

Romania

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Capital: Bucharest
Population: 21.4 million
GNI/capita, PPP: US\$15,780

Source: The data above are drawn from the World Bank's *World Development Indicators 2013*.

Nations in Transit Ratings and Averaged Scores

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Electoral Process	2.75	2.75	2.75	2.75	2.75	2.50	2.75	2.75	3.00	3.00
Civil Society	2.50	2.25	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.50
Independent Media	3.75	4.00	4.00	3.75	3.75	3.75	4.00	4.00	4.00	4.25
Governance*	3.75	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	3.50	3.50	3.50	3.75	3.75	4.00	3.75	3.75	4.00
Local Democratic Governance	n/a	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Judicial Framework and Independence	4.25	4.00	4.00	3.75	4.00	4.00	4.00	4.00	3.75	3.75
Corruption	4.50	4.25	4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00
Democracy Score	3.58	3.39	3.39	3.29	3.36	3.36	3.46	3.43	3.43	3.50

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

Romania has experienced a series of unstable governments in the last decade. Austerity measures imposed since the economic recession in 2009, including an increased sales tax and 25 percent cut in public sector wages, fueled dissatisfaction with the government led by President Traian Băsescu and Prime Minister Emil Boc, both affiliated with the Liberal Democratic Party (PDL). This frustration came to a head in January 2012, when thousands of protesters took to the streets of Bucharest, calling for the two leaders to resign. Prime Minister Boc stepped down in February, but the government led by his replacement, Mihai Răzvan Ungureanu, fell to a no-confidence vote in April. Băsescu then named Victor Ponta as prime minister, and a ruling alliance of Ponta's former communist Social Democratic Party (PSD), the National Liberal Party (PNL), and the Conservative Party (PC) was approved by Parliament in May.

In late June and early July, the new government took a series of widely criticized steps to consolidate its power over state institutions. It replaced the ombudsman, the only official with the authority to challenge government decrees before the Constitutional Court; issued an emergency order to limit the Constitutional Court's powers; replaced the PDL leaders of both chambers of parliament; and passed a motion to suspend President Băsescu, eventually leading to a referendum on his impeachment. In the 29 July referendum, an overwhelming majority of participating voters favored Băsescu's impeachment, but the results were invalidated due to low voter turnout, a subject of further political contestation. Parliamentary elections in December brought a decisive victory to the Ponta-led alliance. Despite the by-now extremely poor relations between the two men, President Băsescu confirmed Ponta to another full term as prime minister.

The enormous strain placed on Romania's rule of law and democracy in 2012 reminded onlookers that the country's 2007 accession to the European Union (EU) was largely a political decision on the part of Brussels, and possibly premature. Romania experienced a very difficult transition after the 22-year rule of Nicolae Ceaușescu. It was the last country in East Central Europe to register a political power swing from former communists to anticommunist challengers, and the only one to harbor violent popular movements as late as 1999. Since its EU accession, Romania has stagnated in terms of economic and other policy reform, crippled by political infighting and endemic corruption entrenched during and since the Ceaușescu era.

National Democratic Governance. The year 2012 began with a shakeup of Romania's government, followed by a power grab on the part of the country's new leadership. After the resignation of Boc and a no-confidence vote that ended the

brief tenure of his successor, Prime Minister Ponta's government took numerous steps to circumvent checks and balances on its authority, including ruling by emergency ordinance, annexing state institutions, and seeking to alter the country's voting system. External intervention by the EU was needed to defend the country's rule of law during a presidential impeachment¹ crisis that stretched over the summer. Parliamentary elections in December brought a decisive victory to the Ponta-led alliance. Due to a series of destabilizing political events and problematic government decisions that undermined checks and balances, *Romania's rating for national democratic governance declines from 3.75 to 4.00.*

Electoral Process. Romania hosted three national votes in the midst of its political crisis: local elections, a referendum on the president's impeachment, and parliamentary elections. Although polling processes were relatively free and fair, parties in power took steps to manipulate electoral legislation to their advantage. The Constitutional Court and pressure from international actors were able to check these steps to some extent. Nepotism and clientelism also persisted within the country's electoral landscape, as did politicians' frequent migration between parties. *Romania's electoral process rating remains unchanged at 3.00.*

Civil Society. Civil society in Romania began the year with a strong demonstration of power in antigovernment street protests. However, the protests eventually lost momentum and did not translate into a sustainable political movement. Throughout the year, violating promises to be different from its predecessors, Prime Minister Ponta's government subjected nongovernmental organizations (NGOs) to undemocratic legal restrictions. Moreover, civil society remained widely politicized, and many NGOs suffered from the government's incompetent management of EU funds. *Romania's rating for civil society remains unchanged at 2.50.*

