



## Romania leads the fight against corruption in Europe

According to Hoyt Yee, Deputy Assistant Secretary for European and Eurasian Affairs in the US State Department, Romania is leading the way in the fight against corruption in Europe<sup>1</sup>. For a long time, the country was riddled with corruption: some €70bn in public money stolen since the 1990s<sup>2</sup>, a shadow economy that accounted for 31% of domestic GDP (2014 figures), and a December 2014 study by Transparency International that showed that the Romanian public sector was perceived to be the most corrupt among all European countries<sup>3</sup>. However, one of the conditions for Romania acceding to the EU was that it would combat this problem by introducing a regulatory framework and dedicated institutions<sup>4</sup>.

### A legal and institutional toolbox in the service of anti-corruption efforts

Fighting corruption is a recent phenomenon in Romania<sup>5</sup>, and the National Anti-Corruption Directorate (DNA), which was set up in 2002, has an essential role to play. Its prosecutors can carry out investigations, and can arrest and question individuals. Led by chief prosecutor Laura Codruța Kövesi since May 2013, the DNA's 2015 budget was €22 million and it has a staff of 120 prosecutors<sup>6</sup>. According to a 2014 report published by the EU, the DNA is considered to be one of the five most effective anti-corruption institutions in Europe.

The other institution responsible for combating corruption is the National Integrity Agency (ANI). It is also independent, and investigates cases of personal enrichment, conflicts of interest and incompatibility involving ministers, elected officials and senior civil servants. It was set up in 2007 and has about one hundred staff. It controls and publishes asset reports for all individuals holding public office. According to the most recent report by GRECO<sup>7</sup>, which was published on 22 January 2016, the ANI is an exemplary organisation<sup>8</sup>. The entry into force of the new Criminal Code and Code of Criminal Procedure<sup>9</sup> on 1 February 2014 was also a determining element in the country's anti-corruption policy: they stipulate reduced sentences for offenders who cooperate<sup>10,11</sup>, and this measure has proved to be particularly effective.

### Unprecedented resolve at every level, and sustained progress that has been hailed by the European Commission<sup>12</sup>

The political climate is extremely favourable: fighting corruption was the campaign theme of the country's new president Klaus Iohannis, who was elected in November 2014. In addition, the fact that Raluca Alexandra Pruna, former director of Transparency International Romania, was appointed Minister of Justice

<sup>1</sup> <http://www.romaniajournal.ro/hoyt-ye-romania-has-become-a-model-on-the-fight-against-corruption-in-the-region/>

<sup>2</sup> <http://www.cepa.org/content/answering-critics-romania%E2%80%99s-fight-against-corruption-0>

<sup>3</sup> [http://www.courrierdesbalkans.fr/roumanie-corruption?debut\\_derniersarticles=8#pagination\\_derniersarticles](http://www.courrierdesbalkans.fr/roumanie-corruption?debut_derniersarticles=8#pagination_derniersarticles) ; According to Transparency International's 2015 Corruption Perceptions Index, Romania ranked 58th among 175 countries.

<sup>4</sup> <http://www.expressen.se/nyheter/longread/darfor-kommer-tiggarna/en/hon-leder-kampen-mot-rumaniens-myglande-makt/>

<sup>5</sup> <http://www.contributors.ro/politica-doctrine/answering-the-critics-of-romania%E2%80%99s-fight-against-corruption/>

<sup>6</sup> [http://www.courrierdesbalkans.fr/roumanie-corruption?debut\\_derniersarticles=8#pagination\\_derniersarticles](http://www.courrierdesbalkans.fr/roumanie-corruption?debut_derniersarticles=8#pagination_derniersarticles)

<sup>7</sup> Group of States against Corruption: [http://www.coe.int/t/dghl/monitoring/greco/general/1.%20the%20fight%20against%20corruption%20-%20a%20priority%20for%20the%20coe\\_EN.asp?](http://www.coe.int/t/dghl/monitoring/greco/general/1.%20the%20fight%20against%20corruption%20-%20a%20priority%20for%20the%20coe_EN.asp?)

<sup>8</sup> [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4\(2015\)4\\_Romania\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2015)4_Romania_EN.pdf)

<sup>9</sup> <http://www.la-croix.com/Actualite/Europe/En-Roumanie-la-lutte-anti-corruption-fait-son-grand-menage-de-printemps-2015-03-18-1292339>

<sup>10</sup> <http://www.lefigaro.fr/international/2015/06/07/01003-20150607ARTFIG00047-la-roumanie-en-guerre-contre-la-corruption.php>

<sup>11</sup> <http://www.rfi.fr/europe/20150319-roumanie-lutte-anticorruption-atteint-sommets>

<sup>12</sup> [http://europa.eu/rapid/press-release\\_IP-16-152\\_en.htm](http://europa.eu/rapid/press-release_IP-16-152_en.htm)

is a very encouraging sign<sup>13</sup>.

