

ROMANIA



MINISTRY OF JUSTICE

STABILITY PACT ANTI-CORRUPTION INITIATIVE

7th Steering Group Meeting

***PROGRESS REPORT
ON THE IMPLEMENTATION AT NATIONAL AND SECTOR
LEVEL OF THE ANTICORRUPTION MEASURES***

REPUBLIC OF MONTENEGRO, 5-6, MAY 2004

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ON THE IMPLEMENTATION AT NATIONAL AND SECTOR
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GENERAL OVERVIEW

2001 - Romanian Government Decision No. 1065 adopts the **National Program on the Corruption Prevention and the National Action Plan against Corruption.**

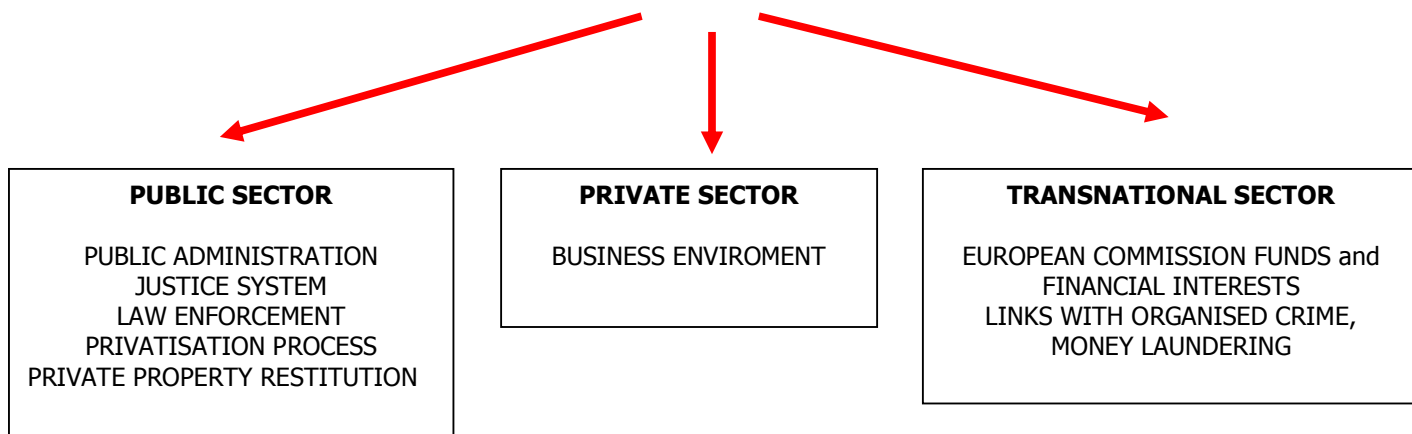
2002 - December, Romanian Government approves the **Measures to accelerate the implementation of the National Anticorruption Strategy**, which were designated to focus the anticorruption measures towards main vulnerable areas and to improve the public perception and the administration, police and justice integrity.

2003 - The Parliament adopts the Law No. 161/2003, a legislative package on **transparency** in performing public dignity, public office and in the **business environment, preventing and sanctioning corruption**; Government Decision No. 504 on the implementation of the anticorruption legislation.