Independent Media. The year's political turmoil exposed just how fragile and narrow the space for independent media in Romania has become. Journalists covering January's protests experienced violence and harassment, and government officials exhibited hostility toward independent outlets while seeking to use legislation to influence the dissemination of information. Politicization and polarization plagued the media sector, which remains dominated by a group of corrupt media moguls. *Romania's rating for independent media declines from 4.00 to 4.25.*

Local Democratic Governance. Local elections in June brought success to parties of the Ponta government, delivering a blow to President Băsescu and his allies. The year was also characterized by a tug-of-war among municipal, county, and national authorities over the politicization of discretionary funding. The process of decentralization and local empowerment continued to stagnate, due in part to Romania's low absorption rate of EU funds. *Romania's rating for local democratic governance remains unchanged at 3.00.*

Judicial Framework and Independence. The 2012 political crisis required the Constitutional Court to adjudicate a number of contentious issues. Some of its decisions upheld democratic principles, but others exposed problems with the court's consistency and impartiality. There was little progress in various areas of judicial reform, including the appointment process for prosecutors. The politicized and opaque nature of these appointments was evident in disputes surrounding the selection of public prosecutors. *Romania's rating for judicial framework and independence remains unchanged at 3.75.*

Corruption. In January, the public issued strong and clear demands that the government address Romania's pervasive culture of graft. Agencies tasked with addressing corruption had various rates of success and experienced intense political pressure. There was also a series of high-profile corruption cases in 2012, such as the conviction and sentencing of former prime minister Adrian Năstase and one far-reaching case against Băsescu appointees, which was brought about by the president's party losing political power. *The country's corruption rating remains unchanged at 4.00.*

Outlook for 2013. The year 2012 began with promising demands for change but ended on the heels of an unprecedented political crisis that challenged Romania's democratic credentials and drew sharp criticism from the international community. Still emerging from the throes of this crisis, the country is primed for further confrontation between its political factions in 2013. Prime Minister Ponta and President Băsescu, now intense rivals, will both remain in office. However, with PSD's landslide electoral victory and the referendum on Băsescu's impeachment fresh in the public's memory, Ponta has the upper hand politically. The two sides are likely to clash over multiple issues, including legal and judicial reform, political appointments, corruption investigations, and local budgets. Although the sides have agreed to respect Romania's international and regional obligations, including protection of the country's fragile rule of law, continued animosity is likely to elicit more concern from the EU and raise new questions about Romania's suitability as a member state.

MAIN REPORT

National Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	3.50	3.50	3.50	3.75	3.75	4.00	3.75	3.75	4.00

A series of destabilizing events shook Romania in 2012, reversing some recent progress the country had made in the area of democratic governance. The year began with a shakeup of Romania's government, followed by a widespread power grab on the part of the country's new leadership. These events, which dominated Romania's political landscape for months, involved fast-track parliamentary procedures, annexation of state institutions, behind-the-scenes political pressures, and other questionable maneuvers. Consequently, they drew intense international criticism, particularly from European authorities.

In January, thousands of Romanians staged demonstrations in Bucharest and other cities demanding the removal of the country's top two leaders, both members of the center-right Democratic Liberal Party (PDL). The protests erupted after the resignation of the undersecretary of the Ministry of Health, who objected to a controversial proposal to partially privatize Romania's health care system. Protestors condemned a number of measures promoted by President Traian Băsescu and the government of Prime Minister Emil Boc, including cuts to government salaries, the freezing of pensions, and tax increases.² Demonstrators also criticized the government's poor anticorruption record, calling for greater accountability and transparency in public life.

In response to the protests, Prime Minister Boc resigned in early February, and President Băsescu, who possesses the authority to nominate a new prime minister, replaced him with Mihai Răzvan Ungureanu, another PDL official. Ungureanu, who left his position as director of foreign intelligence to become prime minister, was unable to keep his coalition together for more than two months, due to a wave of political defections from the increasingly unpopular PDL and growing public support for the opposition. The Ungureanu government fell to a no-confidence motion by parliament in April.

Promising to reverse Romania's unpopular austerity measures, Victor Ponta, leader of the opposition Social Democratic Party (PSD), was appointed prime minister in May. His coalition, consisting of the PSD, the National Liberal Party (PNL), and the Conservative Party (PC) and calling itself the Social Liberal Union (USL), initially formed in February 2011 despite concerns the parties would not be able to overcome ideological differences and past rivalries. Soon after Ponta's appointment, the USL proved its relative stability and capitalized on anti-PDL sentiment by winning local elections with as much as 65 percent of the vote in some areas.³

Soon after Prime Minister Ponta took office, accusations emerged that he had plagiarized his 2003 Ph.D. dissertation, which he had defended with former prime minister and USL politician Adrian Năstase as an academic advisor. The accusations emerged in an article published by the international science journal *Nature*, which said an “anonymous whistleblower” had compiled documentary evidence showing Ponta had copied more than half of his paper.⁴ Ponta, in turn, claimed the Bănescu camp brought the accusation for political reasons. Just days after the *Nature* article was published, a court confirmed that Năstase must serve two years in prison on a corruption conviction that had been handed down earlier in the year. Năstase, too, had claimed his prosecution was a political one driven by Bănescu.

