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# ANTI-CORRUPTION SOLUTIONS, ACTIONS AND MEASURES

Priorities Identified by Non-Governmental  
Organizations





ANTI-CORRUPTION SOLUTIONS, ACTIONS OR MEASURES Priorities Identified by Non-Governmental Organizations

The questionnaire used as a basis of the report was drafted with the support of the following nongovernmental organizations and action groups: the Center for Legal Resources, Assistance and Programs for Sustainable Development - Agenda 21, the Partners for Local Development Foundation, the National Association of Citizens Advice Bureaux (NACAB), the civic platform Eruption Anti-Corruption, the Pro Democracy Association.

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# Anti-Corruption Solutions, Actions or Measures

## NGO Priorities

### Initiative background

The European Commission Report COM(2010) 401 final as of July 20th, 2010 recommended Romania to take immediate action with a view to "strengthen the general anti-corruption policy, notably through coordination at high level and on the basis of independent impact evaluation of the results of the last two anti-corruption strategies implemented since 2005".

In the first months of 2011, the Center for Legal Resources (CRJ) invited several nongovernmental organizations with expertise in the field of public integrity to sign a letter addressed to the Ministry of Justice. Through that letter, the signatories expressed their availability to be involved in the consultation process related to the drafting of a new Anti-Corruption National Strategy, and they asked the Ministry of Justice (MJ) for regular notifications regarding the stage of the independent impact evaluation of the results of the last two anti-corruption strategies, as well as on the stage of the new Strategy's drafting. In the same letter, the NGOs recommended the MJ to organize a meeting with the nongovernmental organizations in order to discuss the strategic directions in the field of the general anti-corruption policy. This letter was signed by 28 nongovernmental organizations. The Ministry of Justice declared its willingness to work together with the nongovernmental organizations, and asked them to provide their points of view with regard to the Report on the independent impact evaluation of the last two anti-corruption strategies implemented between 2005 and 2010.

As the Ministry of Justice initiated the process of consultations for the drafting of the new Anti-Corruption National Strategy on April 14th, 2011, the Center for Legal Resources and the civic platform Eruption Anti-corruption, supported by the Romanian-American Foundation, organized the seminar entitled "NGOs' Involvement in Strengthening the General Anti-corruption Policy in Romania" held on May 6th, 2011. During the seminar, the participants decided to prepare and disseminate a questionnaire concerning the most necessary and most urgent anti-corruption actions and measures as seen from the nongovernmental organizations' perspective.

The questionnaire was prepared by the Center for Legal Resources with the help of the following nongovernmental organizations and groups of action: Assistance and Programs for Sustainable Development - Agenda 21, the Partners for Local Development Foundation, the National Association of Citizens Advice Bureaux (NACAB), the civic platform Eruption Anti-Corruption, the Pro Democracy Association.

This report presents the main findings of the investigation.

The next step of this initiative is to organize a meeting with the participation of the nongovernmental organizations involved and the relevant public authorities (the Ministry of Justice, the Superior Council of Magistracy, the Ministry of Administration and the Interior, etc.) at the beginning of July 2011. The purpose of this meeting is to discuss proposals and recommendations on anti-corruption measures and actions.

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## Anti-Corruption Solutions, Actions or Measures

### NGO Priorities

#### Methodology

The questionnaire was sent by e-mail to 72 nongovernmental organizations that have developed projects related to the area of transparency, integrity and preventing corruption over the past 10 years. The organizations were identified from the data bases comprising projects financed under various programs (eg.: "Anti-corruption Transition Facility", "NGO Fund", "Phare 2005", "Phare 2006", etc.). Out of the 72 organizations contacted, 31 answered. The answer rate was of 43%. Most of the nongovernmental organizations interested in the process of drafting the new national strategy on anti-corruption are from **Bucharest (17 NGOs)** and **Timișoara (4 NGOs)**.

