

Romania

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Capital: Bucharest
Population: 19.9 million
GNI/capita, PPP: US\$19,950

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores										
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
National Democratic Governance	3.50	3.75	3.75	4.00	3.75	3.75	4.00	3.75	3.75	3.75
Electoral Process	2.75	2.75	2.50	2.75	2.75	3.00	3.00	3.00	3.25	3.25
Civil Society	2.25	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.25
Independent Media	3.75	3.75	3.75	4.00	4.00	4.00	4.25	4.25	4.25	4.25
Local Democratic Governance	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.25
Judicial Framework and Independence	3.75	4.00	4.00	4.00	4.00	3.75	3.75	3.75	3.75	3.75
Corruption	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.75	3.75
Democracy Score	3.29	3.36	3.36	3.46	3.43	3.43	3.50	3.46	3.46	3.46

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

EXECUTIVE SUMMARY

Since Romania joined the European Union (EU) in 2007, institutional conflicts, political tugs-of-war, and corruption scandals have marred the country's progress toward full democratization. State officials, especially at the national level, have been more concerned with negotiating the rules than with respecting them, and in certain cases they have been more occupied with putting on a convincing show than enacting truly meaningful changes. Although 2015 was no different in this respect, the year featured the dramatic resignation of Prime Minister Victor Ponta as a result of large-scale street protests.

Ponta was indicted on various charges by the National Anticorruption Directorate (DNA), though he was far from being the only high-ranking official under investigation. The ongoing crackdown on corruption triggered attempts by lawmakers to decriminalize certain acts. It also created power vacuums at the local level, which the government was obliged by law and by the courts to fill through partial elections. Instead of complying, the government tasked prefects with appointing temporary placeholders. The law on local public administration was then quickly changed via emergency ordinance to legitimize the government's actions.

Separately, the Romanian Constitutional Court (CCR) struck down a series of laws on internet security and user data—known to critics as the “Big Brother laws”—that infringed on individual rights and freedoms. Other controversial legislative proposals, such as Social Democratic Party (PSD) leader Liviu Dragnea's attempt to outlaw criticism directed toward someone's political affiliation, were dropped due to opposition from civil society.

In terms of policy, there were both positive and negative developments. While some measures were greeted with enthusiasm, such as changes that allowed parties to be founded by as few as three members, other measures, such as a set of unpopular electoral laws, largely negated their benefits. The retention of the first-past-the-post rule for the election of mayors is a prime example of the latter, as it is believed to favor entrenched incumbents.

Wary of agreements with the EU that entail budget cuts in the event of unsatisfactory reforms, the government accelerated implementation of the Strategy for Consolidating Public Administration (SCAP), setting up working groups and urging ministries to carry out the recommended changes. However, the Ponta government was accused of being interested only in ticking the boxes required by the European Commission without enacting any genuine reform. The new, technocratic government that was appointed after Ponta's resignation included administrative reform among its top priorities.

A scandal triggered by flawed balloting for Romanians living abroad during the 2014 presidential election led to talks about long-distance voting mechanisms, such as electronic and correspondence voting. The parliamentary parties agreed that correspondence voting was necessary, and adopted a law in November introducing the mechanism in time for the 2016 parliamentary elections. The initiative was largely welcomed, but complaints did arise over the fact that the bill was drafted and quickly passed into law with minimal public consultation; critics raised several other concerns, such as the lack of provisions for tracing mailed ballots and uncertainty that the postal services could deliver every ballot on time.

The government was reluctant to accept large numbers of refugees under the EU's reallocation plan, reflecting societal divisions on the issue. The country ultimately agreed to receive the newcomers, but few actually arrived, partly because of the limited funding the government made available to support them. Romania also committed to closer cooperation with the North Atlantic Treaty Organization (NATO) by lifting a cap on the number of U.S. troops allowed to be present in the country.

Society came together late in the year to pay respects to victims caught in a nightclub fire that was linked to inadequate enforcement of safety regulations. Combined with the accidental death of a police officer in what was allegedly an illegal motorcade for a high-ranking official, the disaster led to widespread anger and street protests over the authorities' apparent indifference toward the lives of ordinary citizens. The demonstrations, which targeted the entire political class with the slogan “Corruption Kills,” were the largest in Romania since 1990. They prompted the resignation of Ponta and

his cabinet in November and the appointment of a new government of politically unaffiliated ministers led by Dacian Cioloș.

Score Changes:

- **Civil Society rating improved from 2.50 to 2.25** due to increased involvement and participation by both institutionalized and noninstitutionalized elements of civil society, as well as the new government's declared intention to improve transparency and citizens' involvement in decision making.
- **Local Democratic Governance rating declined from 3.00 to 3.25** due to the central government's disregard for the law and a court order calling for early elections to fill vacancies at the local government level.

As a result, Romania's Democracy Score remained unchanged at 3.46.

