

# **Legal environment and space of civil society organisations in supporting fundamental rights**

**Romania**

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# 1 Five most significant civic space developments in 2020

## 1.1 Freedom of peaceful assembly

Freedom of peaceful assembly effectively suspended during the pandemic Romania was under the state of emergency (*stare de urgență*) between 16 March 2020 and 14 May 2020.<sup>1</sup> Starting with 15 May 2020, the state of alert (*stare de alertă*) was declared by Decision<sup>2</sup> of the National Committee for Emergency Situations (*Comitetul Național pentru Situații de Urgență*), for a period of 30 days. On 18 May 2020, new legislation<sup>3</sup> specifically regulating the Covid-19 situation was enacted. Thus, the Government declared again the state of alertness, for a new period of 30 days, through a Government Decision<sup>4</sup>, later endorsed, with amendments, by the Parliament.<sup>5</sup> Since then, the state of alert was renewed every 30 days through Government Decision. The latest renewal was enacted on 15 January 2021.<sup>6</sup>

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<sup>1</sup> Romania, Decree on the establishment of the emergency situation on the territory of Romania ([Decret nr. 195 din 16 martie 2020 privind instituirea stării de urgență pe teritoriul României](#)), 16 March 2020; Decree on the prolongation of the state of emergency on the territory of Romania ([Decret nr. 240 din 14 aprilie 2020 privind prelungirea stării de urgență pe teritoriul României](#)), 14 April 2020.

<sup>2</sup> Romania, Decision on approval of national alert, institutions and measures to prevent and control information, in the context of the epidemiological situation generated by the SARS-CoV-2 virus ([Hotărâre nr. 24 din 14 mai 2020 privind aprobarea instituirii stării de alertă la nivel național și a măsurilor de prevenire și control al infecțiilor, în contextul situației epidemiologice generate de virusul SARS-CoV-2](#)), 15 May 2020.

<sup>3</sup> Romania, Law regarding some measures to prevent and combat the effects of the COVID-19 pandemic ([Lege nr. 55 din 15 mai 2020 privind unele măsuri pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 15 mai 2020.

<sup>4</sup> Romania, Decision on the declaration of a state of alert and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 394 din 18 mai 2020 privind declararea stării de alertă și măsurile care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 18 May 2020.

<sup>5</sup> Romania, Decision of the Parliament on approval of the state of alert and of the measures established by the Government Decision no. 394/2020 on the declaration of the state of alert and the measures applied during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 5 din 20 mai 2020 pentru încuviințarea stării de alertă și a măsurilor instituite prin Hotărârea Guvernului nr. 394/2020 privind declararea stării de alertă și măsurile care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 20 May 2020.

<sup>6</sup> Romania, Government Decision on the prolongation of a state of alert starting with 15 October 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 856 din 14 octombrie 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 15 octombrie 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 14 October 2020.

A strict lockdown was imposed between 24 March 2020 and 15 May 2020, during the state of emergency, including the restriction of any public gatherings.<sup>7</sup> The measures adopted during the state of alert also restricted public gatherings to at most six persons not belonging to the same household.<sup>8</sup> Local elections were held at the end of September 2020, but public gatherings were still banned, with the exception of the electoral gatherings with no more than 50 persons indoors and 100 persons outdoors.<sup>9</sup> As some outdoor events are allowed starting with 1 June 2020, for example concerts or other cultural events, when involving less than 500 participants, and with social distancing measures in place, human rights organisations have criticized the government because the right of assembly was still restricted while relaxation measures were taken in all sectors.<sup>10</sup> Starting with 15 September, public gatherings of up to 50 persons indoors and 100 persons outdoors were allowed, under the condition that all participants will wear face masks and they will observe social distancing measures.<sup>11</sup> The same organizations commended the measure.<sup>12</sup> The situation remained unchanged until the end of the year.

