

TI Romania Events

Anticorruption in Romania

Anticorruption in the world



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Corruption Perception Index: Small steps in the fight against corruption in Romania

The Corruption Perception Index was launched this year on the 23rd September at Humboldt-Viadrina Governance Centre, Berlin. Transparency International Romania marked the Index launch at a national level with a press conference simultaneously with the Berlin event.

According to the 2008 CPI, Romania scores 3.8 points out of a total of 10 points, a tenth of point better than the last year's score. Thus, Romania ascends in the CPI ranking of the EU member states, obtaining the penultimate position, and leaving the last place to Bulgaria which registers a decrease of 0.5 points compared to 2007.

Among the positive elements that led to the increase of the index we recall the computerising of the administration in various fields and reducing the direct contact between the public servants and the public services' beneficiaries. These policies diminish the vulnerabilities and increase the objectivity degree of the administrative procedures.

In 1997 Romania registered 3.4 points while the score in 2008 is of 3.8. This 0.4 difference gathered in the last 10 years (with the inherent fluctuations that came along) shows that the different governments used the anticorruption strategies and measures as a political weapon or as an image instrument and that they focused less on coherent technical measures that would have led to the promised outcomes, at the system or citizen's level.

Therefore, Transparency International Romania considers that, although outwardly encouraging, this increase is neither sufficient nor significant enough so as to ensure that Romania is competitive enough within the European Union, given the 6.62 average score for the other member states. In order to ensure the sustainability of this index and to improve the credibility of the anticorruption reforms among both the foreign investors and the Romanian citizens, it is necessarily to concretely implement the legal measures, both institutionally and from the good practice perspective.

The local public administration ignores anticorruption instruments

On 25th September the Monitoring Report concerning *the implementation of the decisions regarding the whistleblowers' protection at the local public administration level* was launched. The public warning topic was a long advocated one for TI-Romania, the law regarding the whistleblowers' protection being enacted consequently to the advocacy efforts of the organisation.

From the TI-Romania study emerges the fact that the prefectures, the county councils or the city halls of the chief towns advance very slowly in the process of implementing the Law for the whistleblowers protection. Although the law was enforced in 2004, very few institutions harmonised their Interior Order Statute with the law stipulations, the attributions of the ethical counsellor's rarely reflecting the legal requirements established by the Guidance Code for the public functionaries, and the relative scarce number of whistle blowing cases registered from 2005 until now shows clearly a poor promotion of the whistleblowing instrument amongst the personnel from the local public administration.

The event had a very good media coverage managing to cover all the information dissemination channels - written media, television and radio.

Whistleblowing means the reporting in good-faith with regards to misconduct consisting in a law violation, professional deontology, good administration principles, efficiency, efficacy, cost-effectiveness, or transparency. At the same time, the whistleblower (the person reporting) is enrolled in a public institution.

TI Romania introduces the Structural Funds issue on the public debates agenda

On 18th September 2008 Transparency International Romania organised the public debate on the "Integrity in structural funds management" within which the results of the pilot monitoring (May-August 2008) over the eight development regions. The debate was organised in the context of the conclusion of the Phare Civil Society 2005 project "Building a national network of NGOs with the purpose of monitoring the integrity in the use of structural funds in Romania". .

The purpose of this debate was to identify the main vulnerabilities of the current system of using the structural funds, and also the existent good practice solutions. The outcome of the debate served to underlie the public policy and the strategic proposal in order to ensure the integrity in the use of structural funds in Romania.

WHY?

- A reputation as a business that trades ethically increases your chances of selection as a supplier to large multinationals in their supply chain, and better access to international markets.
- A record of integrity will enhance your opportunities to acquire government business.
- With a good anti-bribery programme in place, your business and your associates will be better protected against legal penalties, loss of licenses and blacklisting.
- If you are considering selling your business, a good reputation will be more attractive for acquisition.
- A business with ethical standards is a good place to work and will encourage good working relationships and morale.
- Your business will be more attractive to financial organisations.
- You, and not some bribe payer or bribe receiver, will be in control of your business decisions. Your organisation will save money which might otherwise be squandered on bribes, gifts and inducements.



The public debate looked to ensure an implementation framework within everyone's reach and a cooperation platform for the NGOs, the structural funds' beneficiaries, Management Authorities and Intermediate Entities, having as a starting point the identified vulnerabilities from the monitoring period, as well as the viewpoints the managing authorities hold.