Outlook for 2016: Local and general elections will take place as both of the country's main political parties face numerous allegations of corruption amid growing public dissatisfaction with their performance. This is a golden opportunity for new political parties and leaders to make an impact. The most pertinent issues for the year will include the process of administrative reform, the appointment of important officials in the prosecutorial system and high courts, and the effects that electoral reforms may have on civic engagement. The biggest question, however, will be whether the new technocratic government can muster the necessary parliamentary majority and bureaucratic backing to achieve the ambitious goals set out in its governing program, including regulatory overhauls, improvement of major infrastructure projects, and the successful organization and management of the elections.

MAIN REPORT

National Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.50	3.75	3.75	4.00	3.75	3.75	4.00	3.75	3.75	3.75

- Following his election in November 2014, President Klaus Iohannis faced a trial on charges of conflict of interest. By law, it is forbidden for a mayor to be a stakeholder in companies that operate in the same locality, and Iohannis had been concurrently mayor of Sibiu and board member of two companies. However, a mayor is allowed to be a board member of companies that function in other administrative units. On January 21, 2015, the High Court of Cassation and Justice (ICCJ) ruled that Iohannis did not have a conflict of interest because the companies in question operated at the regional level, not just in the city of Sibiu.¹
- The government continued to use emergency ordinances excessively, issuing 55 in 2015.² Still, this is less than half of the number passed in previous years: 95 emergency ordinances were issued in 2014, and 117 in 2013.³
- In March, the Senate voted to allow Darius Vâlcoș—the finance minister and a member of the ruling Social Democratic Party (PSD)—to be held in detention pending his trial, but rejected a similar request in the case of senior PSD figure and former minister of transportation Dan Șova, prompting a public outcry. Article 72(2) of the constitution states that members of Parliament can only be arrested with approval from the chamber to which they belong. Moreover, suspects can legally be held in pretrial detention if they are a threat to public safety, which was debatable in both cases, although the prosecutors said there was a risk that the men could influence witnesses.⁴ Another request to detain Șova was rejected in June.⁵ Both he and then Prime Minister Victor Ponta were eventually indicted and prepared for trial without being detained.⁶ Following Ponta’s indictment on charges of forgery, money laundering, and tax evasion, the opposition National Liberal Party (PNL) attempted to oust him via a no-confidence vote on September 29, but the initiative failed to garner sufficient support.⁷
- In November, Ponta resigned following the largest street protests since 1990. The demonstrations were triggered by a deadly nightclub fire that was blamed on lax enforcement of safety regulations and stoked public frustration with the entire political class (see Civil Society). A new cabinet was appointed, with former European Union (EU) agriculture commissioner and political independent Dacian Cioloș as prime minister.⁸ The new government faced initial criticism for its choice of cabinet members, some of whom performed poorly in hearings by Parliament’s assessment committees. The fact that the committees nevertheless approved every appointment prompted suspicions that the voting was politically motivated,⁹ and that the parliamentary parties intended to undermine the new government. These claims were reinforced by the fact that PSD leader Liviu Dragnea conditioned his party’s support on the implementation of laws adopted after Ponta’s resignation but before the new cabinet was sworn in, such as a 10 percent wage increase for all state workers,¹⁰ as well as on the adoption of the state budget by year’s end and an increase in the minimum wage.¹¹
- Vasile Dîncu, the deputy prime minister in the new government, argued that Romania’s Strategy for the Consolidation of Public Administration (SCAP) needed some essential revisions, including greater provisions for transparency and for the autonomy of local governments.¹² The PSD government had published the SCAP in the official gazette in November 2014 as part of its efforts to meet the conditions for continued EU funding through several operational programs.¹³ Under the strategy, a wide range of institutions, authorities, and civil society organizations would work together to digitize public services; correct overlapping, vague, or contradictory legislation; and improve the quality of public services overall. Romania ranks as the poorest performer in the EU in terms of e-

government measures, and it still relies largely on a bloated bureaucracy and administrative mechanisms that have changed little since the communist era.¹⁴ In spite of the commitment to reform represented by the SCAP, the Ponta government was accused of being superficial in its approach and not truly devoted to change.¹⁵

- Elsewhere on the political stage, the National Union for the Progress of Romania (UNPR) rose to prominence by absorbing parties and party switchers from all sides.¹⁶ Having won just 10 seats in the Chamber of Deputies and 5 seats in the Senate in the 2012 elections, the party grew to 40 deputies and 15 senators by August 2015. It also secured the portfolio of minister of internal affairs for its president, Gabriel Oprea, in 2014; Oprea later acted as prime minister twice in Ponta’s absence. Questions as to how such a small party could play such an important role gave rise to the popular rumor that Oprea had promised various officials protection from the law.¹⁷
- By far the greatest foreign policy issue of 2015 was the refugee crisis. On September 7, President Iohannis declared that Romania would receive no more than 1,700 refugees.¹⁸ The EU Council’s announcement that a total of 4,837 refugees would be allocated stirred a wave of resentment, but preparations were nevertheless made to accommodate them in tents in the west of the country.¹⁹ The first refugees arrived on September 15, but their numbers remained low,²⁰ partly because a 2006 law authorized less than 6 lei (\$1.50) per day to cover each asylum seeker’s expenses.²¹
- On April 1, in the context of increased North Atlantic Treaty Organization (NATO) activity in the region following Russian aggression in Ukraine, Parliament repealed a 2007 law limiting the number of U.S. troops that could be present in Romania to 3,000.²² The change was not debated and was largely overlooked in the mainstream media.

