

Superior Council of Magistracy

STRATEGY FOR STRENGTHENING THE INTEGRITY WITHIN THE JUDICIARY

2011-2016

Abbreviations:

SCM – Superior Council of Magistracy

HCCJ – High Court of Cassation and Justice

DNA – National Anti-Corruption Directorate

IJ – Judicial Inspection

MoJ – Ministry of Justice

NIM – National Institute of Magistracy

NSC – National School of Clerks

ECRIS - Information System for the Management of Files, Documents and of all the Information related to Cases in Courts and Prosecutor's offices.

JURINDEX - a free service offering free access to judgments and decrees pronounced by courts, developed by the Court of Law of the Vrancea County, under the authority of SCM.

**STRATEGY FOR STRENGTHENING THE INTEGRITY WITHIN THE JUDICIARY, 2011-
2016**

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A. GENERAL CONSIDERATIONS

1. Drafting context of the present strategy

In the context of the fight against corruption, the professionalism of judges and prosecutors is an indispensable element. This professionalism is by no means limited to a good training of the law professionals; it also includes their honest conduct, beyond any suspicions of lack of integrity.

The necessity of a strategy for strengthening of integrity being drafted by the very body of the judiciary appears in the conclusions of the European experts and in the recommendations of certain international organisms. Thus, the *Assessment Report on the Implementation of the 2005-2007 National Anti-Corruption Strategy and the Strategy on Fighting Corruption in Vulnerable Sectors and Local Public Administration 2008 – 2010 in Romania*, published in April 2011,¹ recommended the drafting of a new national anti-corruption strategy and the fact was stressed that the justice sector does not have a sector strategy for the prevention and fighting against internal corruption. Also, within the framework of the fourth evaluation round by GRECO, our country will have to answer the questions present in the questionnaire approved on the 1st of April, 2011, some of which expressly relate to the prevention of corruption of judges and prosecutors.² These preoccupations for the integrity of the judicial system and of its members are in line with the worldwide trend suggested by several international instruments adopted by organisms to which Romania or its authorities are parties.³

A special attention to the fight against corruption in Romania is provided by the European Union by the annual reports within the framework of the Mechanism for Cooperation and Verification.⁴

¹ Available on the website www.just.ro.

² See www.coe.int/greco.

³ Corruption in general is approached in the *United Nations Convention against Corruption* from 2003 (ratified by Law no. 365/2004, published in the M.Of. no. 903/5.10.2004).

The Integrity at the level of judicial system is approached with reference to corruption and ethics in the *"Bangalore Principles on Judicial Conduct"* (2001, 2002), *Commentary to Bangalore Principles on Judicial Conduct* (2007) and *Measures for the efficient implementation of the Bangalore Principles on Judicial Conduct* (2010) – adopted at the level of the Judicial Integrity Group under the UN authority; the preliminary report drafted in May 2011 by the *United Nations Special Rapporteur on the independence of judges and legal counsels* who recommend the implementation of the Bangalore standards in Romania; *Resolution 1703 (2010) on judicial corruption of the Parliamentary Assembly of the Council of Europe*; *Recommendation 1896 (2010) on judicial corruption of the Parliamentary Assembly of the Council of Europe*; *Point of view on corruption in justice of the Council of Europe Commissioner for Human Rights* (2008); the *Global Corruption Report 2007 – Judicial Corruption* drafted by Transparency International; *"Opinion no. 3 of 2002 of the Consultative Council of European Judges on the Principles and Rules Governing Judges' Professional Conduct, in Particular Ethics, Incompatible Behaviour and Impartiality"* adopted by the Consultative Council of the European Judges from the Council of Europe; *"European Guidelines on Ethics and Conduct for Public Prosecutors"* adopted in 2005 by the Consultative Council of European Prosecutors, from the Council of Europe; *"Judicial Ethics - Principles, Values and Qualities – Report 2009-2010"* drafted by the European Network of Councils for the Judiciary.