The public debate's conclusions underlined the inchoate stage in which the majority of the Operational Programmes find themselves, in what the priority axis's launch is concerned. The monitoring process showed the general perspective on the preparation that the local and central authorities hold in the field of structural funds' administration. The materials to supporting the public debates are the Monitoring report over the structural funds management in Romania, consisting in the monitoring conclusions for each development region, and the Public policies and strategies proposal in view of increasing the integrity in using structural funds in Romania, containing a set of measures and recommendations to manage the vulnerabilities identified in the monitoring period

Authorities holding a managerial and coordinating role in Operational Programmes, representatives of the local public authorities as beneficiaries of this type of financing, and also of the civil society involved in monitoring and promoting the integrity in the use of the structural funds, participated in the event.

Deficiencies regarding transparency in structural funds management

Transparency International Romania launched [the Monitoring report over the structural funds management in Romania](#) and [The Guide of the integrity in the execution of the contracts carried on with European funds in a press conference that took place on 29th September 2008](#). The press conference closed the Building a national network of NGOs with the purpose of monitoring the integrity in the use of structural funds in Romania project, financed within the Phare Civil Society 2005.

The conclusions were presented for the monitoring deployed over the May-August 2008 period by a monitors network established for the eight development regions. The conclusions of the report deal with the preparation degree the local and central authorities hold in the field of managing structural funds with transparency and integrity, the findings often revealing an almost inexistent effort on behalf of the local authorities, as beneficiaries, for making information regarding the development projects of their community available, and also a very complex bureaucratic structure, a locked process of evaluating and selecting projects, or a transgression of the partnership principle. Within the event, the project's local coordinators pointed out the specific conclusion for each of the monitored development regions.

The Integrity Guide in the execution of the contracts carried on with European funds was elaborated therefore as a response to the needs identified through the Monitoring Report and it stresses the importance of the structural and cohesion funds in Romania's socio-economic development, underlying the necessity of ensuring an efficient and correct management in this context - both from the public authorities coordinating the financial resources' administration and from the perspective of the beneficiaries of the funds .

TI Romania is a good communicator

After enrolling in the 6th Romanian PR Award edition with two of the information campaigns developed in the preceding year - The National Anti-Corruption Campaign and the Legal Aid Campaign - Transparency International Romania becomes one of the winning organisations, receiving the *Silver Award for Excellence* prize at the "Non-governmental Organisations. Civil Society" category.

This category included communication campaigns conducted by non-governmental organizations in any field of a social or public interest, from human rights, civic education and the good functioning of the democracy to education and research, culture, public-private partnerships for sustainability programmes, public health, environment, and community needs.

The award was received for The National Anti-Corruption Campaign, a project developed with the substantial assistance of the Concept Foundation and Rambll Management.

TI Romania training programmes

Good Governance 2008 As a reaction to the necessity of adapting the training system of the public servants to the European standards, Transparency International Romania initiated the 4th edition of the program of life-long learning and development Good Governance 2008.

A number of over 1000 public servants from the work apparatus of the Romanian Parliament, various ministries, agencies and decentralised structures participated In the first three editions of the program within 21 training modules.

The program maintained the same modular structure for this edition and also the alignment to the training standards for the public administration described in the National Strategy for Life-Long Learning 2005-2010. The program consisted in an integrated package of 7 topics covering the core areas of interest within a public institution: public integrity and legality, writing projects with a structural financing, leadership and managerial abilities, organisational communication and public relations, legality and efficacy in the public institutions' activity, elaborating and implementing public policies, and managerial control techniques and internal audit.

The 7 modules coordinated by the Training Department of TI Romania ensured the formation of an objective perspective over the specificity of the Romanian public administration system, the identification of the connections between the areas of interest and the necessary punctual

measures for the alignment of the public services to the European quality standards.

Whistleblowers In the context of *Improving the local civil society's ability to promote public integrity at the level of the local public administration* project, TI Romania organized series of training sessions held by 8 local coordinators in order to inform on the whistleblowers topic and to apply the legal regulations concerning the civil society's role in the whistle blowing process.

The project aims to increase the trust in the whistle blowing instrument, as introduced by the Law No. 571/2004, and the civil society's attention towards the whistle blowing cases. It addresses civil society organisations, the personnel from the local authorities and public institutions, professional associations, the trade unions, and the local mass-media.

Anticorruption in Romania

The National Anticorruption Strategy in the Local Public Administration for the 2008-2010 period

The Government approved on the 4th June 2008 the National Anticorruption Strategy in the Local Public Administration for the 2008-2010 period, as well as the action plans meant to bring the administration closer to the citizen and to reduce the vulnerability to corruption in the sectors perceived as sensitive by the public - public order, health care system, education, tax and local administration.