Electoral Process

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.75	2.75	2.50	2.75	2.75	3.00	3.00	3.00	3.25	3.25

- Romanian law prohibits changing the electoral code less than one year before elections. Given the schedule for the local (June 2016) and general elections (November/December 2016), there was a rush in the first half of 2015 to change the electoral code and other legislation pertaining to parties and party financing. In April, the law was changed to allow political parties to be founded by just three members—down from 25,000 spread over a certain geographical area, which was found to be an unconstitutional burden.²³ However, parties are still required to meet certain quotas in signatures and candidates in order to remain in the registry of political parties.²⁴ According to monitoring results published in January 2016, 85 official requests for the establishment of new political parties were submitted, of which 34 were approved and formalized.²⁵
- A law adopted in May changed the method of electing county council presidents, replacing the existing system of direct election with an indirect, secret-ballot vote by county councilors.²⁶ The dismissal of county council presidents now requires an initiative by one-third of council members and a two-thirds majority vote in favor of the dismissal. The new law retained the single-round, first-past-the-post system for electing mayors, despite calls for two-round elections. Some 40 nongovernmental organizations (NGOs) had signed an open letter in April demanding a return to the two-round majority vote, arguing that it offered greater legitimacy, consensus, and a fair chance for new parties and candidates.²⁷ In September, PNL proposed a bill to amend the law and revert to two-round elections for mayors, though even if passed it could not be implemented in 2016.²⁸
- Another bill that was passed into law in May concerned the financing of political parties and electoral campaigns, establishing that parties will have to declare loans in addition to donations. If the loans are not repaid within three years, they will be considered donations.²⁹ For parties that obtain more than 3 percent of the vote, the state will reimburse any expenses incurred during the electoral process from

the central budget (rather than the local one, as was previously done) within 90 days of the elections. While the law did address some important issues regarding party financing, it left large gaps that would allow for fraud by various means.³⁰

- A law adopted in July reintroduced proportional representation for the 2016 parliamentary elections. The single-member district system introduced in 2008 had sparked some controversy, especially regarding the redistribution algorithm. The new law is essentially a return to the previous method of closed-list voting.³¹
- The year also featured serious discussions on the issue of long-distance voting following the scandal that arose over the management of polling centers for Romanians living abroad during the November 2014 presidential election. Correspondence voting and e-voting were both considered as remedies,³² but political support rallied only around the former, and the two largest parties agreed to authorize correspondence voting in time for the 2016 parliamentary elections.³³ Some civil society organizations claimed that the legislation was rushed, resulting in several shortcomings. For instance, the law only applied to voters who reside abroad, lacked any means of tracking ballots in real time to ensure swift delivery, failed to provide sanctions in case the postal service does not deliver votes on time, and was unclear regarding situations in which elections have to be held in two rounds.³⁴ In spite of these weaknesses, President Iohannis signed the law on November 19, in time for the 2016 general elections.

Civil Society

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.25	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.25

- Eight of the most influential civil society organizations in Romania unsuccessfully requested that President Iohannis send the law on political parties to the Romanian Constitutional Court (CCR), claiming that the criteria for deregistering a party were unconstitutional. Having a party deregistered for not supplying enough candidates was seen as a threat to local parties interested only in their own geographical areas.³⁵
- In another civil society action in the first half of the year, about 5,000 people took to the streets in May to protest illegal logging and demand amendments to the forest code,³⁶ which Iohannis had refused to sign after its initial adoption. However, lawmakers passed the code into law on May 20 without the desired amendments.³⁷
- The month of October was marked by tragic events that mobilized the public. A police officer died on October 20 while escorting the vehicle of Deputy Prime Minister and Minister of Internal Affairs Gabriel Oprea, who did not have the right to use motorcades, prompting citizen protests against government abuse of power. Oprea was interrogated on October 28,³⁸ but the case was soon overshadowed by an October 30 nightclub fire that resulted in the death of over 60 people and the hospitalization of more than 100 others.³⁹ As in previous years, citizens organized via social media, this time focusing on helping to identify victims and donating blood.⁴⁰
- The government declared three days of mourning, and 12,000 people marched in silence on November 1 to pay their respects.⁴¹ Participants did not outwardly demand political change during the march, but many voices did blame the incident on authorities for overlooking safety regulations and issuing operating permits in exchange for bribes.⁴² On November 3, over 20,000 people took to the streets in Bucharest, demanding the resignation of Prime Minister Ponta, Deputy Prime Minister Oprea, and Cristian Popescu Piedone, the mayor of Bucharest's Fourth District, where the nightclub fire occurred.⁴³
- Ponta, already under pressure due to his formal indictment on corruption charges in September, resigned on November 4,⁴⁴ but this was not enough to satisfy the protesters, who gathered in even

