application of the legal provisions, on 25.02.2020 the decision on granting the age pension was issued, the related rights being calculated starting with 22.01.2020.

Recommendation successfully implemented:

In order to clarify the situation reported by a petitioner, an investigation was carried out at Vărgata commune Town Hall - Local Commission for establishing the right of private property over Vărgata lands, and **Recommendation no. 68/2020** was issued, establishing the following measures: taking over, analyzing, rigorously verifying, and communicating the way of solving the requests formulated based on the provisions of the land fund laws, with reference to the provisions of Art. 5, respectively Art. 27 of the Regulation on the procedure for setting up; the duties and operation of the commissions for establishing the right of private property over lands; the model and the way of assigning property titles, as well as manner of passing them into the possession of the owners, approved by Government Decision no. 890/2005, with subsequent amendments and completions; solving the petitioner's request in terms of compliance with the mandatory procedure; fulfilling the procedure of publicity and bringing to the knowledge of the citizens of Vărgata commune the provisions of Law no. 116/2019.

The public institution concerned informed us that, after 16 March 2020, due to the objective circumstances created by the pandemic, the working meetings of the Local Land Commission were suspended. Therefore, at the meeting of the Commission on 17.06.2020, the petitioner's request was re-analyzed and resolved on time, and he was also present at the meeting.

It is important to mention that, from the moment of starting the investigation at the local public administration authority in question, there was availability from its representatives for a favorable settlement of the petitioner's request: either registering the possession according to the provisions of the Law on Cadastre and Real Estate Advertising, and, subsequently, after a period of 3 years, to proceed with the registration of the property right for this building, either opening an action in ascertaining the property right through usufruct, vs. the registered owners / their heirs.

Regarding the notification, through advertising, of the provisions of Law no. 116/2019, the general secretary of Vărgata commune and secretary of the local land fund commission proceeded to display the announcement regarding the provisions of Law no. 116/2019.

Steps taken during the state of emergency and the state of alert:

- *Approaches made at the level of the Mureș Public Health Directorate and the Harghita Public Health Directorate for the observance of the right to information.* (Complaints no. 5569/2020 and no. 6035/2020) In order to respect the right to information, steps were taken at the public health departments of Mureș and Harghita counties, following which the two institutions acted, constantly and actively, for improving the relationship with the public, in the sense of informing it about important aspects related to the management of

the coronavirus pandemic, given the legislative framework that has undergone numerous changes in a short time. Therefore, the telephone lines and the work schedule at the two departments were supplemented, the public was informed with the support of the press, the development and provision of guides, guidelines, methodologies on this subject.

- *Approaches made at the level of health units in Mureş and Harghita counties in connection with the lack of medical equipment, sanitary materials, etc.*, at: Topliţa City Hall and Topliţa Municipal Hospital, Harghita County Council, Mureş County Ambulance Service and Mureş County Clinical Hospital, Municipal Sighişoara. (Notifications no. 261, 280, 293, 307, 306/2020)

Following the steps taken, the hospital units in question and the local public authorities, under whose subordination / coordination they operate, have taken the necessary measures for the supply of medical materials and equipment, separate circuits, for patients and medical staff have been established as well as triage areas for patients, disinfection tunnels were purchased and put into operation, and the staff was trained on the methodology for preventing infection with SARS-Cov-2 virus.

- *Ex officio notification regarding the existence of a possible outbreak of Covid-19 infection at the Retirement Home in Ceuaşu de Câmpie, Mureş County.* Steps were taken at the Mureş Public Health Directorate and the Mureş County Clinical Hospital, following which the notified institutions proceeded to: conduct the epidemiological investigation, measures were instituted to isolate the outbreak, the entire staff of the home for the elderly and their contacts were tested, and the disinfection of the site was performed to prevent the spread of SARS-Cov-2 virus infection.

Recommendations ignored by the authorities:

By **Recommendation no. 140/2020**, the Mayor of Sângeorgiu de Mureş Commune was requested to ensure the implementation of the following: ordering legal measures in order to eliminate any delays in resolving petitions, by registering, distributing, analyzing and verifying rigorously, the issues reported by petitioners / authorities, respectively by solving and communicating an answer within the legal term; monitoring the manner and stage of maintenance of road components outside the sidewalks (ditches, small bridges for pedestrians across ditches) within the area of competence of the local public administration authority, approved in the budget for the current year, in particular resolving the situation exposed by the petitioner in the sense executing the works of unclogging / cleaning / maintenance of the collector channel located in the immediate vicinity of his property; taking legal measures in order to approve in the future budgets of the local public authority the amounts necessary to carry out the works of unclogging / cleaning / maintenance of the collector channel(s).

As the local authority did not comply with the recommendation, not communicating a response within the legal deadline, we followed up with a new request, which also remained unanswered. Thus, steps were taken at the hierarchically superior authority, the Institution of the Prefect of Mureş County, which instructed the Sângeorgiu de Mureş City Hall to communicate, immediately, the measures ordered after receiving the Recommendation no. 140/2020.

For 2020, a significant part of the activity of the Târgu-Mureş Territorial Office was represented by steps taken during the state of emergency and the state of alert for exceptional situations created by the SARS-Cov-2 virus pandemic. Overall there was **a good inter-institutional collaboration**, and in some cases, the authorities responded even with maximum speed, such as: Mureş Public Health Directorate, Harghita Public Health Directorate, Mureş County Council, Harghita County Council, Târgu-Mureş County Emergency Clinical Hospital, Miercurea Ciuc Emergency Hospital, Topliţa Municipal Hospital, Sighişoara

Municipal Hospital, Mureş County Pension House, Adămuş commune Town Hall, Mureş County.

In 2020, there were cases when some public authorities and institutions **did not provide the necessary support** to the People's Advocate such as: Ceuaşu de Câmpie Commune Town Hall, Mureş County, Sângeorgiu de Mureş Commune Town Hall, National Authority for Property Restitution.

- **Timișoara Territorial Office:** resolved a number of 207 petitions, granted 61 hearings, registered 454 telephone calls through the dispatch service, carried out 24 awareness raising activities / collaboration with other authorities, proceeded ex officio in 52 cases, conducted 8 investigations and made 3 recommendations.

Authorities open to collaboration:

File no. 71/2020 On the occasion of the presidential elections held in November 2019, the Timișoara Territorial Bureau found a series of dysfunctions, in several penitentiaries in the country, regarding the exercise of the right to vote by certain detainees, who, although not prohibited from exercising the right to vote, were listed as deleted from the Electoral Register.

Thus, following some preliminary checks, carried out at the Deva Penitentiary, it was found that, regarding the 11 detainees who appeared as banned from voting in the Electoral Register, these bans were made by the public services for the registration of persons within the town halls in the localities of residence of the detainees and therefore could only be changed at the level of the local authorities.

From the criminal files of the 11 detainees from the Deva Penitentiary, it emerged that the detainees were not sentenced to the accessory punishment of the prohibition of the right to vote. Moreover, the situation of the detainees in question was different in the two rounds of vote, depending on the decision of the chairman of the polling station, in the sense that some detainees were allowed to vote in the first round, but were rejected in the second round.

As such, steps were taken at the Directorate for the Registration of Persons and Database Administration and at the town halls of the detainees concerned.

The Directorate for the Registration of Persons and the Administration of Databases informed us that verifications were performed in the documents in its own archives, as well as in those of the courts. Thus, on 11.03.2020, according to the situation communicated by the Directorate for the Registration of Persons and the Administration of Databases, in the National Register of Personal Records, the necessary corrections were made for the persons concerned.

File no. 387/2020 The petitioner notified us, reporting that on 08.08.2020, while driving his personal car, he was involved in a road accident caused by improper signaling of some works, which were carried out by employees of Timișoara Public Transport Company (STPT), on the roadway, works that impeded the movement of vehicles, endangering the safety of road users.

Due to the low visibility at that time and the total lack of indicators to signal the work in progress, the petitioner hit a wire of the STPT network, hanging low over the road, which led to damage of the device located on the roof of the car and of the bicycle he was transporting.

The petitioner presented himself at the headquarters of the Police Traffic Bureau from Timișoara, together with a representative of STPT, to signal the occurrence of the road incident from the previous evening and to draw up the documents in order to establish the guilty party and the damages caused.

The case was taken over for settlement by a police officer who drew up a report, recording the petitioner's data in the offender's section, and as a legal basis for his sanction mentioning *not legally applicable*. At the same time, the petitioner was handed by the STPT representative a copy of the third party liability insurance, in order to cover the damages caused.

Subsequently, the petitioner presented the insurance policy to the insurer, but was informed that a claims file could not be opened based on that policy, since the police report does not show the fault of the STPT employees, but of the petitioner. Although the petitioner went again on 13.08.2020, again, at the headquarters of the Police Traffic Bureau, to clarify the issues recorded in the report, the police officer maintained his point of view, recommending the petitioner to address the court in within 15 days from the date of concluding the report in order to challenge it.

Steps were taken at the Police Traffic Bureau within the Timișoara Police, which communicated to us, in copy, the answer sent to the insurer, with a concrete description of the incident on 08.08.2020 and ascertaining the fault of the employees STP Timisoara.

The General Directorate of Social Assistance and Child Protection Caraș-Severin and the Prosecutor's Office attached to the Caransebeș Court, for the prompt intervention and ordering of the legal measures necessary to solve the issues signaled in **file no. 340/2020 - Ex officio notification** regarding the case of a 5-year-old girl, sexually abused by her father. According to the information published in the press, the neighbors notified the Police about the fact that the girl was raped by her father. The man lived alone with the girl, his wife having moved abroad.

Steps were taken to the General Directorate of Social Assistance and Child Protection Caraș-Severin and the Prosecutor's Office attached to the Caransebeș Court. Measures ordered: DGASPC Caraș-Severin ordered the measure of emergency placement of the minor, to the maternal aunt, the minor follows a psychological counseling program; The Prosecutor's Office attached to the Caransebeș Court ordered the initiation of the criminal action against the defendant, respectively the proposal for the preventive arrest of the defendant, confirmed by the judge of rights and freedoms within the Caransebeș Court.