TI Romania reacted promptly at this news, appreciating the governmental efforts in elaborating such a strategy, especially since Romania needed a new one since the NAS II concluded in the late 2007, and drawing the attention on several key issues. First, the Romania is expected to implement and monitor with a maximum of seriousness and responsibility the proposed actions. It is obvious that solely adopting a strategy is not sufficient enough to reduce corruption and to fulfill the undertaken goals. This is the reason for which only the tangible results will prove that it is a successful strategy.

Moreover, the document stipulations should be extended to other vulnerable areas such as the justice system, the business sector, the financing of political parties, or the use of structural funds. Also, the late adoption of the strategy it is appreciated as critical because it produced a setback considering the moments of the elaboration and the adoption of the NAS III. For these reasons, the period the Strategy should take into account ought to be 2009-2012 instead of 2008-2011.

Finally, in September, in the light of the activity of a member of the National Council for Integrity, with potentially negative effects to the credibility and impartiality of the NCI and of the National Agency for Integrity, TI Romania reiterates the request to amend the Law No. 144/2007 by including legal definitions regarding the conflict of interest and the incompatibilities, so as to avoid any discretionary interpretation.

TI Romania reactions

Although the public institutions' activity during summer records a noticeable decrease, TI Romania continued to exert its watchdog of the Romanian democracy.

One of the main issues of the summer agenda was to send to the National Agency for Governmental Strategies (upon request) a series of recommendations and comments with regard to the draft law concerning the problem of the costs of documents. The regulation brought by this draft law will contribute to encouraging the transparency and the access to information of public interest, and the contribution of TI Romania will help with eliminating any abusive law interpretation.

The reinforcement of the SCM's capacity to fulfill its duties In the same direction, The Superior Council of Magistracy reacted to the conclusions stated by the European Commission Report and decided the reparation of the deficiencies highlighted in the Report therefore requested proposals and observations regarding the above mentioned deficiencies from TI Romania. Thus, an exhaustive set of measures was formulated in order to respond to the goal of improving the Superior Council of Magistracy's activity in exerting its legal attributions in reforming the legal system. Amongst the recommendations it is worth mentioning the unification of the legal practice, modifications to the prosecutors' statute, regulations regarding the functioning of the courts or recommendations regarding the human resources policy. Moreover, it is necessary to reinforce the Council's capacity to accomplish its duties, the key-elements to this being the enhancement of transparency, improving the court activity, and assuring the magistrates' independence.

The Parliament's role in the approval of the criminal investigation. Another significant event of the summer was the decision to not press criminal charges against former ministers holding a deputy office and being suspects of or investigated for corruption crimes. TI Romania had to react in two occasions with regard to this issue. First, in the month of June, the reaction was determined by the meddlesome manner in which the Legal Commission within the Chamber of Deputies chose to apply the constitutional provisions regarding the abovementioned aspect, and to respect the principle of separation of powers. The procedure grounds for the decision to not press charges against a former prime-minister, currently an MP, contravenes the declared objective of the parliamentary immunity and is not constitutional. It must be held in view that the Parliament's role of advising to press (or not) criminal charges must only serve only to protect the MPs from a possible abusive enquiry. Moreover, TI Romania joined the NGO coalition that protested against the deputies' majority vote from 13 August 2008 in the Nastase and Mitrea cases, being given that this decision represents a strong attack the separation of powers and against the justice independence. In the same context, the Romanian civil society revealed its indignation for the decision of

removing the National Direction Anticorruption chief from his office/function.

Accusations of fraud and corruption in the education sector. An important trespassing was registered this summer not only at the political class level or in the justice, but also in the education field. Therein TI Romania reacted at the formulated accusations concerning the corruption and the fraud for the Bacalaureat exam deployment. These are clearly severe and may indicate the fact that in the educational system there is a lack of interest in limiting and fighting corruption, as long as this situation reiterates every year. Moreover, it must be held in mind the fact that the professors taking part at the evaluation or the supervising commissions that complained about the frauds are whistleblowers having the good-faith presumption and the protection offered by the Whistleblowers Law, normative act resulted from TI Romania's advocacy actions.

European's Comission Monitoring Report. At the same time, probably the most effervescent event of the summer on the anticorruption agenda was the launch of the Monitoring Report of European Commission for Romania and Bulgaria. This appeared to be particularly critical with Bulgaria, which was financially sanctioned, compared to the observations concerning Romania even though the Corruption Perception Index places both countries in the same category with regards to the fashion corruption is manifest. In this direction, the Transparency International Secretariat adopted a resolute line pointing out the Commission's disproportional attitude towards the two countries.