greater numbers that day. Over 30,000 people marched through Bucharest, and another 30,000 gathered across the country, calling for an end to political corruption and the renewal of the entire political class, among other demands.⁴⁵ President Iohannis summoned representatives of the protesters for consultations. The way in which the individuals were selected, and the fact that the meeting took place behind closed doors, triggered controversy.⁴⁶ The only concrete outcome of the talks was that Iohannis agreed to meet with protesters in the street, which he did on November 8.⁴⁷ By that time there was growing division among the demonstrators, as well as attempts to hijack the movement for other goals, and attendance had diminished. Still, the threat of mass rallies lingered, and the major parties therefore agreed on a nonpartisan prime minister and a technocratic cabinet to replace Ponta’s government.⁴⁸

- Despite instances of exemplary conduct, citizens rarely organize themselves in grassroots civic groups. Most remain largely passive and uninvolved in democratic processes outside of elections, especially in the absence of funding or immediate crises.⁴⁹ In July, a study showed that fewer than half of Romanian NGOs promote themselves online, while about 82 percent have never applied for grants.⁵⁰ A report published by the Civil Society Development Foundation (FDSC) shows that at least 39,347 civil society organizations are registered in Romania, but that many are not active and few have access to consistent sources of funding. Consequently, while the total amount of financing granted to NGOs is increasing, the average income per organization is in decline.⁵¹
- Civil society was involved in the Electoral Code Commission’s debates, but only a few proposals, such as allowing parties with at least three members to register, were ultimately incorporated into legislation.⁵² In contrast to the usual practice of passing important laws without meaningfully consulting civil society, Prime Minister Ponta asked to collaborate with the civil sector on the refugee issue as it became more urgent and divisive in the latter part of the year.⁵³
- After the installment of the new technocratic government in November, civil society involvement in the decision-making process was more vibrant. A Ministry for Public Consultation and Civic Dialog (MCPDC) was established, and Violeta Alexandru—herself a former NGO director—was appointed as minister with a mandate to create horizontal channels of communication and enhance decision-making transparency and access to public information.⁵⁴ The Cioloş cabinet generally encouraged the involvement of civil society professionals; one such figure was proposed as justice minister, but the nomination was rapidly withdrawn after a poor performance before Parliament’s assessment committee.⁵⁵ Despite this setback, several civil society professionals were drawn into the government, a change that was welcomed by the public.⁵⁶ However, in an indication that the central government’s old modus operandi could persist, the public consultation organized by the MCPDC for the 2016 budget took the rather awkward form of an “information and cognition” gathering, since the budget was already largely complete before the scheduled consultation. The process triggered discontent because it disregarded the legal timeframe allotted for public debate and, more importantly, the opinions of civil society.⁵⁷

Independent Media

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.75	3.75	3.75	4.00	4.00	4.00	4.25	4.25	4.25	4.25

- The year brought few changes to the Romanian media’s dire situation and even fewer prospects for improvement. Newspaper circulation continued its freefall in 2015. The four remaining national news dailies have a total circulation of less than 40,000,⁵⁸ while the rise in internet traffic did not manage to compensate for lost revenue, leaving news media even more financially strained than they used to be. Tabloidization and click baiting took their toll on the quality of online media. Television remains the main source of information for most of the public, but scandals continue to shake the stations’

- credibility, while perpetual layoffs hinder their ability to perform their newsgathering function.
- The only attempt by lawmakers to limit freedom of speech in 2015 came disguised as a law to prevent the “social defamation” of people in relation to their ethnicity, sexual orientation, religion, disabilities, social origin, and other such factors.⁵⁹ While some aspects of the proposal could arguably be considered appropriate, the draft law also listed political affiliation among the criteria that qualify a social group as a potential target for discrimination, effectively turning criticism of a political party into a crime.⁶⁰ After a media firestorm, PSD leader Liviu Dragnea, the bill’s sponsor, promised to eliminate the political criterion and lower the fines, which had been deemed too high, for all other offenses. A letter from several civic organizations asked for the bill to be scrapped altogether, claiming that it was not adequately conceived and could do more harm than good.⁶¹ It remained under consideration at year’s end.
 - The criminal cases under way in 2015 served as important indicators for the state of the media, as the details revealed through the prosecutors’ investigations shed some light on the inner workings of major media outlets.⁶² The arrest of media mogul Adrian Sârbu on charges of tax evasion and the subsequent insolvency of his news agency Mediafax left only one nationwide news agency on the market, the state-owned Agerpres. For the understaffed newsrooms around the country, this means less variety of information to work with and a greater slant toward the “official” version of events.⁶³
 - The trial of former regional development and tourism minister Elena Udrea revealed how the media were manipulated to push forward convenient pieces of news, take “negative” news offline, and employ professional commenters who, presenting themselves as ordinary readers, would advance the minister’s agenda.⁶⁴ Their tactics included the use of anti-Semitic and homophobic remarks to discredit the minister’s political opponents.⁶⁵
 - In July, the European Court of Human Rights found that Romania had violated freedom of expression by convicting journalist Ioan T. Morar of slander in 2005. In 2004, Morar had published satirical articles on Victor Gaetan, an adviser to potential presidential candidate Lia Roberts.⁶⁶
 - Another high-profile case revealed the extent to which local media can become a means of blackmail. The director and an editor of local weekly, *Atac de Buzău*, were arrested in October and charged with trying to obtain advertising contracts in exchange for not publishing damaging or defamatory information about local politicians.⁶⁷