#### COUNTY

	Rate	Percent
County Caras-Severin	1	3.2
<b>Bucharest</b>	<b>17</b>	<b>54.8</b>
Iasi	1	3.2
Suceava	1	3.2
Braila	2	6.5
<b>Timis</b>	<b>4</b>	<b>12.9</b>
Arad	1	3.2
Mures	1	3.2
Dambovita	1	3.2
Gorj	1	3.2
Craiova	1	3.2
Total	31	100.0
Total	31	100.0

## Anti-Corruption Solutions, Actions or Measures

### NGO Priorities

#### Coordinating and Monitoring the New Anti-Corruption Strategy

The first question concerned the public institution responsible for coordinating and monitoring the implementation of the new Strategy on anti-corruption. The authors of the report on the independent impact evaluation of the last two anti-corruption strategies implemented between 2005 – 2010 recommended that the "responsibility for coordinating and monitoring the implementation of the next strategy be given to the Prime Minister's Office". In addition to this option, the questionnaire also included two other alternative solutions: responsibility for coordinating and monitoring should be taken by the Ministry of Administration and the Interior (as it happened for the National Anti-corruption Strategy 2008-2010) or by the Ministry of Justice (as it happened for the National Anti-corruption Strategy 2005-2007).

A significant part of the consulted NGOs (42%) endorsed the proposal that the Prime Minister's Office should coordinate and monitor the new Strategy. The other alternative solutions were chosen only by few.

#### Who do you think should coordinate and monitor the next National Strategy on Anti-corruption?

	Rate	Percent
<b>Committee under Prime Minister's Office</b>	<b>13</b>	<b>41.9</b>
Committee under the Ministry of Justice	7	22.6
Committee under the Ministry of Administration and the Interior	1	3.2
Another solution	8	25.8
Questionnaires where answers were not given to this question	2	6.5
Total	31	100.0

Other solutions identified by NGOs were as follows:

**Q1. Who do you think should coordinate and monitor the next National Strategy on Anti-corruption? Answer 4. Another solution**

Another solution. Detailed.	
1	An entity subordinated to the Chamber of Deputies and the Senate including representatives of the civil society. Reason: governmental bodies have proven so far that they cannot fight efficiently against corruption because of the politicians' pressure.
6	Setting up a National Court on Anti-corruption subordinated to and financed by the Parliament, comprising an odd number of people appointed by the Parliament for 8 years. It should have its own structure with branches at development regions level.
15	Coordination should be under the Prime Minister, but monitored by NGOs or by a committee comprising a majority of NGOs - coordination separately and monitoring separately!
16	A joint group including representatives of entities outside the Government.
22	In the monitoring process a body set up under the Parliament should be also involved.
24	Idealistically, I would like to see a multi-stakeholder group institutionalized, with members from the central public administration, the civil society, trade unions, employers' associations, etc.
27	Responsibility for this strategy's implementation coordination belongs to the MJ. In order to Be effective and efficient, monitoring will have to be done simultaneously by 3 structures, reporting at the same regular times.
28	A committee including representatives of the MJ, MAI and NGOs active in the field of anti-corruption.
31	A joint commission/ committee including representatives of NGOs. Its activity has to be transparent and with clearly defined responsibilities.
Total	31

a. Limited to the first 100 cases.

## Anti-Corruption Solutions, Actions or Measures

### NGO Priorities

#### Mesures for Preventing Corruption, Ensuring Integrity and Increasing Transparency

The second question in the questionnaire concerned the assessment of the need for more measures and actions to prevent corruption. Each organization had the opportunity to suggest three additional measures besides the standard ones in the questionnaire. Each organization graded each measure/action with grades from 1 to 5 (grade 1 meaning that the action/measure was not necessary, and grade 5 meaning that the action/measure was very much necessary).

For each corruption preventing measure/action the arithmetical average was calculated thus resulting two clusters: **very necessary** measures/actions (the average of grades above 4) and **necessary** measures/actions (the average of grades between 3 and 4). There were no measures/actions recorded with an average below 3.

