

THE MULTIFACETED IMAGE OF THE ROMANIAN OMBUDSMAN

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Abstract

The article addresses the issue of the Ombudsman's image and its impact on the degree of legitimacy the institution enjoys among its stakeholders. Based on three, different but complementary, facets of the image concept (desired, projected and perceived image), the empirical research unfolded herein is trying to grasp the perception of different target groups – individuals, public administration bodies, members of the Parliament and the Ombudsman institution itself - regarding the role and the effectiveness of the People's Advocate.

Applying an extensive number of questionnaires and conducting interviews with the above-mentioned target groups as well as researching a broad range of activity reports of the Ombudsman, will offer both an extensive and a comprehensive image of the People's Advocate. The main conclusion of the research is that the Romanian Ombudsman should take upon a more pro-active role in communicating with the target groups by cooperating more closely with them and proving seriousness in addressing human rights violations by government authorities. Greater visibility, coupled with a strong commitment to deal with complaints received by individuals will generate support of the target groups and thus legitimacy.

Keywords: Ombudsman image, perception of the Ombudsman, legitimacy.

1. Rationale

The Ombudsman's image was often seen as a measure of legitimacy, intimately connected with effectiveness. Furthermore, the expectations of both beneficiaries of its services (e.g. individuals) and partner institutions (e.g. public administration authorities, Parliament etc.) are of paramount importance, since the effectiveness of the Ombudsman institute is highly influenced by the manner in which the institution is evaluated by its constituency (International Council on Human Rights Policy, 2004, p. 122).

The Romanian Ombudsman – People's Advocate, was the topic of empirical research testing the perception of different stakeholders regarding the office. Thus, articles were published regarding the perception of the general public (Neamțu *et al.*, 2011; Remete, 2011), members of the Parliament (Neamțu *et al.*, 2011) and the relationship between Courts and the Ombudsman office (Dragoș *et al.*, 2010). These studies, despite the limitations identified by the authors in the sense of lack of generalization across the whole group of stakeholders, are of essence for the Ombudsman institute itself by providing information on how to improve its activity.

Nevertheless, the above-mentioned empirical analyses, although very useful and well designed, offer different facets of the institution's relationship with various target groups, while there is the need for an integrated approach, taking also into account the manner in which the institution, through its employees, perceives itself in terms of scope and efficiency and how it presents itself to the outside world, how it wants to be perceived.

Thus, the research will focus on two key variables: role and effectiveness defined from a rational perspective (for more information regarding various models for assessing effectiveness see Campbell (1979, pp. 13-56)) that is – pursuing the goal established by article 1 of Law no. 35/1997 regarding the organization and functioning of the People's Advocate (defending individuals' right in relation with public administration authorities). The empirical research tests whether the Romanian Ombudsman's perception regarding its role and effectiveness are in line with what the institution transmits about itself and finally with the perception of stakeholders – MPs, public administration authorities and individuals. Ideally, the three images should be very much similar with one another proving that the Ombudsman institution has a coherent and effective strategy for promoting itself. Special attention should be given to the fact that while the desired image and transmitted image are related primarily with the discourse of the Ombudsman, the perceived image has to deal more with the actions of the Ombudsman, which determine the perception of stakeholders. Thus, the Ombudsman has to deliver what it promises in its discourse in order for the stakeholders to acquire a positive image about it.

2. Towards a coherent view of the image concept

'The existing literature on ombudsmen is mainly descriptive or theoretical, and some commonly held assumptions have not been tested' (Van Roosbroek and Van

de Walle, 2008, p. 289). Furthermore, 'most studies of the ombudsman have relied on intuitive interpretations of popular perceptions of the ombudsman' (Friedmann, 1977, p. 498). There are, of course, a few exceptions to these which include academic literature but also reports of Ombudsmen studying the perception individuals have regarding their activity. The aim of this sub-chapter is to present a few of these studies with an emphasis on the Romanian literature in the field.

Thus, in 1977, Karl A. Friedmann conducted an empirical research for assessing the perception regarding the Ombudsman in Britain and Alberta in terms of knowledge and appreciation of its activity. The main findings were that 'the higher a respondent scored on the Ombudsman knowledge scale the more likely was he to have positive attitudes towards the Ombudsman idea' (Friedmann, 1977, p. 498). Later on, Daisy de Asper Y Valdes (1999), in her article regarding the self-perception of the Ombudsman proposes a study that focuses on investigating the Ombudsman institution by replicating the research made by Larry Hill from 1975 to 1977. After conducting an extensive research, the author concludes that '[...] independence, impartiality, accessibility, fairness, and persuasion are all relative concepts. Indeed, the significant agreement about certain key issues characterizes the institution and gives an extra weight to one of its most relevant aspects – flexibility' (de Asper Y Valdes, 1999, p. 264). Almost ten years later, Van Roosbroek and Van de Walle (2008) analyzed the Belgian Ombudsman at various level of government and empirically tested the capacity of the Ombudsman to restore trust in government, this being considered by the two authors the main reason for the establishment of the institution. The main findings are that 'the ombudsman can only strengthen trust in government and public administration to a limited extent' (p. 299).

In Romania, passing from the studies based exclusively on analyzing legal norms that govern the functioning of the Ombudsman to empirical research represents an important step. Thus, in an article from 2011, Neamțu *et al.* tested the perception that citizens, public authorities and MPs have regarding People's Advocate. The research focused on awareness of the institution among individuals and its competences as well as the level of satisfaction of those who interacted with the institution (Neamțu *et al.*, 2011, pp. 127-133). A similar research was conducted in April 2010 by Anamaria Remete (2011) at the General Directorate of Public Finance Alba County. The findings of both studies were that even though individuals are aware of Ombudsman's existence, the vast majority of them were not aware of the institution's functions. Regarding the level of satisfaction individuals have concerning their interaction with the People's Advocate, the 36 interviews conducted with individuals who have petitioned the Ombudsman within the last 5 years (Neamțu *et al.*, 2011, p. 128) revealed a rather low degree of satisfaction generated, according to the authors, by the absence of investigations similar to those performed by courts and also by the unrealistically high expectations of petitioners (p. 131).

The relationship between public administration authorities and the People's Advocate was also analyzed by Neamțu *et al.* through a questioner, sent by fax, to decen-

tralized services, county councils, prefectures and municipalities in rural and urban areas in Alba, Cluj, Hunedoara, Mureș, Satu Mare and Sibiu with the purpose of investigating the interventions of the People's Advocate as a consequence of receiving a complaint from the public. Further on, interviews with MPs from Cluj County were also conducted, focusing, among others, on effectiveness, visibility, accessibility, mediation capacity, development of principles of good governance etc. The authors' conclusion was that the Ombudsman's relation with the legislature is limited to the appointment/ dismissal of the Ombudsman person, the annual reports, as well as some short interactions, most of them through the media, triggered by the exceptions of unconstitutionality' (Neamțu *et al.*, 2011, p. 142).

