

THE ROLE OF THE PEOPLE'S ADVOCATE IN ENHANCING PUBLIC ADMINISTRATION

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Abstract:

At a time when transparency and accountability in public administration are increasingly prominent essential requirements of citizens in their relationship with the state, the People's Advocate plays a fundamental role in preventing administrative abuses and protecting fundamental rights. The complaints received by this institution reflect the challenges facing public administration and highlight the need to analyse how citizens' fundamental rights are respected. This study aims to examine the mechanisms through which the institution intervenes in relations between citizens and public authorities in order to prevent possible abuses by the state, and to identify the main rights infringed during 2023–2025. Law No. 35/1997 establishes the legal instruments through which the People's Advocate may intervene, including notifying the public authority concerned, conducting its own investigations, and issuing recommendations. An analysis of the People's Advocate's activity reports makes it possible to identify the types of infringements found, the public authorities involved, and the measures taken to remedy them. In recent years, the right to petition and free access to justice have been among the rights most frequently infringed. Thus, the People's Advocate may identify legislative gaps or situations of non-compliance with legal rules and may issue recommendations concerning legislative amendments or the adoption of measures intended to ensure the protection of human rights.

Key words: public administration, People's Advocate, protection of citizens' rights, rule of law, administrative abuses, fundamental rights

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1. INTRODUCTION

According to the Venice Principles, People's Advocate institutions play an essential role in promoting and protecting human rights, operating as independent authorities called upon to act against maladministration and abuse of power (Venice Commission, 2019). Within Romania's constitutional order, the institution of the People's Advocate was established by the 1991 Constitution of Romania, while its organisation and operation were detailed by Law No. 35/1997. In exercising its powers, this autonomous public authority seeks to protect the rights and freedoms of natural persons, particularly in their relations with public authorities.

In a democratic state, respect for fundamental rights is an indispensable condition for the proper functioning of the administration and for maintaining trust between citizens and state institutions. In this context, the People's Advocate intervenes when there are indications that certain rights or freedoms have been infringed by public authorities or when significant administrative dysfunctions are identified. Under the legal framework, the institution may conduct investigations, request documents and information, hear persons working within public authorities, and formulate recommendations aimed at eliminating the irregularities identified (Law No. 35/1997).

The activity of the People's Advocate is structured into distinct fields, including: the defence, protection, and promotion of children's rights; the prevention of torture and other cruel, inhuman, or degrading punishment or treatment in places of detention; human rights, equal opportunities for women and men, religious denominations, and national minorities; the rights of families, young people, pensioners, and persons with disabilities; the fields of the military, justice, police, and penitentiaries; as well as property, labour, social protection, taxes, and duties (People's Advocate, 2026).

The relevance of studying the institution is multifaceted. From a legal perspective, the People's Advocate is an additional safeguard for respect for fundamental rights and may refer exceptions of unconstitutionality concerning laws and ordinances in force to the Constitutional Court (Apostol Tofan, 2011; Paşolea, 2024). From a political perspective, the institution does not represent partisan interests, but contributes to democratic balance and to limiting excesses of executive power. From a social perspective, its activity is important for protecting vulnerable persons and improving effective access to rights, particularly in relations with public administration (Cheptene, 2024).

This study examines the activity of the People's Advocate institution during 2023–2025 from the perspective of its statutory powers, while also identifying its main areas of intervention and the fundamental rights and freedoms most frequently invoked in petitions submitted to the institution.

2. ACTIVITY OF THE PEOPLE'S ADVOCATE DURING 2023–2025

2.1. ANALYSIS OF THE ANNUAL REPORTS

The analysis of the annual reports reveals an intensification of the institution's activity during 2023–2025. The increase in the number of petitions and ex officio referrals indicates both that more people approached the institution and that a greater number of administrative and social problems were brought to its attention.