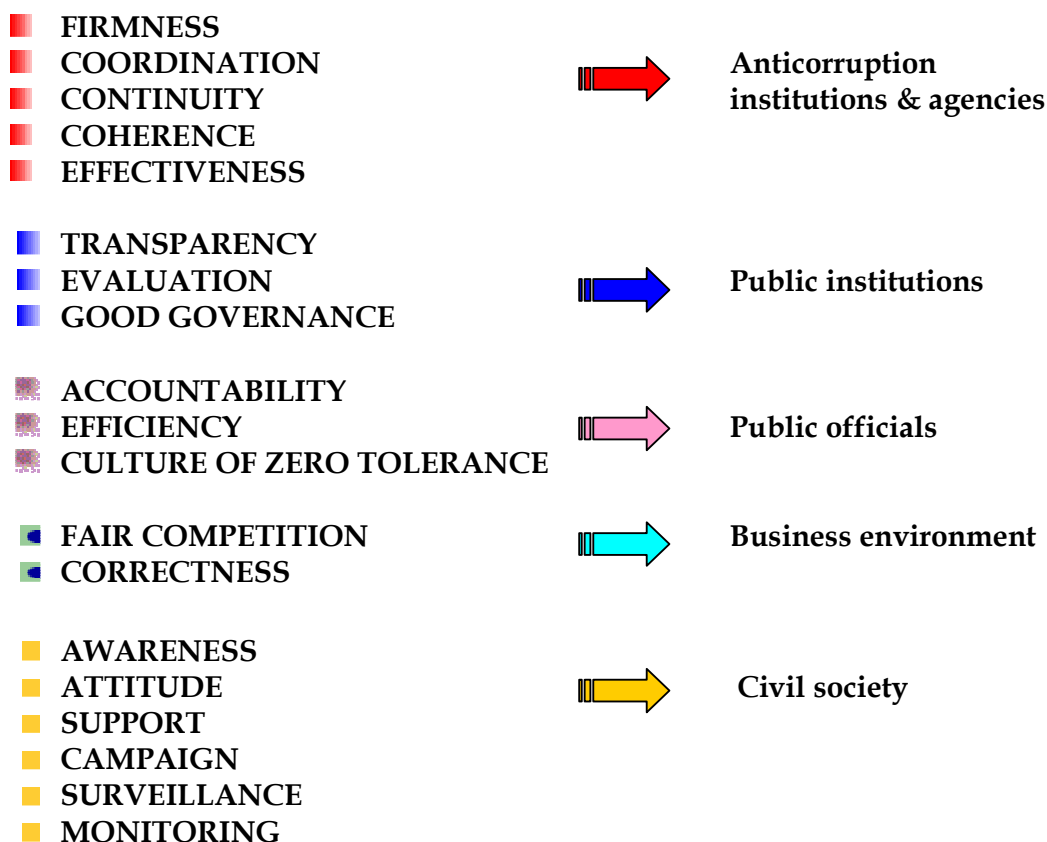
National Anticorruption Strategy

Enforcement - Prevention - Education

Anticorruption targets



ENVISAGED RESULTS OF THE ANTICORRUPTION MEASURES



1. HARMONIZING THE INTERNAL LEGISLATIVE FRAMEWORK with the acquis communautaire, with legal instruments and international standards, elaboration and national law unification process on the prevention and combating corruption, as well as the related offences, represents an important objective in the fight against corruption.

This objective has been achieved by **totally** assimilating the European Community norms, signing and ratifying **all** the European and international conventions in the field of corruption.

Thus, it must be underlined that Romania ratified the **Council of Europe Criminal Law Convention on corruption**, on the 30th of January 2002, 6 months before its entry into force, on 1st of July 2002. Until April 2004, 9 of the 15 EU member states had ratified this convention¹. On 9 October 2003, Romania signed the **Additional Protocol to the Criminal Law Convention on Corruption**.

In 2002, Romania ratified the **European Civil Law Convention on corruption**, treaty that only 2 EU member states had ratified until April 2004².

¹ With 14 ratifications completed, the Criminal Law Convention on Corruption of the Council of Europe entered into force on 1 July 2002. Still, only four EU Member States have ratified this Convention." Pag. 9 of the document „Brussels, 28.5.2003 COM(2003) 317 final COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE ON A COMPREHENSIVE EU POLICY AGAINST CORRUPTION" The Convention is not yet ratified by countries like Austria, France, Germany, Italy, Spain, Sweden, Switzerland.

² Only 2 EU Member States (Finland and Greece) have ratified the Civil Law Convention on Corruption of the Council of Europe so far. Idem

In 2002 it was also ratified the **European Convention on money laundering, the search, discovery and seizure of the products of the offences.**

The UN Conventions, underlining the connections between corruption, transnational organized crime, respectively **those on combating terrorism financing and transnational organized crime** together with **additional Protocols** were ratified in the year 2002, and the national Law no 39 on preventing and combating organized crime was adopted in January 2003, 8 months before the international treaty entered into force, on September 2003.

The harmonization of legislation being attained, Romania holds at the moment, **a modern legislative framework that is according to the international criteria.**

At the same time, Romania is one of the initiators of the **UN Convention against corruption**, recently signed in Merida, Mexico, having an active participation to the works of the Ad-Hoc Comity and promoting, since 2001, the necessity to adopt a frame-document which should approach at global level the issues of the fight against corruption.

2. INTEGRATION WITHIN THE INTERNATIONAL AND REGIONAL ORGANIZATIONS

Romania is an active actor within the international relations framework, as a founding member of **the Group of European States of Fight against Corruption, GRECO.**

Romania plays an important role within the **Stability Pact Anti-corruption Initiative** and initiated the **cooperation with OECD in the field of fighting against corruption** by signing in March 2003 the Memorandum of Understanding on a Pilot Project on corruption and the creation in Bucharest of an OECD Center of information and documentation.

Step by step, Romania won a major leading role within the regional cooperation, as in April 2004 took over the presidency of the **Cooperation Process of the South-East Europe.** In this quality, Romania intends to promote an agenda dedicated to the implementation of the regional strategies of preventing and fighting against corruption and organized crime.

3. NATIONAL LEGISLATION

In october 2003 were and adopted the Constitutional norms and the necessary laws to have the European and international anti-corruption instruments become effective and to be applied in the internal law.

In the criminal field, the most relevant legal provisions recently adopted refer to the definition of active, passive corruption, and related offences, investigation techniques, improving National Anticorruption Prosecutor's Office efficiency, sanctioning the corruption offences committed by the international officials, protecting the financial interests of the European Communities, sanctioning the offences provided in the OECD Convention, creating the specialized panels of anti-corruption judges and seizing the products of the offences.

The draft of the new Criminal Code, which is in parliamentary debate, it is introduced the institution of criminal responsibility of the legal person. The extradition institution and the judicial cooperation with the EU member states are facilitated through the new constitutional provisions.

Corruption prevention at the **political level found** its legal expression in regulating **conflict of interests** for the first time in Romania and the creation of new restrictions and **incompatibilities** in exercising the public offices and dignities, including that of MP. The **property and assets declarations**, their public character, extending the obligation over the family members as well as the control mechanism of the exact declarations, the **declaration of the gifts** contribute to reducing the occasions of committing corruption deeds.

The same objective was achieved also by **limiting the benefit of the parliamentary immunity** in expressing their political opinions and votes.

An important preventive instrument is represented by the **Law on parties financing and electoral campaigns adopted in 2003**.

4. ANTI-CORRUPTION INSTITUTIONS AND AGENCIES

The phase of adopting the anticorruption legislative framework was followed by **measures ensuring the implementation and enforcement of the law provisions by specialized institutions in combating corruption**.

4.1. Strategic, Preventive or Administrative institutions

Non - executive and non-jurisdictional coordinating bodies, whose functions are to coordinate and monitor the anti-corruption activities in various fields and structures of the public life

4.1.1. National Committee for the Crime Prevention (NCCP)

The National Committee for the Prevention of the Criminality was set up by **Government Decision No. 763 dated July 26, 2001** as an inter-ministerial organism comprising ministers and senior officials who head government departments and agencies under the authority of the Prime-Minister and the coordination of the Minister of Justice.