Further on, the relationship between courts and Ombudsman was analyzed in a study conducted by Dacian Dragoș *et al.* (2011), who focused on 'the power of the Ombudsman to oversee justice'. The result of the study was that '[b]oth judges and the Ombudsman appear to oppose a stringer involvement of the institution in the relation with the courts, so that this interaction could be enhanced with the goal of increasing citizens' protection and upholding the public interest' (p. 86).

But however insightful these studies might be, the authors of this article consider that there is more to the image of the Ombudsman than the manner it is perceived by its stakeholders (individuals, public administration authorities or Parliament) and there is a need to move from Ombudsman studies to the image concept from the theory of organizations and public relation and marketing studies, where researchers and practitioners have offered different but comprehensive conceptualizations, defining image according to their discipline.

Thus, in the field of organizational studies, Jane Dutton and Janet Dukerich (Dutton and Dukerich, 1991) argue that organizational image represents the way members believe others see their organization. These views regard the image concept as being an internal built one, namely the perceptions of people working within the organization. However, Berg (1985) has a completely different approach, focusing on perceptions of those outside the organization. The image is often used to refer to the external's audience representations of the organization and is the basis for the development of public image (Bormann, 1983). Berg defines image as the perceptions of the public or the impression that an organization leaves, most often associated with an event or action (Berg, 1985). This definition is similar to what Charles J. Fombrun (1996) called 'reputation' - assessing the collective actions and achievements of an organization. Thus, reputation is defined as 'the result of a competition in which companies exhibit their main characteristics to the target audience in order to enhance their social status' (Fombrun and Shanley, 1990, p. 234). Nevertheless, reputation reflects only the relative success of the organization in meeting the expectations of multiple target groups since different parts of the public appreciate different aspects of organization's performance (Freeman, 1984).

Public relations and marketing researchers and practitioners use the concept of corporate identity, corporate image or image management. Researchers focused on

how the 'central idea' of corporation is presented to various actors in order to achieve organization's strategic goals (Olins, 1995). Grahame Dowling (Dowling, 1993), for example, explains corporate reputation as being synonymous with corporate image, while Howard Barich and Philip Kotler (Barich and Kotler, 1991) see it as a dimension of corporate image. Dutton, Dukerich and Harquail (1994) see corporate reputation as being the external representation of the perception of members' corporate image, and Gary Davies *et al.* (2004) make the distinction between reputation and image by defining reputation as 'something that is dependent on the experience of the organization', while the image is seen as an opinion that is independent of the organization experience and is the result of the interaction with the organization. There are authors who go beyond that and argue that organizations have an 'image' or 'identity' separate from their behavior or that of the various groups inside them; organizations have a 'reputation' which is essentially made up of organizational behavior that target groups remember (Childers and Grunig, 1999). Thus, James Grunig distinguishes between image 'as something that a communicator constructs and projects or gives to other people [...]' and an alternative notion of image as 'receivers construct meaning, images from their personal observations of reality or from the symbols given to them by other people [...] image as some sort of composite in the minds of publics' (Grunig, 1993, p. 126).

3. Methodological framework

In order to assess the Ombudsman's image there is a need to operationalize the concept. This task proved to be difficult due to the lack of objective criteria and evaluation measures. Thus, for a thorough assessment of an organization's image, it is necessary to measure how the organization wants to be seen (the desired image), how the organization actually presents itself to the outside audience (the transmitted image) and how the organization is actually seen by target groups (the perceived image) (Haines, 2010, p. 223). These three images correspond to the three facets of the image concept: the desired image corresponds to the identity of the organization defined as 'its sense of itself', which includes basic elements that distinguish a particular organization from others (Gioia, Schultz and Corley, 2000, p. 63) and the views employees have on its activity (McCune, 1999, pp. 53-56), the transmitted image represents, obviously, 'the message the organization transmits to its receptors' (Ind, 1992, p. 21), and the perceived image corresponds to the reputation defined above. The analysis of the three images is performed by: interviewing the transmitter (the desired image), semantic analysis of communication (transmitted image), quantitative survey (perceived image) (Haines, 2010, p. 223). The coherence between the three images, hence the validity of the research, is ensured by the two variables - role and effectiveness - which are going to be represented and tested within each type of analyzed image: desired, transmitted and perceived image.

In terms of sources of data collection, highlighting the image of the Ombudsman on its three components required, on the one hand, a thorough consultation of the an-

nual activity reports of the Ombudsman as well as questionnaires and interviews with different actors and representatives of People's Advocate¹.

Thus, the *desired image* was considered as being best represented by the way the employees of the institution regard the People's Advocate and their own work. The target group was represented by all advisors and experts from the central office² and an official request together with the questioner was sent to the Ombudsman's office. From the total number of employees there were four responses. Furthermore, a direct interview with Mrs. Erzsébet Dáné, Deputy Ombudsman for human rights protection, equality between men and women, denominations and national minorities was conducted on 1st of March 2012 in Bucharest.

For assessing the *transmitted image*, a qualitative document analysis was performed based on the annual activity reports of the Ombudsman for the period 1997-2011. Special attention was granted to the manner in which the institution presents its role and effectiveness especially in the word forward and when motivating its actions.

The last aspect of the institutional image, the *perceived image*, will consist of wide consultation with stakeholders who interact with People's Advocate: members of the Parliament, public authorities and individuals.

The relationship between People's Advocate and the Parliament will be analyzed, firstly, based on the opinions expressed by the MPs during the Joint Sessions of the Parliament when the Annual Activity Reports of the Romanian Ombudsman were discussed. A number of seven such parliamentary joint sessions were analyzed since there were times when two annual reports were discussed in one session and there were also times when the activity reports were not presented in Parliament. These discussions proved extremely useful, highlighting the manner in which the views of MPs regarding the institution have changed over time. This analysis was supported by six interviews with parliamentarians, Presidents of the Parliamentary Commissions of the Senate and Chamber of Deputies³ (out of twelve MPs contacted, selected based on the supposed higher direct and extensive interaction with the Ombudsman).

Moving further, the perception of public administration regarding the People's Advocate was evaluated based on 28 responses to the total number of 60 question-

1 The authors would like to thank all the actors who supported the empirical research, too many to be named here, from presidents of Parliamentary Commissions, public administration authorities and individuals to representative of the Romanian Ombudsman.

2 According to the People's Advocate Annual Activity Report for 2012 (p. 197), there are 24 advisors and 42 experts working for the institution. The official web-site of the Romanian Ombudsman also mentions the number of advisors and experts working for each territorial office, respectively a total number of 5 advisors and 28 experts. Thus there are 19 advisors and 14 experts working at the central office in Bucharest.