Timișoara City Hall, responded promptly to the request made in the file:

File no. 464/2020 - Ex officio notification regarding the situation of the distribution of children in nurseries in the Municipality of Timișoara. According to information published in the press, only 85 children were assigned to state institutions, and a number of about 500 children were not assigned.

According to the statements of the representatives of the Timișoara Public Nursery Service, the reduction in the number of places was due to the need to comply with the new rules for distancing children in nurseries. Thus, the number of available places, for the school year 2020-2021, has been reduced from approximately 270 places to 83 places.

Timișoara City Hall responded promptly to the request and ordered the necessary measures to remedy the situation of the Public Nursery Service in Timișoara: launching a public announcement for the purchase of buildings, which meet the legal requirements for nursery activities in optimal conditions, and as soon as possible, the purchase of containers, the implementation by the Development Department within the mayor's office of the projects financed from European funds for the construction of three new nurseries.

Successfully implemented recommendations:

File no. 19/2020 - Ex officio notification in case of intoxicated children in a high school in Arad, steps were taken at the Arad County Emergency Clinical Hospital and the

Arad Public Health Directorate and an investigation was conducted at the “Adam Muller Gutenbrunn” Theoretical High School in Arad.

Following the verifications carried out during the investigation and the answers received from the authorities, the following aspects emerged:

Related to the event that took place on 13.01.2020 and the number of intoxicated students, high school representatives and local authorities have taken appropriate measures to limit the effects of the event. However, even if the competent institutions intervened effectively and checks were carried out on the activity of the company that provided the pest control and disinfection services, with the suspicion that these services were not performed properly, it was found that the high school representatives also had a role in the occurrence of this event, by not performing the cleaning operations, before resuming the activity, after the school vacation and after performing the pest control and disinfection activities.

In this regard, **Recommendation no. 108/2020** was addressed to the director of the “Adam Muller Guttebrunn” High School from Arad. Measures taken following the recommendation: periodic verification of the manner in which the duties of the auxiliary cleaning staff are performed; periodic training of auxiliary cleaning staff on the specific tasks of the job description.

Examples where we met opposition from the authorities:

File no. 159/2020 The petitioner told us that he filed a complaint with the Arad County Post Office, Arad Post Office 1, regarding the fact that he didn't receive the acknowledgment of receipt for a registered letter, presented on 13.09.2019, at the Arad Office, having as addressee the European Court of Human Rights, France. The petitioner stated that the registered letter was additionally stamped to obtain confirmation of receipt by the recipient (the red form with the signature of the recipient of the correspondence), but this service was not provided by the Romanian Post.

In the reply received, the petitioner was informed that the invoice of the registered letter and a statement on the value of the content, expressed in national currency, are required for the preparation of the compensation file.

The petitioner mentioned that he had submitted the requested documents, but had not been compensated for the service not provided.

As a result of the steps taken, we were informed that the letter was sent to the destination, by the Bucharest International Exchange Office, on 15.09.2019. Following the preparation of the compensation file, the operator in France communicated that the registered letter was delivered on 19.09.2019. It was specified, at the same time, that the letters addressed to the companies / institutions are delivered to the persons designated with the processing of the correspondence within the respective institution. As a result, the Arad County Post Office considered that no compensation should be granted. A copy of the form with proof of transmission has been sent by the designated postal operator in France, but does not contain the addressee's signature.

File no. 88/2020 - Ex officio notification regarding the case of a director of a high school in Caraș-Severin County, accused by four students of abusing them. In order to verify the aspects presented in the media, an investigation was carried out at the “Mihai Novac” Technological High School in Oravița, and letters were sent to the Caraș-Severin County Police Inspectorate and the Caraș-Severin County School Inspectorate.

The result of the investigation confirmed the information published in the press. Within this file, communication difficulties were encountered with the representatives of the Caraș-Severin School Inspectorate, who failed to respond to our letters. In this regard, telephone requests were also made, which did not lead to any results. Considering this aspect,

the Ministry of National Education was notified regarding the lack of a response from the Caraş-Severin County School Inspectorate. Following this approach, the answer of the County School Inspectorate was received.

Recommendation ignored by authorities:

File no. 407/2019 - Ex officio notification in the case of four minors caught begging, in front of the Arad City Hall. Considering the findings related to the information published in the press regarding this case, as a result of the verifications performed by sending letters to the General Directorate of Social Assistance and Child Protection Arad and of the answers received, the following aspects emerged:

- the article underlying the ex officio notification presented the case of four children, three girls and a boy, caught begging in public, and the initial response of DGASPC Arad provided information only on the situation of the girls, although in the response, it was mentioned the existence of a third child, unidentified, who was taken by the representatives of the Local Police to the parents' home, where the child stated that he lived. It was found that regarding the third unidentified child, DGASPC Arad did not act quickly in order to protect him in the risk situation in which he was. Only on the basis of subsequent requests from our institution was provided information on the measures taken regarding the other two children, caught begging;

- regarding one of the minor girls, the answer of DGASPC Arad showed that she was discharged, in November 2019, based on her family's declaration on their own responsibility, without presenting the measures taken to protect her and prevent the risk situation until the takeover by the family. Moreover, considering her recidivism in the activity of appealing to the mercy of the public, from 12.02.2020, it was appreciated that the measures ordered by DGASPC Arad regarding the situation of the minor, were not sufficient to protect and prevent the risk situation in which she was, being necessary to monitor the minor and adopt the necessary legal measures in compliance with the principle of the best interests of the child;

Considering the deficiencies found in the activity of DGASPC Arad, **Recommendation no. 94/2020** was issued, which aimed at: ordering measures for monitoring the children caught begging, together with the social assistance service within the local authority from the area of domicile; take all steps and measures to continue to provide assistance and support to the parents of the children concerned. By the end of 2020, despite numerous telephone requests, addressed to the representatives of DGASPC Arad, who confirmed the receipt of the recommendation and informed that they continued to monitor the case, no response was received.

CHAPTER VIII

THE SERVICE FOR 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 constitutional review of Government laws and ordinances (simple or emergency ordinances), unification of judicial practice and administrative litigation, which is carried out through the Bureau for constitutional litigation and appeal in the interest of the law and the Administrative and legal litigation bureau.

Also, the Ombudsperson directly oversees the field of external relations, media, communication, etc., with the support of the Bureau for legal affairs, external relations and communication.

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

1. Direct referral to the Constitutional Court

During 2020, given the particularities determined by the health situation, the work in the field of constitutional review was focused on the referral to the Constitutional Court, in order to ensure a coherent legislative framework containing adequate guarantees for the protection of citizens' rights and freedoms, during the coronavirus pandemic, however, in parallel with this segment, the activity of constitutionality review was continued also regarding other categories of normative acts.

Out of the total of **18 referrals of unconstitutionality** (objections and exceptions) raised directly by the People's Advocate, **11 referrals were admitted or partially admitted, 2 referrals were rejected**, the remaining **5 referrals being in the reporting phase**.

1.1. Referral to the Constitutional Court regarding the legislation specific to states of emergency and alert

During the state of emergency and the state of alert, established as a result of the declaration of the coronavirus pandemic (Covid-19), in the exercise of its constitutional and legal duties regarding the verification of the constitutionality of laws or ordinances, the People's Advocate notified the Constitutional Court with **6 exceptions of unconstitutionality**, which aimed to clarify, improve and strengthen the legal framework for the establishment of states of emergency, alert as well as quarantine and isolation measures, so that they are compatible with the constitutional requirements of the obligation to restrict fundamental rights and freedoms only by law, as formal act of Parliament.

Thus, through constitutional and legal steps, the People's Advocate contributed to:

- ✓ *Respecting the constitutional limits within which fundamental rights and freedoms can be restricted, by notifying the Constitutional Court with:*
- *The exception of unconstitutionality having as object the Emergency Ordinance no. 1/1999 on the establishment of the state of emergency*

In the context of issuing Decree no. 195/2020 by the President of Romania on the establishment of the state of emergency, an administrative act which restricted many

fundamental rights and freedoms (freedom of movement, right to privacy, family and private life, right to work, right to strike, right to private property, free access to justice, economic freedom, etc.), the People's Advocate notified the Constitutional Court regarding Art. 14 lit. c1)-f) of the Government Emergency Ordinance no. 1/1999, appreciating them as unconstitutional as they allow the President of Romania to legislate in areas for which the Basic Law requires the intervention of the primary legislator or the delegate legislator, by amending some organic laws and by effectively restricting the exercise of human rights.

The People's Advocate stressed that, according to the Constitution, fundamental rights and freedoms can only be restricted by law, as an act of Parliament, and not by decree of the President.

The solution of the Constitutional Court: In the recitals of Decision no. 152/2020, the Constitutional Court considered that no legal provision, from the Government Emergency Ordinance no. 1/1999, entitles the President to adopt norms with the rank of law, so that the Constitutional Court can find the violation of the invoked constitutional norms. Therefore, the measures of first urgency, which the President may adopt, are of an administrative nature and may cover only those matters regulated by law. However, the Court noted that the way in which the President exercised his constitutional power, by going beyond the legal framework, is not the consequence of any defect in the unconstitutionality of the primary regulatory act, by virtue of and within the limits of which the public authority was empowered to act.

Finally, it is important to note that the Constitutional Court held that the **legal regime of the state of siege and the state of emergency, in the current constitutional framework, can only be regulated by a law, as a formal act of Parliament**, adopted in accordance with the provisions Art. 73 para. (3) lit. g) of the Constitution, in the regime of organic law.

• *The exception of unconstitutionality of the provisions of the Government Emergency Ordinance no. 21/2004 on the National Emergency Management System, approved by Law no. 15/2005, with subsequent amendments and completions*

The People's Advocate formulated criticisms of unconstitutionality regarding the provisions of the Government Emergency Ordinance no. 21/2004 by reference to Art. 1 para. (4) and (5), Art. 53 and Art. 61 para. (1) of the Constitution, as they allow measures restricting the exercise of fundamental rights by administrative acts (regulations, plans, programs or operational documents approved by decisions or orders) issued by eminently administrative bodies (National Committee for Emergency Situations, county committees for emergencies). In these conditions, the People's Advocate claimed that the provisions of the Government Emergency Ordinance no. 21/2004 do not comply with the condition that the measure of restriction of the exercise of certain rights be provided by law.

