

THE PEOPLE'S ADVOCATE AND THE CONSTITUTIONAL COURT OF ROMANIA – ENTITIES INVOLVED IN THE AFFIRMATION OF FREEDOM AND HUMAN RIGHTS IN CRISIS SITUATIONS

Professor Alina-Livia NICU, PhD

*Faculty of Law, University of Craiova,
nicu1940ion@gmail.com*

ABSTRACT: The People's Advocate and the Constitutional Court of Romania – Entities Involved in the Affirmation of Freedom and Human Rights in Crisis Situations.

The paper includes a brief presentation of the research results regarding the possibility of two entities with a special legal status in Romania - the People's Advocate and the Constitutional Court - to participate in the management of internal social crises that have arisen against the background of world crises, with special regard to the affirmation of freedom and human rights in crisis situations. We will identify the limits of action and assess the possibility of expanding the competence of these entities or supplementing the action mechanisms at their disposal.

The role and action mechanisms of the People's Advocate, as an autonomous public authority, are analyzed both from a legal point of view and from the point of view of its practice in several social crisis situations manifested in Romania as a result of the existence of crisis situations at the global level. Starting from the legal force of the decisions of the Constitutional Court of Romania, its jurisprudence was analyzed with an impact on the management of certain crisis situations, especially in the field of asserting freedom and human rights. Structurally, the paper contains eight headings. In the first heading we have presented the reasons of our research. The second heading analyzes the concept of crisis, emphasizing that there is also a positive side to crisis situations, consisting in the fact that most of the time they determine progress by forcing people to find solutions out of crisis, occasion that also results in the improvement of social relations, or of concepts. The third heading presents the role of the People's Advocate, his action mechanisms criticizing the limits of action

within which he is required to work. The fourth heading includes a critical presentation of the regulations regarding the competence and mode of action of the Constitutional Court of Romania. The fifth heading is a case study on the involvement of the People's Advocate and the Constitutional Court in the management of the crisis caused by the Covid-19 pandemic, and the sixth heading includes the case study about Ukrainian refugees. In the seventh heading, we answer to the following questions: a) Can People's Advocate and the Constitutional Court of Romania contribute to the prevention of the violation of freedom and human rights through actions that strengthen the role of education in society, starting from the premise that the level of education is the first element that can mitigate or increase a state of crisis? b) Is digitization a tool that can prevent crises? The paper concludes with *de lege ferenda* proposals.

Keywords: *People's Advocate, Constitutional Court of Romania, health crisis, economic crisis, human rights, education, digitization.*

1. Determinations in the choice of theme

The last twenty years are a period in which the word crisis has been spoken frequently, expressing the idea that social reality is characterized in certain areas by sick social relations, characterized by imbalance. Thus, the month of December 2007 brought to the fore an unsettling subject: the global economic crisis¹. This crisis would also affect the Romanian people, in Romania. In May 2010, measures were taken to heal the Romanian economy and found solutions to the crisis as follows: a 25% reduction in the salaries of budget workers, a 15% reduction in pensions and unemployment benefits². When the effects of the global economic crisis seemed to have

1 "Marea Recesiune/The Great Recession/Marea Recesiune", Wikipedia, the free encyclopedia. [online]. Available at: https://ro.wikipedia.org/wiki/Marea_Recesiune (accessed on October 20, 2023). Refers to the bibliographic resource "TED spread spikes in July 2007", article published in the Wall Street Journal (May 2008).

2 "Cum a ajuns guvernul lui Emil Boc să taie 15% din pensii și 25% din salariile din sistemul public/How Emil Boc's government ended up cutting 15% of pensions and 25% of salaries from the public system", *Ziarul financiar/Financial newspaper*. [online]. Text published on 15.06.2010, at 09:00. Available at: <https://www.zf.ro/romania-la-raport/cum-de-a-ajuns-guvernul-lui-emil-boc-sa-taie-15-din-pensii-si-25-din>

faded, another, much more painful crisis overshadowed everyone's lives in December 2019: "The COVID-19 pandemic, also known as the coronavirus pandemic"³. If as a result of the global economic crisis, the patrimony of many people decreased, as a result of the pandemic, millions of people lost their lives⁴. On May 5, 2023, the World Health Organization declared that, regarding COVID-19 as a public health emergency, it can be considered that the pandemic has ended, but the world has not come out from the empire of the word crisis, and Romania found itself heavily involved in trying to solve another crisis: the refugee crisis in Ukraine. On February 25, 2022, the media informed us⁵ that "Waves of Ukrainian refugees continue to enter Romania at various border crossing points. At Vama Siret, the refugees were welcomed by volunteers with food, fruits, sweets, water, and warm donuts prepared by the nuns from the Putna Monastery." On March 4, 2023, the media stated that⁶ "Over 3 million refugees from Ukraine transited Romania to reach other European countries. In February 2023,

-salaries-from-the-public-system-6415393. (accessed 20 October 2023).

3 "Pandemia de COVID-19/The COVID-19 Pandemic", Wikipedia, the free encyclopedia. [online]. Available at: https://ro.wikipedia.org/wiki/Pandemia_de_COVID-19 (accessed on October 20, 2023).

4 According to the statistical data published under the name "Coronavirus (Covid-19) - cea mai recentă situație/Coronavirus (Covid-19) - the most recent situation" on <https://www.trt.net.tr/romana/covid19>, accessed on October 20, 2023, there were 695781740 cases worldwide of infection and 6919573 deaths caused by the coronavirus, with the specification made by the quoted source that "These are data on cases of Covid-19 regularly reported by Johns Hopkins University. The most recent data for each country may not be reflected. Information is updated as countries announce official figures."

5 Oana Anghel, "Imagini tulburătoare la Vama Siret. Sute de refugiați ucraineni, așteptați cu gogoși calde și camioane pline cu alimente. Peste 4000 de oferte de cazare gratuită/Disturbing images at Siret Customs. Hundreds of Ukrainian refugees, waiting with warm donuts and trucks full of food. Over 4000 free accommodation offers", *RomâniaTV.net* [online], 25 February 2022, 18:38. Available at: https://www.romaniatv.net/imagini-tulburatoare-la-vama-siret-sute-de-fugiati-ukraineni-asteptati-cu-gosi-calde-si-camioane-pline-cu-alimente-peste-4000-free-accommodation-offers_6273918.html (accessed 24 October 2023).

