



/EUROPE/

January 3rd, 2014

CHANGES IN ROMANIA'S CRIMINAL LAW ALARM CIVIL SOCIETY

by Southeast European Times



Secretly debated changes to Romania's Criminal Code pose a threat to democratic values in the country, the international community and experts warn

Romanian lawmakers secretly passed a series of amendments that decriminalises political corruption. [Gabriel Petrescu/SETimes]

The European Commission and Romania's civil society are critical of a series of amendments to the Criminal Law that decriminalise political corruption and free high-ranking officials from possible corruption charges.

On December 10th, Romanian lawmakers secretly passed a series of amendments that take lawmakers, the president of the country and the liberal professions, such as lawyers, out from the category of "public officials," which means they are no longer accountable for offences such as bribery, peddling of influence, abuse of office and conflict of interest.

"The amendments basically create total impunity for lawmakers; they will be the only category which will be out of the reach of corruption criminal investigations," Laura Stefan, an anti-corruption specialist of the Expert Forum, a leading Romanian think-tank, told *SETimes*. "It blows away the whole activity of the anti-corruption bodies deployed over the last decade."

The amendments, voted for without any public debate, have sparked criticism among the international community and civil society in Romania.

This is a step backwards for the Romanian democracy, some ambassadors in Bucharest and foreign chambers of commerce warned. The European Commission said all citizens are equal before the law and warned the amendments will be reflected in January's report on the Co-operation and Verification Mechanism (CVM), the instrument through which Brussels assesses Romania's and Bulgaria's progress in the field of justice, with a great stress on the anti-corruption fight.

Hundreds of people took the streets downtown Bucharest protesting against the changes secretly passed by lawmakers. The activists have asked President Traian Basescu not to approve the law.

Basescu announced he would not promulgate the law containing these amendments, saying the changes will send Romania 10 years back.

At the same time, a bill on amnesty has been sent back to the judiciary committee by the Chamber of Deputies under the pressure of the civil society. The bill would pardon anyone serving up to six years in prison, including influential politicians who are already under investigation of corruption charges, as well as those who are unable to hold public offices after serving a prison term.

"The bill on amnesty would lead to one third of the Romanian convicts being released, which will impact on our negotiations to join the borderless Schengen area," Stefan said. "With so many offenders on the loose, the move will boost the West's distrust. In the end, all the ongoing high profile corruption files would be closed. So, then one wonders how can we be convincing we want to fight big fish corruption?"

Bloggers also denounced the parliaments' recent activity.

"Thus, all the 581 MPs rose above the law," [Sorina Matei](#) said in her blog. She pointed out that "at least 28 MPs and over 100 locally elected officials" under criminal investigations for corruption offences will benefit from the controversial amendments.

"This is just a stage of a wider and careful plan of annihilating some fundamental institutions of the state and weakening the rule of law," she warned.

"Stop legalising theft," posted a former justice minister and member of the European Parliament, [Monica Macovei](#) on her blog. "The Parliament has created thus two categories of citizens: one, a high-placed caste, which can plunder the state and the public goods with impunity, and the others, the ordinary citizens, who for the very same offences can receive prison terms."

Macovei called on the civil society not to condone the lawmakers' behaviour which "paves the way for unimaginable abuses."

Source

<http://bit.ly/1g596Cn>

Original Date

December 27th, 2013

Original Title

Changes in Romania's criminal law alarm civil society

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Tags

Bribery, Corruption, Europe, Romania

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Printed on 2014, January 09 from URL:

http://www.flarenetwork.org/learn/europe/article/changes_in_romantias_criminal_law_alarm_civil_society.htm

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