3 The MPs interviews were, in March 2010 when the interviews took place, Presidents of the following Commissions: Legal Commissions, Commissions on public administration, organization planning and environment, Commissions for defense, public order and national security, Human Rights Commissions, Commissions for Equal Opportunities, Commissions for investigating abuses, fighting corruption and petitions.

naires sent by post, with a letter of confirmation attached, to public administrations authorities where the People's Advocate carried on investigations during the period 2003-2011. There was a diversity of authorities selected: ministries, decentralized services, administrative-territorial units, urban and rural municipalities, institutions for child protection, police units, and prisons. Furthermore, both authorities that had a good cooperation with the People's Advocate and those who received recommendations from the institution were selected.

Assessing individuals' perception regarding the People's Advocate was achieved by developing and disseminating an online questionnaire via the web-site www.sondaje.ro. The questionnaire targeted individuals with higher education and who live in urban areas. The premise was that they have higher access to information and thus they are more likely to be aware of the existence of the Ombudsman as well as its competences. A total number of 92 responses from individuals with the above-mentioned profile were received. Despite its limitations in the sense of not being representative at national level, the results can be interpreted as reflecting the expectations of a particular group of population regarding the institution.

4. The image of the Romanian Ombudsman

4.1. *Desired image*

As mentioned above, the desired image corresponds to the organization's identity, defined as 'its sense of itself', which includes basic elements that distinguish a particular organization from others (Gioia, Schultz and Corley, 2000, p. 63) and the views of employees on its activity (McCune, 1999, pp. 53-56). Thus, it is only natural that this image will be presented based on the expectations of the People's Advocate staff and management. In this context a questioner was developed and applied to the employees from the central office. The questions concerned the characteristics considered most important for the Ombudsman institution (independence, impartiality, moral character of the Ombudsman, transparency and accessibility); the characteristics that best suit the People's Advocate ('watch-dog', mediator, mechanism for improving the relationship between individuals and public authorities, 'educator' of individuals regarding their rights, mechanism for removing the misconception according to which 'the authority is the guilty party'); means for assessing the effectiveness of the People's Advocate (number of audiences granted, number of files solved, number of articles in the press concerning the Ombudsman, the cooperation with public authorities and NGOs, the prompt responses of the public authorities to the requests of the Ombudsman); factors that influence the effectiveness of the Ombudsman (personality of the Ombudsman, the good relation with the media, the support of the Parliament, the good relation with the public authorities, the adequate financial and human resources); the means considered most effective that the Ombudsman can make use of (investigations, referral to the Parliament, making public grave breaches of human rights, ex-officio proceedings, referral to the Constitutional Court); means to best promote the image of the Ombudsman (interviews in the me-

dia, presenting grave breaches of human rights in the media, press releases, special/annual report, through the positive example promoted by individuals who received help from the institution).

The employees were asked to rank from 1, being least important, to 5, most important, the five factors / characteristics which correspond to each question. There were two additional questions concerning the profile of the person interviewed and also a question giving the possibility to express any other comments that the person deemed necessary. Separate from this, an interview was conducted with Mrs. Erzsébet Dáné, Deputy Ombudsman for human rights protection, equality between men and women, denominations and national minorities. Based on these two sources of information the desired image of the Romanian Ombudsman was outlined.

Thus, the People's Advocate is considered by the four employees who answered the structured interview as being primarily a 'mechanism for improving the relationship between individuals and public administration by bringing them closer together'. Secondly, the Ombudsman is considered a 'mediator in the relationship government-individuals by unlocking conflict between the two sides' as well as an 'educator of individuals' rights'. In the final standings of the role lies 'mechanism to address the misconceptions that the authority is guilty' and 'watch-dog which ensures the respect of individuals' rights and freedoms'. These latter two are very important in certain contexts as Mrs. Dáné, in the interview, stated that when it appears that the authority did not violate the right of individuals, 'is very important to explain the situation correctly [because] no one should live with the idea that the authority is always guilty'. Furthermore, she believes 'the activities of the institution can be improved by focusing on *ex officio* proceeding [by performing the task of a] watch dog (with an eye on the authorities that breach individual rights)'.

In what concerns the effectiveness assessment, 'organizing audiences' dominated the ranking. This aspect is not surprising since during the period 2001-2010, particular attention was given to this component '[...] we receive any complaint. The staff of the institution receives any citizen with any problem and gives everyone an explanation, a solution [...]' (People's Advocate Activity Report for 2006, 2007, pp. 1-3). Further on, respondents believe that 'prompt response from the public authorities', 'the number of cases solved' followed by 'collaboration with different actors' and 'articles published in the press' represent a measure for assessing the effectiveness of the institution. The appointment of a new Ombudsman in September 2011 brought a new agenda in terms of effectiveness, very well illustrated by the words of Mrs. Dáné '[...] Recently, we have changed our policy in a radical way in that we do not particularly relate to the number of complaints solved but the way we work. The direct and personal contact with people who address us is of the essence'.

Regarding the determinants of effectiveness, the employees who responded to the structured interview consider the 'support of the Parliament' of utmost importance. Unfortunately, as Mrs. Dáné argues, the Parliament is not very open with regards to the Ombudsman institution. When it comes to analyzing the annual reports, there

were cases when the MPs did not want to have such discussions (see Joint meeting of the Chamber of Deputies and the Senate May 10, 2006, Presentation of the Ombudsman Activity Report for 2005). The support of the Parliament is followed by 'good relations with the media', which is considered an 'important partner' and 'one of the most important tools beyond the special reports that we submit to the Parliament' (according to Mrs. Dáné). Next falls 'good relations with public authorities', 'the moral personality of the head of the institution' and on the last place there are the 'adequate financial and human resources', despite the many difficulties that the institution has faced in this respect according to its activity reports.

Regarding the best means available to the institution, the employees believe that 'the possibility of carrying out investigations and issue recommendations' and 'the *ex officio* competences' as being most important, followed by 'the possibility of referral to Parliament' and to the Constitutional Court but also making public, in the media, grave breaches of human rights.

Finally, employees were asked about ways they deem most appropriate for promoting the image of the institution. The first place was given to 'media interviews' and 'promoting a positive example through the people who interact with the institution' followed by 'presentation in the press of grave breaches of human rights', 'press releases', and 'annual/ special reports'.

The issues outlined above, represent the view of a small number of the employees of the institution and, in the first instance, it cannot be considered representative for the whole institution. Still, the next section regarding the projected image will reveal that the view of the employees are, at large, very similar with the discourse presented in the annual activity reports from the period 2001-2011. Meanwhile, Mrs. Dáné's distinctive speech marks a new period in the functioning of the Romanian Ombudsman, proving, at least in terms of discourse, more pro-active. This proactivity is illustrated with regards to petition solving ('[...] when the legal 30 days deadline is approaching the People's Advocate employees make phone calls to public authorities reminding them about the deadline, and if they do not answer, the institution goes further to the next higher public authority [...]).

