

# **Criminal justice response to corruption at sub-national level**

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**Romania**

# Corruption at sub-national level

Sub-national governments, in OECD countries, account for (in average):

- 40% of total public expenditure
- 55% of total public investment
- 60% of public staff expenditure
- (worldwide – 34,7% of public staff expenditure)

# Most frequent corruption typologies at sub-national level

- Corruption in public procurement (contracts, projects funded by local budgets)
- Bribery / fraud with EU funds (EU financing for local projects)
- Corruption related to employment of staff in local administration
- Corruption related to granting licenses, authorizations, permits
- Corruption in financing of political campaigns of local elections
- Infringing conflict of interests and incompatibility rules
- Etc...

# Responsible for the corruption offenses

- Mayors, vice-mayors
- Presidents, vice-presidents of regional / local councils
- Members of the regional, local councils
- Civil servants with decision power in the city/town halls, local governments
- Other persons involved in the corruption scheme (natural persons or companies paying the bribe, representatives of locally owned enterprises, natural persons or companies acting as intermediaries, as money launderers, etc.)

# Examples of corruption cases at sub-national level (Romania) I

## Mayor of S – traffic of influence and money laundering

- Received a bribe of 1,25 million Euro to influence the winning by the briber of three public contracts with the municipally owned Water Company, in value of 15 million Euro
- Searches found stashes of money, gold bars hidden in a stable and 125 valuable paintings under a false wall
- Mayor convicted to 6 years imprisonment prohibition of holding public office and confiscation of the bribe

# Examples of corruption cases at sub-national level (Romania) II

## **President of the County Council T – abuse of office**

- He was also president of the regional branch of the biggest political party, later become the Speaker of the Chamber of Deputies in Parliament – very influential
- 2 people worked full time for the regional branch of the political party
- The President put pressure on the director of the Regional Directorate for Child Protection to fictitiously employ the 2 persons
- The 2 people received salaries for 1 year from the RDCP, while in fact working for the political party regional branch
- He was convicted to 3 years and 6 months in prison for abuse of office; other persons have also been convicted in the case

# Examples of corruption cases at sub-national level (Romania) III

## Mayor of commune VM – abuse of office

- Scandal around employments based on political affiliations in public institutions at local level
- Case happened at a regional branch (ABA) of the National Administration “Romanian Waters”
- General Director of the regional ABA (*“I am a political animal and will become a minister one day”*) colluded with the mayor of the commune VM to fictitiously employ a person with no professional qualifications at the townhall, to then second her at the ABA
- The superior of the seconded person became a whistleblower; talked to the press and filed a complaint with the prosecution; he got dismissed from his position; filed a law suit and won
- The mayor, the general director and other persons have been indicted for abuse of office

# Elements to assess in the VI-th evaluation round – on criminal justice response

## Main categories of issues:

- ✓ Capacity to detect and investigate corruption at sub-national level
- ✓ Independence of the investigating and prosecuting authorities and courts
- ✓ Procedure – impediments
- ✓ Practice



# Elements to assess in the VI-th evaluation round – on criminal justice response

## I. Capacity to detect and investigate corruption

- The use of all detection means, including:
  - reporting by citizens / public officials / media / whistleblowers
  - use of audit reports
- How the whistleblower reports are used in detection / investigation of corruption; the follow up given to them; means of protection used
- The internal organization of the prosecution office and LEAs units; division of competencies between central and local level
- Resources – human, technical, financial
- Specialized training of the LEAs officials, of the prosecutors

# **Elements to assess in the VI-th evaluation round – on criminal justice response**

## **II. Independence of the investigating and prosecuting authorities**

- Whether there have been any changes from the previous evaluation rounds
- Whether the local LEAs, prosecutors and courts are not captures by the political powers at local level; if safeguards are in place to avoid this risk
- Whether LEAs or prosecutors have excessive reporting obligations at local politically level

# Elements to assess in the VI-th evaluation round – on criminal justice response

## III. Procedure

- inviolability or immunity of jurisdiction,
- special procedures,
- special competencies,
- special jurisdiction

# Elements to assess in the VI-th evaluation round – on criminal justice response

## IV. Practice

- Are there cases opened, investigated, concluded by court decisions? If not, what are the obstacles?
- Statistics and examples of cases
- Results of investigations and statistics are made public
- Type and level of sanctions applied

**Thank you for your attention!**

**Anca Jurma**

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