6 Sorana Horsia, "Refugiat în România. Cum îi mai ajută oamenii și autoritățile pe ucraineni după un an de război/Refugee in Romania. How do people and authorities still help Ukrainians after a year of war", *Europa Liberă România/Free Europe Romania* [online]. Available at: <https://romania.europalibera.org/a/refugiati-ucraina-romania/32294614.html> (accessed on October 20, 2023).

over 109 thousand were settled in Romania”, the refugees being supported by both “civil society, volunteers and the authorities”.

The economic crisis determined restrictions on the patrimonial rights of Romanian citizens. The health crisis during the pandemic period was characterized by restrictions on many freedoms as a result of the establishment of the state of emergency or state of alert. On that occasion, the People’s Advocate was extremely active, fighting for the affirmation of freedom and human rights. The consequence of his actions was the one brought to our attention by the press⁷: “Renate Weber was revoked by the Parliament, on Wednesday, from the position of the People’s Advocate. There were 247 votes “for” and 32 votes “against”.

In the request for revocation, the parties in the governing coalition claim that, as People’s Advocate, Renate Weber acted more than its legal powers, resulting in non-compliance with the law on the organization and operation of the institution and the Constitution. “The Parliament’s decision was attacked by the parliamentary groups of the Social Democratic Party in the Chamber of Deputies and the Senate at the Constitutional Court, which, by Decision no. 455 of June 29, 2021⁸ regarding the notification of the unconstitutionality of the Decision of the Romanian Parliament no. 36/2021 for the revocation of Ms. Renate Weber from the position of People’s Advocate, admitted the referral and found that the Decision of the Romanian Parliament is unconstitutional.

This decision generated our concern to analyze the role and action mechanisms of the People’s Advocate, as an autonomous public authority, both from a legal point of view and from the point of view of its practice in several situations of social crisis manifested in Romania as a result of the existence of global crisis situations.

The need also arose for, starting from the legal force of the decisions of the Constitutional Court of Romania, to analyze its jurisprudence with impact in the management of certain crisis situations, especially in the field of asserting freedom and human rights.

7 “Renate Weber a fost revocată de Parlament din funcția de Avocat al Poporului/Renate Weber was revoked by Parliament from the position of People’s Advocate”, Digi 24 HD [online], 16.06.2021. Available at <https://www.digi24.ro/stiri/actualitate/politica/renate-weber-a-fost-revocata-de-parlament-din-functia-de-avocat-al-poporului-1565895> (accessed on 20 October 2023).

8 Published in the Official Monitor no. 666 of 07/06/2021.

2. Crisis - reason for panic or mobilizing factor?

The concept of crisis is, in general, perceived by people as a negative element, as “an expression of abnormality, of pathology that requires taking urgent measures”⁹, being a few who, from the first moment of the outbreak of the crisis, appreciate that its occurrence is worth the beginning of a change that can be positive, if people act wisely in managing the crisis. Going through the crisis can be like a process of transforming a potential energy into a kinetic energy, so useful in practice. Perhaps, in order to stop causing panic with the word “crisis”, it is necessary to understand it correctly.

In the specialized literature¹⁰, it is stated that the term crisis is attested in the 15th century to denote the acute phase of an illness, but over time, other meanings were attributed to it. The new meanings were determined by the historical moment and the discipline in which the term was used, but also by the authors who used it. It was exemplified¹¹ by the fact that: “In the 19th century, the term is imposed in history with the meaning of an accident, of a break that can appear in a continuous process and for some philosophers of history such as Burckhardt and Spengler, “a crisis marks the end of a historical cycle or even the decline of a civilization”. Economists who accept the theory of cycles formulated by Juggler and Marx also accept this concept: for them a crisis is a transitional phase characterized by a certain number of disturbances between two economic cycles, which means that the crisis can constitute the starting point of a new period of growth or recession¹²”.

Linguistic researchers have defined, in a first sense, the concept as a manifestation of some difficulties (economic, political, social, etc.) or a period of tension, disturbance, trials (often decisive) that manifest themselves in society¹³. In another sense, the crisis is a dangerous and decisive phase in

9 Alina-Livia Nicu, *Aspecte privind reglementarea funcției publice în România sub presiunea crizei economice/Aspects regarding the regulation of the public function in Romania under the pressure of the economic crisis*, in the volume Emilian M. Dobrescu – coordinator, *Cartea crizelor. O privire optimistă/The book of crises. An optimistic view*, Wolters Kluwer, 2010, p. 218.

10 Ioan Alexandru, *Criza administrației/Crisis of administration*, Bucharest, All Beck, 2001, pp. 46-49.

11 Ibid.

12 G. Michaud et E. Marc, *Vers une science des civilisations/Towards a science of civilizations*, Brussels, Ed. Complexe, 1981, p.166, quoted by Ioan Alexandru, *op.cit.*, pp. 46-47.

13 *Dicționarul explicativ al limbii române/Explanatory dictionary of the Romanian language*, Universul enciclopedic, Bucharest, 1998, p. 241: « **Crisis**, *crises*, sf **1**. Manifestation

social life, which consists of a violent manifestation of economic, political and social contradictions¹⁴. Both meanings highlight a characteristic of the crisis: it is a “transitory stage in the existence of a human collective, a stage marked by discontinuity in terms of the way social relations unfold, the discontinuity being generated by the appearance of some economic, political or social factors that determine the action members of the collective towards the remodeling of social relations so that the respective factors lose their impact on the population”, but “discontinuity does not mean changing the legal order only rarely and that it does not mean stopping social action, because the social system cannot be stopped because life itself, while it exists, it cannot be stopped, only in the moment when life stopped, thus defining an entirely new state called *death*”¹⁵.

As it showed on another occasion¹⁶, the negative side of the “crisis” concept consists in the fact that the beginning of the period of discontinuity that defines the crisis is the consequence of a long period of social balance in which the importance of the aspects that led to social dysfunctions was ignored and in that this moment highlights the fact that the automatic regulation mechanisms within the society have become ineffective, are unable to fulfill their role, which requires the action of all members of the given collective to reshape social relations in a way that allows the exit from the period of crisis; the positive side consists in the fact that after the crisis has set in, it is felt “by the majority of the members of the community and causes them to act in a common effort to improve social relations”.

of some difficulties (economic, political, social, etc.); period of tension, disturbance, trials (often decisive) that manifest in society. ♦ Acute shortage (of goods, time, labor). **2.** Critical, culminating moment in the evolution that precedes the healing or aggravation of a disease; sudden onset of a disease or the appearance of a sudden attack in the course of a chronic disease. *Attack of appendicitis.* ♦ Tension, moment of great mental depression, uproar”.