Local Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.25

- Following a string of convictions, resignations, and more or less deliberate dissolutions of local councils, a significant number of vacancies left some local authorities crippled. The most notable case was that of Rădăuți, where the mayor was arrested, the local council was dissolved, and the town secretary’s mandate to handle municipal affairs expired. This meant that there was nobody in the town who could legally take charge of day-to-day matters such as paying wages.⁶⁸ Neither the law nor the constitution provided for the emergence of such a power vacuum.
- By law, the government is obliged to organize special elections for vacant offices within 90 days after the position is vacated and at least one year before the regularly scheduled elections.⁶⁹ In February 2015, PNL sued the government for failing to comply with these rules. In mid-May, the Bucharest Court of Appeal ruled in favor of PNL, obliging the government to organize elections for, by then, 19 Parliament seats, 28 mayors, and three county council presidents by June 7, the last possible date before the 2016 local and parliamentary elections.⁷⁰
- Rather than complying with the court’s decision, the government appointed a temporary secretary in Rădăuți in late May via the county prefect’s office, ending a monthlong power vacuum,⁷¹ and in

October adopted an emergency ordinance that changed the law to enable the prefect to appoint an authorizing officer in localities where a power vacuum emerges. The opposition saw this as blatant disregard for the law and the court, and accused the government of trying to “cover up the traces” of its illegal conduct by changing the law to authorize abuses already committed.⁷²

- Within Parliament, a few attempts were made to change the status of locally elected officials. Currently, the law states that the mandate of local councilors or mayors ceases if they receive any definitive custodial sentence. Some lawmakers proposed bills to clarify that only sentences to be served, as opposed to suspended sentences, lead automatically to the mandate’s termination.⁷³ The proposals had yet to win approval in either chamber at year’s end.⁷⁴
- In 2014, the government issued an emergency ordinance that temporarily lifted a ban on party switching by local elected officials. Although the CCR later declared the measure unconstitutional, Parliament was supposed to pursue legislation that could undo its effects. In February 2015, the Chamber of Deputies rejected the ordinance but adopted an amendment that allowed mayors who switched parties to keep their mandates.⁷⁵ In November, however, the Judicial Committee in the Senate voted that mayors must automatically return to their previous parties to retain their mandates, and that local councilors who switched parties would automatically lose their mandates.⁷⁶ While this was dubbed a “return to legality,” some experts argued that forcibly returning mayors to their initial parties instead of simply stripping their mandates was unconstitutional and part of a political maneuver meant to strengthen some parties and weaken others ahead of the coming elections.⁷⁷ The committee’s proposal was awaiting approval from the Senate at the end of the year.⁷⁸
- In November, the Cioloş cabinet produced a government program that included a return to two-round elections for local representatives.⁷⁹ This was dropped in the revised version that was advanced the next day, but other goals remained, including lowering the threshold for local council elections, digitizing electoral lists, and allowing associations of independent candidates in local elections.⁸⁰

Judicial Framework and Independence

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.75	4.00	4.00	4.00	4.00	3.75	3.75	3.75	3.75	3.75

- While judges continued to hand down sentences for high-level corruption in 2015, judicial independence remained an issue in several respects. The Romanian Intelligence Service (SRI) was accused by media sources and political figures of having undercover agents in key institutions—such as the Superior Council of Magistracy (CSM)—where, by law, they are not permitted. This led to fears that the security services might be manipulating the judicial process and the media.⁸¹
- DNA Chief Prosecutor Laura Codruța Kövesi sued a television station for defamation in 2014, and the case was heard in 2015. The owner of the station was in jail for corruption and had regularly, strongly criticized her and the DNA’s activity.⁸² To back her case, Kövesi presented the script from the show in question and argued that it indicates a clear intention to diminish the legitimacy and credibility of her office.⁸³ Kövesi won the lawsuit, and financial damages were awarded, but an appeal was pending at year’s end.⁸⁴
- Early in the year, George Maior, head of the SRI, supported a package of initiatives dubbed the “Big Brother laws,” particularly after the *Charlie Hebdo* terrorist attack in France. The first bill would require telephone and internet operators to collect and store user identification data. The second bill required identification to be provided for the purchase of prepaid phone cards and connections to free wireless networks. The third measure, which concerned cybersecurity, allowed the SRI and other state institutions to access private networks without the explicit need for a warrant. Maior resigned in late January after the CCR rejected all three of the initiatives.⁸⁵