⁴ The mechanism was established by the decision of the European Commission of the 13th/12/2006. Details under http://ec.europa.eu/dgs/secretariat_general/cvm.

Assuming the responsibility incumbent to it and in order to fully observe the principle of independence, the Plenum of the Superior Council of Magistracy decided on the 10th of March 2011 to draft a strategy regarding the strengthening of integrity in justice. The strategy is accompanied by a Plan of Actions for the attaining of each proposed objective and the implementation of the provided measures. The present strategy is an integral part of the National Anticorruption Strategy 2011-2014.

A first draft of these documents was made public during the session of SCM of the 6th of July, 2011. Afterwards consultations took place in September with the interested NGOs, in October with the courts and prosecutor's offices, and in November observations were formulated by the MoJ and the DNA. The present variant of the Strategy and the pertaining Plan also include all the related observations and proposals.

2. Confidence in justice

Justice is at the foundation of the rule of law. Accepting the values and principles of the latter implies confidence from the population. At the same time, the fundamental principle of judicial cooperation within the European Union which is the reciprocal recognition of judicial decrees is on its turn based on confidence; and a deficit of confidence has direct repercussions on the ability of Romania to operate as a partner with full rights within the Union.

Statistically, in the last decennium, the confidence of population in the Romanian justice is placed around 20% to 28%.⁵ This level of confidence is the result of a public *perception* according to which the judicial system is still insufficiently accessible, efficient and predictable.

Concerning *experience*, statistical data show that the number of incorrect magistrates is low in relation with their total number which is about 6500. Thus, in the period from January 2005 - June 2011 legal actions were taken against a number of 46 magistrates for having committed acts of corruption, and 19 of them have already been sentenced; in relation with disciplinary liability, during the last six years 136 magistrates were investigated, out of which 84 judges and prosecutors were sanctioned. But these figures show that the lack of integrity is not a phenomenon to characterize the judicial system. It is nevertheless true that not treating them on time and in a dissuasive manner and the generalization of isolated cases of lack of integrity can only weaken the confidence of population in justice, with negative effects with regard to the respect for judges and prosecutors and the authority which judicial decrees have to enjoy.

As a guarantor of the independence of justice, the SCM has the duty to contribute, by firm measures, to the increase of public confidence in the manner of operation of justice in

⁵ In order to formulate this conclusion data were analyzed as included in: *Barometrul de Opinie Publică (Public Opinion Barometer) 1998-2007* drafted by the Soros Foundation and published on the 6th of December 2007; Opinion Poll financed by the World Bank Program on the Reform of Justice, ordered by the SCM and executed by Gallup Romania, published on the 25th of January, 2008; European Commission, *Euro barometer – Public Opinion in the European Union, autumn of 2007*, launched on the 30th of January 2008; European Commission; *Euro barometer – Public Opinion in the European Union, autumn of 2008*, launched on the 20th of January 2009; *Life in Transition Survey II*, drafted by the European Bank for Reconstruction and Development and the World Bank at the end of 2010.

Romania, to restore the prestige of this activity and of the magistrate's robe. By using the levers at its disposal according to the Constitution and to the special laws, the SCM undertakes to act in addition to and in conjunction with the other public institutions with responsibilities in the field of justice to strengthen the integrity of the judicial system, as an integral part of a coordinated effort in a new national anticorruption strategy. Thus, the present strategy resumes the principles in the new national anticorruption strategy, and the plan of actions for the implementation of this strategy includes the main measures proposed in the national plan.

Therefore, the SCM states that it adheres to the fundamental values, the principles, objectives and the monitoring mechanism of the National Anticorruption Strategy.

3. Integrity in Justice

Integrity is an inner feature which involves acting according to certain principles and values, without compromises. It means to exert the function honestly, correctly and consciously, in good faith. *Integrity in justice* is manifested in performing judicial actions with maximum objectivity, in conditions of equality and dignity of the parties, observing the deadlines as provided by law, to assure the full legality of the performed action. In justice, integrity is more than a virtue, it is a necessity.