4.2. Projected image

During the first years of functioning, 1997-2000, the main task of the Ombudsman was 'to ensure the fairness of public administration towards citizens [...]'(People's Advocate Activity Report for period June 18, 1997 - December 31, 1998, p. 3; People's Advocate Activity Report for 1999, 2000, p. 10, People's Advocate Activity Report for 2000, 2001, p. 524). Moreover, the institution wanted to play a role in 'humanizing the relationships between individual and state bodies' (People's Advocate Activity Report for period June 18, 1997 - December 31, 1998, 1999, pp. 4-5). Still, citizens must be aware of these competences in order to address the Ombudsman and thus receive support. This is the main reason why the institution believes that '[...] its first call [...] is to be in the service of citizens, to help them acknowledge their rights and obligations

towards the state institutions' (People's Advocate Activity Report for period June 18, 1997 - December 31, 1998, 1999, pp. 4-5). The lack of knowledge regarding these rights could be observed due to the large number of petitions outside the jurisdiction of the Ombudsman. This is due to the '[...] lack of information regarding the jurisdiction of the Ombudsman and its legal means, but especially its limits of action [...]' (People's Advocate Activity Report for period June 18, 1997 - December 31, 1998, 1999, pp. 4-5), the main reason being 'the confusion that persists between the figure of the Ombudsman and that of a defendant in a case before a Court'.

The Ombudsman also engages in 'facilitating the relationship between citizens and the law [...]' (People's Advocate Activity Report for 2000, 2001, pp. 22-23), being concerned with making the legislation more coherent and operational in the service of citizens. The concern for improving the legislation is, in fact, complementary to 'the activity of mediation between individual and law, between citizen and government [...]' (People's Advocate Activity Report for 2000, 2001, pp. 22-23). The Ombudsman believes its main tools are '[...] its prestige and moral force [...] being independent from other state structures. Since it cannot decide, it must persuade' (People's Advocate Activity Report for period June 18, 1997 - December 31, 1998, 1999, p. 5). The speech of the Ombudsman is directed towards reforming public administration, thus demonstrating the usefulness of the Ombudsman institution, 'the People's Advocate is not a mere form without content [...] it has taken seriously the role of reformer of the public servants' conduct and manager of 'good administration' rules [...]' (People's Advocate Activity Report for 1999, 2000, pp. 4-5). The institution promises and provides a code of good administration, because it believes it '[...] has a duty to ,alert', to draw attention to critical and sensitive issues [...]' (People's Advocate Activity Report for 1999, 2000, pp. 15-16), and its role is not limited to 'solving cases', but must prove to be 'an important mechanism for the protection of rights and freedoms, strengthening democracy and the rules of good administration' (People's Advocate Activity Report for 1999, 2000, p. 205).

Regarding the manner in which the institution evaluates its usefulness, the Ombudsman considers that it depends on 'the degree by which its recommendations are accepted and applied by local and central public authorities [...]' (People's Advocate Activity Report for 2000, 2001, p. 23). As regards efficiency, the Ombudsman considers necessary to promote both its existence and its responsibilities established by law (People's Advocate Activity Report for 2000, 2001, p. 501).

The year 2001 marks a change of management and at the same time, a change of perspective. Beginning with 2001, the Ombudsman focuses on 'strengthening the institution [...] in the Romanian system of constitutional democracy' (People's Advocate Activity Report for 2002, 2003, pp. 16-17.). The report provides significant lower information regarding the relation between the Ombudsman and public authorities probably because of the 'improved collaboration with notified public institutions and authorities, which grant more attention to the Ombudsman' (People's Advocate Activity Report for 2002, 2003, pp. 16-17; People's Advocate Activity Report for 2001,

2002, pp. 25-26, People's Advocate Activity Report for 2003, 2004, pp. 25-26). Attention should also be given to the phrase 'rights and freedoms of individuals in relation to public administration'. At the level of discourse, the Ombudsman takes upon the task of 'defender of [all] rights and freedoms' (People's Advocate Activity Report for 2002, 2003, pp. 16-17). According to Article 1 of Law no. 35/1997 on the organization and functioning of the Romanian Ombudsman, the scope of the institution is to 'protect the rights and freedoms of individuals in their relations with public authorities', in this case, the central government and local authorities. By removing the reference to public administration authorities, the Ombudsman assumes, willingly or not, in its discourse, competences which may be suspected as being greater than those granted by the law of functioning, by becoming a defender of all rights breached. However, since 2001, it begins acquiring more and more competences in order 'to strengthen its position and diversify its competences as a defender of rights and freedoms. This trend continues and is further reflected in the proposed revision of the Constitution in 2003 [...] (People's Advocate Activity Report for 2002, 2003, pp. 16-17). The year 2001 represents the debut of a critical discourse towards the Parliament since 'the institution staff efforts were made in poor conditions in terms of space and organizational structure in the context of a substantial increase in the number of petitions and audiences' although 'more effective support from behalf of public authorities that have constitutional competences in this field would have been necessary'.

Since 2005, the Ombudsman discourse is one of justification, presentation of competences to address petitions from individuals but also of 'helplessness', the lack of coercive means. Beginning with 2005, the role, competences and effectiveness of the institution are intertwined. The Ombudsman is being criticized and the activity reports give the opportunity to express its views. Furthermore, beginning with 2006, the annual activity reports present the number of lawsuits filed by current and former employees and people discontent with the institution. This situation offers the Ombudsman the opportunity to present its competences and work philosophy, which can be summarized by the phrase 'clarifying the problems' (People's Advocate Activity Report for 2006, 2007, pp. 1-3). The Ombudsman explains its role as being that of '[...] unlocking the conflicts between citizens and administrative authorities by mediation, by requesting reconsideration of a solution. [...] the Ombudsman does not have and should not have coercive means (fines, cancellation provisions etc.). If he/she had such means available, it would no longer be an Ombudsman' (People's Advocate Activity Report for 2005, 2006, pp. 8-9). Regarding the relation with the government authorities, the Ombudsman wants to solve the situation 'amicably through mediation, through dialogue'. Since the institution has 'no legal means of coercion to compel or punish another public authority [...] the Ombudsman is and shall remain an institution of mediation, dialogue, and not an institution that has enforcement powers' (People's Advocate Activity Report for 2006, 2007, p. 95; Activity Report for 2007, 2008, p. 81; Activity Report for 2008, 2009, pp. 117-118, Activity Report for 2009, 2010, pp. 160-161, Activity Report for 2010, 2011, pp. 112-113).