In September 2020, during the electoral campaign for the local elections, a couple of protests against the lockdown measures were organized during the state of alert. According to the mass-media, the number of participants was under 200 in one protest<sup>13</sup>, and under 300 in the other<sup>14</sup>. The police tacitly surveyed the area

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<sup>7</sup> Romania, Military Ordinance no. 3 regarding measures to prevent the spreading of COVID-19 ([\*Ordonanța Militară nr. 3 din 24 martie 2020 privind măsuri de prevenire a răspândirii COVID-19\*](#)), 24 March 2020.

<sup>8</sup> Romania, Decision on the declaration of a state of alert and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([\*Hotărâre nr. 394 din 18 mai 2020 privind declararea stării de alertă și măsurile care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19\*](#)), 18 May 2020.

<sup>9</sup> Romania, Government Decision on the prolongation of a state of alert starting with 16 August 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([\*Hotărâre nr. 668 din 14 august 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 16 august 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19 privind prelungirea stării de alertă pe teritoriul României începând cu data de 16 august 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19\*](#)), 14 August 2020.

<sup>10</sup> TAMTAM ONG-uri pentru Cetățean (2020), '[\*Noi măsuri de relaxare. Dreptul de a organiza și de a participa la adunări publice nu este inclus pe listă.\*](#)', 31 August 2020.

<sup>11</sup> Romania, Government Decision on the prolongation of a state of alert starting with 15 August 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([\*Hotărâre nr. 782 din 14 septembrie 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 15 septembrie 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19\*](#)), 14 September 2020.

<sup>12</sup> TAMTAM ONG-uri pentru Cetățean (2020), '[\*Dreptul de a organiza și de a participa la adunări publice a fost inclus pe lista măsurilor de relaxare\*](#)', 16 September 2020.

<sup>13</sup> Europa Libera (2020), '[\*Piața Victoriei, protest care contestă existența cazurilor de coronavirus. Se cere pedepsirea celor care au instituit starea de urgență\*](#)', 16 May 2020.

<sup>14</sup> Hotnews.ro (2020), '[\*Câteva sute de persoane au protestat în Piața Victoriei, solicitând încetarea stării de alertă\*](#)', 13 June 2020.

and no fines were issued. Another protest, of similar scale, was organized in November 2020, during the electoral campaign for the parliamentary elections (held on 6 December 2020); on this occasion, several fines were given, but the protest continued undisturbed.<sup>15</sup> No large scale protests or assemblies were organized since March 2020.

### Steps to improve the legislative framework

In June 2020, a group of 15 human rights and watchdog NGOs initiated a campaign to amend the legislative framework regulating the right to peaceful assembly<sup>16</sup>. The group of organizations argued that the current Law regulating protests and other forms of public assemblies, written in 1991 and scarcely modified in 2014<sup>17</sup>, is designed to hinder public assemblies, in the name of public order, and it is outdated, not including any provisions to recognize citizens' self-organizing, and to acknowledge the use of social networks and new technologies. The campaign led to a bill amending the current law being submitted to the Parliament, signed by several MPs from all political parties. According to the initiators, the bill is answering to five major objectives<sup>18</sup>:

- Elimination of excessive administrative restrictions and prohibitions to organizing public assemblies;
- Elimination of subjective terms, which are now grounds for arbitrary banning of public assemblies, such as: "contrary to morals" or "defamation of the country and the nation";
- Proportionality of sanctions with possible acts committed;
- Proportionality of law enforcement intervention with the severity of incidents;
- Recognition of spontaneous meetings, both those who are quick to respond to an event and those who do not have a recognized and assumed organizer.

The bill was approved by the Senate, the first Chamber of the Parliament, before the Parliament entered in a prolonged recess due to the elections. It is expected that the bill will be discussed and approved by the Chamber of Deputies, the

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<sup>15</sup> Libertatea.ro (2020), '[Scandal în Piața Victoriei, la un protest față de restricțiile anti-COVID. Ce a decis Jandarmeria](#)', 8 November 2020.