**Very necessary** measures/actions to prevent corruption (the average of grades above 4)

Place	Solution, action, measure to prevent corruption	Average
1	Q2.11 Introducing clear sanctions for non-compliance with the provisions of Law no. 52/2003	4.80
2	Q2.15 Correct and efficient placement of public investments, through an accurate assessment of prices, creating transparent monitoring systems from the contracting stage to reception, ensuring the implementation supervision by competent and upright site managers (adopting EU procedures also for investments made from the national public budget)	4.63
3	Q2.5. Establishing a scheme of grants from national or EU public funds, to be used for financing anti-corruption projects developed by nongovernmental organizations.	4.42
4	Q2.12 Modifying Law no. 571/2004 in order to provide stronger protection to the personnel in the public administration who signal cases of law infringement.	4.36
5	Q2. 14 Preparing a national registry of real estate properties, with reference to the personal numeric code, and compatible with the EU (each individual could therefore be checked with regard to all properties he/she and his/her relatives own in Romania).	4.27
6	Q2.7 Drafting a code of integrity comprising all the legal provisions in the field of preventing corruption and ensuring integrity.	4.26
7	Q2.13 Finalizing the recording of public properties at central and local level (municipal real estate cadaster) on digital maps.	4.24
8	Q2.16. Creating a modern, efficient and transparent human resources management system by developing the mechanisms to motivate, evaluate,	4.03

	recognize and reward the merits of those working in public institutions, and Q2. 3. Compelling each public authority/institution to prepare a regular (annual) report on the implementation of the anti-corruption strategic plans and actions.	
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**Necessary** measures/actions to prevent corruption (the average of grades between 3 and 4)

Place	Solution, action, measure to prevent corruption	Average
9	Q2.1. Compelling each public authority/institution to develop a strategic plan and a plan of actions designed to prevent corruption, through a participatory process. In this process, the institution should analyze its vulnerabilities, identify solutions, establish success indicators and implementation monitoring mechanisms, with the goal of reaching the objectives set by the national strategy on anti-corruption.	3.97
10	Q2.2. Obligatory organization of training programs for public servants who work within offices/directorates/services with a high risk of being subject to corruption, and  Q2.4. Compelling each public authority/institution to prepare a regular (annual) report on the acts of corruption identified in its own organization and on the measures taken.	3.90
11	Q2.17 Developing networks of anti-corruption experts that can support public institutions in establishing, through participatory processes, anti-corruption strategic plans designed to strengthen the organizations' integrity, efficiency and transparency.	3.83
12	Q2.9. Including compulsory training in the field of ethics both in the higher education and in the continuous professional training curricula.	3.57
13	Q2.10 Setting up anti-corruption regional and local councils whose role would be that of consultative bodies comprising prominent members of the local communities, local journalists, members of NGOs and representatives of the business sector. The purpose is that of monitoring and promoting the anti-corruption measures at local level.	3.53
14	Q2.6 Transforming the ethics advisor into a specific public function meant to allow the ethical advisory activity to become a key task at work. NOTE: Currently, the ethical advisory activity is just a collateral responsibility, an additional task assigned to an individual within the human resources department.	3.45
15	Q2.8 Conducting experience exchanges in the field of corruption prevention between the public and the private sectors (in order to identify similarities and differences between the internal corruption prevention methods in the public and private sectors, and to identify good practices).	3.39

Other corruption prevention measures/actions

Many nongovernmental organizations have suggested other types of prevention measures/actions or have expressed their concerns regarding the capacity of any administrative measures to prevent corruption.

Other corruption prevention measures/actions Q2 SOMETHING ELSE		
6	1. Eliminating the lengthy procedures in the national legislation which lead to bureaucracy. Establishing that "unique office" where the citizen can address the institution. We should no longer be forced to go to many offices and departments of a certain institution in order to obtain an authorization. This is the so called paper circuit. At the Town Hall of Braila, things have gone so far that a person gets a receipt for a tax at one desk and then he/she has to	