14 <https://www.webdex.ro/definitia-criza-definitie-dex>, *Noul dicționar al limbii române/New dictionary of the Romanian language*, 2002, accessed on 20.10.2023: « **CRI-SIS**~e.f. 1) Dangerous and decisive phase in social life, consisting of a violent manifestation of economic, political and social contradictions. ♦ ~ **government** period when one government has resigned, and another has not yet been formed. 2) Critical moment in the evolution of a disease, after which the change for better or for worse follows. 3) Sudden worsening of a chronic disease. 4) Acute lack of something necessary for material or spiritual life. 5) *fig.* Tension, emotional upheaval. / <fr. *crisis*, lat. *crisis*.”

15 Alina-Livia Nicu, *op.cit.*, p. 219.

16 Alina-Livia Nicu, *op.cit.*, pp. 219-220.

In other words, the state of crisis is the result of the lack of vigilance and even the lack of competence of social actors who have the legally reserved attribution to estimate the evolution of social relations in a given field and have the ability to focus the efforts of all social actors in order to find optimal means to get out of the crisis and to remain in a state of stable social balance.

In conclusion, in the setting of any type of crisis, panic must not exist, because it blocks the social system. In a crisis situation, all existing human and material resources must be focused and mobilized to find the optimal solutions, and the starting point in any endeavor must be the perception of the crisis as a mobilizing factor, a factor which, unlike in the case of a normal state of affairs it does not force us to think and act faster.

3. The role and action mechanisms of the People's Advocate for the defense of civil rights and freedoms

The Constitution of Romania from 1991 regulated the Institution of the People's Advocate, the purpose being the defense of the rights and freedoms of natural persons in their relations with the public authorities, but a law on the organization and operation of this institution was voted by the Parliament only in 1997 because "Being an institution of obvious novelty in the Romanian state legal system, it was received, both by citizens and by public authorities, with a certain slowness"¹⁷.

The legal framework that brings together the rules of organization and operation of this entity consists of constitutional norms¹⁸ and legal

17 Ioan Muraru, "Rolul Avocatului Poporului în România/The Role of the People's Advocate in Romania" in the volume Alina-Livia Nicu-coordinator, *Avocatul Poporului mijloc de control al cetățenilor asupra administrației publice/The People's Advocate means of citizens' control over public administration*, Craiova, Editura Universitaria, 2006, p. 25.

18 TITLE II - Fundamental rights, freedoms and duties, Chapter IV - The People's Advocate

Art. 58 - Appointment and role

(1) The People's Advocate is appointed for a period of 5 years, to defend the rights and freedoms of natural persons. The deputies of the People's Advocate are specialized in areas of activity. (2) The People's Advocate and his deputies may not perform any other public or private position, with the exception of teaching positions in higher education. (3) The organization and operation of the People's Advocate institution are established by organic law.

Art. 59 - Exercise of powers

norms contained in an organic law¹⁹. Among the powers of the People's Advocate, mentioned in art. 15 of Law no. 35 of March 13, 1997 regarding the organization and functioning of the People's Advocate institution, we should mention: "b) coordinates the activity of preventing torture in places of detention, carried out by the Domain regarding the prevention of torture in places of detention; c) approves the visit reports drawn up within the torture prevention activity; d) approves the recommendations that accompany the visit reports drawn up in cases where, following the visits, irregularities are noticed; e) decides on petitions filed by natural persons injured by the violation of their rights or freedoms by public administration authorities; f) verifies the activity of legal resolution of the received petitions and requests the authorities or public administration officials in question to stop the violation of the rights and freedoms of natural persons, to restore the rights of the petitioner and to repair the damages; g) formulate points of view, at the request of the Constitutional Court; h) may notify the Constitutional Court regarding the unconstitutionality of laws, before their promulgation; i) can refer directly to the Constitutional Court with the exception of unconstitutionality of laws and ordinances; j) represents the institution of the People's Advocate before the Chamber of Deputies, the Senate and other public authorities, as well as in relations with natural or legal persons; (...) m) can notify the administrative litigation court, under the conditions of the administrative litigation law; n) may file requests for summons or criminal complaints and may represent the minor before the court, when he/she has been a victim of physical or mental violence on the part of the parents, guardian or legal representative, of abuse, violence and sexual exploitation, of labor exploitation, human

(1) The People's Advocate exercises his duties *ex officio* or at the request of persons injured in their rights and freedoms, within the limits established by law. (2) Public authorities are obliged to provide the People's Advocate with the necessary support in the exercise of his duties.

Art. 60 - The report before the Parliament

The People's Advocate presents reports to the two Chambers of the Parliament, annually or at their request. The reports may contain recommendations regarding legislation or other measures to protect the rights and freedoms of citizens.

19 Law no. 35 of March 13, 1997, regarding the organization and operation of the People's Advocate institution, published in the Official Monitor of Romania, Part I, no. 48 of March 20, 1997, as republished in the Official Monitor of Romania, Part I, no. 181/February 27, 2018.

trafficking, neglect and exploitation, as well as any form of violence against children, provided for and sanctioned by the domestic and international legislation to which Romania is a party”. To exercise these powers, the Institution of the People’s Advocate can act *ex officio*, by self-reporting, or based on a request made by physical entities, commercial companies, associations or other legal entities, announced or “unannounced, by making visits to places of detention, according to the law”²⁰. The People’s Advocate does not have the competence to solve petitions that refer to “documents issued by the Chamber of Deputies, the Senate or the Parliament, the documents and acts of deputies and senators, of the President of Romania, of the Constitutional Court, of the President of the Legislative Council, of the judicial authority, as well as of the Government, with the exception of laws and ordinances”²¹.

In order to exercise his duties and fulfill his role, the People’s Advocate has several working tools at his disposal: written submissions; to investigate; announced or unannounced visits to places of detention (National Mechanism for the Prevention of Torture in places of detention); *ex officio* notifications; special reports; formulating points of view at the request of the Constitutional Court; recommendations; appeal in the interest of the law; invoking the exception of unconstitutionality before the Constitutional Court; formulating actions in administrative litigation.