NCPC meets periodically and elaborates, integrates, correlates and monitors the Government policy for the prevention of the criminality at national level, as well as the implementation of the National Plan for the prevention of the corruption and of the National Action Plan against corruption.

4.1.2. Superior Council of Magistracy

The Superior Council of Magistracy is responsible for safeguarding the independence of the judiciary, for disciplinary accountability of judges and prosecutors, as well as judges and prosecutor's professional carriers and promotions. A draft law transferring powers from the Minister of Justice to the SCM is envisaged.

4.1.3. Ministry of Justice's anti-corruption activity is oriented mainly towards:

- drafting of legislative measures on fight and prevention of corruption
- corruption prevention and control at national and sectoral level,
- the identification of the vulnerable sectors to corruption,
- the monitoring of the anticorruption measures implementation,
- the adjustment with the standards imposed by the accession to NATO and to the European integration,
- the prevention and combat of the organized criminality, of the traffic and consumption of drugs, prevention and combat of the traffic in human beings,

- enhancement of the efficiency, quality and effectiveness of the criminal investigation and prosecution.

4.1.4. National Institute for Criminology

With the view to place on a scientific determination of the criminality control and prevention through the Government Decision No. 772/2002 was founded the National Institute for Criminology, as specialized body having as purpose the scientific research, diagnosis and evolution of the criminality phenomenon.

4.2. Specialized anti - corruption criminal law enforcement agencies

4.2.1. The National Anticorruption Prosecutor's Office (NAPO)

NAPO had results from the first months of functioning even though it did not dispose of sufficient staff and endowment. The structure became functional by covering with 90% of staff, endowment with technical equipment of investigation and creating operative teams formed of prosecutors, police officers and experts.

From its coming into function on September 2002 to March 2004, the **National Anticorruption Prosecutor's Office** has solved **1363 (37%)** corruption cases, from **3648** registered files, out of which **208** cases have been send to trial, disposing the indictment for **674** offenders.

159 defendants were convicted by the first instance courts and **28 were** sentenced with a final court decision. A total amount over 20 thousands billion lei has been identified by NAPO in the field of fraudulent privatization, illegal credits granting, money laundering deeds related to corruption.

Should be mentioned that during 2000-2002, among the final convicted persons for corruption offences, there are mainly persons with guarding and surveillance competences and only several persons with leading offices of some public institutions or companies, doctors, inspectors or other public servants.

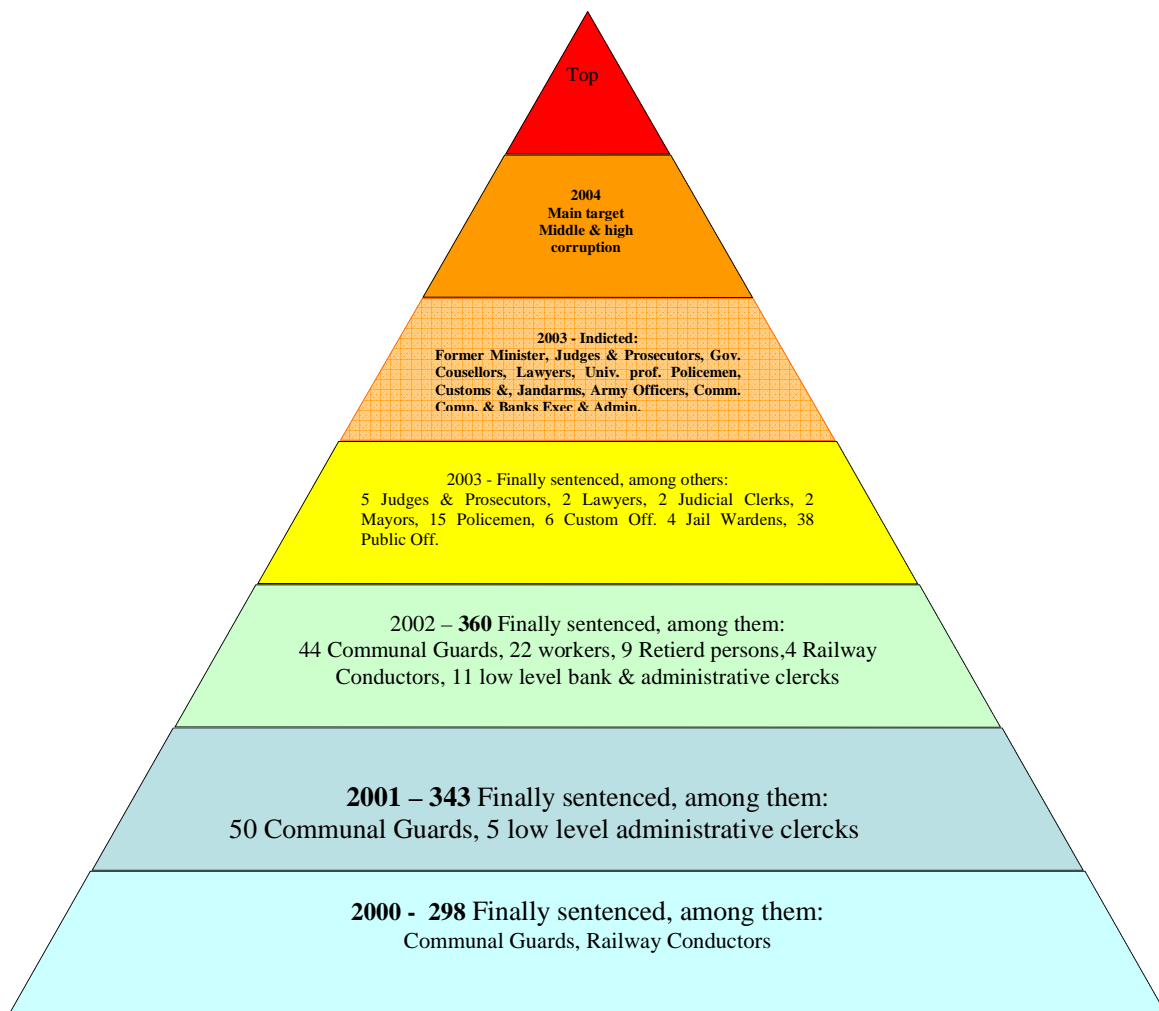
The final court decisions pronounced in corruption cases, between 2001 and 2002, are referring mainly to offences discovered and investigated in the years 1998, 1999 and 2000; also 80% of the final convictions on 2002 regard the deeds committed in 2000.