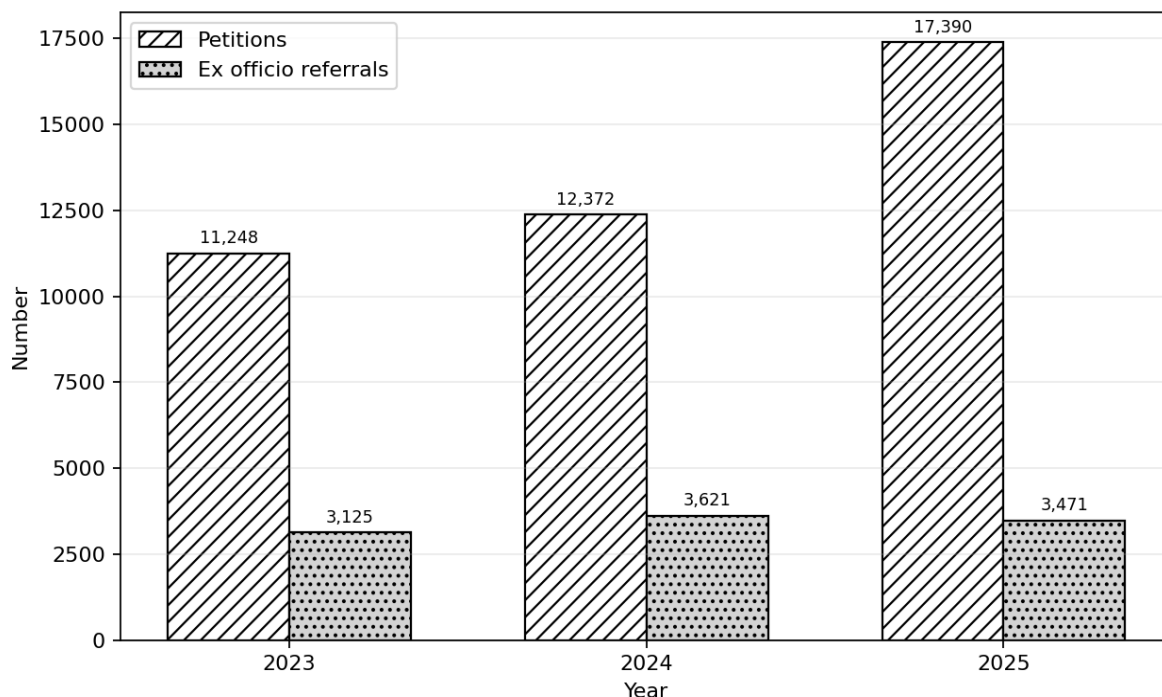


Figure 1. Number of petitions and ex officio referrals during 2023–2025

Source: author's own processing based on the People's Advocate's annual reports for 2023, 2024, and 2025.

Official data show that in 2023 the institution registered 11,248 petitions and 3,125 ex officio referrals, while in 2024 the figures increased to 12,372 petitions and 3,621 ex officio referrals. In 2025, the number of petitions rose sharply to 17,390, whereas the number of ex officio referrals stood at 3,471. Overall, during the period analysed, the institution registered 41,010 petitions, confirming both the high level of requests addressed to it and its active role in the relationship between citizens and public administration.

This development may be explained both by citizens' greater confidence in the usefulness of the institution and by the recent social and political context, marked by public dissatisfaction, administrative difficulties, and the effects of austerity measures on vulnerable groups.

The 2025 annual report explicitly notes the increase in the number of people contacting the institution and the widening range of issues reported, suggesting that, for many citizens, the People's Advocate has become an accessible means of reporting administrative irregularities.

With regard to the rights invoked in petitions, the annual reports make it possible to establish a hierarchy of the main issues raised.