In relation to individuals who can approach the institution, the People's Advocate shows its openness to direct any person who addresses the institution to the competent authority to solve the problem: 'the institution is open to citizens, literally and figuratively, we receive any complaint. The staff of the institution receives any citizen with any problem, giving everyone an explanation, a solution. Often people are satisfied that they are welcomed, are heard and advised, in a civilized manner' (People's Advocate Activity Report 2006, 2007, pp. 1-3). The Ombudsman is also concerned that 'citizens are informed and familiar with the rights and freedoms guaranteed by law' (People's Advocate Activity Report for 2006, 2007, p. 11), so it considers audiences as being most appropriate to ensure this goal, because 'not all people realize yet how they can defend their rights and freedoms, through the institutions' (People's Advocate Activity Report for 2006, 2007, p. 66). The Ombudsman assumes responsibility for failure, but without mentioning this failure, and expresses its 'good faith' for always having tried to act effectively. It also takes a defensive position 'pessimists are not absent, especially cavaliers who still support the institution's futility', but these attitudes are considered 'natural in a democratic society' (People's Advocate Activity Report for 2005, 2006, p. 6).

The analysis of the projected image by the two Ombudsmen reveals some similarities and some major gaps between them. First, considering its role, it can be observed that the Ombudsman has changed significantly, evolving from supervisor of the 'correct relationships between government and citizen [...]' (People's Advocate Activity Report for period June 18, 1997 - December 31, 1998, 1999, p. 3) into 'defender of rights and liberties' (People's Advocate Activity Report for 2002, 2003, pp. 16-17). During its first years, the main task of the Ombudsman was to cooperate as much as possible with administrative authorities and put pressure on them by making public, in its annual activity reports, the names of the institutions that did not provide or delayed in providing a response to the requests of the Ombudsman. Throughout the years, though, the Ombudsman began making only some timid references to the lack of cooperation with the government, invoking lack of means necessary to carry out its work and lack of support from higher authorities: 'we could not determine some public authorities [...] to be responsive to the requests of the People's Advocate and certainly those of the citizens. The means available to the Ombudsman institution have proved ineffective in those cases, while the support of higher authority was nonexistent' (People's Advocate Activity Report for 2009, 2010, p. 4). The manner in which the Ombudsman intends to fulfill its mission is also different. The lack of enforcement is called down in both periods but in different ways. In the first case (1997-2001), the People's Advocate seeks to gain the support of higher authority, legitimacy and ultimately to fulfill the mission for which it was created, while harshly criticizing the public authorities, trying to reform it and proposing measures for sanction. Since 2001, the Ombudsman focuses on 'strengthening the Ombudsman institution [...] in the Romanian system of constitutional democracy' (People's Advocate Activity Report for 2002, 2003, pp. 16-17), establishing territorial offices and taking upon a more active participation in

international meetings. Further on, beginning with 2005, the speech of the People's Advocate is one of justification, by presenting the means the institution has available to deal with citizens' complaints, emphasizing in the same time the lack of coercive means.

Moving onwards, to the period September 27 - December 31, 2011 while the last Ombudsman under analysis was in office, it is considered too short to allow any objective assessment regarding his activity. However, some comments can be made concerning his discourse. Thus, his arrival, on September 27, 2011 as head of the institution has brought a change in the work philosophy and style of management, the new motto being 'the Ombudsman towards the people and not necessarily the people towards the Ombudsman', hence the new expression on the website of the institution 'vox populi, vox dei' (People's Advocate Activity Report for 2011, 2012, p. 4). The effectiveness assessment was also changed, now being considered to be influenced by the 'the personality of the Ombudsman and the manner in which the institution is perceived by members of the society [...]' (People's Advocate Activity Report for 2011, 2012, p. 1).

4.3. Perceived image

4.3.1. The Parliament

According to the Romanian Constitution and the Law of functioning, the People's Advocate activity is subjected only to the control of the Parliament, which approves the budget of the institution, appoints the Ombudsman and hears the annual or upon requests activity reports of the institution. In this context, the opinions and expectations of parliamentarians regarding the People's Advocate are extremely important, and an analysis of the parliamentary debates occasioned by the presentation of the annual activity reports of the institution complemented by interviews with heads of parliamentary Commissions revealed these aspects.

Analyzing the debate in Parliament occasioned by the presentation of activity reports of the Ombudsman shows the expectations as well as the perceptions of MPs concerning the People's Advocate activity. Thus, during the first years of functioning (1997-2001) there are high hopes regarding the institutions' role and its future accomplishments. All the MPs acknowledge the importance of the institution and are interested in increasing its competences, making, in the same time, reference to other European Ombudsmen. Thus, according to the MPs, the adoption of the Ombudsman institution by Romania 'should synchronize with the European experience'. On the other hand, the discourse of the Ombudsman focuses on the progress made by the institution as well as the difficulties encountered regarding its headquarter and budget and presents the necessity of applying sanctions to public officials who do not perform their job properly, similar, according to the People's Advocate, to the ones applied by Ombudsmen from Poland or Hungary.

The period 2002-2005 is marked by great appreciation from behalf of the MPs regarding the work of the Ombudsman and especially its management, professor Muraru. Thus, Ionel Olteanu [Social Democrat Party] considers that, under the leader-

ship of professor Muraru, the institution has become more effective, recommending in the same time a greater support for the institution. In the same line of thought, Valer Dorneanu [Social Democrat Party] emphasizes the personal merit of professor Ioan Muraru in increasing the efficiency of the Ombudsman institution and declared its intentions to increase the institution's powers through the constitutional revision in 2003. However, there were also a few suggestions regarding '[...] improving its efficiency, including the need to adopt measures to increase awareness of citizens regarding the specificity of this institution, its duties and competences' (Joint meeting of the Chamber of Deputies and the Senate March 27, 2003, Presentation of the Ombudsman Activity Report for 2002) and 'the need to [...take] measures to ensure greater visibility of institution's activity [and...] a stronger involvement in protecting individuals' rights and freedoms against government abuses' (Joint meeting of the Chamber of Deputies and the Senate June 14, 2005, Presentation of the Ombudsman Activity Report for 2004). Meanwhile, Mr. Muraru's speech is very similar to the one from the activity reports, presenting the activity of the institution during the previous year as well as the steps it intends to take.