The judicial statistics, lead clearly to the conclusion that during 1998 - 2000 the activity of combating corruption was directed, towards quantum indicators, focusing on small deeds, committed by persons who, did not present a high-risk degree.

In 2003, **corruption picture was modified**. Out of the 758 persons indicted, 352 had leading, control positions, or other important offices. From the small corruption when authors are the guards, the train conductors, the workers, the pensioners, etc it was passed during 2002-2003 to investigating and convicting magistrates, police officers, militaries, mayors, high officials, directors, customs officials, etc, being achieved the approach of the medium and high corruption.

These data confirm the efficiency of the legislative measures adopted after 2002 through which a specialized prosecutor’s office was created to make the criminal investigation only in the cases with high corruption. Thus, it was permitted the focalization of the efforts to the identification and investigation of some persons with important public offices.

The pyramid of corruption



Within the magistracy, there were convicted judges and prosecutors for deeds that were committed in 2000. In order to ensure the functioning of a correct, upright, impartial and efficient judiciary system, between 2001 and 2003 the Minister of Justice authorized:

- **criminal investigation of 93 public notaries, 69 judges, 20 prosecutors, 52 bailiffs.**
- **indictment of: 27 public notaries, 15 judges, 9 prosecutors, 6 bailiffs.**

Through GEO 24/ 2004 there were adopted legislative measures to strengthen the independence and the efficiency of the **National Anticorruption Prosecutor's Office** consisting in the unification of the national and local levels of jurisdiction, increasing of prosecutors number and amount of founds.

4.2.2. The Prosecutor's Office attached to the High Court of Cassation and Justice

Fall with the competence of the Prosecutor's Office attached to the Supreme Court of Justice, according to the matter and to the quality of the person, the offences of corruption mentioned in the Criminal Procedure Code under "Title II", **other than those assigned by law with the competence of the National Anticorruption Prosecutor's Office.**

In 2003, the **Prosecutor's Offices** (excepting NAPO) solved **3093** petty corruption cases, sending to courts 299 files, disposing the indictment of **745** offenders, **217** of them being arrested.

In 2003, **213 persons were convicted with a final court decision** for petty corruption offences

4.2.3. The Police

In accordance with the provisions of art. 26 paragraph 1, item 7 in the Law No. 218 /2002, on the Romanian Police, this institution carries out activities in the field of the prevention and combat of the corruption, economic-financial criminality, trans-border criminality, in the computer-related offences and organized crime.

4.2.4. The National Office for the Witness Protection

The Law No. 682 of September 19, 2002 regulates the **protection** and assistance of **witnesses** whose life, body integrity or freedom is jeopardized because they have certain information or data with reference to the perpetration or certain serious offences, which they had testified or agreed to testify to the judicial authorities and which have a leading role in the discovery of the offenders and in the solving of certain cases.

4.3. Anti - corruption agencies specialized on administrative control

4.3.1. National Control Authority

In accordance with the Decree No. 745 on July 3, 2003 modified through EGO 11 on 23 March 1994 the National Control Authority main duties are: to coordonate the activity of all control bodies inside ministries and central public authorities, to exercise internal administrative control within ministries, central and local public institutions and other specialized administrative bodies, to stimulate, promote and monitor the establishment of a correct and moral conduct of the personnel with duties of control

The National Control Authority has under its direct coordination:

- a. The **Environment National Control Office;**
- b. The **State Inspectorate in Constructions;**

- c. The **Financial Control Guard** and the structures within the **Customs National Authority**, carrying out the activity of customs inspection and subsequent customs control activity, exclusively the establishment and the collection of the import rights, after the coming into effect of the normative deeds for the reorganizing thereof.

4.3.2. Government's Control Department duties and competencies been taken by **The Prime Minister Chancellery**

The Government's Control Department two main duties and competencies were:

- Verify the **claims with reference to the conflict of interests**³;
- Provide **the coordination of the fight against fraud and of the actual and equivalent protection of the financial interests of the European Union in Romania, as sole contact point with the European Office for Antifraud Fight (OLAF)**⁴;

Since the 25th of March 2004, according to the **GEO no 11** regarding the establishing of reorganization measures within the central public administration, the above mentioned competencies of the Government Control Body (GCB) regarding the coordination of the antifraud fight, effective and equivalent protection of the financial interests of the European Communities in Romania, as the unique contact point with OLAF, were taken over by the **Minister Delegated** for the control of the application of internationally financed programs and for the monitoring of the *acquis communautaire* implementation.

