



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in Romania**



# Romania Country Report

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## Overview

### Name of NHRI and mandate:

- Romanian Institute for Human Rights.
- Romania does not currently have an accredited NHRI. This report focuses on the ENNHRI member in Romania, the Romanian Institute for Human Rights, which has applied for accreditation, but it is currently not accredited. Please note that the Romanian Ombudsman, which is not an ENNHRI member, has also applied for accreditation, but it is not accredited either s

### Sources:

- ENNHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Romania Country Report](#)
- CoE Independent Bodies: [CoE Commissioner for Human Rights letter to Romania \(2021\)](#)

### Good practices and improvements:

- **CM Principle 13: safeguards against threats and harassment:** The RIHR reports that the safeguards necessary to protect and support the RIHR and its head of institution and staff, against threats and harassment and any other form of intimidation (including SLAPP actions) are in place.

## Key areas where improvement is needed:

- **CM Principle 1: establishment of an NHRI in compliance with the Paris Principles:** national authorities should ensure that a national human rights institution, with a view to full compliance with the Paris Principles and accreditation, exists in Romania. At the moment, there haven't been any developments to bring the legal framework in compliance with the Paris principles. The Law establishing the RIHR dates back to 1991 and has not been amended since, although there were two legislative proposals in the past two years aimed at strengthening compliance with the Paris Principles..
- **CM Principle 3 & 15 a): human rights mandate and cooperation with human rights bodies:** The enabling legislation of the RIHR should be amended to clarify the precise mandate of the RIHR, including its role within the national human rights framework and cooperation with the other human rights bodies that exist at the national level. In December 2022, the Ministry of Justice appointed RIHR as the focal point for collecting data and providing information on Strategic Lawsuits against Public Participation (SLAPPs) for journalists and human rights defenders, in follow-up to the EU Recommendation on the matter.
- **CM Principle 8 & 9: access to information and follow up of recommendations:** The enabling legislation of the RIHR should be amended to strengthen national authorities' cooperation with the institution. Amendments should ensure that the RIHR's access to information and policy makers is strengthened and should make it a legal obligation for addressees of the institutions' recommendation to follow up and provide a reasoned reply in a timely manner.
- **CM Principle 6 & 10: adequate resources to effectively carry out the Institute's mandate:** The RIHR reports insufficient human and financial resources to effectively carry out its new tasks and roles, reporting inadequate salaries and a 60% staff deficit as per spring of 2023.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<p><b>Principle 1</b></p>	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>Romania currently does not have an institution accredited as a National Human Rights Institution.</p> <p>The Romanian Institute for Human Rights (RIHR) is a non-accredited associate member of ENNHRI.</p> <p>In 2020, both the Romanian Institute and the Romanian Ombudsman (which is not an ENNHRI member and is not accredited) applied for accreditation.</p> <p>The Institution does not report any meaningful advancements for the establishment of a NHRI in compliance with the Paris Principles.</p> <p><i>Information Provided by the institution in 2023</i></p> <p>In Romania there are four institutions with a human rights mandate (RIHR, the Romanian Ombudsman, National Council for Combating Discrimination, and the CRPD Monitoring Council).</p>

	<p>Each of these institutions has a different founding/statutory law and a different selection process. At the time, the national legislation in force the filling of public positions and the specific nature of the institution concerned was taken into consideration.</p> <p>Strictly referring to RIHR, the most relevant document is the one from the SCA on the recommendations for the institute, issued in 2011.</p> <p>Regarding the CRPD Monitoring Council, according to Article 33.2 of the CRPD and existing literature, it is up to the States (in particular the legislator) to decide, depending on the national context, how to implement Article 33.2 with reference to the formula "shall take into account". (See Vincent Aichele, „Article 33 – National Implementation and Monitoring“, in Bantekas et al. (Ed.) (2018: 996) The UN Convention on the Rights of Persons with Disabilities, a commentary, Oxford University Press, pp. 992-998.)</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>CoE Commissioner Letter to Romania, 2021</i></p> <p>As a central condition, Article 33 paragraph 2 CRPD requires that the mechanisms set up to promote and monitor the implementation of the CRPD should be independent. It therefore provides for the obligation of states to take into account, in the designation of such mechanisms, <u>the "Paris Principles"</u> (United Nations General Assembly Resolution 48/134 of 20 December 1993). The Recommendation CM/Rec(2021)1 of the Committee of Ministers to Council of Europe member states further emphasises the vital importance that any human rights institution be established and function in full compliance with the minimum standards set out in the Paris Principles. The Paris Principles contain a set of internationally recognised standards regarding the credibility, independence and effectiveness of national human rights institutions (see my Human Rights Comment published on this topic in December 2018). They demand notably that such institutions should be independent both in law and in fact and should have effective co-operation with various stakeholders, including NGOs working in the field of human rights.</p>