The strengthening of integrity takes place by eliminating corruption from the system, observing the judicial deontology and ethics, i.e. rendering justice more efficient by managerial means. These are elements meant to ***render the system accountable as a whole as well as each member taken apart***, starting from the natural need to balance the independence of justice, because *independence must not turn into a privilege of the magistrate, it must be a right of the citizen*.

The solutions to consolidate the integrity of the judicial system involve a *conjugated effort of the responsible factors*: the legislative must provide an adequate status for the system professionals and stability for the former, able to consecrate and assure the independence of the judicial system; the executive must allot the human and financial resources necessary for the optimal functioning of justice; the judicial system itself must develop internal mechanisms so as to increase performance and responsibility, in exercising in good faith and with maximum efficiency both the jurisdictional attributions and the strict administrative ones.

4. General Purpose of the Strategy

According to article 124, paragraph 2 of the Constitution of Romania, justice is accomplished in a unique, impartial and equal manner.

The purpose of the present Strategy is to consolidate the integrity of the judicial system, respectively to increase the confidence in justice of the population. Obviously, these are components of the very reform of the judicial system, of which the final objective is to provide a high degree of competence of the judicial system with all the corollaries: correct decisions, available to the public, proceedings carried out in an optimal period, incorruptible staff and unitary judicial practice.

B. PRINCIPLES OF STRATEGY

The present strategy is founded on the following principles:

1. Principle of the Rule of Law

Justice is a fundamental pillar of the democratic society based on the principle of the rule of law, characterized by the supremacy of law and the equality of all before it. This is based on the respect for human rights and imposes the separation of powers in the state. The separation of powers implies the independence of justice, necessary in order to provide an impartial act of justice.

2. Principle of prevention of the lack of integrity

The strengthening of integrity must stress the component of prevention of committing corruption acts and integrity incidents. Anticipated Identification and removal in due time of the premises of apparition of corruption acts are, therefore, a priority and an imperative.

The actions in order to prevent the judicial corruption must concern both judges and prosecutors, and the auxiliary specialty staff and the associated one and to tackle not just the way justice is accomplished, but also the administrative-judicial operations from courts and prosecutor's offices. Also, prevention actions must concern other vulnerable sectors as well, the purely administrative ones, such as human resources or public procurement. In this context, one cannot avoid including the staff of the SCM, NIM, NSC and the Judicial Inspection.

3. Principle of consistence and cooperation

The strategy proposes an evaluation of the special legislation in matters of integrity and international standards. Wherever necessary, we propose the adjustment of secondary regulations or the expression of proposals to modify the legislation.

In order for the strategy to reach its goals, the cooperation is required of all institutions and organizations which can get involved in the activity to strengthen the integrity of justice: SCM, the court and prosecutor's office managers, the associations of magistrates and the trade unions of auxiliary specialized and associated staff. At the same time the openness will be stressed towards the forms of organization of the civil society.

C. OBJECTIVES AND PROPOSED MEASURES

Providing a high level of competence of the judicial system and a complete honesty of the staff involves taking measures, both adequate and firm. The measures are of a legislative but also administrative nature.

The strategy covers two areas of action: *prevention* and *fight against* lack of integrity. The lines of effort and the measures cover the person, the institution and the system.

I. Strengthening the integrity of the judiciary includes measures concerning:

- Increase of transparency in the judicial system
- Improvement of access of the litigant to the system of courts and prosecutor's offices and to information about it.

1. Increase of Transparency in the Judicial System

Justification: The system integrity supposes its transparency as a fundamental condition. The openness of the judicial system towards society (towards the population in general, but especially the litigants), with rules easy to grasp and easy to access can, together with other factors - such as the professionalism and conduct of staff, respectively the celerity and predictability of the act of justice - become the basis of formation and consolidation of confidence in the judicial system.

