

From bribe to the denounced bribe

Bucharest, 22 May 2004 --- Transparency International--Romania requests to the Government to elaborate viable strategies in the field of preventing, fighting, and sanctioning corruption, which would have at its basis the other states' experience, the international expertise, as well as the data revealed by the studies and the qualitative and quantitative analysis made in Romania. We consider that, in the absence of such viable anticorruption strategies and public policies, the measures taken until this moment in this field were un-organized and non-systematic, having as an effect/outcome the risk for Romania not adhere to the European Union. Only through a substantial strengthening of the Romanian public integrity system, in the following three years, the anti-corruption programs will be able to align Romania to the standards required for reaching the integration objective at the assumed term – 1st of January 2007.

As far as the elaborated and applied policies and action plans for the prevention and the fight against corruption concern, the trimester activity Report of TI Romania's Anticorruption Assistance Centre (ALAC) confirms a series of acute issues:

- The capacity of elaborating viable strategies and action plans in the field is extremely low, given the lack of diagnoses and expertise to which it should base such programmes;
- The institutional capacity of the public actors involved in the prevention and the fighting against corruption, both in the sphere of the administrative jurisdictions, as well as in the legal one, is more reduced, leading to the conclusion that the state authorities does not articulate its anticorruption programmes in a efficient manner within the specific organizational infrastructures;
- Both above stated conclusions have at their basis the lack of some impact studies and of some diagnoses made in a rigorous and responsible manner, which can provide viable solutions not only on a legislative plan, but also in the public management plan;
- As a consequence, the inefficient direct application and the supervision of the legislation application by the public authorities and institutions, the juridical authority and the persons invested to exert the public authority in the basis of some special statutes (public notaries, juridical executors, juridical experts etc.) perpetuate themselves

After 3 months of activity (February-April), the TI Romania's ALAC presents a few typical situations of abuse accompanied by personal benefits that are not sanctioned by the legislation in force as a corruption offence:

- The insufficient regulation of the abuse in service against the public interest in conjunction with the obtaining of some personal benefits.

- The insufficient regulation of the abuse in service against the person's interests in conjunction with the obtaining of some personal benefits.
- The concealing of some corruption felonies under the mask of the negligence in service caused by the difficulty of proving the intention
- The superficial and inefficient regulation of the conflict of interests

The ALAC centre received, assisted and counselled 428 files following the citizens' visit to the centre and processed 620 letters. Some statistical data can be extracted from the total amount of the complaints addressed to the Centre (among which only 30% passed the filter for being studied in depth and only 10% presented clues of some corruption facts):

the most frequent noticed corruption acts by the citizens were abuse in service assimilated to corruption (25%), trading in influence (23%), bribe receiving (22%), bribe giving (10%), conflicts of interests and incompatibilities (12%).

the most denounced public zones for corruption are: the legal system (31%), the local administration (26%), the central administration from the counties (20%),

the most denounced categories of employees from the public sector or linked with the public sector are: the politically elected and nominated ones 27% (especially mayors and prefects), magistrates 25%, public functionaries 19%, policemen 12%, juridical and extra-judicial experts and notaries 9,5%.

The difficulties of the assisted citizens are:

- to select the clues for the denounced acts of corruption and proving them,
- to identify the indirect proofs in the case in which they cannot prove directly the bribe,
- to obtain information from the public institutions that refuse their rights according to the Law 544/2001 and the Ordinance 27/2003

The main confusions citizens make in identifying corruption concern: the abuse against the person's interests, administrative abuses and errors on the Law 18/1991, juridical errors, process errors in the phases of criminal investigation and following (procrastinations, ordinances of pulling of the press of charges and resolutions for not starting the criminal press of charges).

Transparency International Romania is a nongovernmental organization, founded in 1999 by a group of citizens and associations worried by the corruption problem in Romania. During the same year, Transparency International Romania was accredited as the national branch of the Transparency International network, the global coalition for the fight against corruption. TI-Romania's mission is to promote, in a jointly manner the Romanian system of integrity in order to diminish corruption. In particular, in the 2003-07 period, the promotion of the national system of integrity will follow the line of fulfilling the conditions for the adherence to the European Union in conformity with the deficiencies already identified by the EU. These are: the lack of reform in justice, the poor administrative capacity and the lack of a functional market economy.

Transparency International Romania