

The Romanian institutions promoting and protecting human rights and combating discrimination

A. The **Ombudsman**, an autonomous and independent public authority, stipulated in the Constitution, has as purpose the protection of individuals' rights and freedoms in their relations with public authorities, and exercises its duties *ex officio* or at the request of persons whose rights and freedoms have been infringed, within the limits established by law. The Constitution stipulates the obligation for the public authorities to provide the necessary support to the Ombudsman for fulfilling its duties. The Ombudsman is elected by the two Chambers of the Parliament, for a mandate of 5 years, renewable only once. The Ombudsman is only responsible before the Parliament, which is examining its annual report of activity.

The Standing Bureaus of the Chamber of Deputies and the Senate appoint the Deputies of the Ombudsman, specialized in the following activities:

- ✓ human rights, equality of chances between men and women, religious cults and national minorities;
- ✓ protection and promotion of the rights of the child – the Child's Ombudsman;
- ✓ family, youth, seniors, persons with disabilities;
- ✓ army, justice, police, prisons;
- ✓ property, labour, social protection, taxes and fees;
- ✓ prevention of torture and other cruel, inhuman or degrading treatment or punishments in places of detention – the National Preventive Mechanism.

The Ombudsman's attributions in order to fulfil its mission of protecting human rights and fundamental freedoms include: solving petitions lodged by individuals on alleged violations of human rights by the authorities of the public administration; involvement in the constitutionality examination of a legal provision (through legal opinions, requests to the Constitutional court for a constitutionality examination); the possibility to propose, through its annual reports, amendments to the existing legislation. It can also draw the Government's attention to any illegal administrative act of fact of central administration or of the prefects, and in case the government does not adopt within 20 days the necessary measures to correct the illegal act of fact, it notifies the Parliament.

The Ombudsman adopts recommendations for the attention of domestic administrative authorities following the examination of a petition; in case the administrative authority does not redress the violation, the Ombudsman will notify the hierarchical superior authority and subsequently, the prefect.

According to law no. 9/2018, the Ombudsman's Institution is a national institution for the promotion and protection of human rights, as established by the United Nations General Assembly Resolution (UN) 48/134 of 20 December 1993, adopting the Paris Principles. The institution initiated the demarches to register for accreditation as a national human rights institution, before the Sub-Committee on Accreditation.

B. As already indicated in our previous Report on the implementation of the Covenant, the **National Council for Combatting Discrimination** (here after NCCD) is a public authority with legal personality, acting as the guarantor of enforcement and substantiating the observance of the

principle of non-discrimination, assuring the prevention of all forms of discrimination, under parliamentary control.

The institution is exercising its duties in accordance with its mandate established by GO no. 137/2000, which also specifies its composition and its sphere of competence (prevention of all forms of discrimination, mediation of discrimination deeds, investigation, ascertaining and sanctioning of discrimination deeds, monitoring the discriminatory cases and providing specialized assistance to victims of discrimination).

The autonomy and independence of this specialized institution were two criteria specifically requested by the European Union and expressed by:

- the autonomy in the administration of the institution's annual budget - the president of the institution is a main budget administrator; there is a transparent system of appointing the members of the Steering Committee. NCCD's Steering Committee members are appointed by the Romanian Parliament for a mandate of 5 years following a public procedure, which entails the publication of applications, the possibility of contesting candidates, the public hearing of candidates and the vote of the Romanian Parliament; moreover, in 2018, two members of the Steering Board were supported by the civil society.
- there is a determined term of the mandate of the Steering Committee members and there are express provisions for their dismissal. The members of the Steering Committee can be dismissed and released of office only in the following cases: resignation, expiry of the mandate, incapability to work according to the law, if they were definitely condemned for a deed stipulated by the criminal law, if they do not fulfil anymore the requirements stipulated in par. 3, upon the substantiated proposal of at least two thirds of the members.
- The Council must present an annual report before the Parliament; a possible rejection of such a report does not lead to the dismissal of the Steering Committee members.
- The Council's documents are entirely subject to the control of courts through their attack to administrative contentious matters courts.

The Council has the competence to exercise its legal authority not only based on petitions and complaints from individuals or legal entities, but also *ex officio* when it detects the infringement of non-discrimination laws. NCCD is a member of the European Network of Equality Bodies (EQUINET), participating actively at trainings and meetings among other Member States Equality Bodies.

NCCD receives and reviews petitions and complaints regarding violations of the legal provisions concerning the principle of equality and non-discrimination from individuals and groups of persons, NGOs active in human rights protection, other legal entities and public institutions. The Steering Committee of NCCD, exercising its decision-making role, analyses the petitions and complaints received, and adopts, by decisions, the appropriate measures, following investigations carried out by the specialized staff of the Council (the Inspection Team).

The Council thus fulfils the criteria established by Paris Principles as it is an autonomous public institution, with legal personality, under parliamentary control (its annual report is debated and approved by the Parliament); it is empowered to guarantee and supervise the implementation of the principle of equality and non-discrimination among citizens, being qualified to investigate and establish sanctions in cases of discrimination (through its Inspection Team); it elaborates and

applies public policies in the field of non-discrimination; the members of its Steering Board are appointed, in plenary session, by the Parliament.

C. The Romanian Institute for Human Rights (RIHR) is an independent organism under parliamentary control; its mission is to raise the awareness of public entities, non-governmental organisations and individuals on the human rights issues as well as to contribute, by publicly informing the international organisms and the interested entities abroad on the practical aspects of the way human rights are respected and guaranteed in Romania. In order to achieve its mission, the Institute has created a centre for documentation; it also contributed to the translation of main international – universal and regional – conventional instruments. It can organize training programs for those categories of public servants with particular responsibilities in the human rights field or for improving the knowledge in the human rights sphere. It can provide the Parliament background information on the projects of law on the docket of its commissions, and dedicated to various research projects on different aspects of the protection and promotion of human rights worldwide and in Romania.