<sup>16</sup> Coalition TamTam: NGOs for Citizens (2020), '[Legea adunărilor publice armonizată cu Constituția – propunere legislativă promovată de 15 organizații neguvernamentale](#)', 11 June 2020.

<sup>17</sup> Romania, Law on the organization and conduct of public assemblies ([Lege nr. 60 din 23 septembrie 1991 privind organizarea și desfășurarea adunărilor publice, republicată](#)), 14 March 2014. [Unofficial machine translation](#) (may not be updated).

<sup>18</sup> Romanian Parliament (*Parlamentul României*), Legislative proposal for the amendment and completion of the Law on the organization and conduct of public assemblies ([Propunere legislativă pentru modificarea și completarea Legii nr.60 din 23 septembrie 1991 privind organizarea și desfășurarea adunărilor publice](#)), September 2020.

deciding Chamber, in the Spring 2021 session. By 5 March 2021, the bill received the positive opinion of some Committees but is still debated in the reporting Committee.

## 1.2 Freedom of association

Amendments to the legislation regulating NGO operation<sup>19</sup> were enacted in December 2020<sup>20</sup>, aiming at simplifying the administrative procedures required for registering and operating an association or foundation. The main changes are:

- In order to register legally, the constitutive and amending documents of the NGOs may be submitted to the court under a private signature, unless the initial patrimony includes real estate, for which the authentic notarial form will be required. Previously, the authentic form was required in all cases, incurring additional costs;
- The "constitutive act", previously required as a separate document, is no longer necessary, and all information are included in the statute of the organization;
- the mandatory minimum value of the initial patrimony of an association was eliminated (compared to the previous regulation, which provided for the minimum value of RON 200, approximate € 40);
- the mandatory minimum value of the initial patrimony of a foundation was diminished from the equivalent of 100 minimum wages to the equivalent of 10 minimum wages;
- if the association consists only of natural persons and there are no "real beneficiaries" outside the members of the association, the declaration of "real beneficiary" no longer needs to be submitted (also see the section on anti-money laundering);
- restrictions on naming the organization in a foreign language were lifted;
- the approval of the owners' association and of the neighbours, when declaring the legal address in a collective building, is no longer necessary, when the authorized person declares on his own responsibility the fact that the association will not carry out activity at the chosen headquarters;
- if a legal person also participates in the establishment of the association, the application for registration will be accompanied only by a limited number of documents;
- the minimum number of members for the establishment of a subsidiary of an association was reduced to 2 persons (compared to 3 persons, as provided by the previous regulation);

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<sup>19</sup> Romania, Government Ordinance regarding associations and foundations ([Ordonanță nr. 26 din 30 ianuarie 2000 cu privire la asociații și fundații](#)), 31 January 2000. [Unofficial translation](#) (may not be updated).

<sup>20</sup> Romania, Law for the amendment and completion of the Government Ordinance no. 26/2000 on associations and foundations, ([Lege nr. 276 din 27 noiembrie 2020 pentru modificarea și completarea Ordonanței Guvernului nr. 26/2000 cu privire la asociații și fundații](#)), 27 November 2020.

The changes to the legislation were generally well received and considered a progress, diminishing the administrative burden on the registration and operation of non-profit organizations.<sup>21, 22</sup>

### **1.3 Freedom of expression / Academic freedom / Artistic freedom / Media freedom / Censorship / Defamation / Blasphemy or insults**

On 16 June 2020, the Romanian Parliament (*Parlamentul României*) adopted a legislative proposal amending the Education Law prohibiting education regarding the so called "gender identity theory" in all educational institutions. The wording of the bill was:

*"Art.7 (1) In all education entities and institutions and all spaces that are assigned for education and professional training, including entities that provide extracurricular education, there are strictly forbidden:*

*e) activities aimed at spreading gender identity theory or opinion, understood as the theory or opinion that gender is a concept that is different than the biological sex and the two are not always the same;"*