Undeterred, the USL initiated an unprecedented power grab through a series of actions that targeted various state institution and high-ranking officials. On 6 July, the USL led a vote in parliament to impeach President Bănescu for allegedly overstepping his constitutional powers by intervening in the work of the prime minister’s office and the judiciary, engaging in illegal phone tapping, and using Romania’s secret services against his political enemies. This was not Bănescu’s first impeachment: he survived a previous removal process in 2007. The July parliamentary vote went against Bănescu, 256 to 114.⁵ According to the constitution, an impeachment must be approved in a popular referendum. Thus, Romanians voted on Bănescu’s impeachment on 29 July. The referendum, however, devolved into a politicized debate about required voter turnout. So heated and controversial was the debate that the European Union (EU) weighed in to help salvage the process. After the poll was completed, the Constitutional Court waited nearly a month to confirm the outcome, providing further time and space for argument. Ultimately, Bănescu spent 52 days suspended from office between the 6 July parliamentary impeachment vote and his official reinstatement on 27 August, six days after the Constitutional Court’s ruling.⁶

In addition to the impeachment proceedings, Prime Minister Ponta’s government removed a trio of key PDL officials from their positions and challenged the authority of the judiciary. In early July, the USL voted out the leaders of both houses of parliament, the Senate and the Chamber of Deputies. In accordance with the constitution, the new head of the Senate, the USL’s Crin Antonescu, replaced Bănescu as interim president during his suspension. The USL also dismissed the country’s ombudsman and replaced him with one of its own. Furthermore, it swiftly issued two emergency ordinances, one stripping the Constitutional Court of its power to check decisions of parliament and the other changing the impeachment referendum process. These emergency ordinances elicited critical rulings from the Constitutional Court and sharp EU disapproval. The EU expressed concern that checks and balances were under attack in Romania, whose accession treaty has still a safeguard clause attached to its performance on judiciary reform and anticorruption.

Not forgetting the embarrassment of the plagiarism scandal, the Ponta government also reshuffled official educational bodies. In late June, it dissolved the general committee of the National Council for Attestation of Titles, Diplomas, and University Certificates (CNATDCU) as it was preparing to conclude that Ponta had

engaged in academic misconduct. The government announced the CNATDCU's new composition in early September, prompting concerns among some academics that the committee's professional quality had diminished.⁷

Unsurprisingly, little attention was dedicated to the actual business of governing during the intense political upheaval of summer 2012. Although the country remained within the margins of a previous agreement with the International Monetary Fund (IMF) that Prime Minister Ponta pledged to respect after coming to power, a clear indicator of Romania's underperformance in governance was its use of EU funds. By the end of 2012, Romania had absorbed only about 10 percent of the €25 billion allocated to it in structural and cohesion funds for the 2007–13 period.⁸ The EU announced in October that it was halting further funding due to incompetent and corrupt management by Romanian authorities. In November, the country signed an agreement with the European Bank for Reconstruction and Development (EBRD) to help authorities make better use of EU money.

Parliamentary elections in early December ended the year with a decisive victory for the USL, which won a majority of seats in both houses of parliament. With Ponta remaining prime minister and Băsescu reinstated as president after the impeachment crisis, the elections set the stage for further political battles in 2013.

Electoral Process

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2.75	2.75	2.75	2.75	2.75	2.50	2.75	2.75	3.00	3.00

Romania held three nationwide elections in 2012: local elections in June, the referendum on President Băsescu's impeachment in July, and parliamentary elections in December. Over the course of these events, and in keeping with the country's recent history of national polls, parties in power made numerous attempts to manipulate electoral legislation, prompting criticism from the domestic judiciary and the EU. Nepotism, clientelism, and politicians' frequent migration from one party to another remained problematic in electoral processes.

On 25 January, the Constitutional Court ruled against a law promoted by the Boc government that would have delayed June's local elections to have them on the same day as the parliamentary elections. Although promoted as a cost-saving measure, the law was also intended to postpone the increasingly unpopular government's encounter with voters. The local elections were thus held in June, when another PDL-engineered law proved problematic for its creators. The law, passed in 2011, required that mayors be elected in the first round of voting, regardless of turnout. Because the PDL had lost so much popular support, it failed to win many mayoral positions under this voting scheme, including in Bucharest and its districts. Indeed, of 3,180 mayoral positions, USL, PSD, or PNL candidates won 1,964. Meanwhile, the same coalition won 20,408 of 29,888 offices in local councils and 36 of 41 county president mandates. County counselor results were split: 49.8 percent voted for the USL, 15.28 percent for the PDL, and 8.96 percent

for the new Popular Party of Dan Diaconescu (PP-DD), led by a station owner and showman-journalist under indictment for corruption.