	<p>make a copy of that receipt and submit it to an adjoining desk.</p> <p>2. Introducing information technology in each institution and among ALL institutions. For example, the well known copy of an identity card which could be easily replaced if all institutions were connected to the data base of the department of persons' record. In addition, the possibility to submit electronic requests and documents based on the electronic signature. The legally certified copies of documents could be eliminated if this national network existed and if the clerk in a certain institution had access to the data base of different entities that issue documents.</p> <p>3. Eliminating lengthy procedures for the economic agents' signing up and participating in public tenders. Eliminating the acceptance of additional acts to contracts regarding price increase after the tender is over and a final price has resulted. The specifications should include from the beginning all the project data and the winner should then have no reason to say he was not aware of some works that come up in the long run.</p>
7	<p>1. Very tough sanctions for those involved in corruption acts, and making public the negative examples at local and national level.</p> <p>2. Sanctioning those who purposefully try to hide corruption acts or who do not apply the sanctions when investigations have proven an act of corruption.</p> <p>3. Annual evaluation of the individuals assigned to positions as ethical advisors.</p>
10	<p>1. Making the wealth statement compulsory for the entire population, and imposing a tax of 200% for the difference between the real status and the income statement (concurrently with the inclusion of the income statement). In this way, the possibility of using incomes that cannot be accounted for would be stopped. In addition, this would stop the motivation, hard to prove, that certain incomes are legally acquired through inheritance – in situations where the deceased who was utterly poor apparently leaves an inheritance of millions of Euros?!</p> <p>2. Dissolving clans. To be aware of the fact that a person cannot simultaneously represent two interests which may possibly be conflictual. According to this definition of the conflict of interests, all legally constituted professional structures are in a conflict of interests because the interest of the professional body's members is different from the public interest which the respective profession is called to represent. Example: Lawyers, as members of a bar - it is in their interest that other competing lawyers do not join that bar, it is in their interest that disciplinary cases be judged by themselves. Actually, the difference between such a structure and the mafia type structures is the means by which the clan's own interests are imposed (beyond negotiation, common sense, accord or public interest).</p> <p>3. Dissolving the clans can be done through an organic law sanctioning by absolute nullity any acts or deeds circumscribed to the idea of conflict of interest as suggested above as well as all consequences of such acts, and under such conditions that the right to invoke nullity be imprescriptible and that there may be no need to invoke any of the claimants' interests.</p> <p>3. Strengthening the democratic institutions to the extent that no structure may escape the control exerted by an independent institution. Because magistrates avoid such an institutional control, as they are their own judges, a disciplinary jurisdiction structure should be set up with the Superior Council of Magistracy, where the decisions be made by a jury panel (independent persons representatives of the society, enrolled on a voluntary basis or selected arbitrarily and at random – verified from the criminal record viewpoint.) As long as justice is not subjected to a control mechanism, we cannot speak about the three powers in the state, nor about independence and balance among them, just as we cannot speak about the pursuit of the public interest, democracy or the rule of law.</p> <p>4. Excluding the prosecutors from the magistrates' category. In very few legislations are the prosecutors irremovable. Their irremovability equals to encouraging incompetence through the absence of any competition mechanism capable of generating competitiveness and responsibility.</p> <p>5. Changing the access to the profession of prosecutor from an artificial and irrelevant entrance examination to magistracy into a competition exam in which lawyers specialized in criminal law and having a minimum of 5-year experience and a flawless reputation can participate.</p> <p>6. Access to the profession of magistrate should be given to the legal advisors who have at least a 20-year experience and who enjoy a solid professional reputation in the speciality they</p>