The solution of the Constitutional Court: In the recitals of Decision no. 157/2020, the Constitutional Court held that the legislation, which provides for the legal regime of some crisis situations that require exceptional measures, has a greater degree of generality than the legislation applicable during the normal period, precisely because the particularities of the crisis situation are the deviation from the normal (exceptionality) and the unpredictability of the serious danger that affects both society as a whole as well as each individual. However, the generality of the primary norm cannot be attenuated by infralegal acts that complement the existing normative framework.

Regarding the criticism made by the People's Advocate regarding the possibility of ordering restrictive measures, regarding fundamental rights, through administrative acts, the Court held that the actions and measures ordered during the alert state, based on the provisions of Government Emergency Ordinance no. 21/2004, **cannot target fundamental rights or**

freedoms. The Court also found that the delegated legislator cannot, in turn, delegate to an administrative authority / entity, powers which itself does not have.

✓ ***Compliance with the ban on the adoption of emergency ordinances that have negative consequences in terms of restricting fundamental rights and freedoms***

• ***The exception of unconstitutionality of the Government Emergency Ordinance no. 34/2020 for the amendment and completion of the Government Emergency Ordinance no. 1/1999***

The solution of the Constitutional Court: By Decision no. 152/2020, the Constitutional Court found that the Government Emergency Ordinance no. 34/2020 was adopted in violation of Art. 115 para. (6) of the Constitution.

• ***The exception of unconstitutionality of Art. 8 para. (1) of the Government Emergency Ordinance no. 11/2020 on medical emergency stocks, as well as some measures related to the establishment of quarantine***

The solution of the Constitutional Court: By Decision no. 458/2020, the Court also admitted this argument of unconstitutionality, reiterating that, according to the provisions of Art. 115 para. (6) of the Constitution, regulations affecting fundamental rights and freedoms may not be the subject of emergency ordinances. The Court specified that Art. 53 of the Constitution considers the law *stricto sensu*, as a legal act adopted by the Parliament, being excluded the emergency ordinances, as provided by Art. 115 para. (6) of the Constitution and the infralegal legislation.

✓ ***Guaranteeing the rights of individuals by adopting a predictable and proportionate contravention legislation***

In order to achieve this goal, the People's Advocate invoked the unconstitutionality of the following legal texts:

• The provisions of Art. 9 and Art. 28 of the Government Emergency Ordinance no. 1/1999 were considered to violate the provisions of Art. 1 para. (5) and Art. 23 para. (11) of the Constitution, since, on the one hand, by the generic wording used in Art. 9, a general obligation is imposed to comply with certain rules, without incriminating a concrete deed, and sanctions are established, without providing minimum objective criteria for their differentiated application, and, on the other hand, the burden of proof is reversed, being presumed to be real, the aspects retained in the contravention report.

• The provisions of Art. 65 points s), ş), Art. 66 points a), b) and c) and Art. 67 para. (2) point b) of Law no. 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic. The People's Advocate found that the criticized legal norms are lacking in clarity and predictability, since the material object of the contravention is uncertain and ambiguous, due to the reference to a legal norm that does not exist in the active fund of the legislation. In the case of contraventions, in order to respect the principle of legality, **the legislator must either indicate, clearly and unequivocally, their material object, in the very content of the legal norm or it must be easily identifiable by reference to a text of law indicated in the content of the law, or to another normative act of equal rank, which is in connection with the sanctioning text**, in order to establish the existence of the contravention.

The solution of the Constitutional Court: The Constitutional Court admitted both exceptions invoked by the People's Advocate.

✓ ***Respect for the rule of law and the principle of separation of powers in the state***

By the exception of unconstitutionality of Art. 4 para. (3) and (4) of Law no. 55/2020, the People's Advocate drew attention to the fact that the approval by the Parliament of a decision of the Government to establish the state of alert, determines the violation of the

principle of separation of powers in the state, enshrined in Art. 1 para. (4) of the Constitution, because such an intervention of the legislative power in the activity of the executive power is not allowed by the Constitution. The exception regulated by the Parliament regarding the establishment of the state of alert, from the legal regime of the institutions enshrined at constitutional level, represents an impermissible interference in the attributes of the executive power.

The solution of the Constitutional Court: By Decision no. 457/2020, the Constitutional Court found that the criticisms formulated by the People's Advocate are justified because, through the criticized legal texts, the Parliament cumulates the legislative and executive functions, a situation incompatible with the principle of separation and balance of powers in the state, enshrined by Art. 1 para. (4) of the Constitution; the legal regime of Government decisions is distorted, as acts of execution of law, enshrined in Art. 108 of the Constitution; a confusing legal regime of the Government decisions is created, likely to raise the issue of their exemption from judicial control under the conditions of Art. 126 para. (6) of the Constitution, with the consequence of violating the provisions of Art. 21 and Art. 52 of the Constitution, which enshrines free access to justice and the right of the person aggrieved by a public authority.

✓ ***Protection of persons against the arbitrariness of measures restricting freedom, necessary to prevent and combat contagious diseases, with the aim of adopting detailed regulations, designed to ensure solid guarantees for the protection of fundamental rights and freedoms***

Noting the non-existence at the level of primary legislation of normative acts containing guarantees against the arbitrary ordering of measures restricting freedom, necessary to prevent and combat contagious diseases, ***the People's Advocate notified the Constitutional Court with the exception of unconstitutionality of Art. 25 para. (2) of Law no. 95/2006 on health care reform, republished, with subsequent amendments and completions, and that of Art. 8 of the Government Emergency Ordinance no. 11/2020 on emergency medical stocks, as well as some measures related to the establishment of quarantine.***

The arguments invoked by the People's Advocate started from the following premises: the legal nature of the freedom restrictive measure, which quarantine has, in all its forms; the lack, at the level of the primary legislation, of some concrete regulations, regarding the procedure and conditions of establishment of restrictive measures, the attributions of each public authority in the execution of these measures, the gradual application of the measures according to the severity of the cases and the possibility of judicial review of the ordered measures; highlighting that the omission of regulation has constitutional relevance.

The solution of the Constitutional Court: The Constitutional Court admitted the referral of the People's Advocate and held that the mere mention of a freedom restrictive measure, such as compulsory hospitalization to prevent the spread of communicable diseases, cannot be considered sufficient to meet the condition of legality. As it appears from the constitutional and international provisions invoked, also at the level of the law, and not by normative acts subordinated to it, **the reasons and conditions must be established in which such a measure can be ordered, the applicable procedure, the right of the person to challenge in court the act on the basis of which it was ordered the compulsory hospitalization and the provision of guarantees for an effective access to justice.**

The Court also noted that the legislator must bear in mind that the provisions on compulsory hospitalization are the last option for the authorities to achieve the objective of preventing the spread of a communicable disease, so it is necessary to regulate other measures

of a lower severity, to be applied, if effective, as stated by the European Court of Human Rights, in the aforementioned jurisprudence.

✓ ***The observance by the legislative power of the decisions of the Constitutional Court, pronounced in the matter of the measures restricting freedom imposed in order to prevent and combat contagious diseases***

The People's Advocate notified the Constitutional Court with the exception of the unconstitutionality of Art. 8 para. (3) - (9) of Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk, considering that the legislative solution regarding isolation in a health unit or an alternative location, attached to the health unit, is constitutional, by reference to the recitals of Decision no. 458/2020, only insofar as this type of isolation is required as a last resort measure, after all other measures, of a lower severity, have been exhausted. On the contrary, the isolation in a health unit or at an alternative location, attached to the health unit, established *ope legis*, has as a consequence, the violation by the legislator of the decision of the Constitutional Court.

By legislating the obligation of compulsory isolation as a first resort measure, without regulating the possibility of replacing it with a measure of lower severity, the state fails both in its obligation to protect public health (by releasing a contagious person, without applying home restrictions, in case of canceling of the measure of isolation in the health unit), as well as in the constitutional obligation to regulate the measure of compulsory isolation as a measure of last resort.

The solution of the Constitutional Court: By Decision no. 751/2020, the Constitutional Court rejected the invoked exception. In essence, the Court held that the impugned legal provisions did not provide the possibility for the court to order a measure other than that ordered by the doctor or the public health directorate, which could not be regarded as infringing the right of free access to justice or the right to defense, since the person concerned may obtain, in court, the solution of not applying a disproportionate or illegal administrative measure, which guarantees the respect of his rights and interests.

✓ ***Guaranteeing the rights of the medical, paramedical and specialized auxiliary personnel in the public system, concerning some abusive transfer measures, determined by the insufficient regulation of the legal nature of these measures***

In the invoked exception, the People's Advocate showed that the provisions of Art. 19 para. (1) of Law no. 136/2020, which regulates a new legal institution, arising from employment relationships, called secondment, but having the characteristics of a forced transfer, are unconstitutional, contravening Art. 1 para. (5) and Art. 73 para. (3) lit. p) of the Constitution, since, firstly, it leaves room for arbitrariness in the employment relationships of medical, paramedical and specialized auxiliary staff in the public system, and, secondly, because they do not provide concrete ways to end the secondment; and nor do they provide for express guarantees against the *sine die* extension of this secondment, by successive acts ordered for a maximum of 30 days.

The solution of the Constitutional Court: By Decision no. 751/2020, the Constitutional Court rejected the invoked exception, holding that the secondment of medical personnel from the public system, under the conditions of Art. 19 of Law no. 136/2020, is carried out either by the employer or by entities that have legal competences in ensuring the coordination and optimal functioning of the public medical system, so as to ensure the health of the population even in situations that have an exceptional risk nature, in total agreement with the constitutional provisions of Art. 34 para. (2), according to which "the State is obliged to take measures to ensure hygiene and public health".