- A law on data collection was eventually adopted in October, but it was far less controversial. It obliged communication companies to keep traffic data for no more than three years, and to provide certain information to investigative and judicial bodies or structures in charge of national security within 48 hours, though only if the request is approved by a judge.⁸⁶
- Prosecutors' improved anticorruption performance in recent years is due largely to their cooperation with security services, such as the SRI. Its annual reports show that the SRI has listened to over 20,000 people's conversations on average per year on behalf of anticorruption prosecutors, 10 times more than the annual number of national security wiretaps, which are also frequently used in corruption indictments. Critics are concerned by the overdependence of prosecutors on the SRI, which has been denounced by former president Traian Băsescu.⁸⁷ Former chief prosecutor Daniel Morar, now a CCR judge, claims that the SRI should provide only technical help, as the law does not allow prosecutors themselves to tap phones. Morar made these comments when his colleague, CCR judge Toni Greblă, was arrested shortly after he voted against a bill supported by the SRI.⁸⁸ Kövesi explained that legal barriers between the DNA and SRI are respected, that all the wiretapping mandates are granted through the DNA's technical service, and that the collaboration is limited in nature.⁸⁹ She also stated that only a small fraction of the cases registered by the DNA were based on referrals from the SRI.⁹⁰
- Several anticorruption prosecutors were investigated for malfeasance themselves, with some receiving indictments and sentences for corruption.⁹¹
- The SRI's involvement in the judiciary caused a wave of concern about the extent and nature of its role. The Center for Judicial Resources (CJR) and other associations of magistrates addressed the possibility that prosecutors were serving as undercover agents, a claim which was swiftly denied by the parliamentary committee responsible for oversight of the SRI.⁹² Still, former CSM president Horațiu Dumbavă asked President Iohannis to mediate the conflict between the magistrates and the SRI.⁹³
- Further controversy emerged in October when the CSM was accused of making unacceptable demands for amendments to legislation on judicial appointments.⁹⁴ The proposed amendments envisioned appointments based on interviews and length of service, as opposed to assessment of competence via standardized tests; the elimination of any assessment for people who have served as prosecutor or justice for at least 10 years; and the elimination of any periodic evaluation for ICCJ justices or judges with a length of service of over 20 years.⁹⁵
- Another point of contention in 2015 was the penal code. In a report that appeared a year and a half after the new code entered into force, the CSM criticized it for penalties that were not always aligned with the seriousness of the offense. Based on multiple CCR rulings, the CSM claimed that the code needed reassessment.⁹⁶ The same report also demanded the disbanding of military tribunals.⁹⁷ In spite of the CSM's position, a recent NGO study noted a performance improvement in all 42 county-level courts, which it associated with the new penal code. The trend did not apply, however, to other courts of law.⁹⁸
- In May, a legislative initiative, yet to be approved by the Chamber of Deputies, caused an uproar from the parliamentary opposition, anticorruption bodies, civil society, and President Iohannis because it would limit the scope of two articles in the penal code that criminalize conflicts of interest. Members of the governing coalition argued that, in their present form, the articles cause "severe hindrances in the efficient performance of work-related tasks for all legal entities."⁹⁹ In response, the DNA underlined that these modifications would seriously damage recent efforts to investigate and punish high-level corruption, since some local public officials who have already been charged with conflicts of interest, including several county council presidents and mayors, would be acquitted or have their cases closed.¹⁰⁰ In the same vein, the president announced that if the changes were approved by Parliament, he would return them for reexamination or refer them to the CCR for review.
- Developments in cases pertaining to historical crimes were mixed in 2015. On the one hand, former president Ion Iliescu was indicted for crimes against humanity for his role in the brutal suppression of

the University Square student movement in 1990.¹⁰¹ On the other hand, a case involving the 1989 Romanian Revolution was closed two days later without any convictions. The case concerned the 709 people killed, 1,855 injured by gunshots, 343 injured in other circumstances, and 924 detained during the revolution. The court ruled that some deeds had already been addressed in other cases, and that many of the casualties were due to a power vacuum or soldiers' stress and fatigue.¹⁰²