Through the Prime Minister Decision no. 43/4/26.03.2004, within the Prime Minister Chancellery, it was established the **Prime Minister Department of Inspection and Investigation of the Transparent Use of the Communities Funds**, as unique contact point with OLAF and having the following competences in this matter:

- verifying the notifications regarding the conflicts of interest according to law no. 116/2003;
- ensuring the coordination of the antifraud fight and to effectively protect the financial interest of the EU in Romania.

4.3.3. **The National Office on the Prevention and Fight Money Laundering**

The NOPFML task is to **prevent and combat money laundering**⁵, purpose wherefore receives, analyses, processes information and lodges claims, under the conditions of the Law No. 656/2002, to the Prosecutor's Office attached to the High Court of Cassation and Justice.

³ The **verification of the claims with reference to the conflict of interests** is made as follows :

The Prime-minister can be approached by any person, or can claim ex officio with reference to the cases of breach of the obligations provided for under art. 72 paragraph 1 in the Law No. 161/2003. The verification of these claims is made by the Government's Control Body. The result of the verifications with reference to the conflict of interests in the performance of the position of Government member, Secretary of State, Sub-secretary of state or offices assimilated thereto, Prefect or Sub-prefect is presented to the Prime-minister who shall make a decision on the measures that are requisite. The person who claims the conflict of interests will be notified, in writing, of the manner of the settlement of the claim, within the deadline of 30 days ever since the settlement date. The result of the verification can be contested in accordance with the legal provisions.

⁴ If GCB finds elements of criminal nature in the cases in which it was obtained or used community funds, the note of control is also submitted to the competent criminal prosecution organism, in order to take immediate legal action for rendering such funds unavailable, the recovery of the prejudice and the restitution thereof, as well as the drawing of the criminal liability of those who are found guilty

⁵ In the meaning of the Law No. 656 of December 7, 2002, by money laundering it is understood the offence provided for under art. 23, to wit: a) the change or the transfer of assets, being aware of the fact that they are

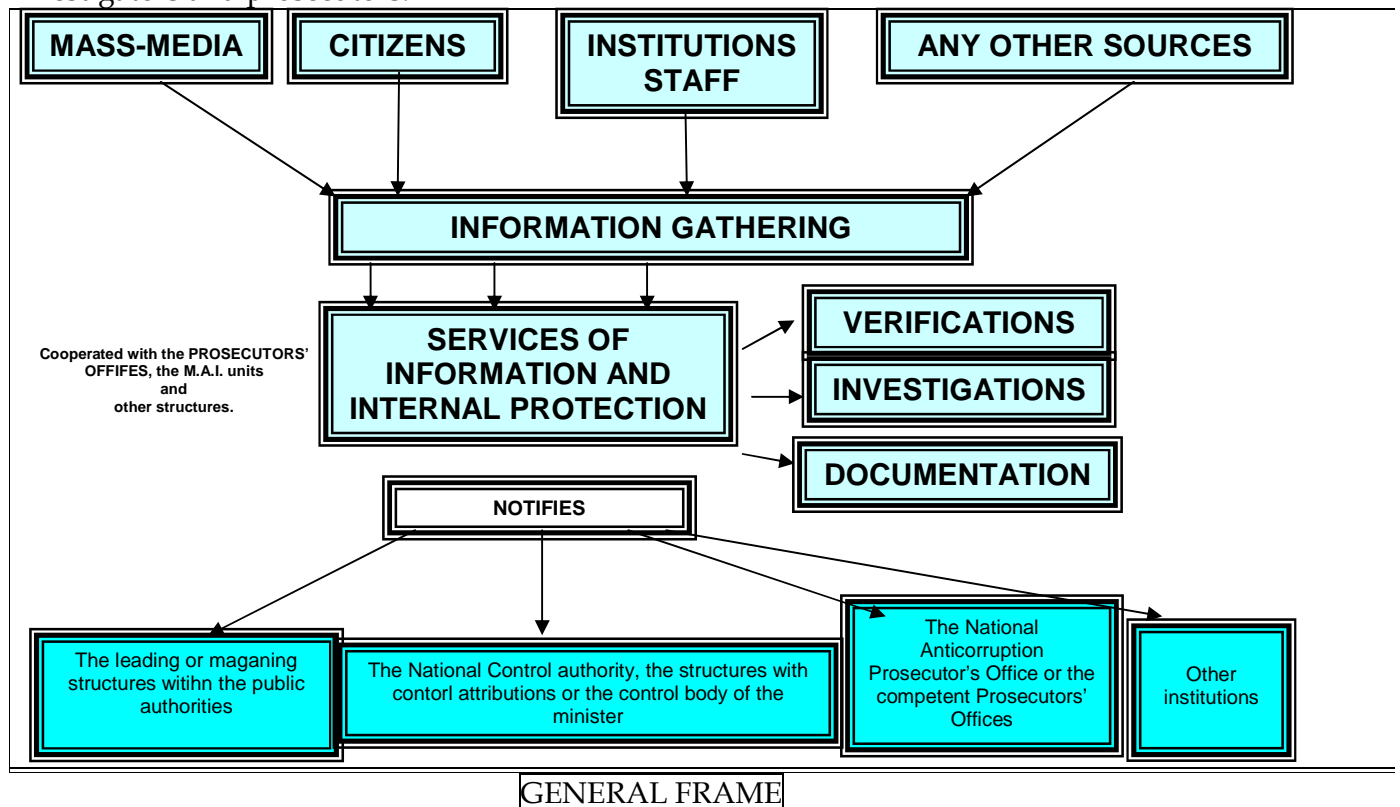
4.4. Specialised anti - corruption intelligence agencies

4.4.1. Romanian Intelligence Service (SRI), External Information Service (SIE), Internal Service for Anti-corruption Protection (SIPA)

- Analyse and use of information, criminal intelligence and data provided by specialize bodies such as Romanian Intelligence Service, External Information Service, Army Intelligence Service, or **internal affaires units**, as well as the information coming trough open channels like mass media, NGO-s, trade unions etc.
- In the penitentiary system, intelligence collecting and analyzing is directed by SIPA.
- The **exploitation of the corruption related intelligence** by reporting a number of **35 cases** to the National Anticorruption Prosecutor’s Office and other competent bodies, for them to start and complete the investigations.
- The acceleration of the reform process trough decentralization (the setting up of some anticorruption and classified information specialized bodies).