Analyzing the criticism made by the People's Advocate regarding the fact that the provisions of Art. 19 of Law no. 136/2020 do not provide express guarantees against the *sine die* extension of the secondment by successive acts ordered for a maximum of 30 days, the Court held that the provisions of Art. 19 of Law no. 136/2020 stipulate that the secondment can only be ordered for a period "of no more than 30 days". The phrase "no more than" is synonymous with the term "maximum", having the meaning of setting an upper limit, which cannot be exceeded. Therefore, from the grammatical interpretation of the text of the law, it is clear that there is a ban on secondment beyond a period of 30 days. Moreover, the legal provisions analyzed do not contain any provision regarding the possibility of extending the secondment measure beyond the 30-day period.

1.2. Referral to the Constitutional Court regarding other normative acts than those related to the health situation

a) During the **control prior to the promulgation**, **5 objections of unconstitutionality** were formulated, at the Constitutional Court, with a success rate of 100%, in the sense that, until the date of preparation of this report, all **4 objections resolved** by the constitutional court **were admitted**, the fifth having a term of settlement on 28.01.2021.

Below, we briefly present the objections of unconstitutionality:

✓ ***Objection of unconstitutionality regarding the provisions of the Law for amending and supplementing Law no. 160/1998 for the organization and exercise of the profession of veterinarian (Pl-x no. 446/2020)***

The People's Advocate considered that the imposition of new conditions for the operation, marketing and administration of veterinary medicinal products, by substantially modifying the legal framework, in the absence of a reasonable timeframe for their implementation, **creates a clear disproportion** between the protected public interest (public health and the health of animals) and the recipients of the legal norm, *directly* affecting economic freedom and the principles of the market economy and *indirectly*, the right of final consumers, who end up feeling all the negative consequences of the jam, which occurs as an immediate effect of the adoption of the legislative changes the sense that the owners of animals will have limited / restricted access to veterinary medicines, necessary for the health of the their animals, having as finality, the deterioration of their health.

The solution of the Constitutional Court: By Decision no. 846/2020 admitted the objection of unconstitutionality formulated by the People's Advocate and found that the law is unconstitutional, as a whole.

✓ ***Objection of unconstitutionality regarding the provisions of the Law for completing Law no. 227/2015 regarding the Fiscal Code (Pl-x no. 396/2019)***

The People's Advocate argued that by regulating tax burdens, only in consideration of certain categories of taxpayers (i.e. who earn income from pensions and old-age benefits, received under special laws / statutes), violates the principle of equal taxation and the principle fair application of the tax burden (principle of equity). At the same time, the People's Advocate also invoked the violation of the principle of legislative predictability.

The solution of the Constitutional Court: By Decision no. 900/2020, the Constitutional Court admitted the objection of unconstitutionality formulated.

✓ ***Objection of unconstitutionality of the provisions of Art. 1 and Art. 4 of the Law on the appointment of teaching staff in management, guidance and control positions with***

the exercise of public authority, during and in connection with the performance of their duties (Pl-x no. 299/2016)

In support of the objection, the People's Advocate pointed out that the acquisition of the status of public authority by teachers and, implicitly, of decision-making, regulatory, control, sanctioning powers, violates the principle of security of legal relations, which opens the way to excessive public power. The didactic activity does not involve a report of public power and, consequently, the structures that carry it out are not public authorities, but public institutions.

The solution of the Constitutional Court: By Decision no. 235/2020, the Constitutional Court decided that the law is unconstitutional.

✓ *Objection of unconstitutionality of the provisions of the Law on the abrogation of some provisions regarding service pensions and old-age allowances, as well as for the regulation of some measures in the field of occupational pensions (Pl-x no. 292/2019)*

In motivating the objection of unconstitutionality, the People's Advocate argued that the law is unconstitutional, as a whole, being affected by defects of extrinsic unconstitutionality: vitiating the legislative process of adopting the law by not respecting Art. 65 para. (2) lit. j) of the Fundamental Law, as the normative act **made amendments regarding the status of deputies and senators and the establishment of their payment, without them being adopted in the joint sitting of the two Chambers, as provided by the Constitution**; violation of the principle of obligatory decisions of the Constitutional Court, regulated by Art. 147 para. (4) of the Constitution, by reference to the decisions that refer to the status of magistrates, of the advisers of the Court of Accounts.

The solution of the Constitutional Court: By Decision no. 153/2020, the Constitutional Court admitted the objection and found that the law is unconstitutional, as a whole.

✓ *Objection of unconstitutionality regarding the sole Article point 4 [with reference to Art. 10 para. (12)] of the Law amending and supplementing Law no. 241/2005 for preventing and combating tax evasion (Pl-x no. 354/2018)*

The People's Advocate pointed out that the application of a clause of impunity, in favor of the defendants who did not contribute to covering the damage, contradicts the principle of legality of punishment and the principle of individualization of criminal law sanctions.

Solution of the Constitutional Court: At the date of preparation of this report, the case was being resolved, with a deadline set for 28.01.2021.

b) During the **subsequent control**, in addition to the **6 notifications formulated in connection with the relevant legislation in states of emergency and alert, the People's Advocate raised, ex officio, 7 exceptions of unconstitutionality**, aiming at the protection and guarantee of human rights, as follows:

✓ *Observance, in the legislation, of the constitutional obligation of the State to ensure the protection of health, through medical assistance, in the units belonging to the State sanitary system. [Exception of unconstitutionality regarding Art. 1 point 1, point 2, point 5 and point 6 of the Government Emergency Ordinance no. 25/2020 for the amendment and completion of Law no. 95/2006 on health care reform, as well as Government Emergency Ordinance no. 158/2005 on holidays and social health insurance benefits, published in the Official Gazette of Romania, Part I, no. 109 of 12 February 2020]*

The solution of the Constitutional Court: By Decision no. 229/2020, the Constitutional Court issued an admission decision, ruling only on the extrinsic criticisms of unconstitutionality, without analyzing the intrinsic criticisms.

✓ *Defending the status of judges who make up the panels specialized in public procurement, against whom a series of disciplinary responsibilities were established, additional in relation to the judges in the composition of other panels [Exception of unconstitutionality regarding the provisions of Art. IV point 26 of the Government Emergency Ordinance no. 23/2020 for the modification and completion of some normative acts with impact on the public procurement system, published in the Official Gazette of Romania, Part I, no. 106 of 12 February 2020].*

The solution of the Constitutional Court: The Constitutional Court admitted the invoked exception and found that the criticized provisions were unconstitutional, in their entirety.

✓ *Guaranteeing and respecting the electoral rights (the right to vote and the right to be elected), the People's Advocate appreciating that the legislative solution that eliminates the restrictive condition and allows the voter to vote in any polling station, in parliamentary elections, regardless of the constituency where the voter has his/her domicile or residence, violates the fundamental rights enshrined in Art. 36 and Art. 37 of the Constitution. [The exception of unconstitutionality regarding the provisions of the Government Emergency Ordinance no. 26/2020 on amending and supplementing some normative acts in the matter of elections for the Senate and the Chamber of Deputies, as well as some measures for the good organization and conduct of the early parliamentary elections]*

The solution of the Constitutional Court: By Decision no. 150/2020, the Constitutional Court admitted the exception of unconstitutionality raised by the People's Advocate, and found that the normative act was unconstitutional, as a whole.

✓ *Respecting the right to intimate, family and private life, within the electoral process, in the sense that the disclosure of data from the supplementary electoral lists can take place, only in compliance with the requirements of Art. 26 of the Constitution, which allow the processing of data, only with the observance of adequate guarantees, for the security and confidentiality of data. [Exception of unconstitutionality of the provisions of Art. VII of the Government Emergency Ordinance no. 64/2019 on amending and supplementing Law no. 370/2004 for the election of the President of Romania and the amendment of Law no. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority, as well as some measures for the good organization and conduct of the elections for the President of Romania in 2019].*

Solution of the Constitutional Court: At the date of preparation of this report, the case was being resolved.

Ensuring the legislative predictability regarding the legal regime of the governing bodies of the youth foundations, as in this field there is a legislative parallelism. [The exception of unconstitutionality of the provisions of Art. 13 para. (1) and Art. 14 para. (1) with reference to the phrase "general assembly" from the Youth Law no. 350/2006]

Solution of the Constitutional Court: At the date of preparation of this report, the case was being resolved.

✓ *Protecting citizens from the arbitrariness and discretion of the measure of administrative management, at the police headquarters, favored by the omission of establishing a deadline for the measure of administrative management at the police headquarters. [The exception of unconstitutionality having as object the provisions of Art. 31*

para. (1) lit. b) and Art. 36 para. (4) and (5) of Law no. 218/2002 on the organization and operation of the Romanian Police, republished]

Solution of the Constitutional Court: At the date of preparation of this report, the case was being resolved.

✓ ***Guaranteeing and respecting the property right.*** [The exception of unconstitutionality regarding the provisions of Art. 53 point 22 of Law no. 129/2019 for preventing and combating money laundering and terrorist financing, as well as for amending and supplementing normative acts, with subsequent amendments and completions, regarding the phrase “or Art. 56 para. (11)”]

The solution of the Constitutional Court: At the date of preparation of this report, the case was pending.

1.3 The effects of the admission decisions, pronounced in 2020, on some exceptions of unconstitutionality, formulated in 2019

✓ ***Guaranteeing the observance by the delegated legislator of the right to intimate, family and private life of the users of the telephone networks, following the declaration as unconstitutional*** of the provisions of the Government Emergency Ordinance no. 62/2019 for the amendment and completion of the Government Emergency Ordinance no. 34/2008 on the organization and functioning of the Single National Emergency Call System and for completing the Government Emergency Ordinance no. 111/2011 on electronic communications, was found to be unconstitutional, as a whole. (Decision No 83/2020)

✓ ***Establishing and regulating the constitutional meaning of the notion of “parliamentary party” as a result of admitting the exception of Art. 118 para. (2) of Law no. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and operation of the Permanent Electoral Authority, amended,*** as the criticized text attributed to the phrase “parliamentary political parties”, the meaning of “parties and other political parties that have their own parliamentary group in at least one of the Houses of Parliament”, and not by “parties represented in Parliament”.