The next national vote was the referendum on President Băseșcu's impeachment. The USL attempted to ensure the results in advance by using an emergency measure to change a law stating that a referendum is only valid if more than 50 percent of voters participated. The move unleashed a torrent of criticism from the EU, which expressed concern about the "speed and consequences of the decisions taken in the past few weeks."⁹ Moreover, the Constitutional Court ruled against the emergency measure on 10 July. Consequently, the USL backed down, pledging to respect the turnout threshold. Initial results from the referendum on 29 July showed about 87 percent of voters opposing Băseșcu, but turnout was only 46 percent.¹⁰ Nonetheless, the Constitutional Court took nearly a month to confirm the referendum results, opening the door for further political jockeying, accusations of fraud, and efforts to manipulate turnout numbers. This prompted the resignations of Minister of Internal Affairs Ioan Rus, who cited "unacceptable" pressures on his office, and his deputy, who was tasked with organizing the vote.¹¹ The court finally reinstated Băseșcu on 21 August, ending a prolonged process that strained Romania's democratic credentials.

Parliamentary elections in December were preceded by controversy, as well. After the USL gained power in May, it introduced a bill to establish a first-past-the-post voting system. This would have replaced the mixed majority and proportional system adopted in 2008. It also would have helped ensure even more seats for the USL, which receives more votes than other parties in most districts. The PDL challenged the law, and the Constitutional Court struck it down on 27 June. Using the 2008 system, about 42 percent of Romanians voted on 9 December for 2,457 candidates from a dozen parties or alliances and 18 minority groups, as well as 12 independent candidates. The USL won in a landslide, claiming about 59 percent of votes (273 seats) in the Chamber of Deputies and 60 percent of votes (122 seats) in the Senate. The Right Romania Alliance (ARD), of which the PDL was a part, won less than 20 percent of the vote, taking just 56 seats in the Chamber and 24 in the Senate. The newly popular PP-DD won 68 seats overall. Remaining seats went to a series of ethnic minority groups.¹²

The main concern after the USL's victory was whether Băseșcu, who will be president until 2014, would again name Ponta as prime minister. Băseșcu had indicated his unwillingness to make the appointment, prompting threats from the USL of new impeachment proceedings. The debate stoke fears of further political upheaval, particularly considering that the constitution does not offer a mechanism for dispute resolution if the president chooses a prime minister other than the leader of the party or alliance dominating parliament. In the end, Băseșcu bowed to pressure and custom, reappointing Ponta on 17 December.

Romania's national votes in 2012 were not free of campaign misconduct. The controversial referendum was the poll most fraught with accusations of wrongdoing. In addition, June's local elections produced more than 1,200 complaints of electoral fraud, of which 38 percent were confirmed. Overall, authorities investigated 320

people.¹³ Problems in the elections included vote-buying, verbal and physical violence directed against candidates and electoral committee members, missing ballots, and prolonged campaigning on election day.¹⁴ Meanwhile, although a mission from the Organization of Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) found that December's parliamentary elections were "administered professionally and efficiently," there were some problems, including the destruction of campaign banners and posters and offers of gifts to voters.¹⁵ Moreover, Romania's entrenched practices of nepotism and clientelism were on clear display in the December vote. Thirty percent of the candidates reportedly made their fortunes from government contracts or enjoyed other government rents. Twelve candidates were the children of local politicians, seven were wives, and eight others were relatives. Contributing to this milieu, many candidates switched parties prior to the elections, often more than once, seeking a greater chance of winning.¹⁶ This political migration prompted the National Integrity Agency (NIA) to investigate 24 candidates for potential conflicts of interest ("incompatibility problems") between management or leadership positions they held in addition to public office.¹⁷

Civil Society

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2.50	2.25	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.50

The year 2012 began with remarkable civil society mobilization during a series of protests and rallies in January. This was followed, however, by business-as-usual once the political crisis began, and a new, sustained civil society movement failed to emerge. Nongovernmental organizations (NGOs) continued to face a host of legal restrictions and financial problems, and many remained coopted by political parties.

January protests, the largest in recent memory, brought thousands of Romanians to the streets demanding an end to political corruption and the introduction of policy reforms to benefit those suffering from the economic downturn. Protests spread to some 60 cities; one rally in Bucharest was reported to host about 7,000 demonstrators.¹⁸ The events successfully forced Prime Minister Boc's resignation in February, but they were not without incident. Police reportedly assaulted and abusively detained protestors and limited the freedom of movement of some individuals traveling to Bucharest to participate in rallies.