For the period 2006-2010 there is an lack of interest in the activity of the institution since the activity reports of the Ombudsman for the years 2006 and 2007 were presented in one joint session of the Chamber of Deputies and the Senate in 2008 (Joint meeting of the Chamber of Deputies and Senate October 14, 2008, Presentation of the Ombudsman Activity Report for 2006 and the Activity Report for 2007) and the annual reports corresponding to the years 2008 and 2010 were not presented in Parliament⁴ although under Article 60 of the revised Constitution their submission is required before Chambers⁵. In the same time, the activity of the Ombudsman was very poorly debated during the discussions of the 2006, 2007 and 2009 activity reports and was assessed by the Legal Committee of the Chamber of Deputies and the Senate as being positive for the years 2006 and 2007 and 'appropriate' for 2009. Further on, the discourse of the Ombudsman brings very harsh criticism to the Parliament and Government, namely the Ministry of Finance, and its lack of support. The Ombudsman also criticizes people who 'hold public office' and say 'We do not know what the People's Advocate is' or 'the People's Advocate is an institution that does not exist' (People's Advocate, Activity Report for 2006, 2007, pp. 1-3) and later on takes upon a more defensive attitude, most likely due to criticism.

But weather the MPs were making recommendations to the Ombudsman for improving its activity, were praising its accomplishments or were simply not debating its activity, there are some aspects that should have required more attention from behalf

4 Aspect noticed by the researchers while studying the Joint meeting of the Chamber of Deputies and the Senate from the period 2000-2011.

5 'The People's Advocate presents the two Houses of Parliament, annually or upon request activity reports. The reports may contain recommendations on legislation or other measures to protect the rights and freedoms of citizens' (Article 60 - Report to Parliament, Romanian Constitution 2003).

of the Parliament. The first aspect concerns the absence of an exact date for discussing the report, as a Democrat-Liberal Party [henceforth PD-L] representative, Emil Boc, noticed. Moreover, the Reports for the years 1997/1998 and 1999 were discussed together only on June 27, 2000, and the Reports for 2006 and 2007 were discussed at the end of 2008, on October 14. Exception to these rule are the Reports for the first mandate of Ioan Muraru, where some enthusiasm and involvement of politicians in the activity of the institution can be observed, especially in improving the means granted to the institution. These aspects have been observed by some parliamentarians who deplore the statute of 'Cinderella' of the Ombudsman (Emil Boc (PD-L)). In the same time, there are delays in appointing a new Ombudsman. A vivid example is the first term of office of Professor Ioan Muraru, who was appointed on October 4, 2001 while Mr. Mitroi's mandate expired on May 20 the same year and for the one of Professor Gheorghe Iancu appointed in September 2011 while Professor Muraru's mandate expired in May. Another example of the lack of interest in the activity of the Romanian Ombudsman is also the late hours in discussing the report often being the last subject on the agenda, the poor debate (maximum two interventions with the exception of the representative of the Juridical Commissions of both Houses (Joint meeting of the Chamber of Deputies and the Senate April 17, 2002, Presentation of the Ombudsman Activity Report for 2001; Joint meeting of the Chamber of Deputies and the Senate June 14, 2005, Presentation of the Ombudsman Activity Report for 2004; Joint meeting of the Chamber of Deputies and Senate October 14, 2008, Presentation of the Ombudsman Activity Report for 2006 and the Activity Report for 2007) or its absence (Joint meeting of the Chamber of Deputies and the Senate May 31, 2011, Presentation of the Ombudsman Activity Report for 2009). To these, the impatience of some politicians to listen to the speech of the Ombudsman as well as the suggestions not to read the report in Parliament (Joint meeting of the Chamber of Deputies and the Senate May 10, 2006, Presentation of the Ombudsman Activity Report for 2005) can be added.

However, this general image regarding the relation between Parliament and Ombudsman can be refined by the opinions expressed by six presidents of Parliamentary Commissions of the Chamber of Deputies and Senate⁶, during interviews with the researchers. The parliamentarians have proved quite incisors about the institution's work, bringing many critics regarding both the functioning and the institution's role in the Romanian society. Thus, the deputies and senators interviewed consider the People's Advocate role as an important one, but provided considerable details on how it should be exercised. The MPs made specific comments regarding the more proactive role the Ombudsman should assume. However, they considered the role of the

6 Data collected regarding the parliamentarians perception on the People's Advocate was made during the CNSCIS project, IDEAS 2008, "Transparency, Accountability and Civic Engagement: The Role of Ombudsman Type Institution in the Development of Principles of Good Administration". Researchers want to thank Professors Dacian Dragoş and Bogdana Neamţu for providing the interview guide. The interviews were conducted in March 2010 and regard the activity of the institution until that date.

institution as being 'too pale', requiring a rethinking and an increase in competences. In addition, the civil society is accused of creating unrealistic expectations regarding the Ombudsman, which in the end proved to be 'a bubble [which] did not contribute significantly to the improvement of the situation of individuals' rights and liberties'. The great majority of the MPs acknowledged the absence of an analysis regarding the Ombudsman's effectiveness or lack of it 'beyond the dry information regarding the number of cases solved or not' and associate efficiency with the institution's visibility, with 'the way it is perceived in society'. However, there are parliamentarians who considers it 'almost ineffective', appreciating that most likely the institution's activity consists in 'routing of complaints, more or less justified, more or less of the Ombudsman's competence to the institutions where human rights violation were recorded', the only contribution being in the domain of the constitutionality of laws.

Moving onwards, the MPs considered the institution accessible to the citizens but not visible enough. They would have preferred a more intense activity of the Ombudsman in the press. The lack of visibility creates also a misunderstanding of its role, being 'confused with an NGO' or being associated with that of 'sorting and distributing letters'. Still, there are parliamentarians who consider that gradually the society 'is increasingly realizing that the institution may produce benefits for individual and society'. Concerning the impossibility of the Ombudsman to apply sanctions, all parliamentarians have concluded, in agreement with the vision of the former two Ombudsmen, that this is a positive aspect. Drawing a parallel with other Ombudsman type institutions, one of the parliamentarians considers that '[with] us, the Ombudsman was charged incorrectly as one who defends citizens from authority's abuses, against state institutions. In fact it has no means to fulfill what people would want ... not what is legally stated'.

Regarding the establishment of local offices and specialized Ombudsmen, opinions are divided. There are parliamentarians who favor the establishment of territorial offices and also specialized Ombudsmen and there are also those who fully reject both ideas. The establishment of regional offices is considered, by some, useful in bringing the Ombudsman 'closer to the people', but along with their establishment adequate resources should be given. Still, specialized Ombudsmen are considered by some of the parliamentarians as irrelevant because the only specialization required is protecting 'human rights and freedoms'.

A final issue discussed regards the recommendations to improve the Ombudsman functioning and the relationship between the Ombudsman and the Parliament. The aspects concerning the improvement of activity consists in strengthening the mediation component and its role in relation to public administration while adopting a 'preventive role or rather pro-active, to mediate before reaching a contradictory action'. The Ombudsman must, according to the MPs, improve its communication activity in order for 'the society [...] to understand the institution's role and reliability', but also to strengthen its presence in the territory by setting up as many regional offices as possible. There are also skeptics who believe that the Ombudsman has not achieved the

purpose for which it was created and that 'there are other sufficient mechanisms that can effectively protect individuals' rights and freedoms [...]'.