Following the pronouncement of the admission decision, the Parliament adopted Law no. 202/2020 for the amendment and completion of Law no. 208/2015, defining the notion of parliamentary party, as follows: “*For the purposes of this law, **parliamentary political parties** mean political parties and citizens' organizations belonging to national minorities which, in the last elections for the Senate and the Chamber of Deputies, met, individually or in an alliance, the electoral threshold and obtained mandates of deputy or senator or who did not participate in the last parliamentary elections, but on the beginning date of the electoral calendar for the parliamentary elections, have as members 7 senators or 10 deputies.*

2. Political alliances and electoral alliances comprising at least one parliamentary political party shall be assimilated to parliamentary political parties.”

1.4 Formulation of points of view at the request of the Constitutional Court

During the reference period, as a result of the constitutionality analysis of the normative acts, invoked in reference to the constitutional texts, allegedly violated, a number of **26 points of view** was sent to the Constitutional Court.

Next, we will briefly present, by way of example, some of the points of view formulated by the People's Advocate, in cases pending before the Constitutional Court:

✓ ***point of view on the unconstitutionality of Art. 391 para. (1) and (8) of Law no. 95/2006 on health care reform, republished,*** in the form prior to the amendments which occurred by Law no. 113/2016 and Law no. 359/2018, motivated by the fact that: *the legal*

provisions that allowed the continuation of work over the age of 65, only to the titular doctors of the family medicine offices, from the rural area, created a discriminatory situation, recognizing this benefit only in their favor, although they belonged to the same category as the titular doctors of the family medicine offices, from the urban environment. However, the criterion of the place of work, respectively the urban or rural environment, does not represent an objective and rational criterion, for the creation of a different legal regime, for the same professional category. The Constitutional Court is due to rule.

✓ *point of view on the constitutionality of the provisions of Art. 159 para. (3) of the Criminal Code insofar as they are also applicable to defendants in respect of whom the change of legal classification of offences occurred in the case of an offense for which the law provides for the possibility of reconciliation*, motivated by the fact that: in case of change of legal classification of the offence, the defendant is deprived of the possibility of reconciliation, creating a difference in treatment, within the category of persons who commit the same crime, for which the law provides for the possibility of reconciliation until the reading of act of referral of the court. By establishing an external criterion for the defendant for whom the change of legal classification occurred, consisting in not exceeding the moment of reading the act of notification of the court, which cannot be imputed to him, but on which depends the granting of the benefit of reconciliation, a discrimination is created, since the benefit of the criticized regulation belongs only to a certain part of the category of defendants, in respect of whom the reconciliation took place until the reading of the act of referral to the court. The Constitutional Court is due to rule.

✓ *point of view on the unconstitutionality of the provisions of Art. 20 of the Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent additions, insofar as their interpretation involves the payment of the judicial stamp duty.* The conditioning of access to justice, by the payment of the judicial stamp duty, before the administrative contentious court, compared to the free of charge notification of the common law court, creates inequities, although the persons, in any of the two situations, provided by Art. 20 or Art. 27, complain about discrimination on the basis of the same normative act, and access to justice, especially in the case of persons who consider themselves discriminated against, must be facilitated and not hindered. The Constitutional Court is due to rule.

1.5 Settlement of petitions requesting the referral to the Constitutional Court

In 2020, a number of **1225 petitions** were resolved, requesting the notification of the Constitutional Court regarding the normative acts considered by the petitioners as unconstitutional.

The settlement of petitions addressed to the Constitutional Litigation Bureau, requesting the referral to the Constitutional Court, **involves the analysis of the constitutionality of the normative acts invoked by the petitioners**, by reference to the constitutional texts, allegedly violated, as they are comprised, in the jurisprudence of the Constitutional Court, of the European Court of Human Rights, of the High Court of Cassation and Justice and in doctrine.

Following the **prior documentation and the performance of the constitutionality control** regarding the laws or ordinances, the Bureau on Constitutional Litigation and appeal in the interest of the law **informs the petitioners regarding:**

- **the extrinsic or intrinsic arguments**, presented exhaustively, which determined the decision of the People's Advocate to refer or not, a case, to the Constitutional Court, in order to exercise the constitutionality control;

- **the conditions under which the involvement of the People's Advocate institution in the constitutionality control is achieved.**

Considering the particularities of the cases, in order to solve **four of the petitions**, it was necessary to take some **steps to the competent authorities**: requesting clarifications (2 letters to the National House of Public Pensions, 1 letter to the Bacău County Traffic Police Inspectorate, 1 letter to the General Police Inspectorate); reiterating a proposal to amend the legislation, contained in the Annual Report of the People's Advocate, from 2015, **in order to increase the amount of average monthly net income, per family member, taken into account when granting public legal aid**, 2 letters were formulated to the Ministry of Justice and the Ministry of Public Finance.

1.6 Collaboration with the other departments within the People's Advocate institution

In situations where, from the analysis of the notifications regarding the unconstitutionality of some laws or ordinances, were identified situations of violation of rights by the public administration authorities (aspects that fall within the competence of the specialized departments of the institution), these cases were transmitted to the relevant departments, with reasoned proposals, to find possible legal remedies, in order to approach them proactively, and help petitioners with concrete solutions, in order to solve the problems notified by them.

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

In 2020, in the exercise of its power regarding the unification of the judicial practice, the People's Advocate filed **3 appeals in the interest of the law**, as follows:

✓ *Appeal in the interest of the law regarding the non-unitary interpretation and application of the phrase “until the settlement of the appeal to the execution of a sentence” contained in the provisions of Art. 719 para. (1) of the Code of Civil Procedure, with the meaning of determining whether the suspension of execution is ordered until the settlement, in the Court of First Instance, of the appeal against the execution or until its final settlement.*

Solution of the High Court of Cassation and Justice: the deadline for resolving the appeal in the interest of the law was set for February 8, 2021.

✓ *Appeal in the interest of the law regarding the non-unitary interpretation and application of the provisions of Art. 65 para. (2) of Law no. 53/2003, republished, regarding the phrase “real and serious cause”, in the sense of establishing “whether a serious cause of the dismissal implies that, in the situation of reducing the number of identical positions within the unit, the employer must apply some selection criteria, to justify the choice of the employee(s) to be dismissed from a number of employees performing identical or similar activities”;*

Solution of the High Court of Cassation and Justice: The High Court of Cassation and Justice rejected as inadmissible the appeal filed by the People's Advocate, motivated by the fact that it tends to an interpretation that would add to the law.

✓ *Appeal in the interest of the law on the non-unitary interpretation and application of the provisions of Annex VIII, Chap. II, lit. A, Section II, point 6, subpoint. 6.2, letter. a) point 1 of the Framework Law no. 153/2017 on the remuneration of staff paid from public*

funds, with subsequent amendments and completions, in correlation with the provisions of Art. 38 para. (3), para. (4) and para. (6) of the Framework Law no. 153/2017, amended and supplemented. The People's Advocate considered justified **the opinion of the courts according to which the bonus for special harmful / dangerous working conditions is granted unrelated to the amount of the basic salary, respectively regardless of reaching, exceeding or not exceeding the salary scale, established for 2022.**

The solution of the High Court of Cassation and Justice: The High Court admitted the appeal in the interest of the law formulated by the People's Advocate and, consequently, established that the staff of public veterinary and food safety institutions, which are employed and perform their duties in specific functions, provided in the annex, benefit from the increase for harmful / dangerous working conditions, as regulated by the Framework Law no. 153/2017, from the date on which the basic salaries, the function salaries, the employment allowances become equal or higher than those established, according to the law, for the year 2022, as a result of the salary increases.

2.1. Settlement of petitions requesting referral to the High Court of Cassation and Justice in order to unify non-unitary judicial practice

During the analyzed period, a number of **75 petitions** were resolved by which the petitioners requested the referral to the High Court of Cassation and Justice.

The settlement of petitions which involve the referral to the High Court of Cassation and Justice implies: (i) the identification of the legal provisions whose interpretation and application determined the non-unitary judicial practice; (ii) identification of the same legal issue that has received a different solution; (iii) referral to the 15 courts of appeal.

Out of the 85 petitions, in **10 cases** it was necessary to formulate the requests to the courts of appeal from the whole country, in order to communicate the court decisions regarding the non-unitary judicial practice. After analyzing the transmitted judicial practice, only in **3 cases** were met the conditions for notifying the High Court of Cassation and Justice.

Section 2 The activity of the Administrative and Legal Litigation Office

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

2.1. Formulation of 2 administrative litigation actions

✓ **Action in annulment of some decisions regarding the delegation of the management of the public water supply and sewerage service, adopted by the Local Council of Blejoi commune, Prahova county, with a trial term established on 08.02.2021.**

✓ **Action in the partial annulment of some decisions of the Local Council of Brezoele commune, Dâmbovița county, having as object the establishment of the security tax for the uninhabited buildings and of the habitat tax with special sanitation destination.** The action was dismissed, and the applicant had the right to appeal.

❖ In 2020, the action in administrative litigation filed by the People's Advocate was admitted, on behalf of a petitioner who was denied the request to change his name, administratively, with the name of his husband. The public authority justified its refusal on the grounds that the petitioner's change of name would lead to a recognition of a marriage concluded abroad with a person of the same sex. Following the action filed by the People's Advocate, the Timiș County Council was obliged to issue a decision to change the name.

2.2. Settlement of petitions requesting referral to the administrative litigation court

A number of **49 cases** were resolved having as object the request to notify the administrative litigation court regarding the illegality of some administrative acts.

2.3. Settlement of preliminary complaints

12 responses to preliminary complaints were drafted.