	<p>choose, as well as a flawless moral reputation.</p> <p>7. Law provisions to ensure the financial resources for Judicial Courts, Tribunals, Courts of Appeal and the High Court of Cassation and Justice, so that the executive and the legislative have no means to influence the administration of the justice.</p> <p>8. The managing boards of the Judicial Courts, Tribunals, etc. should be the result of the direct will of the people to strengthen the democratic control of the citizens over the powers of the state.</p> <p>9. The leadership of the Superior Council of Magistracy should, in its turn, be the result of a direct election process, a general one – not restricted to the members of the Superior Council of Magistracy!?</p>
12	<p>1. Standardization of the sites of public authorities and institutions regarding the compliance with the provisions of the law on transparency (one of the recommendations for 2010 of the Directive on governmental strategies).</p> <p>2. Assistance to the public institutions that do not have sufficient resources to create their easy to update websites</p> <p>3. Establishing a strategy, at each public institution's level, regarding the circulation/release of information of public interest (including clarifications on bills of law, on how, when, on what kind of support should the information be posted on the institution's website, etc.).</p>
15	<p>1. Creation of a body to evaluate the level of bureaucracy of public institutions in their relation with the citizen, a body which should necessarily include NGOs (which should be able to impose simplification based on analysis);</p> <p>2. Simplification of administrative-bureaucratic procedures and the creation of unique desks for the relation with the citizen/company. Interconnecting the data bases of different institutions in order to avoid the ping-pong effect with the citizen. Unification of the control bodies so that there is no more need for tens of institutions to come to control.</p>
16	Measures to enhance (1) integrity, (2) independence from the political factor, (3) protection and (4) interest in taking action, among the personnel in institutions responsible for detecting and punishing corruption acts (policemen, prosecutors, judges).
17	Strengthening the media's role as a watch dog, on the principle "name it and shame it"
18	Improving the sanctions' system for non-compliance with Law 544/2001, up to recovering the penalties from the responsible employees.
23	I have a somewhat different vision here ... I believe we should find a way to motivate people, rather than modify the Constitution and regulate everything. However, I do not know if modifying the Constitution can bring about a change in people's attitude ...
30	A most efficient and clear promotion of certain functions like that of an ethical advisor or of the public integrity alerter, considering the fact that a great number of employees are not aware of them. Sometimes, not even the head of the organization understands what these functions mean.
31	<p>1. SYSTEM DEPOLITIZATION TO THE LEVEL OF STATE SECRETARY/ UNDER-SECRETARY. The system is inefficient as long as the managers are appointed on political reasons, instead of a competition meant to assess their managerial capacity and qualifications.</p> <p>2. PROFESSIONALIZATION OF THE SYSTEM.</p>

The third question in the questionnaire concerned the adoption of a corruption prevention measure or another. The organizations were asked to say which prevention measure/action they would implement in the first and then in the second place. **The measures considered as the most needed (Q2.11, Q2.15 and Q2.5) are appreciated as being the most urgent.** A therefore, NGOs would choose to implement firstly the following measures/actions:

Place	Solution, action, measure to prevent corruption
1	Q2.15 Correct and efficient placement of public investments, through an accurate assessment of prices, creating transparent monitoring systems from the contracting stage to reception, ensuring the implementation supervision by competent and upright site managers (adopting EU procedures also for investments made from the national public

	budget)
2	<p>Q2.5. Establishing a scheme of grants from national or EU public funds, to be used for financing anti-corruption projects developed by nongovernmental organizations,</p> <p>and</p> <p>Q2.1. Compelling each public authority/institution to develop a strategic plan and a plan of actions designed to prevent corruption, through a participatory process. In this process, the institution should analyze its vulnerabilities, identify solutions, establish success indicators and implementation monitoring mechanisms, with the goal of reaching the objectives set by the national strategy on anti-corruption.</p>
3	Q2.11 Introducing clear sanctions for non-compliance with the provisions of Law no. 52/2003.

**If you could implement two PREVENTION actions/measures from those listed above (under Q2), which ones would they be?**

		Choice rate as first measure	Choice rate as second measure	Total references to measure
Valid	<b>Measure 1</b>	<b>3</b>	<b>4</b>	<b>7</b>
	Measure 2	0	3	3
	Measure 3	1	1	2
	Measure 4	2	1	3
	<b>Measure 5</b>	<b>4</b>	<b>3</b>	<b>7</b>
	Measure 7	1	1	2
	Measure 10	1	0	1
	<b>Measure 11</b>	<b>4</b>	<b>2</b>	<b>6</b>
	Measure 12	1	2	3
	Measure 14	0	1	1
	<b>Measure 15</b>	<b>6</b>	<b>3</b>	<b>9</b>
	Measure 16	1	3	4
	Measure 17	3	1	4
Missing Data	Questionnaires not filled in for this question	4	6	10
Total		31	31	62

## Anti-Corruption Solutions, Actions or Measures

### NGO Priorities

#### Corruption Countering Measures

The fourth question of the questionnaire concerned the assessment of the need for more measures and actions to fight corruption. Each organization had the opportunity to suggest three additional measures besides the standard ones in the questionnaire. Each organization gave grades from 1 to 5 for each measure/action (grade 1 meaning that the action/measure was not necessary, and grade 5 meaning that the action/measure was very necessary).