Corruption

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.75	3.75

- The year brought new corruption scandals in Romania, but the overall level of corruption remained steady. The DNA continued to pursue cases against the country's highest-ranking officials, with targets including CCR justice Toni Greblă, National Integrity Agency (ANI) president Horia Georgescu, Finance Minister and Senator Darius Vâlcoy, Minister of Regional Development and Administration Liviu Dragnea, Bucharest mayor Sorin Oprescu, former transport minister Dan Șova, and Prime Minister Victor Ponta.
- The DNA did not focus on members of the ruling party alone. Members of the opposition also found themselves under investigation. For example, George Scutaru, a former adviser to President Iohannis, was accused of taking bribes and money laundering.¹⁰³
- Following the indictment of an unprecedented number of politicians in office, the main political parties in Romania announced changes to their statutes in order to withdraw the membership of anyone convicted of criminal offenses.¹⁰⁴ In practice, however, both major parties disregarded these changes. PNL accepted the convicted former mayor of Râmnicu Vâlcea, Mircea Gutău, into its ranks,¹⁰⁵ while Dragnea, who resigned from all political and party offices after he was sentenced to probation for electoral fraud in May,¹⁰⁶ returned to PSD and ran as the sole candidate for its presidency in October,¹⁰⁷ after three other candidates withdrew.¹⁰⁸
- A recent analysis found that, at the local level, over 50 percent of DNA cases in which mayors or vice mayors were convicted for corruption involved EU funds.¹⁰⁹ In February, prosecutors arrested Elena Udrea,¹¹⁰ former minister of regional development and tourism, who allegedly engaged in systematic influence peddling with her former husband under Băsescu's presidency.¹¹¹ Udrea was charged with several abuses, including kickbacks that she and her team received from development funds distributed by her ministry. According to Kövesi, one of the files, the Bute Boxing Gala case, had been unlawfully listed as solved when she took office;¹¹² it was relisted in October.¹¹³
- Prime Minister Ponta was initially charged in July and formally indicted in September for forgery, money laundering, conflict of interest, and tax evasion—deeds allegedly committed before his appointment to office. He resigned as head of PSD in July,¹¹⁴ but remained prime minister until November, after the nightclub fire protests, despite repeated calls for his resignation from both President Iohannis and civil society.¹¹⁵
- In spite of the increasing number of convictions and harsher sentences, some high-profile corruption convicts have abused a loophole in the law that allows them to reduce their prison time by publishing books while behind bars; most of the books in question are apparently plagiarized or ghostwritten.¹¹⁶ The practice became so widespread in 2015 that calls were made to change the law.¹¹⁷
- The authorities often fail to identify, seize, and recover the full value of illegally acquired assets, allowing those who are convicted of corruption to keep their wealth after serving their prison sentences. To help address this problem, Parliament voted in November to establish a new agency to manage confiscated goods and recover losses incurred by the state.¹¹⁸ The law entered into force in December.

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<http://anticoruptie.hotnews.ro/stiri-anticoruptie-19822146-george-scutaru-fost-consilier-prezidential-lui-klaus-iohannis-audiat-dna.htm>

¹⁰⁴ PNL expressly mentions convictions for corruption as grounds for suspension or expulsion from the party if the sentence is final. See Valentina Postelnicu, “PNL a definitivat modificările la Statut, în privința criteriilor de integritate” [PNL completes the changes to its statute regarding integrity criteria], Mediafax, 22 May 2015, <http://www.mediafax.ro/politic/pnl-a-definitivat-modificarile-la-statut-in-privinta-criteriilor-de-integritate-14315873>; and the new PNL statute, Article 22: <http://www.pnl.ro/subpagina/iii-membri>. PSD also pledged to suspend membership, but it does not expressly mention corruption, using more general terms such as convictions for “betraying national interests” or “violent crimes” to describe who cannot be a member. See PSD statute, Article 23: <http://www.psd.ro/wp-content/themes/psd/pdfs/Statut-PSD.pdf>

¹⁰⁵ Liviu Popescu, “Vâlcea: Mircea Gutău a devenit membru al PNL” [Vâlcea: Mircea Gutău became member of PNL], Agerpres, 21 October 2015, <http://www.agerpres.ro/politica/2015/10/21/valcea-mircea-gutau-a-devenit-membru-al-pnl-20-53-43>

¹⁰⁶ “Analiză: Liviu Dragnea, de la șefia CJ Teleorman, la vicepremier, ministru, om-cheie în PSD” [Analysis: Liviu Dragnea, from head of CC Teleorman, to vice prime minister, minister, key man in PSD], Mediafax, 15 May 2015, <http://www.mediafax.ro/politic/analiza-liviu-dragnea-de-la-sefia-cj-teleorman-la-vicepremier-ministru-om-cheie-in-psd-14270682>

¹⁰⁷ For the first time ever, all of the 530,000 members of PSD were asked to take part in the balloting, which was essentially a referendum on whether they were in favor of Dragnea assuming leadership of the party. About 97 percent of those who cast their ballots voted “yes.” Turnout was over 80 percent. See “Liviu Dragnea, unicul candidat, a fost ales președinte PSD cu 97% din voturile membrilor de partid [Liviu Dragnea, the only candidate, was elected president of PSD with 97 percent of the total party members’ votes], Realitatea, 12 October 2015, http://www.realitatea.net/liviu-dragnea-ales-presedinte-psd-cu-96-97prc-din-voturile-membrilor-de-partid_1808172.html#ixzz3ojjdNAq5

¹⁰⁸ One of the candidates, Șerban Nicolae, accused the party of lacking transparency and a truly competitive procedure for electing the president. See Ștefan Pană, “La nici 24 de ore după ce Negoită s-a retras din cursă, un alt politician renunță la candidatura la șefia PSD” [Less than 24 hours after Negoită withdrew from the race, another politician gives up their candidacy for head of PSD], Gândul, 24 September 2015, <http://www.gandul.info/politica/la-nici-24-de-ore-dupa-ce-negoita-s-a-retras-din-cursa-un-alt-politician-renunta-la-candidatura-la-sefia-psd-14748013>

¹⁰⁹ The analysis entailed the creation of a single, publicly available database of all convictions that came as a result of DNA investigations. It contains details about each case, such as office, length of trial, and whether EU funding was involved, and served as the backbone for a map displaying the cases at the county level. See the Romanian Academic Society website at <http://www.romaniacurata.ro/harta-coruptiei/> for the map and <http://www.romaniacurata.ro/harta-coruptiei/?p=despre> for the database.