4.3.2. *Public administration authorities*

Public administration authorities are the main partners of the People's Advocate, the relationship between the two sides being very important in solving individuals' complaints. The empirical research tried to grasp on the perception of authorities that interacted with the Ombudsman to see how they appreciated the cooperation with the People's Advocate and if the latter managed to influence the future functioning of the respective authorities. The responses of public administration bodies to the questioner were rather positive regarding the cooperation between the two parties. Thus, sixteen authorities considered they had a 'very good' relation with the Ombudsman and nine of them 'good' while three of them choose the 'unsatisfactory' (two authorities) and 'satisfactory' (one authority) assessment. Authorities were also surveyed regarding the measures taken following the Ombudsman's investigation and the vast majority, 20 of them, concluded that 'no action was necessary'. Still, a rural city hall considered the measures taken as being 'extensive' and seven other authorities being 'minor' (four cases) or 'negligible' (three cases).

Out of the total number of 28 answered questioners, six were completed via telephone with representatives of the public authorities from either the Public Relations Department or Judicial Department, depending on the authority. The phone interviews, though, revealed some interesting aspects. Hence, on one hand, relatively small authorities, such as rural municipalities, are well aware of Ombudsman's investigation and have one person who usually deals with the requests of the People's Advocate; on the other hand, larger, urban authorities face a more ambiguous situation. Thus they have different representatives who cooperated with the Ombudsman during the investigation from Legal to Public Relations or Secretariat Department and the great majority of times the absence of a person, appointed specific for this job, in the sense of a facilitator between the Ombudsman and the public institution, slows things down in the process of petition solving. Mrs. Dáné acknowledges the benefits brought by the existence of a person appointed specific to deal with the requests of the Ombudsman in the sense of speeding up the complaint solving. It is also true that given the small number of complaints generated by some authorities (e.g. rural municipalities), appointing such a person is not justified. Not the same thing could be said about pension departments, for example, or some other central authorities. Of the total number of authorities who provided a response there was one who has a person appointed by the Director of the institution in order to deal with the requests of the People's Advocate, and another who had such responsibility included in the job description of an employee. The remaining authorities appoint such a person when the situation requires. The questioned authorities were also influenced in their future activity by the investigation of the Ombudsman. Thus, even though there were authorities that have previously mentioned that the results of the investigation did

not require the adoption of extensive measures, they still believe that they were ‘very much’ influenced in their future activity.

An overall positive trend is recorded when comparing responses to the two questions as the number of authorities in which no action was required following the investigation is higher than the authorities that have been influenced in their future work by the investigations of the People’s Advocate, which suggests that some authorities may have improved their procedures/practice following the intervention of the Ombudsman.

Furthermore, the public administration authorities were also asked to rank the overall activity of the institution on five features: confidentiality, impartiality, credibility, transparency, and promptness on a scale from 1 (‘very good’) to 5 (‘unsatisfactory’). These five elements are generally found in the literature as connected with the effectiveness of the Ombudsman institution and they were selected in order to assess the manner in which the public administration authorities evaluate the cooperation with the People’s Advocate. Figure 1 presents an average of the five elements for each public authority and groups them into four default categories, and Figure 2 presents the sum for each of the five elements one by one.

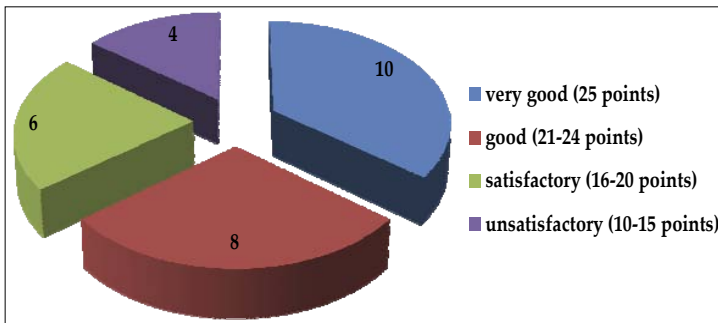


Figure 1: Overall assessment (confidentiality, impartiality, credibility, transparency, promptness) of public authorities regarding the People’s Advocate

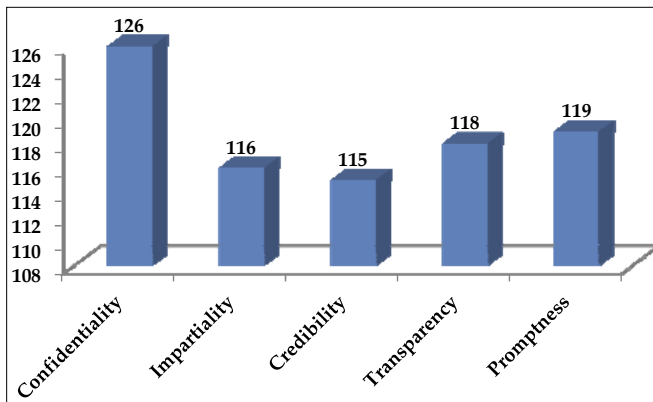


Figure 2: Individual criteria assessment (confidentiality, impartiality, credibility, transparency, promptness) of public authorities at the People’s Advocate

Regarding the individual criteria assessment, it can be observed that the highest score is granted to confidentiality, followed by promptness, transparency, credibility and impartiality, the maximum possible score being 140 points (28 authorities * 5). This information reveals the degree of satisfaction that public administration authorities have regarding the interaction with the People's Advocate. Further on, the public administration authorities are also open for further cooperation with the Ombudsman. Thus, most of the authorities questioned on their willingness to conclude protocols of cooperation considered it as being 'very appropriate' (2 authorities) or 'appropriate' (20 authorities), while five of them considered it 'inappropriate'. These protocols have the advantage of speeding up the complaint solving process through the existence of a special appointed person from behalf of the public administration authority who deals with the requests of the Ombudsman by submitting the Ombudsman request to the person/Department competent to solve the complaint within the public administration body.

The analysis revealed a different degree of satisfaction towards the interaction with the Ombudsman. What can however be said for certain is that although there are different opinions regarding the five features of the People's Advocate, most authorities (90%), have positively appreciated the cooperation with the institution arising from investigations. Furthermore, 40% of them will be influenced in the future by the investigation carried out by the Ombudsman. These conclusions certify, once again, the benefits brought by conducting investigations, by the direct interaction between the People's Advocate representatives and government authorities, the main beneficiaries of this relationship being the petitioners.