2.4. Files in which the People's Advocate was a defendant; procedural documents drawn up:

In 2020, at the level of the Administrative and Legal Litigation Bureau, **56 files** were managed (newly registered files and files from previous years, which are in different procedural phases), for which the necessary procedural documents were prepared: **a) 1 appeal; b) 5 points of view at the request of the courts; c) 28 counterstatements; d) 3 responses to counterstatements; e) 15 written notes / conclusions.**

As of the date of this report, **none of the cases in which the People's Advocate had the capacity of defendant have been lost by final decision, so that we can highlight a 100% success rate.**

❖ For the year 2020, we mention a case that has a novelty character, namely, the challenge in court of 2 recommendations of the People's Advocate formulated to the Oradea Municipal Clinical Hospital „Dr. Gavril Curteanu”. The People's Advocate invoked the exception of inadmissibility of the summons, motivated by the fact that the recommendations, although they formally have the appearance of administrative acts and are issued by a public authority in applying the law, do not give rise to or modify or extinguish legal relations, therefore they cannot be considered administrative acts within the meaning of Law no. 554/2004. In this context, the summons lacked one of the essential requirements of an action in an administrative court, namely that the subject-matter of the dispute must relate to an administrative act.

In the analysis of the legal nature of an administrative act, essential are the legal effects it produces and the nature of the measures ordered in its content.

In such conditions, the administrative act must produce changes of a legal nature, while the issued recommendation only required the hospital to comply with an order of the Minister of Health.

The recommendation lacks the executive character and is not constituted as an administrative act within the meaning of Art. 2 para. (1) lit. c) of Law no. 554/2004, with subsequent amendments and completions, since it does not “give rise to, modify or extinguish legal relations”, by itself, but any measures that may or may not be applied, are taken only by the competent administrative body, under the law.

The solution of the court of first instance, the Bucharest Court of Appeal, admitted the exception of inadmissibility of the request for summons, invoked by the People's Advocate and, consequently, rejected the action as inadmissible.

In addition to the activities of representing the interests of the institution before the courts, other specific legal activities were performed: a) preparation or revision, as appropriate, and legality visa for all orders and regulations issued by the People's Advocate; b) the formulation of points of view regarding various administrative acts or facts, at the request of the Ombudsperson.

2.5. Daily information bulletins on human rights regulations adopted / issued during the state of emergency / alert

In the context of the legislative fluctuation, due to the health situation, in order to inform the public, in real time, but also the staff of the People's Advocate institution, **130 daily information bulletins** were prepared at the level of the administrative and legal litigation bureau.

Section 3 The activity of the Bureau on legal affairs, external relations and communication

The year 2020 was an unprecedented year in the last century for all mankind, given the outbreak of the Covid-19 pandemic, caused by coronavirus. The adaptation to the new reality led to the transition, almost entirely, of the activity in the online environment: the implementation of the telework regime, the participation in conferences, webinars, seminars, on different platforms.

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

✓ Approaches at the level of the Romanian authorities in the state of emergency / alert:

- *Request addressed to the President of the National Council for Combating Discrimination regarding the formulation of a point of view on the prohibition of access for persons whose body temperature, measured at the entrance to the premises, exceeds 37.3°C in educational units / institutions, public institutions and all structures subordinated to or under the coordination of the Ministry of Education and Research, an **approach that was the basis for issuing Recommendation no. 119/2020**.* The National Council for Combating Discrimination analyzed a possible act of indirect discrimination, because the condition of participation in the above-mentioned exams is a neutral one, the body temperature being measured to all participants. In the Council's view, the seemingly neutral condition disadvantages participants whose body temperature exceeds the limit and the measure of exclusion from examinations is based on a simple presumption that all participants who reach a certain body temperature are suspected of being carriers of SARS-CoV-2. This simple presumption has the effect of discriminating by association, the participant in the examination with a body temperature above the limit, being treated as if he were a carrier of SARS-CoV-2, although there is no medical confirmation in this regard. Therefore, the differentiated treatment is done on the basis of an unconfirmed chronic disease. In conclusion, the National Council for Combating Discrimination found that the case notified by the People's Advocate institution represents indirect discrimination.

- *Request for the formulation of a point of view from the perspective of non-compliance with the rights of consumers, who, in order to have access, for example, in a grocery store are required to accept the body temperature check, addressed to the President of the National Authority for the Supervision of Personal Data Processing.* The Authority informed us that: only to the extent that the information on the body temperature of an identified or identifiable natural person is recorded in a record system, the provisions of Regulation (EU) 2016/679 become applicable; To the extent necessary to ensure important objectives of general public interest of a Member State, such as in the field of public health, the national law applicable to the data operator may restrict, by a legislative measure, the scope of the obligations and the rights provided for in Regulation (EU) 2016/679.

- *Request for the formulation of a point of view - analyzes and statistics on the mobility of persons during the Covid-19 epidemic, addressed to: the Prime Minister, the Minister of Internal Affairs, the Minister of Transport, Infrastructure and Communications, the President*

of the National Authority for the Supervision of Personal Data Processing and the President of the National Authority for Administration and Regulation in Communications.

The General Secretariat of the Government informed us that neither the Department for Emergency Situations, which ensured the “command of the action” at national level during the management of the situation created by the Covid-19 epidemic, nor the Ministry of Transport, Infrastructure and Communications nor the Association of Mobile Operators from Romania did not request any data, information, analysis or statistics regarding the mobility of people.

The National Authority for the Supervision of Personal Data Processing has informed us that Regulation (EU) 2016/679 provides that the processing of personal data is carried out with the consent of the data subject, or, in other cases, it depends on the nature of the data and categories of data collected and processed. In such a situation, the operator is always obliged to inform the data subjects in a concise, transparent and easily accessible manner.

The National Authority for Administration and Regulation in Communications (ANCOM) informed us the following: it is not aware of the existence of requests from the public authorities of the Romanian state, addressed to providers of electronic communications networks or services, regarding the analysis of persons' mobility, nor about the practices of other providers of electronic communications networks or services for carrying out analyzes aimed at the mobility of persons; on June 3, 2020, Vodafone Romania S.A. informed ANCOM that the International Monetary Fund requested the above-mentioned data in order to correlate them with various parameters of economic activity; ANCOM was not notified regarding the deletion of the data obtained with the purpose of controlling the spread of Covid-19 infection.

✓ **Approaches at the level of the Ombudsman institutions in Europe, but also of other European authorities during the state of emergency / alert:**

- *Requests addressed to the Chairman of the Committee on Petitions of the German Parliament and to the Federal Minister of Labor and Social Affairs of the Federal Republic of Germany on the health safety of seasonal Romanian workers.*

The responses of the two authorities revealed, inter alia, the following: The German Federal Government has taken measures to ensure the safety and health at work and to protect against infection, especially during the Covid-19 crisis; for all seasonal workers arriving in Germany, a health check will be carried out at the airport before check-in at the Federal Police; the employer has the obligation to provide separate accommodation for persons confirmed or suspected of being infected; it has been decided to expand the existing information channels on coronavirus infection among workers from other countries, working in Germany so that the Federal Government can promptly inform the embassies of the countries of origin of potential risks; In order to ensure occupational health and safety, the Federal Ministry of Food and Agriculture published an action plan on 2 April 2020.

- *Request for a point of view from the perspective of non-compliance with the rights of consumers, who, in order to have access, for example, to a grocery store, are obliged to accept the body temperature check, addressed to the European Data Protection Supervisor.*

Regarding the extent of data protection in the procedure of body temperature checks, especially those carried out at the entrance to buildings, for both employees and visitors, the *European Data Protection Supervisor (EDPS)* has issued, in the context of the Covid-19 crisis, a Guide for implementing Regulation (EU)2018/1725. The EDPS considers that temperature verification systems, operated manually and followed by the recording, documentation or further processing of a person's personal data, or systems operated

automatically using automated digital means, such as thermal cameras or thermal scans, would generally enter, within the scope of the Regulation.

- *Request to formulate a point of view from the perspective of non-compliance with the rights of consumers, who, in order to have access, for example, in a grocery store are obliged to accept the body temperature check / ban on access to persons whose measured body temperature upon entering the premises, exceeds 37.3°C, in educational units / institutions, public institutions and all structures under the subordination or coordination of the Ministry of Education and Research, addressed to the European Ombudsman;*

- *Request for a point of view - analyzes and statistics on the mobility of people during the Covid-19 epidemic, addressed to: European Data Protection Supervisor, European Ombudsman, European Commissioner for Values and Transparency and European Commissioner – A Europe fit for the digital age.*

According to information held by the European Data Protection Supervisor, the European Commission (DG CNECT) launched in March an initiative to collect information on aggregate mobility patterns in the Member States. The European Commission has cooperated with the Commission's Joint Research Center for this project. The European Commission has reached out directly to mobile network operators in the Member States to receive data sets to be used to create patterns. These patterns should help to understand the dynamics and spread of epidemics, as well as to assess the effectiveness and impact of social distancing measures.

The joint response of the European Commissioner - A Europe Fit for the Digital Age and the European Commissioner - Values and Transparency revealed the following: The European Commission has asked European mobile network operators to provide anonymous and aggregated data to its Joint Research Center (JRC); The European Commission is holding technical discussions with mobile network operators who have offered to provide data, including data covering Romania; the request to mobile network operators is strictly limited to anonymized data and will not in any way lead to the tracking of persons; The JRC will keep the data for up to 90 days or until the end of the Covid-19 crisis, depending on the deadline that is met first. This period may be extended, with the consent of the telecommunications operators, if the Covid-19 crisis continues. The Commission will share the results of the analysis with Member State authorities and the European Center for Disease Prevention and Control.

- *Approaches to: European Ombudsman, President of the International Ombudsman Institute, President of the European Region of the International Ombudsman Institute, President of the Association of Francophone Ombudsmen and Mediators, President of the European Commission for Democracy through Law - Venice Commission, President of the European Parliament, European Commissioner - Values and Transparency, Regarding Attacks on the activity of the Ombudsperson and of the Romanian Constitutional Court;* • approach to the president of the European Commission for Democracy through Law - Venice Commission, *Regarding Attacks on the activity of the Romanian Ombudsperson.*

✓ At the level of the bureau, *the Special Report on the observance of human rights and the exceptional measures ordered during the state of emergency and alert (March 16-September 10, 2020) was prepared*, a report that reflects the activity of the People's Advocate during the crisis we are going through, as well as the responses and reactions of the authorities. The report was submitted to the Prime Minister, the Presidents of the two chambers of Parliament, the Minister of Health, the Minister of Internal Affairs, the Minister of Education and Research, the Minister of Labor and Social Protection and the Head of the Emergency Situations Department. Also, the report tried to reflect the overall situation faced by Romania

during this period, thus trying to identify the dysfunctions at system level, the individual cases being treated according to the usual procedure for resolving petitions.