On 10 July 2020, the President of Romania (*Președintele României*), analysing the bill before signing it, sent a referral regarding the unconstitutionality of the law to the Constitutional Court of Romania (*Curtea Constituțională a României*, CCR). The President stated that the legislative proposal was violating constitutional provisions regarding: freedom of belief (Art. 29); the principle of equality before the law (Art. 16(1)) corroborated with the right to access to education (Art.32) and the protection of children and the youth (Art.49); academic autonomy (Art. 32(6)); freedom of expression and the prohibition of censorship (Art. 30 (1) and (2)); the principle of separation of powers (Art.1.(4)) and the principle that the Parliament is the only legislating authority in the State (Art.61.(1)); and Art.1.(3) and (5) of the Constitution on the rule of law, the respect of the Constitution and laws and Art.20.(2) on the priority of international rules in the field of fundamental rights.<sup>23</sup>

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<sup>21</sup> Centrul pentru Legislație Nonprofit (*Center for Nonprofit Law*) (2020), '[Modificări aduse Ordonanței 26/2000 pentru simplificarea procedurilor de înființare și funcționare a ONG-urilor](#)', 14 December 2020.

<sup>22</sup> Hotnews.ro (2020), '[Sărbătorile de iarnă încep cu cadouri pentru asociații și fundații](#)', 10 December 2020.

<sup>23</sup> President of Romania (*Președintele României*), Notification of unconstitutionality on the Law for the amendment of art. 7 of the National Education Law no. 1/2011 ([Sesizare de neconstituționalitate asupra Legii pentru modificarea art. 7 din Legea educației naționale nr. 1/2011](#)), 10 July 2020.



The provisions of the bill were widely criticized by the universities<sup>24, 25</sup>, students' associations<sup>26</sup>, UNICEF<sup>27</sup>, and progressive non-governmental organizations<sup>28</sup>, but it was supported by faith-based organizations and groups<sup>29</sup> and the Orthodox Church<sup>30</sup>. A group of Romanian universities, supported by 885 research centres, institutes, international universities, and researchers, submitted to the Constitutional Court of Romania (*Curtea Constituțională a României*) an Amicus Curiae in support of the challenge raised by the President.<sup>31</sup>

On 16 December 2020, the Constitutional Court of Romania (*Curtea Constituțională a României*) ruled that the legislative proposal was indeed violating the Constitution, accepting most of the President's claims, listed in the previous paragraph, with the exception of the alleged violations of the Art. 1(4) and Art. 61(1)<sup>32</sup>.

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<sup>24</sup> Digi24 (2020), '[Două mari universități critică modificarea Legii Educației care interzice referirea la identitatea de gen](#)', 17 June 2020.

<sup>25</sup> Digi24 (2020), '[SNSPA: Studiile de gen promovează egalitatea de șanse și ajută la combaterea violenței casnice și a hărțuirii sexuale](#)' 17 June 2020.

<sup>26</sup> Digi24 (2020), '[Elevii și studenții îi cer lui Iohannis să respingă legea care elimină referirea la identitatea de gen: Trimite educația în Evul Mediu](#)', 17 June 2020.

<sup>27</sup> UNICEF (2020), '[UNICEF position regarding gender identity in schools and universities](#)', 18 June 2020.

<sup>28</sup> ACCEPT (2020), '[Optzeci de organizații ale societății civile susțin educația privind identitatea de gen](#)', 18 June 2020.

<sup>29</sup> ActiveNews (2020), '[O petiție online care cere președintelui Iohannis să promulge legea care interzice ideologia de gen în școli a strâns peste 55.000 de semnături](#)', 24 June 2020.

<sup>30</sup> Basilica.ro (2020), '[Vasile Bănescu: Ideologia de gen este una toxică pentru organismul comunitar al oricărei societăți](#)', 21 June 2020.