TI Romania promptly reacted at the Report's publishing underlying the fact that the postponement of the safeguard clause and the absence of the financial sanctions does not exonerate Romania from fulfilling the obligations to which it committed through the EU accession especially considering the fact that the Cooperation and Control Mechanism is yet to be maintained for another year.

Moreover, it should be noted the references received with regard to the position of TI Romania in the international press, as well as the media coverage enjoyed by the press release of the organisation, with reports in the Financial Times or the Associated Press.

Anticorruption in the world

The Anticorruption International Conference 2008

The 13th edition of The Anticorruption International Conference will take place in Athens, between 30th October and 2nd November 2008, the conference being organized by the Greek Government, The Transparency International Secretary and by Transparency International Greece.

The biennial series of Anticorruption International Conferences started in 1983, and became in time the main intentional forum for all who dedicate themselves to the fight against corruption. This year's theme is "Global Transparency. Fighting corruption for a sustainable future", and focuses on the role of the transparency and accountability in what regards the security, climate changes, globalisation, or the exploitation and the management of the natural resources.

Gathering almost 1500 participants - civil society, governmental, as well as private sector representatives from all around the world - the debates are designed to find solutions to fight corruption and to limit its effects, drawing the next year's agenda for the anticorruption movement.

The themes of the debates and workshops from this year's Conference agenda are grouped in four main categories: peace and security, corruption in the natural resources and energy sectors, climate changes and corruption, and sustainable globalisation.

Corruption Perception Index 2008

CPI is a composite index, based on polls and expert opinions, measuring the level of the corruption perception in the public sector in 180 states and territories, on scale ranging from 0 points (very corrupt) to 10 points (very clean). The 2008 edition of the CPI was launched on the 23rd September in Berlin, in a press conference in which Huguette Labelle, president of Directive Council of Transparency International, and Sylvia Schenk, president of Transparency Germany participated.

According to this year's data, Denmark, New Zealand, and Sweden share the best score, 9.3 points, being closely followed by Singapore with 9.2 points, whilst bringing up the rear is Somalia with 1.0 points, a lower score than Iraq's and Myanmar's (1.3 points) or than Haiti's (1.4 points).

Although there are no abrupt changes in the classification of the states in this year's index, a few noticeable modifications in the upper and lower parts of the classification are nevertheless remarkable. When analysing the polls included in the 2007 and 2008 CPIs, significant declines can be noticed in the cases of Bulgaria, Burundi, Maldives Islands, Norway, and the United Kingdom. Similarly, significant statistical improvements can be noticed in Albania, Cyprus, Georgia, Mauritius, Nigeria, Oman, South Korea, Tonga and Turkey.

"Stemming corruption requires strong oversight through parliaments, law enforcement, independent media and a vibrant civil society," said Labelle. "When these institutions are weak, corruption spirals out of control with horrendous consequences for ordinary people, and for justice and equality in societies more broadly."

Regulation, though, is just half the battle. Real change can only come from an internalised commitment by businesses of all sizes, and in developing as well as developed countries, to real improvement in anti-corruption practices.

The Global Corruption Report 2009

Transparency International's Global Corruption Report (GCR) is the authoritative annual publication on the state of the fight against corruption. The GCR undertakes an in-depth analysis of a key corruption issue, presents country reports that document major corruption cases and reforms across the world, and showcases the latest research insights into the dynamics of corruption. As such, the GCR is a highly visible reference and essential reading for policy-makers, practitioners, businesspeople, scholars and civil society.

In time, the anticorruption argument has been focused on the public area,, a space considered to be fecund for illegal activities with severe consequences for the ordinary citizens. Neglecting the private space corruption can also lead to the clogging of the economic performances, as well as to a dissolution of the public trust in the business environment as a development factor. The business persons and the decision factors took into account this danger and passed to a stage where they try to confine it by a series of programs, anticorruption regulations, or corporate social responsibility initiatives.

In this context the 2009 edition of the Report will examine the potential corruption dangers arising within the business environment, the efficiency of the present methods to fight them, and will also propose a series of recommendations and measures designed to strengthen the corporate integrity. The study focuses particularly on aspects as the manner to deal with the corporate fraud, the conflicts of interest, and the economic areas with a higher corruption danger, privatisation programs, corporate integrity, or the corruption dangers for the emerging economic markets.

The Report benefits from the academic contribution of institutions as the Michigan University, Georgetown University, or Sao Paulo University, as well as from the expertise of companies such as PriceWaterhouse Coopers and Deloitte. At the same time, the experts from the 45 Transparency International National Chapters will present study cases on the topic of corruption in the private sector from their own country.

The 2009 edition of the Global Corruption Report will be published in mid-2009.