√ Other specific activities at the level of the Bureau on legal affairs, external relations and communication: verification / correction / elaboration / documentation / sending of special reports; management and handling of documents received / sent by Special Post; translation of all invitations and requests received from Ombudsman institutions or other organizations with which the People's Advocate institution collaborates; preparation of press releases; responses to requests received from the media / NGOs; managing the following sections from the website of the People's Advocate institution: *Actions of the People's Advocate related to decisions on the state of emergency and the state of alert*; *Activity*; *News*.

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

In the context of the legislative fluctuation, due to the health situation, in order to inform, in real time, the citizens, but also the staff of the People's Advocate institution, **39 information notes** were prepared on normative acts concerning human rights adopted / issued in the period of the state of emergency / alert.

3.3. Externally, after the outbreak of the Covid-19 pandemic, some of the scheduled seminars, round tables and conferences were either canceled or postponed, while others were moved online. The representatives of the People's Advocate participated in international meetings, organized by: the European Ombudsman Institute, the International Ombudsman Institute, the Association of Francophone Ombudsmen and Mediators, the Council of Europe, other European institutions with which we collaborate.

- *Workshop on the Application of the Charter of Fundamental Rights at the level of the European Union*, organized by the Fundamental Rights Agency of the European Union - FRA;
- bilateral online discussions, with European Commission experts, on the new European Rule of Law Mechanism;
- *Board of Directors of the Association of Francophone Ombudsmen and Mediators - AOMF* (organized online);
- the European Conference of the European Network of Ombudsmen and the 25th Anniversary of the European Ombudsman;
- *12th International Conference of Ombuds Institutions for the Armed Forces (ICOAF)*;
- online training, focusing on essential media relations skills, organized by the International Ombudsman Institute;
- the webinar on *Covid-19 and the Ombudsman - Adapting to the challenges of a pandemic*, organized by the State Comptroller and the Ombudsman of Israel, in collaboration with the International Ombudsman Institute;
- the online workshop of the South East European NPM Network (SEE MNP), hosted by the Ombudsman Institution of Croatia;
- the webinar concerning *on-site monitoring of the rights of persons with disabilities during Covid-19*, organized by the European Network of National Human Rights Institutions and the Public Defender of Georgia;
- webinar on *Exchange of knowledge on good practices: Implementation of the mandate and responsibilities of the NHRIs in the context of Covid-19*, organized by the Global Alliance of National Human Rights Institutions (GANHRI);

- online meeting on *Petition Procedures and Application Forms in Prison*, organized by the Helsinki Committee in Hungary;
- ENOC's annual conference on *assessing the impact on children's rights*, organized by the European Network of Ombudsmen for Children.

3.4. From the events that took place *internally*, we mention:

- the visit to Romania of Dr. Ákos Kozma, the Commissioner for Fundamental Rights in Hungary;
- the webinar with the theme *People's Advocate - Guarantor of the observance and promotion of children's rights*, organized by the department on defense, protection and promotion of children's rights;
- meeting with the Chairperson-Rapporteur of the Working Group on Discrimination against Women and Girls in the Office of the UN High Commissioner for Human Rights;
- meeting with the French liaison magistrate for Romania and the Republic of Moldova;
- working meeting on the conclusions of the Special Report on the prescription of psychotropic substances for children in residential centers. The meeting was attended by representatives of: National Authority for the Rights of Persons with Disabilities, Children and Adoptions, Romanian College of Physicians, National Center for Mental Health and Anti-Drugs, Pediatric Psychiatry Commission of the Ministry of Health - Mental Health Center for Children, Romanian College of Psychologists and the Romanian Association of Child and Adolescent Psychiatry and Associated Professions;
- meeting with a team of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE-ODIHR), appointed to evaluate Romania's pre-election period, from the perspective of parliamentary elections.

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The People's Advocate and the Save the Children Organization have concluded a 5-year *Collaboration Protocol*, with the aim of promoting respect for the rights of the child and protecting them from any form of abuse and violence, paying close attention to the most vulnerable.

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Starting with March 2020, the *internships* of the students scheduled to take place at the People's Advocate institution have been postponed indefinitely, due to the Covid-19 pandemic. However, students from the Faculty of Law – University of Bucharest, were involved in preparing the *Special Report on awarding scholarships for students nationwide in the 2019-2020 school year*.

3.5. Communication and relations of the People's Advocate institution with the media

In the context of a year marked, due to the Covid-19 pandemic, by the restriction, even the cessation of direct contact with citizens, the People's Advocate remained a proactive partner of the press, receptive to all media signals regarding possible violations of citizens' rights and freedoms by public authorities or institutions.

All the actions undertaken by the People's Advocate were constantly made available to the public, both through press releases and by posting on the website. Despite the complex

epidemiological context, the People's Advocate organized press conferences, taking appropriate safety measures, when the situation allowed it.

In order to show the total transparency, but also the openness towards citizens, authorities, mass media, as well as any other interested persons, after the establishment of the state of emergency, on the home page of the institution's website were created 2 sections:

§ Actions of the People's Advocate related to the decisions regarding the state of emergency and the state of alert, in which the requests and recommendations addressed to the authorities regarding their decisions on the state of emergency and the state of alert can be consulted.

§ The People's Advocate informs you, where the normative Acts regarding the human rights adopted / issued during the state of emergency and the state of alert can be consulted.

In 2020, the **new website of the People's Advocate was inaugurated**, a modern platform that facilitates citizens' online access to the institution's services, in a more attractive and intuitive format to use. Visually, the site offers possibilities such as increasing and decreasing the text font size, displaying in black and white or color format, displaying text with increased contrast, with an easier-to-read background, or in black on a white background, highlighting links, all of which are accessible both on the desktop and on mobile phones and tablets.

The website contains all relevant information on how citizens can approach the institution, a description in clear language of the competencies and duties of each department, with concrete examples of issues that citizens may face, the national and international legislative framework in field, as well as dozens of useful links to the websites of other national institutions and ministries. All this information is available in both Romanian and English.

The site is also constantly updated with all relevant actions of the institution in the *News* section.

In 2020, the activity of the People's Advocate institution was reflected in **439 radio-TV shows**, **1284 articles in the central and local press**, **60 press releases**. Also, **3 press conferences** were organized:

- January 14, 2020, organized by the People's Advocate and UNICEF Romania, on the occasion of the first consultation between the new Children's Board and the Children's Ombudsman. On this occasion, a *Memorandum of Understanding* was signed between the People's Advocate and the UNICEF Representation in Romania, for the period 2020-2022;

- September 10, 2020, joint press conference of the People's Advocate and the Romanian Academic Society, during which the conclusions of the *Special Report on the observance of the right to scholarships of Romanian students in the 2019-2020 school year* were presented.

- 16 September 2020, the press conference of the People's Advocate, during which the conclusions of the *Report on the observance of human rights and the exceptional measures ordered during the state of emergency and the state of alert (16 March-10 September 2020)* were presented.

The communication and the relations of the territorial offices with the mass media materialized in the publication in the local press of **155 articles**, referring to the activity of the territorial offices, and their representatives participated in **146 radio and television shows**.

CHAPTER IX

HUMAN, MATERIAL AND BUDGETARY RESOURCES

Section 1 – Human Resources

The institution is led by the Ombudsperson, assisted by 6 deputies, who have the capacity of secretary of state, specialized in six fields of activity, each of them heading a department which manages the respective field.

Within the People's Advocate institution, under the direct subordination of the Ombudsperson, operates the Constitutional Litigation Service, appeal in the interest of law, administrative and legal litigation, legal affairs, external relations and communication, being composed of three structures, with well-defined competencies: Constitutional Litigation and appeal in the interest of the law Bureau, the Administrative and Legal Litigation Bureau and the Legal affairs, external relations and communication Bureau.

Across the country, the activity is carried out through the 14 territorial offices, organized on the geographical criterion of the Courts of Appeal, as well as through the 4 zonal centers of the National Mechanism for the Prevention of Torture in Detention Places (NPM).

The existing staff of the institution is 146 employees and consists of: 7 dignitaries, 1 coordinating director, 1 head of Service, 3 heads of Bureaus, 100 counselors, 13 experts, 5 referents and 12 drivers, to which are added 3 counselors and 1 referent, at the Ombudsperson's office. Of these, 96 are women and 50 are men.

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

The economic and administrative activity of the institution is coordinated by the coordinating director.

Within the institution, operates the Consultative Council, which is composed of the Ombudsperson, her deputies, the coordinating director, as well as other persons appointed by the Ombudsperson. The Council meets once a month, or whenever it is considered necessary, being convened by the Ombudsperson.

The People's Advocate Institution carried out its activity in 2020, with a staffing scheme that included a number of 165 positions approved in the budget, of which 107 positions distributed at the headquarters and 58 positions at the territorial offices and three zonal centers.

At the end of 2020, there were 146 employees and 19 vacancies.

The provisions of the Staff Statute of the specialized structures of the Parliament are applicable to the staff of the People's Advocate institution.

Section 2 - Material and budgetary resources

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

The situation of the budget and commitment appropriations allocated and consumed by the People's Advocate institution in 2020 is presented in the following table:

Title	Initial budget Law no. 5/2020	After budgetary rectification according to OUG no. 50/2020	After budgetary rectification according to OUG no. 135/2020	After budgetary rectification according to OUG no. 201/2020	Withdrawals of credits according to Art.54 din Law no. 500/2002	Decreased budget remaining	Budget consumed on 31.12.2020	Budget executed %
Total, of which:	24.135.000	-90.000	-895.000	-250.000	-226.000	22.674.000	22.598.509	99,67
Staff expenditures	19.570.000	-	-700.000	-250.000	-204.000	18.416.000	18.369.445	99,75
Goods and services	4.144.000	+30.000	-214.000	-	-21.000	3.939.000	3.913.354	99,35
Other transfers	15.000	-	-	-	-	15.000	14.991	99,94
Other expenditures	136.000	-	+19.000	-	-1.000	154.000	153.629	99,76
Capital	270.000	-120.000	-	-	-	150.000	147.090	98,06

In order to carry out the activity in 2020, the People's Advocate institution was assigned by **Law no. 5/2020 of the state budget for 2020**, budget and commitment credits amounting to **24,135,000 lei**.