<p><b>Principle 2</b></p>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 2</i></p> <p>The RIHR has a legislative basis.</p> <p><i>Information Provided by the institution in 2023</i></p> <p>The Romanian Institute for Human Rights was established in 1991 under a law adopted by Parliament of Romania, Law No. 9 of 29 January 1991 on the establishment of the Romanian Institute for Human Rights, published in the Official Journal of Romania No. 24 of 30 January 1991. The Law establishing the Institute dates from 1991 and has not been modified since, although in the past two years there were two legislative proposals in this regard, aimed at strengthening the observance of the Paris Principles</p> <p>The Institute's activity is based on Law No. 9/1991 and its Standing Orders, approved by the General Board, whose provisions are an addition to the provisions of the constitutive law. Article 8 of Law No. 9/1991 provides that "the Institute shall organize its activity in compliance with its Standing Orders that shall be approved by the General Board" 5. (see <a href="https://irido.ro/english/legea9.php">https://irido.ro/english/legea9.php</a>)</p> <p>According to the constitutive law of the Romanian Institute for Human Rights, the Institute's mandate is: to ensure better knowledge by the public bodies, the non-governmental associations and the Romanian citizens, of human rights issues, the way human rights are guaranteed in other countries,</p>

especially in the countries parties in the Conference for Security and Cooperation in Europe as well as to inform the public opinion abroad, the international bodies, about the practical ways human rights are achieved and observed in Romania.

In order to accomplish this purpose, the Institute shall mainly perform the following activities:

- a) Creating, maintaining, and operating a Documentation Centre that offers access to international conventions, laws, documents, essays, and publications related to human rights, as well as bibliographic references.
- b) Disseminating information on international documents, practices, and procedures related to human rights to public bodies, non-governmental organisations, and citizens, including translation services if necessary.
- c) Organising training programs that cater to individuals with special responsibilities for protecting human rights and raising awareness among large groups of people.
- d) Providing information, either upon request or periodically, on governmental and non-governmental efforts in Romania to promote and protect human rights, as well as similar efforts in other countries, and Romania's international commitments and how they are fulfilled.
- e) Offering documentation, upon request by the Parliament's Committees, regarding human rights aspects in the drafts of laws and other matters examined by the Parliament.
- f) Conducting research on various aspects of the promotion and protection of human rights in Romania and at the international level.

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|  | <ul style="list-style-type: none"><li data-bbox="745 204 2018 280">g) Publishing a bulletin on human rights and distributing it widely, including translations into foreign languages.</li><li data-bbox="745 320 2018 357">h) Conducting polls on various aspects related to the protection of human rights in Romania.</li></ul> |
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information Provided by the institution in 2023</i></p> <p>According to the constitutive law of the Romanian Institute for Human Rights, the Institute’s mandate is: to ensure better knowledge by the public bodies, the non-governmental associations and the Romanian citizens, of human rights issues, the way human rights are guaranteed in other countries, especially in the countries parties in the Conference for Security and Cooperation in Europe as well as to inform the public opinion abroad, the international bodies, about the practical ways human rights are achieved and observed in Romania.</p> <p>Although RIHR has a strong mandate in the field of promoting human rights, the wording of Article 2 of Law 9/1991 “the purpose of the Institute is to inform the public opinion abroad, the international bodies, about the practical ways human rights are achieved and observed in Romania” has always been interpreted by the Institute as a mandate to submit reports to international bodies. Such examples include reports submitted to various international bodies, e.g.:</p> <ul style="list-style-type: none"> <li>• Submission to the CESCR for the List of Issues on the occasion of the examination of the sixth periodic report submitted by Romania</li> </ul>

- Comments on the 20th National Report on the Implementation of the European Social Charter submitted by Romanian Institute for Human Rights (20 August 2021)
- Submission by the Romanian Institute for Human Rights for the 43rd session of the Working Group of the Universal Periodic Review (UPR)

In the light of the mandate provided by Law no. 9/1991, RIHR can provide documentation/ opinions, at the request of Parliament's committees, on human rights issues in bills and other issues examined in Parliament.

Although RIHR, according to the legal mandate established by Law no. 9/1991, cannot directly intervene in problematic aspects, it has contributed, through opinions issued at the request of citizens and/or public authorities with attributions in the field of human rights.