The various measures have the support of Romanian citizens<sup>14</sup> and there has been a marked increase in awareness and a change in thinking<sup>15</sup>. According to a survey conducted in late October 2015 by Inscop Research, 90% of those questioned would not vote for a candidate who had been under investigation or convicted for corruption, and 88.4% think that individuals who have been sentenced for corruption should no longer be allowed to hold public office. The mass demonstrations in the wake of a disco fire in October 2015 that killed 63 people revealed a genuine desire to combat the fact that "corruption kills"<sup>16</sup>. Civil society also plays an important role in awareness-raising and preventative measures. For example, Transparency International Romania has set up a centre providing advice and legal assistance, and an online platform that offers legal help and provides a venue to issue alerts. Case of corruption can be reported.

The results of the anti-corruption policy are very promising. In the last three years, the DNA has questioned 3,000 ministers, deputies, senators, mayors and senior civil servants<sup>15</sup>. 2014 was a record-breaking year: the DNA processed 9,100 cases, and more than a thousand individuals were brought to justice (twice as many as in 2013)<sup>9</sup>. Over and beyond these figures, no one is above the law. In June 2015, Victor Ponta, who was prime minister at the time, was forced to resign after the DNA launched an investigation against him, four of his ministers, ten mayors of large cities, nine chairs of regional councils and fourteen MPs for money laundering, conflict of interest, tax evasion and forgery. In September 2015, the mayor of Bucharest, Sorin Oprescu, was accused by the DNA of having set up a system for bribes<sup>17</sup>.

It is interesting to note the role that women play in Romania's fight against corruption: the DNA, the Bucharest Court of Appeal, the Supreme Court and the Bucharest Tribunal are all presided over by women. In 2014, Laura Codruța Kövesi received an International Women of Courage award from the US State Department for her "critical role in reforming the judiciary".

A report issued on 27 January 2016 as part of the European Commission's Cooperation and Verification Mechanism (CVM) noted the many improvements that Romania has made over the past three years<sup>18</sup>. First Vice-President Frans Timmermans stated that he was "encouraged to see that Romania continues to make reforms and the positive trend continued in 2015. These efforts must be stepped up in 2016, in particular to prevent corruption and ensure that judges can continue to do their job properly."

### **A very positive situation that needs to be consolidated to ensure that the process is irrevocable<sup>19</sup>**

The Commission's 2016 report underscores the fact that efforts must still be made<sup>20</sup>: "2016 will be a test year in many respects."<sup>12</sup> Judicial independence and respect for court decisions continue to be challenged. The Criminal Codes reform is called into question in Parliament and decisions in Parliament on whether to allow the anti-corruption prosecution to treat parliamentarians like other citizens still lack objective criteria. Prison sentences are often handed down, but not orders to confiscate illegal assets: the tax authorities seize only 5%. Money must be confiscated, bank accounts frozen and goods seized. In 2014, progress was made: €310 million were confiscated, a threefold increase over the previous year.<sup>17</sup>

According to Laura Ștefan, an anti-corruption expert with Expert Forum, a think tank, efforts must now focus on prevention and on greater communication and education for both citizens<sup>21</sup> and civil servants (training programmes have already been planned by the DNA<sup>22</sup>), who appear to have little awareness of issues of ethics. The latest GRECO report also noted that Romania "now needs to develop a more robust and effective system of prevention".<sup>8</sup> Recent efforts by the Ministry of Justice and the DNA with respect to criminal actions by members of the judiciary show Romania's ability to gather and analyse data in order to carry out corruption-prevention policies. Existing instruments (such as the European Structural Funds) or new ones such as the Structural Reform Support Service (SRSS) can provide Romania with technical assistance in this.<sup>19</sup>

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<sup>13</sup> <http://www.ianes.com/article/56121/romania-s-new-government-likely-to-improve-business-environment-prioritising-anti-corruption-drive-privatisations-and-eu-funded-infrastructure-projects>

<sup>14</sup> <http://www.theguardian.com/world/2015/nov/04/woman-leading-war-on-corruption-romania>

<sup>15</sup> <http://www.altermondes.org/corruption-en-roumanie-le-grand-menage/>

<sup>16</sup> Slogan of the demonstrators.

<sup>17</sup> <http://www.altermondes.org/corruption-en-roumanie-le-grand-menage/>

<sup>18</sup> <http://www.agerpres.ro/english/2016/01/27/president-iohannis-cvm-report-confirms-romania-s-progress-for-three-years-in-a-row-14-28-53>

<sup>19</sup> [http://ec.europa.eu/cvm/docs/com\\_2016\\_41\\_en.pdf](http://ec.europa.eu/cvm/docs/com_2016_41_en.pdf)

<sup>20</sup> <http://www.romania-insider.com/romania-progress-in-fighting-corruption-acknowledged-by-the-european-commissions-new-cvm-report/163924/>

<sup>21</sup> <http://cosmopublic.eu/article/there-is-no-silver-bullet-in-fighting-corruption-in-romania/>

<sup>22</sup> <http://www.mai-dga.ro/index.php?i=1974&l=en&t=27>