The People's Advocate Institution identified during 2020, savings amounting to **1,461,000 lei**, savings that it returned to the state budget, on the occasion of budget corrections or made them available to the Budget Reserve Fund, at the disposal of the Government. The commitment and budgetary credits, to be executed for the year 2020, were of **22,674,000 lei**.

The budget execution for 2020 was achieved at the level of 99.67% of the allocated budget.

The largest share in the total budget credits is represented by the staff expenses, in a percentage of 81.22%.

The expenses of the institution were made within the budget appropriations allocated.

The consumption of the funds regarding the staff expenses was made in compliance with the legal provisions on the staffing of the People's Advocate institution, the granting of medical leave, bonuses, holiday vouchers and food allowance.

The expenses occasioned by the measures taken to combat the effects of the Covid-19 pandemic were borne by Title I "Staff expenses", in the amount of 74,289 lei, representing the payment for medical leave granted, during April-December 2020, to 11 employees for code 07 (quarantine) and to 6 employees for code 05/51 (group A infectious disease).

The budget remaining to be executed in 2020, following the budget rectifications and the provision of budget credits, was of 18,416,000 lei, the expenses with salaries being, at the end of 2020, in the amount of 18,369,445 lei, resulting in a budget execution of 99.75%.

The People's Advocate Institution has no debts or delays in the payment of salaries or contributions to the state budget.

In **Title II Goods and services**, during 2020, the consumption of budget appropriations was made according to Law no. 98/2016 on public procurement. During 2020, all public procurement was carried out through SICAP. An insignificant number of acquisitions were made, exceptionally, without SICAP, for objective reasons.

All acquisitions during 2020 were made by direct procurement, not exceeding the threshold provided in Law no. 98/2016 in Art. 7 para. (5).

Within Title II, “Goods and services”, **the expenses for renting the space for the headquarters building**, amounting to 2,788,361 lei, held a share of 71.25% of the total budget credits consumed. This expenditure comes from the Framework Agreement no. 3920 of March 2, 2020, concluded with the owner of the building, GENERALCOM S.A., for a period of 5 years, valid from the date of its signing, with the possibility of renewal, in accordance with the law. Related to the Framework Contract, a Subsequent Contract is concluded annually, within which the monthly value is set at 49,184.26 euros, VAT included.

In order to finance the measures determined by the Covid-19 pandemic, expenses from title II “Goods and services” were made, in the amount of 65,860 lei, as a result of the fact that the People's Advocate institution paid between March and December 2020, both for employees from the headquarters, as well as for those from the 14 territorial offices and 3 zonal centers: **protective materials** in order to comply with the measures imposed by the establishment of the state of emergency / alert, respectively: disinfectant gel, protective panels, protective masks, gloves, chloramine pills, protective visors, disposable plastic shoe covers, disposable gowns, disinfection services, digital thermometers, UVC Light Disinfection Wand Rods.

The budget remaining to be executed in 2020, following the budget rectifications and the making the budget credits available, was 3,939,000 lei, and the expenses incurred were, at the end of 2020, in the amount of 3,913,354 lei, the budget execution being 99.35%.

In **Title VII Other transfers** were allocated by the State Budget Law no. 5/2020, budget and commitment credits in the amount of 15,000 lei.

The People's Advocate Institution is affiliated to a series of international bodies, being obliged by law to pay annual dues, as follows:

- Law no. 170/1999 for the approval of the affiliation of the People's Advocate institution to the Association of Francophone Ombudsmen and Mediators (1,100 euro / year)
- Law no. 206/1998 for the approval of the affiliation of the People's Advocate institution to the International Ombudsman Institute (1,500 euro / year) and to the European Ombudsman Institute (350 euro / year).

During 2020, payments were made in the amount of 14,991 lei. The budget execution was 99.76%, the amount being, in total, intended to pay the membership fees of the People's Advocate institution to the international bodies to which it is affiliated.

At **Title XI Other expenditures**, were allocated by the State Budget Law no. 5/2020 budgetary and commitment credits in the amount of 136,000 lei, for the payment of the fund related to the non-employed disabled persons.

The budget to be executed in 2020, following the budget rectifications and the availability of budget credits, was of 154,000 lei, the expenses for the payment of the fund related to the disabled persons being, at the end of 2020, in the amount of 153,629 lei, resulting in a budget execution of 99.76%.

In Title XIII. Non-financial assets The largest share of expenses incurred (70.07%) is held by the purchase of licenses amounting to 103,072 lei, as follows:

- the license for extending the Pirs-ePRIM web application for the territorial offices and zonal centers, an application that allows saving the database of the institution, amounting to 72,828 lei;
- WinSvr licenses for the new server, purchased in order to replace the existing server, which was morally and physically outdated, in the amount of 24,514 lei;
- Windows 10 Pro (3 pcs.) and Office Home and Business 2019 (3 pcs.) licenses worth 5,730 lei, for the 3 All-in-One System computers, purchased during the year.

The budget remaining to be executed in 2020, following the budget rectifications was of 150,000 lei, and the realized expenses were, at the end of 2020, in the amount of 147,090 lei, the budget execution being of 98.06%.

CHAPTER X

AUDIT AND RISK MANAGEMENT

In 2020, within the People's Advocate institution, audit missions were performed regarding:

a) System audit, i.e. an in-depth assessment of management and internal control systems, in order to establish whether they operate economically, effectively and effectively, to identify deficiencies and formulate recommendations for their correction.

The topics chosen were:

- Evaluation of the process and stage of implementation of the managerial control systems in the light of the standards from the SGG Order 600/2018 for the approval of the Code of internal managerial control of public entities;
- Information technology (IT) system audit.

b) The regularity / compliance audit, which represents the examination of the actions on the financial effects on account of the public funds or of the public patrimony, under the aspect of the observance of the set of principles, procedural and methodological rules, according to the legal norms.

The topics chosen were:

- Audit of the own preventive financial control system (CFP);
- Audit of the human resources management activity;
- Audit of the territorial offices of Pitești and Oradea;

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 were in line with the objectives.

The topics chosen were:

- Audit of the Department on army, justice, police and penitentiaries;
- Audit of the Department on the rights of the family, young people, pensioners, people with disabilities.

The audit reports prepared found the functionality of internal control and governance processes, the reliability of the audited systems, but also issues that require improvements in terms of procedure, organization and human resources involved.

The recommendations of the public internal audit referred in particular to the need to strengthen the internal control system, through risk management, the development of new internal operational procedures and the revision of existing ones, the improvement of professional training and the development of the IT system. Thus, the main recommendations referred to the following aspects:

- elaboration / revision of the procedures, written and formalized, for the activities in the field of information technology specific to the People's Advocate institution, as the technological advance and the organizational changes require it;
- elaboration of strategic plans for the development of information systems for the next years for the extension of the document management system at the level of territorial offices / zonal centers;
- continuous professional training of human resources;
- the annual analysis of the risks specific to the fields of activity, the establishment of the risk management measures and the regular follow-up of their implementation, with deadlines and responsible persons, to be recorded in the risk register;

- the commitment and use of budgetary appropriations should be based on sound financial management (application of the principle of economy, efficiency and effectiveness), following regular analyzes of the degree of commitment of budgetary appropriations in relation to the real needs of the institution, on short and medium term;
- employees must continue to be proactive and involved in monitoring the press to find cases with special social implications, which require ex officio proceedings or investigations, which should be distributed in a balanced way between the three employees.

The People's Advocate Institution has a specialized structure, established for the purpose of monitoring, coordination and methodological guidance of its own management control system, respectively the Monitoring Commission, which has a fundamental role for strengthening the organizational capacity of the People's Advocate institution, having as main attributions: coordinating the process of updating the objectives and activities to which performance or result indicators are attached for their evaluation, analysis and prioritization of significant risks, analysis and approval of formalized procedures, analysis of information on performance monitoring and elaboration of the Development Program of the internal management control system.

In 2020, the members of the Monitoring Committee met regularly to identify and analyze the risks that could affect the achievement of the objectives and to develop appropriate plans to limit the possible consequences of these risks, and new procedures were developed as well, while the existing ones have been revised. The system of performance indicators of the institution has been improved.

The control strategies perfected during 2020 were the following:

- control through formal rules, procedures and regulations - which supported the elaboration of decisions in the current activity of the institution;
- performance evaluation control, which has been used to prevent or correct unwanted behaviors and performances;
- financial control, including a variety of techniques and procedures that have prevented the misallocation of financial resources and provided feedback on how to use them.

Within the internal control system of the People's Advocate, a very important role was played by preventive financial control, which was organized and exercised in the following forms: own preventive financial control and delegated preventive financial control for monitoring financial operations. The granting of the preventive financial control visa was made according to the legislation in force, by observing the fulfillment of the principles, procedural and methodological rules that were applicable to the categories of operations subject to control (regularity control); compliance with the limits and destination of budgetary appropriations (budgetary control). The monitoring made on the preventive financial control by the delegated controller and the evaluation made through the internal audit were able to provide a reasonable assurance that the internal control procedures operate efficiently in practice.

The debate of the case law and the legislative novelties and the exchanges of experience with Ombudsman institutions from other countries, helped improve the internal managerial control system of the People's Advocate, thus achieving the general objectives of the institution related to defending citizens' rights and freedoms in their relations with public authorities.

* This Report contains the following annexes:

- Annex no. 1: *Special Report on the protection of forest areas in Romania;*
- Annex no. 2: *Special Report on the granting of scholarships for students at national level in the school year 2019-2020;*
- Annex no. 3: *Special Report on respect for human rights and the exceptional measures taken during the state of emergency and alert (16 March - 10 September 2020);*
- Annex no. 4: *The activity of the Children's Ombudsman from its establishment until present day.*