<sup>31</sup> National School of Political and Administrative Sciences (*Școala Națională de Științe Politice și Administrative*) (2020), '[Solidarizare națională și internațională fără precedent pentru protejarea libertății academice și de gândire](#)', 24 September 2020.

<sup>32</sup> Constitutional Court of Romania (*Curtea Constituțională a României*), Decision on the objection of unconstitutionality of the provisions of art. 7 para. (1) lit. e), introduced by the sole article of the Law for the amendment of art. 7 of the National Education Law no. 1/2011 ([Decizia nr. 907 din 16 decembrie 2020 asupra obiecției de neconstituționalitate a dispozițiilor art. 7 alin. \(1\) lit. e\), introduse prin articolul unic al Legii pentru modificarea art. 7 din Legea educației naționale nr. 1/2011](#)), 21 January 2020.



#### **1.4 Access to information / Civil dialogue / Consultations / Participation in decision-making**

The legislative framework on access to information<sup>33</sup>, considered above average by international standards<sup>34</sup>, was subject to attempts to amend it. In the end, the positive approach prevailed.

In August 2020, the Government of Romania (*Guvernul României*) submitted for public debate several technical amendments to the methodological norms for the application of Law on free access to information of public interest. Among them, a controversial amendment was introducing a limitation to the scope of the law: "information of public interest shall be provided in the form in which it is identified and held by the public authority or institution, in compliance with the legislation on the processing of personal data". The proposal was criticized by watchdog NGOs, who mentioned that public institutions will be able to refuse to provide the most trivial information - for example, how many requests of a certain kind they have received in a given period of time - on the grounds that they do not have that information in the format requested by the petitioner.<sup>35</sup> Eventually, the government didn't pursue the proposal.

On 14 October, a group of MPs from two political parties – Social-Democrat Party (*Partidul Social-Democrat*, PSD) and National Liberal Party (*Partidul Național Liberal*, PNL) submitted a legislative proposal introducing limitation to the free access to public information. According to the bill, the public institutions would be entitled to refuse a request: if they considered the language used "includes irreverent terms, insults or slander"; if the volume of information is more than 50 pages; if the information requested contains personal data or classified information, and they consider that it can not be anonymized or concealed; if the request was "made in bad faith". In addition, the public institutions would be entitled to ask arbitrary taxes for copying, scanning or even searching for information in the archives<sup>36</sup>. Confronted with vehement reactions of the civil

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<sup>33</sup> Romania, Law on free access to public information ([Lege nr. 544 din 12 octombrie 2001 privind liberul acces la informațiile de interes public](#)), 12 October 2001. [Unofficial translation](#) (may not be updated).

<sup>34</sup> Access Info and Center for Law and Democracy (2020), [Global Right to Information Rating](#), 2020.

<sup>35</sup> APADOR-CH (2020), '[Guvernul vrea să mai restrângă un pic accesul la informațiile publice](#)', 30 August 2020.

<sup>36</sup> Romanian Parliament (*Parlamentul României*), Legislative proposal for the amendment and completion art. 9 of the Law on free access to public information ([Propunere legislativă pentru modificarea și completarea art.9 din Legea nr.544/2001 privind liberul acces la informațiile de interes public](#)), 14 October 2020.

society<sup>37</sup>, and persistent questions from the mass-media<sup>38</sup>, the initiators have quickly withdrawn the proposal, two days later.<sup>39</sup>

Another legislative proposal, registered in the Parliament aims at improving access to public information by stipulating the obligation of the public institutions to respond to requests using electronic means and open formats, whenever possible. All requests and answers should also be published in a dedicated section on the website of the public institution<sup>40</sup>. The bill was approved by the Senate, the first Chamber of the Parliament, before the Parliament entered in a prolonged recess due to the elections. It is expected that the bill will be discussed and approved by the Chamber of Deputies, the deciding Chamber, in the Spring 2021 session. By 5 March 2021, the bill was discussed and received a positive report in the reporting Committee, and it is scheduled for the final vote in the plenary.