¹¹⁰ Catalin Lupasneanu, “Elena Udrea, arestată pentru 30 de zile” [Elena Udrea, arrested for 30 days], Mediafax, 11 February 2015, <http://www.mediafax.ro/social/elena-udrea-arestata-pentru-30-de-zile-13816193>

¹¹¹ Otilia Ciocan, “Cum au reconstituit procurorii rețeaua șpagii în dosarul ‘Microsoft’: Elena Udrea și Dorin Cocoș au disimulat mita prin vânzarea și achiziționarea mai multor imobile—referatul DNA” [How prosecutors reconstructed the ‘Microsoft case’ bribery network: Elena Udrea and Dorin Cocoș dissembled the bribe through buying and selling several properties—DNA report], Mediafax, 11 February 2015, <http://www.mediafax.ro/social/cum-au-reconstituit-procurorii-reteaua-spagii-in-dosarul-microsoft-elena-udrea-si-dorin-cocos-au-disimulat-mita-prin-vanzarea-si-achizitionarea-mai-multor-imobile-referatul-dna-13816008>

¹¹² Cosmin Prelipceanu, “Interviu Laura Codruța Kövesi, procuror șef DNA: ‘Noi avem propriul serviciu în cadrul DNA care poate să pună în aplicare autorizațiile de interceptare prin intermediul SRI [...] SRI nu are acces la conținutul interceptărilor’” [Interview Laura Codruța Kövesi, DNA chief prosecutor: ‘We have our own technical service, which can apply the wiretapping warrants through SRI ... SRI does not have access to the contents’], Digi24, 8 April 2015,

<http://www.digi24.ro/Emisiuni/Digi24/Jurnalul+de+Seara/Arhiva+inregistrari/Jurnalul+de+seara+-+8+aprilie+2015>

¹¹³ “Procesul în dosarul ‘Gala Bute,’ reluat pe 11 noiembrie. Elena Udrea: Nimeni din România nu poate spune, cu probe, că am luat șpagă” [The ‘Bute Gala’ trial continues on November 11. Elena Udrea: Nobody in Romania can claim, with evidence, that I took bribe], Digi24, 16 October 2015,

<http://www.digi24.ro/Stiri/Digi24/Actualitate/Justitie/Incepe+procesul+in+dosarul+Gala+Bute+Elena+Udrea+Eu+a+m+fost+72+d>

¹¹⁴ Diana Lazăr and Marius Gîrლაშiu, “Victor Ponta și-a dat demisia, însă este la butoane. Plumb, în capul PSD [Victor Ponta resigned, but is at the helm. Plumb, at the head of PSD], Jurnalul.ro, 16 July 2015, <http://jurnalul.ro/stiri/politica/victor-ponta-si-a-dat-demisia-insa-este-la-butoane-plumb-in-capul-psd-692492.html>

¹¹⁵ Radu-Sorin Marius and Matthias Williams, “Romanian PM under criminal investigation, rebuffs resignation calls,” Reuters, 5 June 2015, <http://uk.reuters.com/article/2015/06/05/uk-romania-primeminister-corruption-idUKKBN0OL0U220150605>

¹¹⁶ “Time off for bad prose,” *Economist*, 24 October 2015, <http://www.economist.com/news/europe/21676811-corrupt-politicians-are-churning-out-books-reduce-their-sentences-time-bad-prose>

¹¹⁷ Some high-profile prisoners published as many as five books in a short amount of time, leading to suspicions of ghostwriters, plagiarism, and other such practices meant to cheat the system. See Mihaela Stoica, “Câți deținuți au devenit scriitori peste noapte: ‘Ca să scrii o carte, trebuie să știi să scrii. Dacă l-aș vedea pe Nuțu Cămătaru că scrie, ar fi niște semne de întrebare’” [How many prisoners became writers overnight: ‘To write a book you must know how to write. If I saw Nuțu Cămătaru writing, there would be some question marks’], *Gândul*, 23 June 2015, <http://www.gandul.info/stiri/cati-detinuti-au-devenit-scriitori-pest-noapte-ca-sa-scrii-o-carte-trebuie-sa-stii-sa-scrii-daca-l-as-vedea-pe-nutu-camataru-ca-scrie-ar-fi-niste-semne-de-intrebare-10994871>

¹¹⁸ Iulia Marin, “Sechestrarea averilor făcute din corupție. Mic ghid explicativ” [Seizure of assets gained through corruption. A handbook], *PressOne*, 12 November 2015, <https://pressone.ro/sechestrarea-averilor-facute-din-coruptie-mic-ghid-explicativ/>