The legislator specified the stages that the People’s Advocate can follow when he finds that the issues mentioned in the petitions are well founded²². Thus, the first stage is the one in which “the People’s Advocate institution will address in writing the public administration authority that violated the rights of the physical entity and ask it to reform or revoke the administrative act and repair the damages caused, as well as to reinstate the injured physical entity in the previous situation”²³, being regulated the legal obligation of the public authority to “immediately take the necessary measures to remove the detected illegalities, repair the damages and remove the causes that generated or favored the violation of the rights of the injured person” and to inform the People’s Advocate institution about the fulfillment of this obligations. If this legal obligation is not fulfilled within

20 Art.16, Law no. 35 of March 13, 1997, republished.

21 Art. 17, Law no. 35 of March 13, 1997, republished.

22 Art. 26-28, Law no. 35 of March 13, 1997, republished.

23 Art. 26, para. (1), Law no. 35 of March 13, 1997, republished.

30 days from the date of notification, the People's Advocate institution can proceed to the second stage, in which "it addresses the hierarchically superior public administration authorities, which are obliged to notify them of the measures taken within no more than 45 days"²⁴. If the illegal administrative act or fact belongs to the central public administration or the prefects, the People's Advocate has at his disposal the legal way to notify the Government²⁵, which within no more than 20 days from the notification must take the measures to enter into legality. If the Government does not take remedial measures, then the People's Advocate will proceed to the stage of informing the Parliament about the Government's inaction and about the aspects of illegality that must be removed²⁶.

It is noted that the People's Advocate only has at its disposal mechanisms for ascertainment and information.

4. The role of the Constitutional Court in the defense of civil rights and freedoms

The Constitutional Court of Romania is an entity that the Constituent Assembly regulated in the text of Title V of the 1991 Constitution, the text of the Constitution being adopted in the meeting of November 21, 1991, published in the Official Monitor of Romania, Part I, no. 233 of November 21, 1991, and entered into force on December 8, 1991, as a result of its approval through the referendum organized on this date. In accordance with the provisions of art. 152 of the fundamental law²⁷, in June 1992 the Constitutional Court was established, whose first decisions were pronounced on June 30, 1992²⁸. In 2003, the Romanian Constitution was re-

24 Art. 27, para. (1), Law no. 35 of March 13, 1997, republished.

25 Art. 28, para. (1), Law no. 35 of March 13, 1997, republished.

26 Art. 28, para. (2), Law no. 35 of March 13, 1997, republished.

27 Which provided that:

"Article 152 - Future institutions

(1) Within 6 months from the entry into force of the Constitution, the Constitutional Court and the Court of Accounts are established.

(2) The judges of the first Constitutional Court are appointed for a period of 3, 6 and 9 years, respectively. The President of Romania, the Chamber of Deputies and the Senate appoint one judge for each period."

28 <https://www.ccr.ro/prezentare-general/scurt-istoric/> (accessed on October 20, 2023).

vised²⁹, article 142 paragraph (1) stating that the role of the Constitutional Court is that of guarantor of the supremacy of the Constitution. According to the provisions of art. 146 of the Constitution, the Constitutional Court has powers that it exercises based on referral³⁰. The legal framework regarding the organization and functioning of the Constitutional Court is supplemented by Law no. 47 of May 18, 1992, regarding the organization and functioning of the Constitutional Court³¹. Among the Court's pow-

29 By Law no. 429 of October 23, 2003, revising the Constitution of Romania, published in the Official Monitor of Romania, Part I, no. 758 of October 29, 2003.

30 "Article 146

The Constitutional Court has the following powers:

- a) decides on the constitutionality of laws, before their promulgation, upon referral to the President of Romania, one of the presidents of the two Chambers, the Government, the High Court of Cassation and Justice, the People's Advocate, a number of at least 50 deputies or by at least 25 senators, as well as, *ex officio*, on the initiatives to revise the Constitution;
- b) decides on the constitutionality of treaties or other international agreements, upon referral to one of the presidents of the two Chambers, a number of at least 50 deputies or at least 25 senators;
- c) decides on the constitutionality of the Parliament's regulations, upon notification by one of the presidents of the two Chambers, a parliamentary group or a number of at least 50 deputies or at least 25 senators;
- d) decides on the exceptions of unconstitutionality regarding the laws and ordinances, raised before the courts or commercial arbitration; the exception of unconstitutionality can also be raised directly by the People's Advocate;
- e) solves legal conflicts of a constitutional nature between public authorities, at the request of the President of Romania, one of the presidents of the two Chambers, the prime minister or the president of the Superior Council of the Magistracy;
- f) ensures compliance with the procedure for the election of the President of Romania and confirms the voting results;
- g) ascertains the existence of circumstances that justify the interim exercise of the office of President of Romania and communicates the findings to the Parliament and the Government;
- h) gives advisory opinion for the proposed suspension of the President of Romania;
- i) ensures compliance with the procedure for organizing and conducting the referendum and confirms its results;
- j) verifies the fulfillment of the conditions for the exercise of the legislative initiative by the citizens;
- k) decides on appeals that have as their object the constitutionality of a political party;
- l) performs other duties provided for by the organic law of the Court."

31 Published in the Official Monitor of Romania, Part I, no. 101 of May 22, 1992, and republished in the Official Monitor of Romania, Part I, no. 187 of August 7, 1997.

ers specified in the text of Article 146, there are two in which the Court interacts with the People's Advocate. It is about the assessment of the constitutionality of laws, before their promulgation, as a result of the referral to the Court by the People's Advocate and about the resolution of requests having as their object exceptions of unconstitutionality regarding laws and ordinances, exceptions raised before courts of law or commercial arbitration, exceptions on which the People's Advocate can formulate directly.