## 1.5 Counter-terrorism / Anti-money laundering

In 2019, Romania transposed the Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC<sup>41</sup>.

One of the provisions of the law, criticized by civil society, was the obligation for the associations and foundations to declare the 'real beneficiaries' yearly, or any time a change occurred. Civil society advocates argued that the law is applying the term "real beneficiary" to absolutely every person assisted by an organization, or all members of the association in some cases. Impossibility to comply the requirement involves the application of severe sanctions that can lead to the dissolution of the organization. Moreover, without having been performed any risk analysis (although mandatory according to the international standards of the

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<sup>37</sup> Center for Independent Journalism (*Centrul pentru Jurnalism Independent*) (2020), '[Politicienii de toate orientările se înverșunează împotriva accesului la informații](#)', 16 October 2020.

<sup>38</sup> Hotnews.ro (2020), 'Legea 544/2001 privind accesul la informații publice, măcelărită de cinci deputați PSD și Florin Roman (PNL) (proiect de lege)', 16 October 2020.

<sup>39</sup> Romanian Parliament (*Parlamentul României*), Legislative proposal for the amendment and completion art. 9 of the Law on free access to public information ([Propunere legislativă pentru modificarea și completarea art.9 din Legea nr.544/2001 privind liberul acces la informațiile de interes public](#)), 14 October 2020.

<sup>40</sup> Romanian Parliament (*Parlamentul României*), Legislative proposal for the transparency of information of public interest and facilitating citizens' access by amending and supplementing Law no. 544/2001 on free access to information of public interest ([Proiect de Lege pentru transparentizarea informațiilor de interes public și ușurarea accesului cetățenilor prin modificarea și completarea Legii nr.544/2001 privind liberul acces la informații de interes public](#)), 8 September 2020.

<sup>41</sup> Romania, Law for preventing and combating money laundering and terrorist financing ([Lege nr. 129 din 11 iulie 2019 pentru prevenirea și combaterea spălării banilor și finanțării terorismului, precum și pentru modificarea și completarea unor acte normative](#)), 11 July 2019.

Financial Action Task Force - FATF), civil society was placed in the same category of financial risk as gambling providers and banking institutions.<sup>42</sup>

Initially, the first term for filing the declaration was 21 July 2020. Because of the Covid-19 pandemic, the term was prolonged until three months after the end of the state of emergency, or 14 August 2020.<sup>43</sup> At the very end of this period, the government again prolonged the term, until 1 November 2020.<sup>44</sup> Again close to the new deadline, the government decided to prolong it until 90 days from the end of the state of alert.<sup>45</sup> Since the state of alert remains in place (see section 1.1), the term was not reached.

In the meantime, the Parliament adopted legislation that is excepting from this obligation the associations that consist only of natural persons and in which there are no "real beneficiaries" outside the members of the association.<sup>46</sup> (see section 1.2).

## 2 Example of promising practice

Civil society self-organizing to elect its representatives in the Economic and Social Council.

The Economic and Social Council (*Consiliul Economic și Social*) is a consultative body of the Parliament (*Parlamentul României*) and of the Government of Romania (*Guvernul României*), in socio-economic fields. It is an autonomous tripartite public institution of national interest, established with the aim of achieving the tripartite dialogue at national level among employers, trade unions and representatives of civil society, non-governmental organisations, associations and

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<sup>42</sup> Civil Society Development Foundation (*Fundația pentru Dezvoltarea Societății Civile*) (2020), '[Indexul Sustenabilității Societății Civile 2018 - Romania](#)', November 2019.

<sup>43</sup> Romania, Government Emergency Ordinance on some economic and fiscal measures ([Ordonanță de urgență nr. 29 din 18 martie 2020 privind unele măsuri economice și fiscal-bugetare](#)), 18 March 2020.