Despite their fervor, the protests ultimately failed to generate a sustainable political movement. A chief reason for this failure was that the groups protesting were highly diverse and thus unable to find definitive common ground. They included supporters of the right and left wings of Romanian politics, retired communist officials, and veterans of the Romanian Revolution, tens of thousands of which were granted special government benefits 22 years ago. Thus, the energy and message of the protests did not manifest itself in the local and parliamentary elections. Although the PDL lost significant ground in both these votes, the

victorious USL scarcely represented a transformative vision for the country, and new parties with promising politicians largely failed to materialize.

The younger, more urban protestors managed to preserve some of the movement's momentum, evidenced in a 10 percent share of the vote in June's local elections going to independent candidate Nicusor Dan, who ran for the Bucharest mayor's office.¹⁹ Without the backing of major political parties and relying on volunteers, Dan, a mathematician, former youth activist, and proponent of revitalizing Bucharest, gained support through online social networks and favorable op-eds in domestic and international outlets. After Dan lost the mayoral race, his popularity petered out over the course of the year. Due to high entrance barriers for new political parties, he did not attempt to register one for the December parliamentary elections.

Civil society in Romania has long been politicized, with most NGOs acting in consensus with one of the main political camps. This trend continued in 2012. However, when it was still in the political opposition, the USL was keen to ensure the support of independent civil society. In early February, Prime Minister Ponta and his allies signed a charter with the Alliance for Clean Romania, a coalition of NGOs, unions, and students.²⁰ The White Charter of Good Governance, as it is known, calls for transparency of public expenses, consultation with civil society on legislation, and limits on the use of emergency ordinances.²¹ Once in power, however, the USL breached the charter. In June, for instance, it adopted an emergency ordinance that required the Romanian Cultural Institute (ICR), a nonpartisan force for promoting the arts both domestically and abroad, to subordinate itself to parliament. The government also accused the ICR of "financial and legal irregularities."²² Romanian artists and activists protested the developments, which occurred without the consultation of civil society. The Alliance for Clean Romania petitioned the ombudsman to challenge the emergency ordinance, and he did so before the Constitutional Court in late June. However, the USL dismissed the ombudsman, and at the end of July, the court ruled in favor of the ordinance. The ICR's leadership soon resigned in protest of parliament-approved cuts to the institution's budget.

Various legal threats continued to menace NGOs in 2012. On 19 June, the USL-dominated parliament approved a draft law that restricted the naming of associations and foundations. The text said NGOs should avoid confusion by not using words like "bar," "chamber," "union," "institute," and "council" that would make their names similar to existing entities. Only the government could approve the use of the words "national" and "Romanian." Moreover, established entities whose names contained certain words or phrases were required to change their titles within six months of the law's entrance into force. Otherwise, they could be legally dissolved. Prominent NGOs protested the law as an attempt to restrict freedom of association under the guise of administrative streamlining. They argued that the law would jeopardize civil society's stability. The groups called on the ombudsman, the president, and the government to address the problem.²³ President Băsescu, in turn, declined to sign the law, returning it to the Senate for review; thus the draft law must repeat the entire legislative process.

Civil society groups petitioned throughout the year to modify the 1991 Law on Public Gatherings (Law no. 60/1991), which effectively forbids even a small group of people from gathering in any public space without authorization from local authorities. In 2012 NGO groups petitioned for changes to a number of the law's more restrictive provisions, including the requirement that gatherings register three days in advance and declare an identified organizer. NGOs also proposed to remove authorities' right to ban demonstrations on the basis of violent actions by individual demonstrators and requested a new provision requiring police gendarmes to wear visible identification numbers on their uniform.

Romanian NGOs continued to face financial problems brought on by mismanagement of EU funds by the government. In the fall, about 150 organizations sent a letter to the government demanding promised reimbursement from EU structural funds. Because the government had failed to deliver money, the NGOs had been forced to fire staff, cut services, or face bankruptcy.²⁴ The EU's freezing of further funding on October placed NGOs in an even more precarious position, and money acquired through a legislative scheme that allows citizens to direct 2 percent of their taxes to a NGO or church of their choice proved insufficient to cover the gaps. Romania is currently negotiating a new budget framework and format for the 2014–20 period, but no one has yet proposed the creation of an independent operational program dedicated to financing civil society development.

Independent Media

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
3.75	4.00	4.00	3.75	3.75	3.75	4.00	4.00	4.00	4.25

The year's political turmoil exposed an increasing fragility and narrowing of space for independent media in Romania. In January, while covering the antigovernment demonstrations, numerous journalists fell victim to violence by protestors and police. Officials exhibited hostility toward independent outlets and continued to use legislation to influence the dissemination of information. The political antagonism between pro- and anti-governmental forces also translated into growing politicization and polarization in the media sector, which remains dominated by a group of corrupt media moguls.