5. Case study: crisis caused by the Covid-19 pandemic

The People's Advocate and the Constitutional Court were, inevitably, directly involved in the management of the crisis caused by the Covid-19 pandemic. As it can be seen from Annex 1 to this paper, the Court issued 18 decisions in 2020, 12 decisions in 2021 and one decision in 2022³² regarding normative acts applicable to social relations of a special type determined by the state of pandemic. The People's Advocate was involved, both domestically and internationally, in efforts to affirm and protect freedom and human rights. Thus, the institution of the People's Advocate directly invoked exceptions of unconstitutionality regarding the legal norms regarding the specifics of social relations during the Covid-19 pandemic. For example³³: "Exception of unconstitutionality of the provisions of the Government Emergency Ordinance no. 36/2020 for the amendment and completion of some normative acts, as well as for the adoption of some measures during the state of emergency established by Decree no. 195/2020 regarding the establishment of the state of emergency on the territory of Romania, published in the Official Monitor of Romania, Part I, no. 268 of March 31, 2020", passed on April 10, 2020; "Exception of unconstitutionality regarding the provisions of art. 9, art. 14 letters c1) – f) and art. 28 of the Government Emergency Ordinance no. 1/1999 regarding the regime of the state of siege and the regime of the state of emergency, with subsequent amendments and additions, and to the Government's Emergency Ordinance no. 34/2020 for the amendment and completion of the Government Emergency Ordinance no. 1/1999 regarding the regime of the

32 The situation is presented on the website: <https://www.ccr.ro/decizii-covid-19/> (accessed on October 20, 2023).

33 <https://avp.ro/index.php/exceptii-de-neconstitutionalitate-2020/> and <https://avp.ro/index.php/exceptii-de-neconstitutionalitate-2021/> (accessed 20 October 2023).

state of siege and the regime of the state of emergency, as a whole, passed on April 16, 2020; “Exception of unconstitutionality of art. 8 para. (3)-(9) with reference to the phrase “isolation in a health facility or an alternative location attached to the health facility” and art. 19 of Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk” and “Exception of unconstitutionality regarding the Government Emergency Ordinance no. 21/2004 regarding the National Emergency Management System, approved by Law no. 15/2005, with subsequent amendments and additions”, passed on May 6, 2020; “Exception of unconstitutionality regarding the provisions of art. 25 para. (2) from Law no. 95/2006 regarding health reform, republished, with subsequent amendments and additions, and those of art. 8 of the Government Emergency Ordinance no. 11/2020 regarding medical emergency stocks, as well as some measures related to the establishment of quarantine”, presented on May 27, 2020; “Exception of unconstitutionality regarding the provisions of art. 4 para. (3) and (4), art. 65 letters s), ș), art. 66 letters a), b) and c) and art. 67 para. (2) letter b) from Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic”, passed on June 3, 2020; Exception of unconstitutionality of the phrase “within 5 days from the date of publication of the administrative act”, contained in art. 15 para. (4) from Law no. 136/2020 regarding the establishment of measures in the field of public health in situations of epidemiological and biological risk, republished, as amended by art. I of the Government Emergency Ordinance no. 63/2021 for the amendment of art. 15 para. (4) from Law no. 136/2020, passed on July 28, 2021. It also formulated numerous requests and recommendations regarding various aspects that could have directly affected citizens’ rights during the pandemic³⁴. Thus, on the institution’s website, under the title “*Actions of the People’s Advocate Related to the Decisions Concerning the State of Emergency and the State of Alert*”³⁵ there can be identified the actions carried out between March 31, 2020 and December 24, 2020, including actions at the level of the institutions of the European Union, respectively at the level of some states. By way of example, we mention: “Request addressed to the

34 <https://avp.ro/index.php/recomandari-2020/>, <https://avp.ro/index.php/recomandari-2021/>, <https://avp.ro/index.php/recomandari-2022/> (accessed 20 October 2023).

35 <https://avp.ro/index.php/2020/12/23/postare-4/>, (accessed on October 20, 2023).

European People's Advocate regarding the formulation of a point of view - analyzes and statistics on the mobility of people during the COVID-19 epidemic, May 27, 2020, "Request to the European Data Protection Supervisor regarding the formulation of a point of view - analysis and statistics on the mobility of people during the COVID-19 epidemic, 27 May 2020"; "Request to the European Commissioner - A Europe ready for the digital age on the formulation of a point of view - analysis and statistics on the mobility of people during the COVID-19 epidemic, 27 May 2020"; "Request to the European Commissioner - Values and transparency regarding the formulation of a point of view - analysis and statistics on the mobility of people during the COVID-19 epidemic, 27 May 2020"; "Request addressed to the President of the Petitions Committee of the German Parliament regarding the sanitary safety of seasonal Romanian workers - April 22, 2020"; "Request addressed to the Federal Minister of Labor and Social Affairs of the Federal Republic of Germany regarding the sanitary safety of seasonal Romanian workers - April 22, 2020"; "Request addressed to the head of the Department for Emergency Situations regarding the shortage of specialized medical personnel ATI, December 24, 2020"; Return to Recommendation no. 133 of July 16, 2020, regarding the crisis of Euthyrox existing at national level, medicine necessary for thyroid patients, addressed to the Minister of Health, November 16, 2020"; "Request addressed to the Minister of Education and Research regarding the lack of access to the Internet/electronic devices, necessary for online education for students and teachers, September 9, 2020"; "Recommendation no. 133 of July 16, 2020, regarding the crisis of Euthyrox existing at national level, medicine necessary for thyroid patients - July 16, 2020"; "Request addressed to the president of the Superior Council of Magistracy regarding the measures taken in the context of the COVID-19 pandemic to ensure the exercise of free access to justice and the right to defense and to ensure the functioning of justice, as a public service, both during the state of alert and after its termination of it, July 15, 2020"; "Request addressed to the president of the National Council for Combating Discrimination regarding the formulation of a point of view regarding the prohibition of access to persons whose body temperature, measured upon entering the premises, exceeds 37.3°C in educational units/institutions, public institutions and all subordinate structures or coordination of the Ministry of Education and Research, May 22, 2020"; "Point of view of the People's Advo-

cate regarding the suspension of the conclusion of civil marriages during the state of emergency, addressed to the Minister of Internal Affairs - May 6, 2020"; "Request addressed to the Minister of Health regarding the surveillance methodology for acute respiratory syndrome with the new coronavirus, currently and after May 15, 2020 - April 30, 2020"; "Request addressed to the Strategic Communication Group regarding the restriction of freedom of expression - April 27, 2020"; "Request addressed to the Minister of Health and the Minister of Internal Affairs regarding the provision for doctors of the protective equipment and equipment necessary to combat COVID-19 - April 1, 2020"; "Request addressed to the Minister of Internal Affairs regarding the use, in future military ordinances, of rigorously accurate wording in defining the constitutive and legal content of the facts that constitute contraventions and regarding the training of the persons responsible for the application of these rules - April 1, 2020"; "Request addressed to the Strategic Communication Group regarding psychological assistance for quarantined persons - March 31, 2020". The enumeration is selective and aims at highlighting the fact that the People's Advocate, self-reporting or based on reports, actively and responsibly exercised his role of supervising the observance of citizens' rights and freedoms, as established in the fundamental law, using all means of action, formulating recommendations whenever it considered that there is a risk of violation of these rights and freedoms.