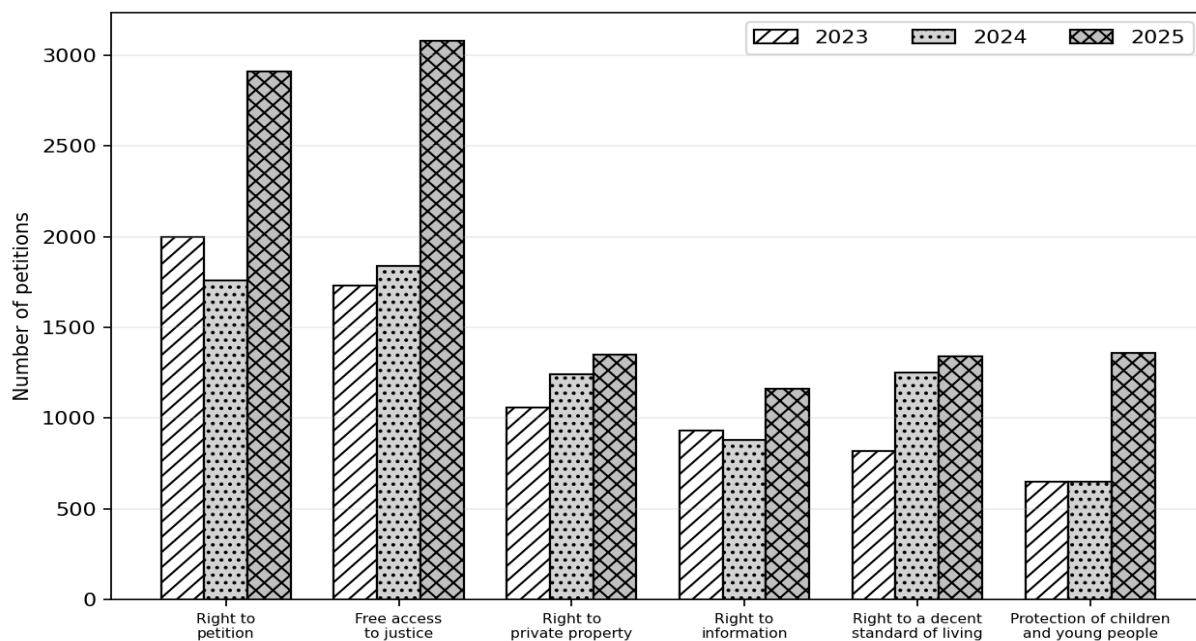


Figure 2. Evolution of the number of petitions concerning the principal rights during 2023–2025

Source: author's own processing based on the People's Advocate's annual reports for 2023, 2024, and 2025.

Figure 2 shows that the right to petition and free access to justice recorded the most significant increase in 2025, indicating persistent difficulties in citizens' relations with public authorities, as well as with the mechanisms for resolving applications and disputes. The right to private property also remains a sensitive area, frequently associated with the inconsistent application of restitution legislation, delays in placing individuals in possession, the issuance of property titles, or the absence of administrative responses.

The right to a decent standard of living and the right to information consistently remain among the categories most frequently invoked. This trend highlights both the socio-economic problems facing the population and the need for greater transparency and more effective communication on the part of administrative authorities.

In 2025, there was also a marked increase in complaints concerning the protection of children and young people, linked to issues involving school scholarships, allowances, access to education, bullying, and forms of physical or psychological violence against minors (People's Advocate, 2025).

2.2. ANALYSIS OF THE SPECIAL REPORTS

The special reports prepared by the institution complement the picture provided by the annual reports by highlighting areas in which vulnerabilities were identified.

In 2023, the special reports addressed harassment and violence in the workplace, occupational safety and health, and patients' access to medical services. These topics confirm the institution's concern for protecting social rights, ensuring an appropriate working environment, and guaranteeing effective access to healthcare services.

For a comparative overview of the topics addressed, Table 1 summarises the main special reports prepared by the institution during the period analysed and their relevance to the subject of the research.

Table 1. Summary of the People's Advocate's special reports during 2023–2025

Year	Special report	Aspects relevant to the analysis
2023	Harassment and violence in the workplace	Highlights the need to protect dignity at work and to establish more effective administrative mechanisms for prevention and sanctioning.
2023	Occupational safety and health	Identifies problems concerning workplace accidents and the state's obligation to provide an appropriate framework for worker protection.
2023	Patients' access to medical services in Romania	Highlights difficulties in accessing treatment and publicly reimbursed medical services, with a direct impact on the right to health protection.
2024	Difficulties faced by persons with disabilities and by patients whose social circumstances result in prolonged hospitalisation	Shows the relationship between social vulnerability, insufficient social services, and impairment of the effective exercise of fundamental rights.
2024	Monitoring the implementation of ECtHR judgments concerning involuntary admissions to psychiatric hospitals	Highlights the need to respect safeguards relating to individual liberty, human dignity, and protection against abusive treatment.
2025	Domestic violence	Reflects the scale of the phenomenon and the need for coordinated action by public authorities to protect victims and prevent recurrence.
2025	Road safety	Emphasises the state's obligation to adopt measures to prevent accidents and protect life and personal integrity.
2025	The situation of older persons exposed to poverty	Identifies severe socio-economic vulnerabilities and the current limitations of social assistance services intended for dependent persons.
2025	Exercise of pension rights by Romanian citizens who worked abroad	Highlights administrative delays, the absence of consistent practice, and difficulties in institutional cooperation concerning international pensions.