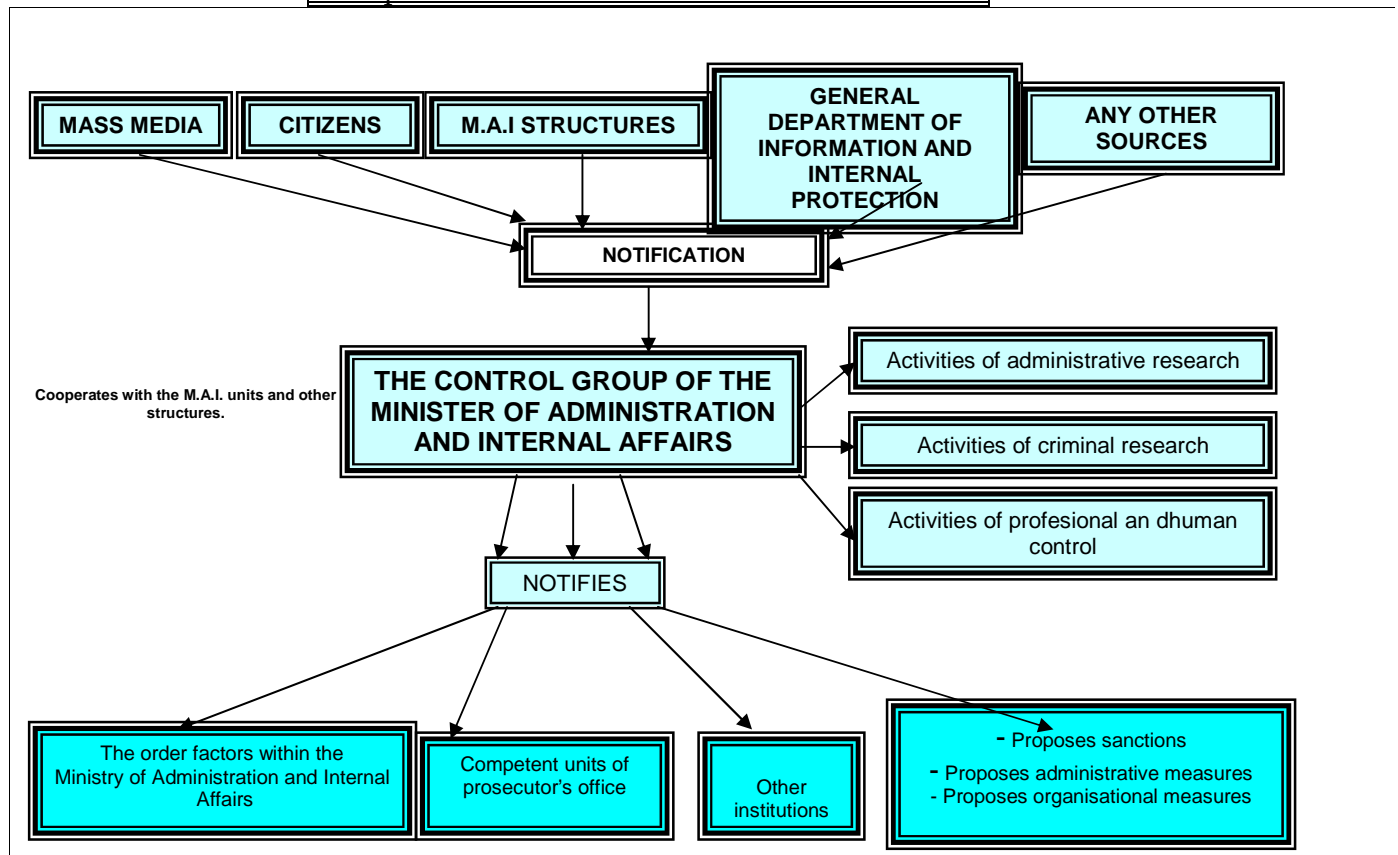
4.5. Specialized anti-corruption internal affaires units

Inside the services or institutions usually responsible for investigating or prosecuting criminality, including acts of corruption, function specialized internal structures - internal affaires or protection units, verifying all the allegations and complains directed against, investigators and prosecutors.



derived from the perpetration of offences, in order to conceal or to dissimulate the unlawful origin of these assets or in order to help another person who had perpetrated the offence (the offence of corruption included) wherefrom the assets are derived, in order to avoid the prosecution, the trial or the serving of the judgement; b) the concealing or the dissimulation of the real nature of the origin, of the location, disposal, circulation or property of the goods or of the rights thereon, being aware of the fact that such goods are derived from the perpetration of offences; c) the acquiring holding or use of assets, being aware that they are derived from the perpetration of offences.

Example - the functions of the internal unit of MAI



5. THE ASSESSMENT OF THE INTEGRITY AND CORRUPTION RESISTANCE OF THE JUDICIARY SYSTEM

The Ministry of Justice, upon observations and proposals from the Courts of Appeal, the Superior Council of Magistracy, the National Criminology Institute and NGOs **finalized the preliminary assessment regarding the court system's integrity and resistance to corruption.** The assessment consists in judges filing in a **questionnaire**, with respect of confidentiality, structured in four main components: quality of the act of justice; courts' management; judges' statute; relations with the state institutions.