6. Case study: the situation of Ukrainian refugees

Another type of crisis is the refugee crisis. Unfortunately, Romania found itself in the situation of managing the crisis of Ukrainian refugees, who left their country to save their lives, their country being at war. The People's Advocate was involved daily in the activity of ensuring that human rights and freedoms were respected. A simple search of the institution's website³⁶ proves this statement, as there are visible reports on the multitude of actions carried out between February 28 - October 28, 2022. For example, on March 17, 2022, an investigation was carried out at the North Station, with the object of compliance of the rights of Ukrainian refugees by the Romanian authorities, an investigation attended by representatives of the

36 <https://avp.ro/index.php/2022/10/03/monitorizarea-respectarii-drepturilor-refugiatilor-din-ukraina/> (accessed October 24, 2023)

People's Advocate institution, from the Domain of human rights, equal opportunities between men and women, religious cults and national minorities, respectively the Domain of the defense, protection and promotion of children's rights. Also, on a weekly basis, ex officio reports and requests were made to various public administration structures: the Ministry of Labor and Social Solidarity, the Ministry of Health and the Ministry of Internal Affairs, the General Inspectorate for Immigration, the Border Police, the County Directorates for the Registration of Persons and the Committees for Emergency Situations within the Prefect's institutions in the counties, the County Public Health Directorates, the Regional Centers for Procedures and Accommodation of Asylum Seekers (Bucharest, Galati, Rădăuți, Șomcuta Mare, Giurgiu and Timisoara), the General Inspectorate for Immigration, the National Authority for Protection of Children's Rights and Adoptions, General Inspectorate of the Romanian Gendarmerie, etc.

7. The People's Advocate and the Constitutional Court of Romania, education and digitization

7.1 Can People's Advocate and the Constitutional Court of Romania contribute to the prevention of the violation of freedom and human rights through actions that strengthen the role of education in society, starting from the premise that the level of education is the first element that can alleviate or increase a state of crisis?

The answer is yes. Through the attributions "decide on the constitutionality of laws, before their promulgation" and "decide on the exceptions of unconstitutionality regarding laws and ordinances, raised before the courts" and even through the attribution "solves legal conflicts of a constitutional nature between public authorities" when the potential legal conflict of a constitutional nature aims at a possible institutional blockage in the field of education and training, the Constitutional Court of Romania can directly contribute to ensuring an appropriate quality of the legal framework regarding the right to education, capitalizing on this right through the education process and beyond.

As for the People's Advocate, this is an entity that also monitors the observance of the right to education, being able to formulate requests, recommendations, points of view, information, reports, but, where the inertia

of the public authorities is not defeated by its efforts, its possibilities, his action ends. For example, on September 12, 2022, the People's Advocate formulated the "Position of the People's Advocate regarding the elimination of social scholarships for students from rural areas, who go to high school in another locality", emphasizing that "In the opinion of the People's Advocate, by eliminating these scholarships³⁷, the inequities between students from the rural environment and those from the urban environment will increase, which goes against the very stated intentions of the *Project of Educated Romania...*". Also, on August 30, 2023, the People's Advocate communicated to the Minister of Education a point of view regarding the "draft order regarding the method of granting scholarships in the 2023-2024 school year" by which he stated that the future normative act must take into account the principle³⁸ that "A correct school evaluation is the fundamental condition of meritocracy", and the future regulation "will not lead (...) to the reduction of mediocrity through education and evaluation, but, on the contrary, will generate opposite effects". The point of view was ignored and, by the entry into force of Order no. 6.238 of September 8, 2023 regarding the approval of the methodology-framework for awarding scholarships³⁹, pathological situations have appeared in social practice, situations in which students with averages above nine do not receive merit scholarships because in the respective institution the averages are high, while in other educational institutions are to receive a merit scholarship with averages lower than 4⁴⁰. That is precisely why the legal framework regarding the organization and operation of the People's Advocate institution needs to be changed.

37 <https://avp.ro/wp-content/uploads/2022/07/Pozitia-AvP-fata-de-Ordinul-5379-2022.pdf> (accessed October 24, 2023)

38 <https://avp.ro/wp-content/uploads/2022/07/Pozitia-AvP-fata-de-Ordinul-5379-2022.pdf> (accessed October 24, 2023)

39 Published in the Official Monitor of Romania, part I, no. 822 of September 12, 2023.

40 Mirabela Vasile, "Controverse după implementarea noii formule de acordare a bursei de merit. Elevi cu medii de 1.50 ajung să fie "răsplătiți" pentru notele slabe/Controversies after the implementation of the new formula for awarding merit scholarships. Students with averages of 1.50 end up being "rewarded" for poor grades", euronews.ROMANIA, [online]. Available at: <https://www.euronews.ro/articole/un-elev-de-la-o-scoala-din-prahova-a-luat-bursa-de-merit-cu-media-4-59> (accessed on October 25 2023).

7.2. Is digitization a tool that can prevent crises?

We appreciate that the answer is a *nuanced one*. Digitization can do both good and bad. The question was how much good and how much bad?

Among the main positive effects are the easier access to information and public services, the creation of complex databases, which can be useful in the activity of public services, public utility services, public authorities, with the immediate consequence of increasing the quality of public administration, in general, of public services, in particular. Digitalization can also contribute to the prevention of crises because an integrated system of structures in the public sector, made up of public authorities, public services, institutions that carry out research activity in different fields, a system that uses databases, can help inform in useful time of the population about future dangers in the economic, social, natural environment.

The negative aspects are related to cyber security, specifically the technological limits and costs of securing communication lines.