Physical and verbal attacks against media intensified in 2012. During the January protests, demonstrators threw stones at some reporters, while riot police hit and detained at least one. Moreover, police assaulted citizens who were peacefully filming the events.²⁵ Later in the year, when the USL faced foreign pressure to cease its undemocratic political tactics, the government criticized journalists working in Romania for international media. It accused them of being Băsescu's "anti-Romanian agents."²⁶

A Civil Code that came into force in 2011, as well as specific media laws, purport to safeguard freedom of the press. However, parliament's use of media laws to serve

the interests of its leadership in 2012 revealed strong overregulating tendencies. In 2012, the new USL majority ignored a law according to which political groups should nominate public television and radio board members according to their respective weight in the legislature. Employing dubious maneuvers, members of the USL coalition prevented Băsescu's PDL from nominating candidates.²⁷ The Constitutional Court reinstated opposition appointees to the TV board, but overall, no serious protest was staged against the USL's actions because previous governments also politicized the selection of the boards' membership.

Exacerbating the problem of politicization was the continued concentration of media outlets in the hands of a few wealthy businessmen, who typically use them to advance their political and economic interests. Many of these businessmen—some of whom were hit hard by a large decline in nationwide advertising revenues—faced corruption charges in 2012 or began serving time in prison. Dan Voiculescu, owner of the Intact media group, resigned in June from the Senate in order to move his corruption case from a high court to a lower one. Dinu Patriciu, owner of the Adevărul Media Holding, was acquitted in August on charges of embezzlement, money-laundering, and stock manipulation. His media empire subsequently closed under the weight of €100 million in debt.²⁸ Sorin Ovidiu Vântu, who owns the Realitatea-Catavencu media group, was sentenced in June to one year in prison, for blackmail. Dan Diaconescu, the populist leader of the PP-DD, which did relatively well in the June and December elections, is a media tycoon accused of using blackmail to build his business empire. The National Audiovisual Council makes some efforts to control these forces and other businessmen's media ventures, but the council itself is politicized,²⁹ making the enforcement of any meaningful regulation difficult.³⁰

One bright spot in an otherwise dismal year for media in Romania was the internet. Online penetration rates surged to 39 percent of citizens. Social media networks, especially Facebook (21.3 percent penetration), also helped mobilized people during the year's protests. Facebook groups such as "Piața Universității," named after the square in Bucharest where many of the January rallies were held, enjoyed widespread popularity. Close to 50,000 supporters helped Piața Universității engage in effective antigovernment "internet protesting."³¹ The page featured a live video section where activity within the square could be seen in real time and encouraged followers to post their own recordings, share their thoughts, and join various discussion topics related to the antigovernment movement.

Local Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

In 2011, local budgets shrank considerably and the central government micro-managed spending, transfers, hiring, and other processes, resulting in a tug-of-war between municipal, county, and national authorities in 2012 over discretionary

funding and the decentralization of political and economic power. Local elections in June brought success to parties of the Ponta government, delivering a blow to the previously powerful PDL.

Romania's Emergency Fund is increased at the programming stage of each fiscal year to ensure a surplus and distributed at the end of it to municipalities and counties without clear criteria for allocation. Consequently, funds have tended to be distributed by parties in power on a political basis. Upon taking power, Prime Minister Ponta emphasized his commitment to ending the clientelistic use of the fund and taking back unused allocations his predecessor had given to local offices controlled by the PDL and its allies. One of the first ordinances the USL government issued in May obliged local authorities to transfer back these funds, totaling 648 million Romanian lei (€147 million), on the grounds that some offices did not meet the necessary legal criteria for such transfers.³² The ombudsman challenged this ordinance before the Constitutional Court, which decided that the government was entitled to demand restitution if the recipient localities did not meet certain criteria, like having arrears or needing to co-finance projects with external funds. Following the court's decision, the government returned 107 million lei (or €24 million) of the funds it had reclaimed to local authorities who were able to prove their qualifications;³³ at the same time, it demonstrated that some 47 percent of applicants did not qualify.³⁴ The dispute between local and national officials was renewed at the end of the summer, this time over financial allocations the USL government had made. In August, PDL officials in Cluj county accused the Ponta government of issuing preferential distributions and failing to send any to Cluj's municipalities.³⁵

In August, the Ponta government distributed an additional 10 million lei out of the Emergency Fund to 69 municipalities of 21 counties.³⁶ When Cluj county received no allocations, local PDL officials accused the Ponta government of issuing preferential distributions.³⁷ The Ponta cabinet argued that the August allocations had done nothing but finalize an allocation determined by the previous government.³⁸