4.3.3. *Individuals*

The research also analyzed the level of satisfaction individuals have regarding the People's Advocate activity. The conclusion which can be drawn from previous research in the field (Neamțu *et al.*, 2011) is that the expectations of petitioners are much higher than what the institution can provide by the powers conferred by law since many petitions are rejected for having exceeded the competences of the institution. Although no data are available concerning the number of cases solved in favor of the petitioner or public administration authority, the institution tends to lose the confidence of individuals who file petitions. In the absence of a coherent strategy to educate people regarding their rights and how the institution can protect them, the Ombudsman will continue to lose more and more of the public's support because of the disappointment of people that expect to receive help from behalf of the Ombudsman and address the institution with matters that exceed its competence. The 92 responses from individuals with higher education living in urban areas, who answered the questionnaire developed by the researchers confirm, once again, those stated above.

Thus, the first question addressed tested the awareness of individuals regarding the institution. As one can see, among the sample group approximately 89% of the respondents are aware of the Romanian Ombudsman's existence while 11% are not.

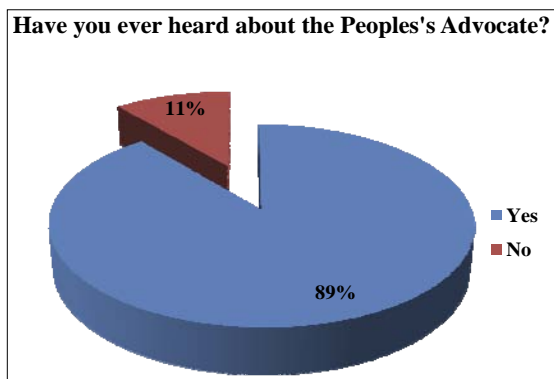


Figure 3: Statistics regarding individuals' awareness of the Ombudsman

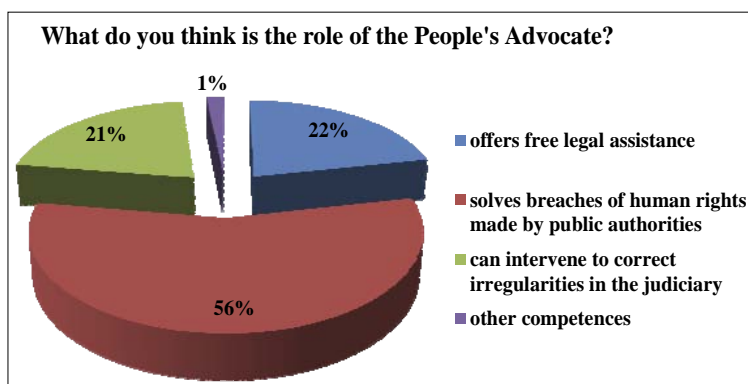


Figure 4: Statistics regarding individuals' awareness of the Ombudsman's role

The next question concerned the level of knowledge individuals have regarding the Romanian Ombudsman's role. Based on previous research (Neamțu *et al.*, 2011) several possible variants were made available, as follows: 'provides free legal assistance', 'solves breaches of human rights made by government authorities', 'may intervene to correct irregularities in the judiciary', allowing multiple choices. The figures reveal that only 56% of them gave a correct answer, while a large number, 22% and 21%, believe that People's Advocate offers free legal aid and can intervene to correct irregularities in the judiciary. In these circumstances, of the total number of 23% respondents who had a conflict with the public administration bodies or consider their rights were breached, only 2 people filed petitions to the People's Advocate, but were advised to refer to other authorities.

Individuals who filled in the questionnaire were also asked to recommend ways to improve the activity of the institution. Approximately 30% of them refused to express their opinion in the absence of a direct interaction with the People's Advocate. However, 40% of respondents considered that the institution's activities can be improved by 'advertising', 'better and more effective communication', and also 'better information in the media in order for the citizens to know their rights, how to appeal to the

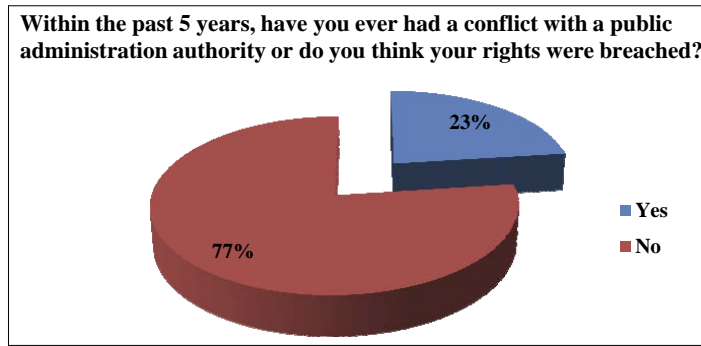


Figure 5: Statistics of individuals who believe their rights were breached by public administration authorities

Ombudsman and what are the means'. There were also people who wanted a more transparent institution (5%) and seriousness and commitment about solving the petitions and not a 'formal activity' of the institution (5%). There were also very specific recommendations: solving complaints in a shorter period of time, a higher representation in the territory, moving the locations of the People's Advocate territorial offices outside governmental buildings, extension of the 12 months period for submitting a petition, offering the Ombudsman coercive means.

5. Conclusions

Research in the field of public relations (Brüning *et al.*, 2004) has revealed the benefits of activities directed towards bringing the organization closer to its public. Public relations professionals recognize the influence that the attitudes of key members of the public have on the relationship between the organization and its public. As it was mentioned previously, the attitudes of society are crucial for the functioning of an Ombudsman. This article critically analyzed the attitudes and expectations of different target groups – MPs, public administration authorities and individuals – showing that good communication is decisive for the degree of support it receives and the quality of services it provides. All three target groups under analysis – Parliament, government authorities and individuals – have made similar recommendations regarding improving the activity of the Ombudsman: increased visibility, closer cooperation and stronger commitment.

The theory of relationship management provides some valuable recommendations on how organizations can improve their relations with their public (Ledingham, 2003). Thus, both organizations and the public must identify common interests and shared goals. In these circumstances, organizations should monitor the relationship between them and the public and must be proactive. Furthermore, organizations should have a dialog centered approach, which requires them to seek information from key members of the public, to listen, to process and respond to these messages. Organizations should also take into account the changes in the expectations of target groups when initiating dialogue. Members of the public seek information that are active, interactive and want a continuous process of communication rather than to be the passive recipi-

ents of information. The role of communication is to facilitate access to information of the target groups in a friendly and non-aggressive manner by continuing to support the relationship and not by performing a simple transfer of information (Gronstedt, 1997).

In this context, the manner in which the Ombudsman promotes itself and its work is extremely important and different for each group. The research clearly showed a gap between the three types of image since the Ombudsman's image as seen by stakeholders is not as positive as the institution is trying to promote in terms of role and effectiveness. Henceforth, the People's Advocate should take upon a more pro-active role, in communicating with the target groups by cooperating more closely with them and proving also seriousness in addressing human rights breaches by government authorities. Greater visibility, coupled with a strong commitment on the outcome of complaints received by individuals will most likely result in gaining a greater support from the target groups.

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