Regardless of the risks, we appreciate that digitization is an incipient and irreversible process, and everyone's concern at this point should be to ensure that everyone is properly educated about preventing cyber incidents. We also appreciate that, parallel to digitization, there must be a special concern for the creation and management of archives, both in physical format and in electronic format, because the loss of data due to certain natural or artificial events is a real danger.

8. Conclusions and *de lege ferenda* proposals

Both the Constitutional Court of Romania and the People's Advocate are entities that have proven that they are actively involved in affirming freedom and human rights in crisis situations and, even more so, in normal situations. However, the decisions of the Constitutional Court, paragraph (4) of Article 147 of the Constitution specifies that they are binding from the date of publication in the Official Monitor, therefore they produce effects, and the term of resolution depends on the Court, as regards the institution of the People's Advocate, their findings regarding the violation of certain rights and freedoms do not produce direct effects. More precisely, we are referring to the fact that the recommendations of this institution can be ignored, being simple recommendations, and reporting to the hierarchically superior authority, or, as the case may be, the Government or the

Parliament, is an approach that may also remain without result. Regarding the promotion of some appeal in the interest of the law or an action in administrative litigation, the settlement time and the solution are elements that depend exclusively on the court.

De lege ferenda, we consider it necessary to amend the text of article 27 of Law no. 35 of March 13, 1997 regarding the organization and operation of the People's Advocate institution, with the latest amendments, in the form: "Art. 27. (1) If the public administration authority or civil servant does not remove, within 30 days from the date of notification, the deed that constitutes a contravention, it is sanctioned with a fine in the amount of...", the People's Advocate, based on this amendment, to be empowered with the capacity of ascertaining agent and to apply the contravention sanction. We believe that such a regulation would energize public authorities and make them more responsible, and it would reduce the waiting time for the citizens.

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Appendix 1

Year/ Number of decisions	Decision
2022 – 1 decision	DECISION no. 50 of February 15, 2022 regarding the exception of unconstitutionality of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic, as a whole, and the provisions of art. 5 paragraph (2) letter d) from this law, in particular, as well as the Government Emergency Ordinance no. 192/2020 for the amendment and completion of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic, as well as for the amendment letter a) of art. 7 of Law no. 81/2018 on the regulation of telework activity, as a whole
2021 – 12 decisions	DECISION no. 1 of January 13, 2021, regarding the objection of unconstitutionality of the provisions of art. I points 1-6, 8 and 9 of the Law for the approval of the Government Emergency Ordinance no. 135/2020 regarding the rectification of the state budget for the year 2020, the amendment of some normative acts and the establishment of some budgetary measures Published in the Official Monitor no. 77 of 25.01.2021
	DECISION no. 100 of February 17, 2021 regarding the objection of unconstitutionality of the Law on the approval of the Emergency Government Ordinance no. 168/2020 for the completion of the Emergency Government Ordinance no. 70/2020 regarding the regulation of some measures, starting on May 15 2020, in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus, for the extension of some deadlines, for the amendment and completion of Law no. 227/2015 on the Fiscal Code, National Education Law no. 1/2011, as well as other acts normative and for the amendment and completion of the emergency Government Ordinance no. 37/2020 regarding the granting of facilities for loans granted by credit institutions and non-bank financial institutions to certain categories of debtors Published in the Official Monitor no. 280 of 19.03.2021

	DECISION no. 117 of February 23, 2021, regarding the objection of unconstitutionality of the provisions of the Law on the approval of the Emergency Government Ordinance no. 31/2020 to supplement the Emergency Government Ordinance no. 77/2011 regarding the establishment of contributions for the financing of expenses in the field of health Published in the Official Monitor no. 601 of 16.06.2021
	DECISION no. 307 of 11 May 2021 regarding the exception of unconstitutionality of the provisions of art. 22 letter b) of the Government Emergency Ordinance no. 21/2004 on the National Emergency Management System Published in the Official Monitor no. 1101 of 11/18/2021
	DECISION no. 327 of May 20, 2021 regarding the exception of unconstitutionality of the provisions of art. 62 of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic and of art. 56 of the Government's Emergency Ordinance no. .70/2020 regarding the regulation of some measures, starting on May 15, 2020, in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus, for the extension of some deadlines, for the amendment and completion of Law no. 227/2015 on the Fiscal Code, of the National Education Law no. 1/2011, as well as other normative acts Published in the Official Monitor no. 785 of 16.08.2021
	DECISION no. 343 of 20 May 2021 regarding the exception of unconstitutionality of Government Emergency Ordinance no. 1/1999 regarding the state of siege regime and the state of emergency regime, approved by Law no. 453/2004, Government Emergency Ordinance no. ... regarding the National Emergency Management System, of the provisions of art. 5 paragraph (3) of the Administrative Litigation Law no. 554/2004, as well as Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID- 19 Published in the Official Monitor no. 800 of 19.08.2021
	DECISION no. 344 of May 20, 2021, regarding the exception of unconstitutionality of the provisions of art. 13 letter a) of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic Unpublished
	DECISION no. 381 of June 8, 2021, regarding the exception of unconstitutionality of the provisions of article 5 paragraph (2) letter d), of article 13 letter a), of article 65 letter h), of article 66 letter a), regarding the reference to art. 65 letter h), and of art. 67 para. (1) and (2) letter b), c) and d) of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID19 pandemic Published in the Official Monitor no. 836 of 01.09.2021