Source: author's own processing based on the People's Advocate's special reports for 2023, 2024, and 2025.

In 2024, the institution published two important special reports: one on the difficulties faced by persons with disabilities and by patients whose social circumstances result in prolonged hospitalisation, and another on monitoring the implementation of judgments of the European Court of Human Rights concerning involuntary admissions to psychiatric hospitals. These documents show that many problems arise not only from the absence of legal rules, but also from bureaucracy, poor institutional cooperation, and insufficient available social services (People's Advocate, 2024).

The analysis of the report concerning patients experiencing social hardship shows that, in many situations, persons whose health condition permits discharge remain hospitalised because appropriate social solutions are unavailable. In these circumstances, the People's Advocate recommended the rapid adoption of legislative and administrative measures to reduce pressure on healthcare facilities and protect the rights of persons in vulnerable situations.

In 2025, the institution prepared four special reports concerning domestic violence, road safety, the situation of older persons exposed to poverty, and the exercise of pension rights by Romanian citizens who had worked abroad.

In recent years, the People's Advocate has initiated ex officio proceedings concerning the increase in cases of domestic violence and has intervened consistently through mediation activities, undertaking significant measures to address this phenomenon.

Population ageing has intensified, making the provision of social assistance services a national priority. Public authorities are responsible for identifying and implementing effective public policy measures to support dependent older persons. Nevertheless, the care of these groups faces numerous problems, including limited access to social services, lack of family involvement, and poor cooperation between the responsible institutions.

The report on the exercise of pension rights by Romanian citizens who worked abroad is of particular importance. It identifies significant delays in processing international pension applications, poor cooperation between Romanian and foreign institutions, and the absence of consistent practice among territorial pension offices. Consequently, the People's Advocate recommended both supplementing the legislative framework and strengthening administrative cooperation in order to ensure the effective exercise of the right to a pension (People's Advocate, 2025).

Although the role of the People's Advocate is significant, its effectiveness is conditioned by the legal nature of the powers it exercises. The institution has no decision-making powers and cannot annul administrative acts or impose direct sanctions on public authorities. Its intervention mainly takes the form of investigations, recommendations, referrals, and institutional mediation efforts. From this perspective, the institution's practical effectiveness depends to a large extent on the degree of cooperation shown by public authorities and their responsiveness to the recommendations issued (Cilibiu, 2016; Diaconu, 2014).

It should also be noted that the People's Advocate cannot intervene in certain areas expressly excluded by law, such as the activities of Parliament, the President of Romania, the Constitutional Court, or the Government. Furthermore, the institution cannot resolve disputes pending before the courts and cannot replace judicial mechanisms.

Nevertheless, the analysis of the 2023–2025 period shows that the institution retains its relevance within the state's constitutional and administrative architecture.

3. CONCLUSIONS

The activity of the People's Advocate during 2023–2025 confirms the central role of this institution in defending fundamental rights and freedoms. The evolution in the number of petitions and ex officio referrals shows that the institution deals with a high volume of problems arising both from the defective application of the law and from the absence of effective administrative solutions for various social groups.

The annual and special reports analysed reveal a concentration of problems around essential rights, such as the right to petition, free access to justice, the right to private property, the right to information, the right to a decent standard of living, and the rights of vulnerable persons. At the same time, they show that the People's Advocate can identify legislative gaps and inconsistent administrative practices in which the protection of rights is insufficient.

Even though it does not have direct decision-making powers, the institution plays an important role by identifying and documenting infringements and formulating recommendations, thereby contributing to strengthening the rule of law.

To improve the institution's activity, closer monitoring is needed of how public authorities implement its recommendations, together with the development of transparent procedures for publicly reporting compliance levels. Cooperation between the competent institutions must also be strengthened, particularly in areas where administrative delays or blockages frequently occur.

In conclusion, the People's Advocate institution is an effective mechanism for protecting fundamental rights and promoting social justice.

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