<sup>44</sup> Romania, Government Emergency Ordinance for the extension of the terms regarding the submission of some documents provided for by the associations and foundations ([Ordonanță de urgență nr. 142 din 19 august 2020 pentru prelungirea termenelor privind depunerea unor documente prevăzute în sarcina asociațiilor și fundațiilor](#)), 19 August 2020.

<sup>45</sup> Romania, Government Emergency Ordinance for the extension of the terms regarding the submission of some documents provided for by the associations and foundations, as well as legal persons registered in the trade register ([Ordonanță de urgență nr. 191 din 28 octombrie 2020 pentru prelungirea termenelor privind depunerea unor documente prevăzute în sarcina asociațiilor și fundațiilor, precum și a persoanelor juridice înregistrate în registrul comerțului](#)), 28 October 2020.

<sup>46</sup> Romania, Law for the amendment and completion of the Government Ordinance no. 26/2000 on associations and foundations, ([Lege nr. 276 din 27 noiembrie 2020 pentru modificarea și completarea Ordonanței Guvernului nr. 26/2000 cu privire la asociații și fundații](#)), 27 November 2020.

foundations. The representatives of the civil society are nominated by the prime-minister, who has arbitrary power to select anyone.<sup>47</sup>

In 2020, as the five years term of the Economic and Social Council was near, a group of civil society organizations, supported by volunteer software programmers, established an online platform, with the aim of organizing the election of the new representatives.<sup>48</sup> The Government accepted to participate, as the head of the selection committee.<sup>49</sup> At the end of the electoral exercise, 812 organizations were registered on the platform, and 15 representatives were elected.<sup>50</sup> However, after the resignation of the prime-minister, the interim prime-minister decision was to nominate only 14 of those elected on the platform, and an additional person that did not participate to the exercise.<sup>51</sup> The person excluded was one of the few women on the list, an activist for women rights, and sexual and reproductive rights. A petition signed by over 170 organizations – some of them which did not participate to the initial electoral exercise – was sent to the prime-minister, requesting that the result of the elections to be respected.<sup>52</sup> A week later, at the beginning of 2021, the newly appointed prime-minister rectified the initial decision, and observed the results of the elections.<sup>53</sup>

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<sup>47</sup> Romania, [Law on the organisation and mode of operation of the Economic and Social Council \(Lege nr. 248 din 19 iulie 2013 \(republicată\) privind organizarea și funcționarea Consiliului Economic și Social\)](#), 2 October 2015. [Unofficial translation](#) (may not be updated).

<sup>48</sup> [votong.ro/ro/candidati/](#)

<sup>49</sup> [Votong.ro \(2020\), 'Procedura pentru alegerea reprezentanților societății civile în Consiliul Economic și Social \(CES\) care să răspundă prevederilor L248/2013'](#), 2020.

<sup>50</sup> [Votong.ro \(2020\), 'Rezultate Finale Alegeri Consiliul Economic și Social'](#), 3 December 2020.

<sup>51</sup> Romania, Decision on the appointment of representatives of civil society in the Economic and Social Council ([Decizie nr. 416 din 18 decembrie 2020 privind numirea reprezentanților societății civile în cadrul Consiliului Economic și Social](#)), 18 December 2020.

<sup>52</sup> [Libertatea.ro \(2020\), 'Peste 170 de ONG-uri cer Guvernului numirea în Consiliul Economic și Social a președintei Asociației Sexul vs Barza, înlocuită, fără să știe, din CES'](#), 30 December 2020.

<sup>53</sup> Romania, Decision on the revocation and appointment of one representative of civil society in the Economic and Social Council ([Decizie nr. 8 din 4 ianuarie 2021 privind revocarea și numirea unui reprezentant al societății civile în cadrul Consiliului Economic și Social, precum și pentru modificarea anexei la Decizia prim-ministrului interimar nr. 416/2020 privind numirea reprezentanților societății civile în cadrul Consiliului Economic și Social](#)), 4 January 2020.