For example:

RIHR's opinion on draft law amending Law no. 60 of 23 September 1991 on the organisation and conduct of public assemblies. Following the analysis, the Institute emphasised that certain elements are not in line with the interpretations of Article 2 of the ICCPR of the Human Rights Committee and the decisions of the ECtHR, such as those relating to the use of public roads, the notification system, the use of firearms and the holding of simultaneous assemblies. The opinion also noted the lack of clear correlation between the articles of the draft law, which may cause confusion.

At the same time, please see:

- RIHR's contribution to ENNHRI's reports on the Rule of Law,
- opinions drafted by the Institute – [find them here](#).

<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p.3</i></p> <p>The Romanian Institute has a strong promotional mandate and has been addressing a wide range of human rights in Romania</p> <p>The Romanian Institute regulatory framework should still be strengthened. There is a need to regulate a clearer mandate of the Institute, highlighting the specific functions of the RIHR, i.e. the promotion of human rights, training and research in the field of human rights...</p> <p><i>Information Provided by the institution in 2023</i></p> <p>The Institute has a rich activity in carrying out information campaigns and training courses both for specialists in the field and for the general public.</p> <p>Examples:</p> <p>The training module organised by the Institute for the staff of the CRPD Monitoring Council from 28 October to 20 December 2021. The module, consisting of five training sessions, aimed at deepening knowledge on: the analysis of the Convention from the perspective of economic, cultural and social rights (with reference to Articles 25 and 28 of the Convention); interpretation and application of Article 12 - equal recognition before the law; interpretation and application of Article 19 -</p>

	<p>independent living and integration in the community; the human rights based approach; aspects of the UN Committee's jurisprudence.</p> <p>Source: <i>Activity reports</i> : <a href="https://irido.ro/rapoarte-anuale.php">https://irido.ro/rapoarte-anuale.php</a></p>
<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information Provided by the institution in 2023</i></p> <p>byThe Romanian Ombudsman has a mandate as National Preventive Mechanism under OPCAT</p> <p>The CRPD Monitoring Council has mandate to monitor how the rights of people with disabilities in institutions are respected.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>CoE Commissioner Letter to Romania, 2021</i></p> <p>The deficiencies in the functioning of national human rights structures, which led to important gaps in the monitoring of the implementation of the national legislation for the protection of the rights of persons with disabilities and the CRPD, posed a distinct challenge.</p>

<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>
<p><i>No information</i></p>	
<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 3</i></p> <p>Unfortunately, the RIHR is not involved in all stages of legislation and policy making with human rights implications. The mandate provided by Law. 9/1991 does not allow the Institute to take up</p>

	<p>matters at its own initiative; it may only submit opinions at the request of Members of Parliament and Parliamentary Committees. To this end, the Institute’s mandate and resources could be used more effectively given the expertise it can provide.</p>
<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as broad <b>as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 2</i></p> <p>Although the mandate of the Institute does not include receiving complaints and carrying out investigations, the aim of the Institute is to ensure a better knowledge of human rights. In that sense, RIHR provides assistance and guidance to petitioners, taking the necessary steps in relation to public authorities/institutions in order to resolve correctly and efficiently any submitted petition.</p> <p>Moreover, RIHR offers guidance in accessing and filling in the application form to the European Court of Human Rights, as well as the way to refer the matter to the competent courts at national level.</p>

<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States' compliance with them</b>.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>In its activity of providing information, training and drafting opinions, the Institute takes into account and refers to international documents on the subject as well as the case law of various human rights bodies or the ECHR. (By way of example, the Institute informed the Ministry of Foreign Affairs of the position of ENNHRI and GANHRI on a new convention on the rights of older persons).</p>
<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>

<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>All the SCA recommendations of 2011 (3. Composition of General Board, 4. Tenure) were included in the two legislative proposals. The proposed amendments included: Plurality and transparency of the process of appointing members of the governing bodies of the Institute; Limitation of the mandate of the members of the Institute's management; Clarification of the status and remuneration of the staff of the Institute; Public debate of the Institute's report.</p> <p>The first proposal was rejected by the Senate in 2019, while the second legislative proposal on RIHR has been declared unconstitutional.</p> <p>After the legislative proposal on the merger of RIHR into the National Council for Combatting Discrimination was rejected, the procedure for appointing the members of the Institute's <a href="#">General Council</a> was resumed (the General Council consists of representatives of parliamentary parties, civil society and academia). The two chambers of Parliament validated the new members of the General Council, in line with the proposals of the Permanent Bureau and the new members of the <a href="#">Steering Committee</a>.</p>
<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>