The questionnaires were filled by 3446 judges and on 20 April 2004 the preliminary evaluation report drafted by the Ministry of Justice, National Institute of Criminology, Pro-Democratia Association has been released on 28 April 2004.

The test interpretation aims to **asses** integrity, correctness and resistance to corruption of the judicial system, to **identify** solutions, resources and concrete measures to prevent corruption, as well as to **shape an inside objective image.** These results will be used for the elaboration of National Anticorruption Strategy for 2005 - 2007 (NSA II), will be transmitted to the European Commission and included in the public awareness campaign.

The assessment of the integrity and corruption resistance of the prosecution system

Currently, the process of collecting the answers on integrity questionnaires from **prosecutors** is in progress. There are around 2400 such answers.

6. NATIONAL ANTICORRUPTION STRATEGY - NAS

The National Anti-Corruption Strategy I, 2001 - 2004, contains:

1. The National Programme to Prevent Corruption and the National Plan of Action against Corruption for 2001 - 2004, adopted through the GD 1065/2001
2. Measures to speed up the application of the National Anti-Corruption Strategy - priorities - Justice, Public Administration, Business Environment and Transparency- adopted in the Government Session of 12 December 2002;
3. The Programme for applying Law No. 161/2003 on certain measures to ensure transparency in the exercise of public dignity, of public service and in the business environment, to prevent and sanction corruption, adopted through the GD 504/2003

An **inventory** of all the measures and the results of the **NAS I, 2001 - 2004** has been drafted in a Structured Report attached to the EU Common Position for 2004.

The **evaluation NAS I, 2001 - 2004** implementation will be finalized with the support of NGO-s and international organization such as OECD and World Bank until the mid of May 2004.

Evaluation actual status:

- has been realized an evaluation of the NAS I implementation status
- this evaluation will be reviewed together with civil society, NGO-s, international organizations during workshops and round tables
- the feasibility study on the legislative framework created through NAS I will be drawn up
- a study of the impact produced by the Anticorruption legislative framework

NAS II, 2005 - 2007

Based on NAS I evaluation's results until August 2004, with the support and consultation of civil society, NGO-s, international organizations, it will be drawn up the **NAS II, 2005-2007**.

- the elaboration of a monitoring assessment and updating mechanism
- developing clear quantitative and qualitative indicators for to measure the efficiency of the provided anticorruption measures (undergoing)
- the elaboration of strategic objectives 2005 - 2007 (this activity was finalized)
- the reassessment of the drafted strategy for 2005 - 2007
- finalizing NAS II, its rules and mechanisms for monitoring, implementation and updating.

7. THE PARTNERSHIP WITH THE CIVIL SOCIETY

Within the programme developed by the **Stability Pact Anticorruption Initiative (SPAI)** coordinated with the general secretary of the Transparency International and the financial support of the Federal Ministry of Foreign Affairs of Germany (Auswärtiges Amt) starting with the first of February 2004, in Bucharest functions the **Center of Anticorruption Assistance** providing free legal assistance for the citizens who meet corruption and put at their disposal, for consultation, useful publications for their demarches and anticorruption notifications.

The Ministry of Justice in partnership with the **League for Human Rights Defense**, develops, at the national level, a Programme involving of the civil society together with public authorities in the fight against corruption. Since January 2004, there were developed such Programmes in six pilot centers and is going to extend to other six cities. Representatives of local public authorities, prosecutor's offices, justice, police, customs participate to this Programme.

A national anticorruption program for public information and awareness raising will be developed together with OECD. The main objectives, which should be drafted till 1st of May 2004, consist in **enhancing the cooperation and establishing a partnership with civil society**, launching of publicity companies regarding the awareness of the citizens on the corruption phenomenon.

8. THE PARTNERSHIP WITH THE BUSSINESS ENVIRONMENT

Also, the role of the **private sector** in fighting corruption and the interaction between the public and private sector, have been identified by OECD as an important area in which can be add value and avenues for co-operation on anti-corruption.

In this respect, **between 19 and 22 April 2004, an OECD mission** was currently in Bucharest and draw up the Draft of the Pilot Programme and Action plan together with Ministry of Justice Ministry of Foreign Affaires, and the Initiative for a Coalition on fight against Corruption and Development of Ethical Practices composed of more than 180 business associations.

9. PRACTICAL RESULTS IN THE FIGHT AGAINST CORRUPTION IN THE PUBLIC ADMINISTRATION

The generalization of the integrity tests in the public administration system

Most of the **integrity tests** made by the **Police General Department of Information and Internal Protection**, in the main structures of the Ministry of Administration and Interior, especial for the traffic policemen, fighting organized crime and fraud investigating police, but also those within the Border Police underlined an appropriate level of professional integrity and civic spirit.

During 2003, MAI' specialized internal protection units made 174 integrity tests in 30% of the them (52) being observed that the tested subjects are vulnerable to corruption acts. Following the mentioned testing, and also gathering data and information regarding corruption acts, involving the Ministry of Administration and Interior, during 2003 were registered the following results:

- 2147 information obtained;
- 570 notifications, out of which 532 to commanders and unit chiefs, as well as control and guiding services;
- 45 criminal files with 101 accused / offenders;
- 38 notifications to the National Anticorruption Prosecutor's Office;
- 18 acts of flagrant together with the National Anticorruption Prosecutor's Office.