The year saw no substantial progress in implementing the European Charter of Local Self-Government and dismantling Romania's lingering centrist political culture. This problem was connected to the low absorption and implementation rates of EU structural and cohesion funds. A report published in April pointed out that regional structures created to handle EU funds were not functioning efficiently because they lacked genuine decision-making authority.³⁹ Prime Minister Ponta declared in July in front of representatives from counties with large Hungarian minorities—some of whom are in favor of autonomy from the state, thus making the issue especially sensitive—that he supports a genuine decentralization process that would relieve existing bureaucratic hurdles while also contributing to a better absorption process.⁴⁰ In doing so, Ponta set the stage for a serious political debate about local empowerment, likely to occur in 2013 and beyond.

Judicial Framework and Independence

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
4.25	4.00	4.00	3.75	4.00	4.00	4.00	4.00	3.75	3.75

In the midst of the year's unprecedented political crisis, there was an increase in high-stakes adjudication by the Constitutional Court. Although some of the court's decisions upheld democratic principles, contradictions with and departures from the body's past jurisprudence raised concerns about the consistency and impartiality of judges. Also troubling were attacks on the autonomy of the court by authorities seeking to tame the judiciary's ability to question or strike down new legislation.

The court was a target of the USL's power grab over the summer. By emergency ordinance, the new government endeavored to remove from the court's jurisdiction the ability to review parliamentary decisions. On 9 July, the court declared this ordinance unconstitutional insofar as it restricted judicial competence to scrutinize decisions "affecting constitutional principles and values."⁴¹ The same day, the court ruled on petitions regarding the USL's removal of the heads of the Chamber of Deputies and Senate. The court declared these petitions inadmissible, judging with reference to its simultaneous decision on judicial competence that the removal of the parliamentary leaders did not impinge upon constitutional principles and values.⁴² Yet the USL had removed the leaders without the agreement of the faction to which they belonged (the PDL), in contradiction to a 2005 court decision. Moreover, the leaders had been replaced with representatives of the USL, despite the court's previous holding that "replacement can only be made with a person of the same parliamentary group."⁴³ (Three judges dissented in the 9 July court opinion related to the removal of the Senate leader, citing the 2005 decision.) The court revisited its stance on judicial competence in September. It held this time that a law approving the emergency ordinance endeavoring to restrict the court's functioning was wholly unconstitutional; the law said the court could review decisions of a normative character, but not individual acts. In response, the PDL filed a new petition regarding the USL's removal of the Senate leader in June, citing a judicial development that could affect the outcome. However, the court again rejected the petition.⁴⁴

The Constitutional Court also exhibited inconsistencies when it ruled on the USL's emergency ordinance changing the 50 percent voter turnout threshold required for the validity of presidential impeachment referenda. The court had decided in 2007 that parliament could use its discretion "to opt for a relative majority for dismissing the President."⁴⁵ In 2012, however, the court opposed the USL and upheld the requirement of 50 percent voter turnout.⁴⁶ This decision, bolstered by EU and other international support, helped set the stage for the eventual failure of the referendum against President Bănescu. Nonetheless, the court's departure from its past jurisprudence was noteworthy.

In a more bizarre controversy, an August court decision regarding the validation of the presidential referendum was modified prior to publication. The insertion

was introduced through an erratum, or post-decision amendment. The ostensible correction was sent for publication without approval by the court's plenum. Three of the justices declared publicly that they had not been consulted (they had learned of the erratum through the media) and disagreed with the practice.⁴⁷ Along with the court's vacillation with regard to its own jurisprudence, the erratum diminished the credibility of the body as Romania's most important legal umpire.

A July report issued under the European Commission's Mechanism for Cooperation and Verification Mechanism (CVM) found that there had been only limited progress in three key areas of broader judicial reform: efficiency of procedures, consistency of jurisprudence, and accountability of the judiciary.⁴⁸ Persistent procedural problems include a lack of transparency and politicization in the selection and promotion of various justice officials. This includes the appointment of the country's public prosecutors. The minister of justice selects nominees and submits them to the president for confirmation. Before the president appoints prosecutors, nominees undergo a hearing in front of the Superior Council of Magistrates (CSM), but the council's opinions are not binding. The EU and some domestic entities, including the CSM, have criticized this process for allowing political selections in lieu of ones based on merit and other clear criteria.