<b>Assessment of implementation by the institution</b>	<p><i>See the previous response regarding CM Principle 4 on selection and appointment.</i></p>
<b>Principle 6</b>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to <b>carry out their mandate</b>, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<b>Assessment of implementation by the institution</b>	<p><i>Information provided by the institution in 2023</i></p> <p>The Romanian Institute for Human Rights underlines that:</p> <ul style="list-style-type: none"> <li>– For the institute the law on unitary pay has led to several inconsistencies in terms of payment/employment and duties of the respective positions, some of them being assimilated to different fields of the public administration (Ministry of Education, Ministry of Culture).</li> <li>– Due to low salaries, compared to the wages in other institutions with similar duties and functions, the Institute is facing a loss of staff, as they are attracted by higher salaries in other institutions/fields. If in 2020, the Institute had a staff deficit of 31% (the unoccupied positions being specialised positions), in spring 2023/currently the Institute has a staff deficit of 60% (70% of the vacant/unoccupied positions being specialised positions).</li> <li>– Although, overall, the role of RIHR in the implementation of Recommendation (EU) 2022/758 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (SLAPP) is a positive development for the institute, all these new tasks and roles require more employment positions, in addition to occupying the existing empty positions. Given the aforementioned context, the pressure on the Institute to fulfil its mandate will grow and it will also have an impact on the existing staff.</li> </ul>

<b>Principle 7</b>	NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b> , as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.
<b>Assessment of implementation by the institution</b>	Please see answer <i>under CM Principle 6</i> .
<b>Principle 8</b>	Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b> , including timely consultations on the human rights implications of draft legislation and policy strategies.
<b>Assessment of implementation by the institution</b>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 3</i></p> <p>Nevertheless, the Romanian Institute for Human Rights still does not have adequate access to information and to policy makers.</p> <p><i>See also information provided under the recommendation on the institution's mandate regarding the RIHR's power to monitor and issue recommendations on legislation.</i></p>

<p><b>Principle 9</b></p>	<p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 3</i></p> <p>The addressees of the Romanian Institution’s recommendations are not legally obliged to provide a timely and reasoned reply.</p>

<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>In December 2022, the Ministry of Justice appointed RIHR as the focal point for the SLAPP Recommendation. The Ministry of Justice also mandated RIHR to organise training programmes for journalists and human rights defenders and organise information campaigns on SLAPP procedures.</p> <p>The Institute has responded positively to this request and is developing an action plan and consulting with partners, experts, and other relevant institutions. Therefore, actions on this topic will be carried out throughout 2023.</p> <p>Although, overall, the role of RIHR in the implementation of Recommendation (EU) 2022/758 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (SLAPP) is a positive development for the institute, all the new tasks and roles require more employment positions, in addition to occupying the existing empty positions. Given the aforementioned context, the pressure on the Institute to fulfil its mandate will grow and it will also have an impact on the existing staff.</p>

### III. Safe and Enabling Environment

<p><b>Principle 11</b></p>	<p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 2</i></p> <p>The situation of the Romanian Institute for Human Rights, in terms of its existence, has significantly improved, given that the Senate rejected the proposal on the merger of the Romanian Institute for Human Rights into the National Council for Combating Discrimination.</p> <p><i>Information provided by the Institution in 2023</i></p> <p>At the same time, there have been no developments to strengthen an enabling space for the Romanian Institute for Human Rights to independently and effectively carry out its work. Communication and engagement with state authorities on this matter, as well as the state authorities follow-up to RIHR’s recommendations or RIHR’s access to information and policy making still, remain insufficient.</p>

<p><b>Principle 12</b></p>	<p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022,, p. 3</i></p> <p>The relevant state authorities have good awareness of the RIHR''s mandate, independence and its role.</p>
<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 3</i></p> <p>It is worth noting that in Romania measures necessary to protect and support the Romanian Institute for Human Rights, its head of institution and staff, against threats and harassment and any other form of intimidation (including SLAPP actions) are in place. This does not mean that there are special legal provisions for the head or the staff of the institution, as the general legal framework for contractual staff in public institutions is applied.</p>

<b>Principle 14</b>	Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b> .
<i>No information</i>	

## IV. Co-operation and Support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 3</i></p> <p>The Romanian Institute regulatory framework should still be strengthened. There is a need to regulate...[the] different duties compared to other institutions with a mandate in the field of human rights in Romania (Ombudsman, NCCD and the Monitoring Council), while also taking into account the recommendations of different international organisations.</p>