For each corruption fighting measure/action, the arithmetic average was calculated, thus resulting two clusters: **very necessary** measures/actions (the average of grades over 4) and **necessary** measures/actions (the average of grades between 3 and 4). There were no measures/actions recorded with an average below 3.

**Very necessary** measures/actions to fight corruption (the average of grades over 4)

Place	Solution, action, measure to prevent corruption	Average
1	Q4.8 Directing anti-corruption investigations towards those sectors where corruption has the deepest impact on people's lives [egg.: corruption in environmental inspections (checking the compliance with the laws), public health, constructions, issuing of driving licences, etc].	4.32
2	Q4.6 Abrogation of Art. 109, paragraph 2 of the Constitution, that stipulates a special procedure for prosecution in the case of ministers, and  Q4.2. Specialization of prosecutors and judges in specific domains such as public acquisitions, European funds, authorization of constructions and urban planning, etc.	4.29
3	Q4.1 Tougher disciplinary sanctions for the infringement of professional conduct regulations as stipulated by law.	4.10

**Necessary** measures/actions to prevent corruption (the average of grades between 3 and 4)

Place	Solution, action, measure to prevent corruption	Average
4	Q4.7 Generalizing the use of the special investigation technique called "fictitious bribe", through undercover agents, against all persons somehow suspected of corruption.	3.93
5	Q4.3 Increasing the competence of the Anti-Corruption General Directorate in investigating corruption crimes committed by local officials.	3.71
6	Q4.5 Abrogation of Art. 44, paragraph 8 of the Constitution which presumes the legal character of acquiring a fortune in order to be able to reverse the burden of	3.59

	proof during the procedures of seizure and confiscation of wealth. NOTĂ: Reversing the burden of proof implies that the state does no longer need to come up with proofs that the fortune is illegal, but rather the accused has to prove that the fortune he/she owns is legal.	
7	Q4.4 Reducing the number of institutions dealing with fighting corruption.	3.11

Some nongovernmental organizations have suggested other types of measures/actions to fight the phenomenon or they have expressed their concerns regarding the capacity of any measures to counteract corruption.