Legally, the minister of justice may select prosecutor nominees however he or she sees fit. After a nontransparent contest and interview process, Minister of Justice Mona Pivniceru appointed Tiberiu Nițu as Romania's prosecutor general and Ioan Irimie as chief prosecutor of the National Anticorruption Directorate (DNA) in November. The CSM, in turn, issued a negative opinion regarding the two nominees' suitability for office because of their past professional records. Irimie had been dismissed from a previous administrative post because of poor management, and Nițu dealt with files pertaining to the Romanian Revolution while also holding a certificate proving he participated in the revolution.⁴⁹

Corruption

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
4.50	4.25	4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00

The year 2012 began with strong and clear public demands that the government address Romania's pervasive culture of graft. However, the tumultuous political climate was not conducive to promoting anticorruption policies. This exacerbated longstanding problems within the state agencies tasked with addressing the problem of corruption, the depth of which was evident in cases brought against multiple high-level officials. The country remained under special EU monitoring for corruption and Transparency International scored it among the most corrupt in Europe, although its 2012 ranking was up a few slots from the year before.⁵⁰

Public resentment of the political elite's abuse of their offices and power was widespread in 2012. Antigovernment slogans used during the January protests often focused on corruption ("We apologize that our production capacity is so much

inferior to your stealing capability.”) Moreover, a Eurobarometer study published in February found that 67 percent of respondents believed the level of corruption in their country had increased, while 78 percent agreed that corruption in Romania is much more pervasive than in other EU member states. In addition, 79 percent did not believe their government was effectively fighting corruption.⁵¹

Several bodies are tasked with leading this fight, including the DNA, a judicial structure that handles corruption cases; the National Integrity Agency (ANI), which was created after Romania joined the EU; and the General Directorate for Anticorruption, which operates under the umbrella of the Ministry of Internal Affairs. These bodies have had varying degrees of success in their mandates. Despite some political attempts over the years to dismantle the DNA, the organization continues to be the leading institution for investigating and prosecuting high-level corruption. It has increased the number of indictments and investigations carried out against offenders irrespective of their party affiliation. In the first nine months of 2012, for instance, the DNA reported that 552 offenders were convicted—nearly double the number during the same period in 2011.⁵² Still, media leaks of wiretaps taken in DNA investigations have generated suspicions that the institution is politicized and uses questionable tactics.⁵³ Meanwhile, the ANI’s performance continues to lag behind DNA’s due to poor budgeting and a lack of human resources. The number of integrity inspectors working in the middle of the year was 35, down from 54 in 2010, leaving one inspector to handle 106 cases⁵⁴ Moreover, the head of the ANI reported experiencing the “most aggressive” political pressure in the institution’s history to drop investigations against high-level figures in advance of December’s parliamentary elections.⁵⁵

Set against this bureaucratic landscape, there were mixed outcomes in an array of high-profile corruption cases. Former prime minister Adrian Năstase was sentenced to two years in prison, becoming the country’s first head of government imprisoned in the post-communist era. He was convicted of illegal campaign financing during his failed 2004 presidential campaign, when he took nearly €2 million euros (\$2.6 million) from the profits of a state-organized event.⁵⁶ After being sentenced in June, Năstase staged a suicide attempt, ostensibly to avoid jail time, and accused the DNA of partaking in a political conspiracy against him. In addition to Năstase’s conviction, PSD member Vasile Emilian Cătean, the former secretary of state for the problems of the revolutionaries of 1989, was sentenced to five years in prison for embezzling approximately €85,000 (\$109,300).⁵⁷ Senate and PSD member Cătălin Voicu was also sentenced to five years for corruption in June, and businessman Corneliu Iacubov received a seven-year sentence. Other corruption cases had less successful results. Businessman Ilie Carabulea was sentenced to jail for 18 months, only to be released again in October. Dinu Patriciu, general manager of Rompetrol SA, was acquitted in August. Moreover, some defendants used various maneuvers to delay court proceedings. Media owner and rising political star Dan Voiculescu, for instance, resigned from the Senate to move his corruption case from the High Court of Cassation and Justice to the lower Bucharest Tribunal, a move likely to protract proceedings.

The rivalry between Prime Minister Ponta and President Băsescu also gave rise to complications and allegations in various corruption cases, some of which were enabled by the PDL losing its grasp on governance. Prosecutors initiated an investigation against the former president of the National Agency for Fiscal Administration, Sorin Blejnar; the head of the National Customs Authority, Viorel Comanita; and several other defendants on suspicion of tax evasion. Blejnar, a Băsescu appointee, denied all accusations and alleged that Ponta and other USL leaders were threatening him. In addition, after the referendum on Băsescu's impeachment, Liviu Dragnea, the secretary general of the PSD, was accused of developing a national network to commit electoral fraud. He remained under investigation at the end of the year, but after winning a seat in parliament, Ponta appointed Dragnea as a deputy prime minister.

Ultimately, the year 2012 closed on an uncertain note. The mandates of several Băsescu appointees to anticorruption positions ended, meaning that with new nominations, the USL was positioned to expand its influence over the work of the DNA and other agencies. In turn, this opened the door for increased protection of Ponta government officials and allies from corruption investigations and convictions.

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