The EU Accession Process and Anti-corruption Challenges for ROMANIA

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Before 1990

- Judges were members of RCP
- Prosecutors had enlarged powers then judges, including arresting citizens
- No knowledge about HR
1990-2005

- dec.1989: Romanian Revolution
- a new Constitution
- a new JOLaw:
  - Judges and prosecutors are magistrates, appointed by the President; exames organised by MoJ
  - The tenure is until the legal retirement age, but not for SCJ
  - The MoJ is enable by the law to appoint the chiefs of courts/po, to transfer j and p, and to promote to higher courts
- MoJ: have a secret service to gather informations about judiciary corruption
- The chiefs of courts are appointed by the SCM, but the proposals were submitted by the MoJ, who lead SCM
- The chief prosecutors are appointed by the MoJ
- power to arrest belong to the judge
- To became j/p is mandatory to pass the admission exam for the NIM (2 years)
- DNA: anticorruption body
- SCM is the only authority in charge with the career of j and p
- 2007: Accession in EU and MVC
- Exams to become president of court/chief prosecutor (the knowledge of management, human resources and communication is testing);

- Judicial inspection is under the authority of SCM, which is also responsible for imposing disciplinary sanctions for j and p

- Independence of prosecutors

- Random distribution of cases

- IT system in all courts; transparency
Results of the reform (2005-2014)

• Trusting in judiciary: 22% (2005) – 44% (2014)
• Disciplinary liability: 98 j and 42 p
  - Public debate for rule of law, separation of powers, independence of justice, responsibility of judicial system.
  - Reactions of CSM
Results of anticorruption (2005-2014)

- 1496 offenders convicted for corruption:
  - 1 former prime-minister, 6 ministers, 20 MoP
  - 28 prosecutors and 25 judges
Thank you!

Judge Cristi Danilet
ROMANIA