Other corruption prevention measures/actions Q4 SOMETHING ELSE	
10	<ol style="list-style-type: none"> <li>1. Harshening can have reverse effects: as the law is aberrant and unbalanced, as there is no balance between the seriousness of a deed and the punishment, the tendency to defy and not to admit it arises.</li> <li>2. Specialization is useless. If prosecutors and judges are not aware of their mission, and as long as they do not answer for their errors, any other attempt is just totally useless.</li> <li>3. The National Anti-Corruption Directorate (NACD) must be dissolved. The NACD restricts the number of those who can investigate the acts and facts of corruption. The NACD prosecutors can be more easily controlled and manipulated if they are in a smaller number. The risk for a prosecutor to disturb the political power is smaller if the majority of prosecutors is denied that right. The procedures of including prosecutors in the NACD are not transparent, so that the NACD can very well be the result of a selection made by the ruling power.</li> <li>4. Abrogation of Art. 44.8 of the Constitution is an unimaginable aberration: the accused person will have to prove what he/she has not done, which is impossible!!!!!! The presumption of innocence, valid in democratic states, is now transformed into an instrument used by the state against the citizens!!!!!!!</li> <li>5. Art. 109 of the Constitution can be detailed by law. The Law can have one article stipulating that the only derogation from the common law is a notification (not sending a request for agreement) regarding the start of a criminal trial, while the legislative and the executive have no power whatsoever to intervene in the exercise of the judiciary's responsibilities.</li> <li>6. The method of the fictitious bribe is a Bolshevik one. If the state cannot fight against corruption in a fair way, it means it is bankrupt. The measure should rather be reversed, in the sense that ANYONE may bring recorded proofs regarding a corruption crime, without the monopolist intervention of the NACD or of the prosecutors. The deceasing exonerates of any responsibility the person who denounces an act of corruption. There is no need for a fictitious bribe. Este suficient ca oricine să poată să demonstreze un act de corupție prin înregistrarea prealabilă obiectului mitei și denunțarea infracțiunii fără implicarea parchetelor. Ex. solicit de la bancă să se menționeze seriile banilor care vor fi utilizați, serii care vor fi confruntate ulterior cu sumele aflate în posesia celui mituit și eventual dublarea acestei măsuri de o înregistrare audio sau o transmitere în direct către OCP prin aparatele telefonice actuale.</li> </ol>
	We have laws, we have the personnel to enforce the laws, but the human factor continues to respond to political and financial interests, so that the justice – throughout its turn – has a subjective character. Corruption benefits of political protection in exchange of the fact that it produces money for the people present in the power structures at a certain time. Therefore, I would somehow try to cut the relation between justice and politics, and come back to the need of real independence of those who enforce the law.
	<ol style="list-style-type: none"> <li>1. Cleaning each system. Perhaps, making a list of the most corrupt sectors. Verifying the enforcement of the laws is necessary in all sectors, not only in some of them.</li> <li>2. DEPOLITIZATION OF THE SYSTEM. The personnel in state institutions will not take measures or a stand if the management is corrupt and appointed on political reasons. We do not need more institutions but rather less in number and more efficient.</li> <li>3. PROFESSIONALIZATION OF THE SYSTEM. Professionally qualified and competent people are needed in the agencies with responsibility in the field of fighting against</li> </ol>

	corruption, and they must not be appointed on political grounds.
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The fifth question in the questionnaire referred to the urgency of adopting one or another of the corruption prevention measures. The organizations were asked to say which corruption fighting measure/action they would implement in the first place and which in the second place. **The measures considered as the most necessary (Q4.1, Q4.2 și Q4.8) are also seen as the most urgent ones.**

**If you could implement two PREVENTION actions/measures from those listed above (la Q4), which would they be?**

		Rate of choice as first measure	Rate of choice as second measure	Total references measure
Valid	<b>Measure 1</b>	<b>9</b>	<b>2</b>	<b>11</b>
	<b>Measure 2</b>	<b>3</b>	<b>8</b>	<b>11</b>
	<b>Measure 3</b>	1	2	3
	<b>Measure 4</b>	1	1	2
	<b>Measure 5</b>	6	2	8
	<b>Measure 6</b>	3	4	7
	<b>Measure 7</b>	0	2	2
	<b>Masura 8</b>	<b>6</b>	<b>7</b>	<b>13</b>
	Total	29	28	57
Missing Data	Questionnaires not filled in for this question	2	3	5
Total		31	31	62

## Anti-Corruption Solutions, Actions or Measures

### NGO Priorities

#### Other Comments in the Questionnaires

In the end, the questionnaire gave all organizations the opportunity to send further suggestions, ideas, comments.