10. THE EFFICIENT COOPERATION BETWEEN THE INSTITUTIONS COMPETENT IN THE FIGHT AGAINST CORRUPTION

To approach the prevention and the fight against the corruption in a unitary, coordinated, structured at national and territorial level, and the periodical and rigorous elaboration of monitoring reports and their implementation, it was constituted an **inter-ministry body coordinated by the Ministry of Justice**, which, periodically ananlises and drafts reports containing the activities achieved in each sector, also identifying the eventual other risk factors. At present, these reports are centralized every week by the Ministry of Justice.

10.1. The institutional check and balance

Within the activity of preventing and fighting against corruption, the public authorities and public services **are not able to function totally isolated** and if they do, they shall fail.

Corruption **does not hit the system or the public institution without warning**; the corruption is generated by situations existing within the system or institution, mainly by:

- the lack of firmness in what concerns the leading and management,
- the low level of exigency regarding the recruiting and selection of the personnel with leading position,
- ignoring of the institution's goals in the alien goals' favour.

For many times, in spite of the upright character, competence and political wish of the leaders, the unofficial Mafia type organizations, deeply rooted in the public institutions' structures, obstruct the reforms.

A transparent and integrated system of inter-institutional checks and balance aiming the establishing of certain clear responsibilities between different governmental branches and agencies spreads the power and restricts the possibility of conflicts of interest and abuses of power in order to obtain personal benefits.

The institutional development does not have to be focalized exclusively on the establishing of the infrastructures and the achieving of the professional skills, necessary for using the modern technology, because, in many cases, due to **the sub-cultural or conventional attitudes and behaviours, the results were delayed. The reforms must cure not only the institutions, also their personnel.**

Only **an active and trained civil** society can prove the capacity of monitoring and deterring of the corrupt practices within the public sector; the real judge of the public institutions' integrity and credibility are not the international agencies, but the people of the respective country.

It is important that, within the anti-corruption programmes, the victims of corruption to be also involved.

The involvement of the cooperation with the financial-banking sector' s leaders, who are responsible by the enforcement of the internal rules on the banking operations' development, it is essential, because the identification and covering of the resulted prejudices are not enough.⁶ The specialization and implementation of the law on money laundering decreases the possibility of corruption.

At the session of the 10th February 2004, at the level of the National Committee for Crime Prevention (inter-ministerial committee under the authority of the prime-minister and coordinated by the minister of justice), it was analyzed the stage in which the national strategies on crime prevention is accomplished, that emphasizes that the year 2004, the last year of implementation of the National Programme of preventing corruption, adopted in 2001 by Government Decision, is the **final stage of application of the entire institutional and**

⁶ Over a trillion of US dollars from criminal activities are laundered, every year, by international banks, out of which a half are laundered by American banks. New York Times, February 7, 2001.

legislative framework anti-corruption planned in 2001, as well as the **year** of the concrete results' appearance.

This involves the elaborating and achieving the form of a **new multi-annual National Anti-Corruption Strategy using the lessons learnt, until the end of 2004**.

The actions planned for short time (6 months) aim to the clarifying the anti-corruption institutional system of bureaucracy, parallelisms, formalisms and inertia. The coherence, continuity, cooperation and responsibility must characterize the activity of preventing and fight against corruption, also the development of a anti-corruption mentality.

11. CONCLUSIONS

- I. **The fight against corruption is not an objective in itself**, does not represent a blind crusade for straightening the evils of Romanian society. The effort of preventing the abuse of power is a part of a larger goal- a functional rule of law and a just and efficient governing system. It must be considered not only the fight against corruption, but also the inversion of its negative impact over the society dynamics, as a whole.
- II. **The corruption phenomena can never be eliminated**: the powerful, solid, aggressive actions of deterrence are very expensive and the obsessive effort can have negative results in the field of respecting basic rights and human freedoms. **The diminish of the corruption** involves political wish, institutional ability, credibility, responsibility, independence of justice, public trust, time, resources, professionalism, education, transparency and, specially, integrity. More over, **the efforts do not have to be diminished** once the corruption was identified and controlled - the fight against corruption is a permanent subject, a never-ending story.
- III. **Paradoxically**, while the national strategy goals were accomplished, it occurred also a dramatically increase of the efforts for outdo the inertia, wariness, even opposition to the adopted measures, a major increase of the necessary material, financial and human resources, that must be allotted to continuity of the preventing and combating corruption' s process.
- IV. In the fight against corruption, **the judicial system** plays a crucial role: on one part, the justice constitutes **an instrument** of combating corruption and on another part the justice must represent **an example of integrity** which should be followed by all the other state institutions and the civil society. A fair, efficient and responsible justice represents **the key of any anti-corruption plan and policy**, the central element of the state re-activation process; the failure in this confrontation blocks the reform initiatives and increases the social and economical costs. Thus, the corruption in the justice system must be immediately eradicated and eliminated. The Superior Council of Magistracy has the important role to safeguard the independence of the judicial power, to ensure the integrity of the justice system, the respect of the deontology of the magistrates, the reconstruction of the image and regaining the confidence of the citizen in the justice act.
- V. An important step for preventing corruption consists in extending the experience of the Ministry of Justice and of the Minister of the Administration and Internal Affairs in the field of assessing and testing the integrity and the resistance to corruption of the judicial and internal affairs system.

VI. The establishment and functioning of the NAPO as a structure specialized on the fight against high and medium corruption determined some reactions of rejection. Having prosecutors and experts with a solid criminal law background, economical, commercial and financial culture, able to surprise the corruption mechanisms, who acquired reflexes for discovering and identifying the pursuit leads mandatory to discover the evidence of the crime, the **NAPO acquired the experience and the professional knowledge of the specialization**, which will lead to attacking the high and medium corruption.

Bucharest 28 April 2004

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