	DECISION no. 391 of June 8, 2021, regarding the exception of unconstitutionality of the provisions of art. 5, art. 8, art. 9 paragraph (1), art. 13, art. 14, art. 38-39 and art. 65- 66 of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic, as well as Law no. 55/2020, as a whole Published in the Official Monitor no. 719 of 22.07.2021
	DECISION no. 392 of June 8, 2021 regarding the exception of unconstitutionality of the provisions of art. 3 paragraph (2), of art. 4 paragraph (1) second sentence and of art. 72 paragraph (1) of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic, of art. 72 paragraph (2) of the same law, with reference to art. 42 paragraph (3) of Government Emergency Ordinance no. 21 /2004 regarding the National Emergency Management System, as well as the provisions of Government Emergency Ordinance no. 192/2020 for the amendment and completion of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic, as well as for the amendment of letter a) of art. 7 of Law no. 81/2018 on the regulation of telework activity Published in the Official Monitor no. 688 of 12.07.2021
	DECISION no. 416 of June 10, 2021, regarding the exception of unconstitutionality of the provisions of art. 41, art. 42, art. 43, art. 44 and art. 45 of the Government Emergency Ordinance no. 21/2004 regarding the National Management System of Emergency Situations and of art. 3 and art. 8 of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic Published in the Official Monitor no. 814 of 25.08.2021
	DECISION no. 672 of October 20, 2021, regarding the notice of unconstitutionality of the Decision of the Parliament of Romania no. 5/2020 for the approval of the state of alert and of the measures instituted by Government Decision no. 394/2020 regarding the declaration of the state of alert and the measures that apply on its duration to prevent and combat the effects of the COVID-19 pandemic Published in the Official Monitor no. 1030 of 28.10.2021
2020 – 18 decisions	DECISION no. 151 of May 6, 2020, regarding the exception of unconstitutionality of the provisions of Government Emergency Ordinance no. 36/2020 for the amendment and completion of some normative acts, as well as for the adoption of some measures during the state of emergency established by Decree no. 195/2020 regarding the establishment of the state of emergency on the territory of Romania Published in the Official Monitor no. 408 of 18.05.2020

	DECISION no. 152 of May 6, 2020 regarding the exception of unconstitutionality of the provisions of art. 9, art. 14 letters c1)-f) and art. 28 of the Government Emergency Ordinance no. 1/1999 regarding the state of siege regime and the regime of the state of emergency and the emergency ordinance, as a whole, as well as the Emergency Government Ordinance no. 34/2020 for the amendment and completion of the Emergency Government Ordinance no. 1/1999 regarding the regime of the state of siege and the regime of the state emergency, in its entirety Published in the Official Monitor no. 387 of 13.05.2020
	DECISION no. 155 of May 6, 2020, regarding the objection of unconstitutionality of the provisions of the Law for the suspension of loan repayment Unpublished
	DECISION No. 156 of May 6, 2020, regarding the notice of unconstitutionality of the provisions of art. I of the Senate Decision no. 16/2020 for the completion of the Senate Regulation, as well as the decision as a whole Published in the Official Monitor no. 478 of 06.05.2020
	DECISION no. 157 of May 13, 2020, regarding the exception of unconstitutionality of the provisions of art. 2 letter f) and art. 4 of the Government Emergency Ordinance no. 21/2004 regarding the National Emergency Management System Published in the Monitor Official no. 397 of 15.05.2020
	DECISION No. 240 of June 3, 2020 regarding the objection of unconstitutionality of the Law for the approval of the Government Emergency Ordinance No. 44/2020 regarding the extension of the mandates of the local public administration authorities included in the period 2016-2020, some measures for the organization of local elections in 2020, as well as the amendment of the Government Emergency Ordinance no. 57/2019 regarding the Administrative Code, as well as the Government Emergency Ordinance no. 44/2020 Published in the Official Monitor no. 504 of 12.06.2020
	DECISION No. 242 of 3 June 2020, regarding the objection of unconstitutionality of the Law on the extension of the mandates of local public administration authorities Published in the Official Monitor no. 503 of 12.06.2020
	DECISION No. 457 of June 25, 2020, regarding the exception of unconstitutionality of the provisions of art. 4 para. (3) and (4), as well as of art. 65 letter s) and ș), of art. 66 letter a) , b) and c) with regard to the references to art. 65 letters s), ș) and t) and of art. 67 par. s), ș) and t) from Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic Published in the Official Monitor no. 578 of 01.07.2020

	DECISION no. 458 of June 25, 2020, regarding the exception of unconstitutionality of the provisions of art. 25 paragraph (2) of Law no. 95/2006 on health reform and of art. 8 paragraph (1) of the Emergency Ordinance of Government no. 11/2020 regarding medical emergency stocks, as well as some measures related to the establishment of quarantine Published in the Official Monitor no. 581 of 07.02.2020
	DECISION no. 590 of July 14, 2020, regarding the objection of unconstitutionality of the provisions of the single article point 3 [with reference to art. XVIII] of the Law for the approval of the Government Emergency Ordinance no. 48/2020 regarding some financial-fiscal measures Published in Official Monitor no. 939 of 13.10.2020
	DECISION no. 594 of 15 July 2020 on the objection of unconstitutionality of the Law on the granting of masks for the protection of Romanian citizens from the COVID-19 virus Published in the Official Monitor no. 628 of 17.07.2020
	DECISION No. 600 of July 15, 2020, regarding the objection of unconstitutionality of the provisions of the Law for the approval of Emergency Government Ordinance No. 37/2020 regarding the granting of facilities for loans granted by credit institutions and non-bank financial institutions to certain categories of debtors Published in the Official Monitor, no. 933 of 12.10.2020
	DECISION no. 646 of September 24, 2020 regarding the objection of unconstitutionality of the provisions of the Law for the approval of the Emergency Government Ordinance no. 64/2020 for the amendment and completion of art. 8 of the Emergency Government Ordinance no. 43/2020 for the approval of some measures of support settled from European funds, as a result of the spread of the COVID-19 coronavirus, during the state of emergency Published in the Official Monitor no. 1197 of 09.12.2020
	DECISION no. 723 of October 7, 2020, regarding the objection of unconstitutionality of the provisions of the Law to supplement Law no. 53/2003 – Labor Code Published in the Official Monitor no. 1242 of 16.12.2020
	DECISION no. 751 of October 20, 2020, regarding the exception of unconstitutionality of the provisions of art. 8 paragraphs (3)-(9), with reference to the phrase “isolation in a health facility or at an alternative location attached to the health facility”, and of art. 19 of Law no. 136/2020 regarding the establishment of measures in the field of public health in situations of epidemiological and biological risk Published in the Official Monitor no. 1264 of 21.12.2020

	DECISION no. 875 of December 9, 2020, on the objection of unconstitutionality of the Law for granting a risk incentive for education staff in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus Published in the Official Monitor no. 87 of 27.01.2021
	DECISION no. 904 of December 16, 2020, regarding the objection of unconstitutionality of the provisions of the Law for the approval of Government Emergency Ordinance no. 78/2019 regarding the amendment of some normative acts and the establishment of some measures in the field of agriculture, as well as for the approval of some fiscal-budgetary measures Published in the Official Monitor no. 73 of 22.01.2021