<b>Other suggestions, ideas, comments</b>	
	Special programs for the protection of persons who observe, denounce, prove acts of corruption.
	Corruption is the solution to a problem, not the problem itself. Corruption is not countered, it must be prevented. Corruption is nothing more than the safer, more accessible, cheaper, more efficient alternative to a public service. Corruption is also the consequence of the unlikelihood of the application of the law, of the lack of celerity of the processes, of the lack of sanctions against those who have been involved in acts of corruption, cartels, of excessive regulations, of excessive bureaucracy, of the arbitrary, of the lack of procedures, of the state's inefficiency, of the very poor image of the institutions with responsibilities in the field of control and justice in general. Corruption is caused by the fact that the political factor can intervene in the judicial system. Such interventions hinder the application of the law and of the rule of law, and they leave the impression that justice is a solution only for the naive and those lacking the means. Corruption is so widely spread in Romania because it is very cost effective. In order to curtail corruption: the citizens' rights must be respected, meaning that the citizens should no longer be forced to beg the state; clear procedures should be put in place, transparency in solving the problems so that the people can know exactly what, where, how, when and how much. The public services provided to the population by the state must be accessible to everybody, not limited to a small number of applicants, and they should require correct fees so that the people may not be tempted to resort to solutions that fall under the category of corruption.
	I do not know if there is a clearly designated institution responsible for settling cases of conflict of interests as stipulated in Art. 2531 of the Criminal Code. See the answers given in 2007 by 2 institutions with regard to this aspect: - In the Mureş County, the Prosecutors Service with the Court of Appeal Târgu-Mureş and the Prosecutors Service with the Court of Justice Târgu-Mureş pass responsibilities from one to the other when it comes to settling cases of conflict of interests as stipulated in Art. 2531 of the Criminal Code. The Prosecutors Service with the Court of Justice Târgu-Mureş makes reference to Art. 281 C.p.p. corroborated with Art. 209 para. 3,4 C.p.p., according to which the competent body to settle the case of conflict of interests stipulated under Art. 253.1 of the Criminal Code is the Prosecutors Service with the Court of Appeal.

	the Prosecutors Service with the Court of Appeal Târgu-Mureş specifies that, according to the provisions under Art. 25 of the Code of criminal procedure, the competence to prosecute in cases involving this offence lies with the prosecutors' services associated to the courts of justice, as it is not specifically given to the competence of courts as under the provisions of Art. 26-29 of the Code of criminal procedure, tribunals, courts of appeal, supreme court respectively.
	I do not believe in the efficiency of introducing new bureaucratic measures (egg: strategies, plans, commissions, etc.), but rather in finding solutions to make the already existing mechanisms actually work AS THEY SHOULD WORK.

# Chapter 7

## Anti-Corruption Solutions, Actions or Measures NGO Priorities

### Conclusions

The common priorities in preventing and fighting corruption as identified by the nongovernmental organizations are the following:

1. Introducing clear sanctions in case of the infringement of the provisions under Law no. 52/2003 (egg: establishing in a clear manner the 30-day term for the publication of the bills of law – lapse term or recommendation term);
2. Correct and efficient placement of public investments (egg: big projects like those concerning transportation infrastructure or the environment), through an accurate assessment of the prices, developing transparent monitoring systems from the contracting stage to the commissioning, ensuring the supervision of competent and righteous site managers (adopting the EU procedures also for the investments made from the national budget);
3. Creating a scheme of grants from EU or national public funds to finance anti-corruption projects developed by nongovernmental organizations.

Although the mechanism of cooperation and verification specifies the priority of preventing and fighting corruption, there are no available funds necessary for involving the nongovernmental sector in corruption prevention. The assistance of the PHARE type enabled the capacity of NGOs to monitor, transfer know-how and support anti-corruption efforts. This expertise can be further used to enhance the demand for integrity at local and central level. As the anti-corruption reforms have been implemented, in principle, as a response to the external pressures, there is a risk that they may turn into institutional practices and thus not generate a culture of integrity in the public sector. We need a permanent internal pressure and the dialogue among the public sector, the private sector and the nongovernmental one so that the anti-corruption reforms to become sustainable even after the closing of the Mechanism of cooperation and verification.

4. Directing anti-corruption investigations towards those sectors where corruption has the most serious impact on people's life [egg: corruption in environmental inspections (verifying the application of the laws), public health, constructions, issue of driving licences, etc].
5. Specializing prosecutors and judges in specific domains like public acquisitions, European funds, authorization of constructions and urban planning, etc.
6. Înăsprirea aplicării sancțiunilor disciplinare pentru încălcarea normelor de conduită profesională prevăzute de lege.

The proposals of measures/actions will be further discussed by the nongovernmental sector so that they are structured and justified. The NGOs' positions will be addressed at the beginning of July during a meeting with the participation of NGOs and the relevant public authorities (Ministry of Justice, the Superior Council of Magistracy, the Ministry of Administration and the Interior, etc).