On the other hand, the judicial system is financed from the state budget. Obviously, the state is obliged to guarantee the necessary resources for an efficient operation of the judicial system. However, as any other consumer of public funds, the system itself must be responsible before the citizen from the perspective of the efficient use of the allotted funds.

General Measures: In order to reach this goal, the proposed measures are:

1.1. Improvement of the conditions of use of the courts data base management system;

The measure intends to extend the use of the ECRIS system in all courts and prosecutor's offices. In order to facilitate the exchange of information, prosecutors must have access to the ECRIS of the courts. Performing the inspection activity also involves the access of judicial inspectors both to the information available in the courts ECRIS and in the one of the prosecutor's offices.

In parallel a judicial statistics system will be developed, which will use all the data available in the IT domain.

Judicial judgments and decrees, now held in ECRIS, reach the public space through JURINDEX. Up to now only the decisions of the courts of appeal have been posted on the site www.jurisprudenta.org. This system must be further developed, through an entity managed by the institutions which represent the magistrates, respectively the legal counsels, professionals primarily interested in the publication of judicial judgments and decrees, while observing the protection of personal data.

1.2. Transparency and objectiveness of recruitment, promotion and evaluation procedures

The improvement of the manner of recruitment of judges and prosecutors and a new profile of the magistrates represented the object of a large public debate organized in 2010. The strategy undertakes to put its conclusions into practice.

In parallel, the evaluation system of judges and prosecutors⁶ will be improved and the way to promote the judges to the HCCJ will be perfected.

At the same time a new way of evaluating auxiliary specialty staff must be regulated, since the Order no. 39/C/2001 of the MoJ is no longer valid and Law no. 567/2004 does not contain sufficient regulations.

1.3. Improvement of file management and of judicial procedures

At present deficiencies are noted in the way certain cases are distributed, in the management of evidence and the adjourning of cases, respectively in solving certain cases. The measures which have to be taken for the improvement of the case *management* are complex: verifications of the file distribution with courts and prosecutor's offices must take place permanently, the management of evidence in similar files must be made following the same practices and the situation of the authorization must be cleared based on the ORNIIS approval for access to certain pieces of information in the files. At the same time the quality of the motivations in the judicial decrees must be improved.

Also, magistrates and staff must enjoy optimal conditions to carry out their activity, so that errors made because of the volume of activity should not be interpreted as errors made on purpose. In order to eliminate the possibilities to interpret legal provisions much too lightly and in a differentiated manner, it is necessary to take certain measures to unify judicial and administrative practices. Unifying the practice is a fundamental goal which requires the identification of both legislative and internal solutions. Elaborating a methodology to individualize sanctions in criminal matters so as to provide similar sanctions in identical cases represents such an internal measure.

1.4 Improving the connection of SCM and of the system with the outside world

Although a Strategy of Communication of the SCM and of the Judicial System in Romania⁷ was published in December 2007, it has not been enforced so far. In order to increase confidence in justice, it is necessary that both the SCM and the courts and the prosecutor's offices currently and effectively answer the demands of the public from the perspective of necessary information. That is why the regular polling of the public and the meetings in the legal framework with the representatives of the media and their self-regulating organisms are absolutely necessary.

2. Improvement of the accessibility of the litigants to the system of courts and prosecutor's offices and to the information on it

⁶ The increase of objectivity of the evaluation is envisaged, as well as the creation of a system able to quantify performance and professional conduct. Enlisting in a promotion competition should be based on such an evaluation. This should indicate what the needs for professional training are, in particular, as well as the system needs in general.

⁷ This refers to the Strategy of communication of the SCM and of the judicial system, drafted and approved by the SCM in 2007, from the perspective of the institution of the spokesperson, of public interest information, communication with the plaintiffs, the management of information on the Council's web page.

Justification: A court or a prosecutor's office can be accessible to the public only to the extent in which they make available, from the entrance of the public institution, all the information necessary to solve the administrative or litigious issues. The degree of comfort of the citizen in relation with the judicial institution is directly proportional with the quantity of information published *ex officio*. Thus the integrity is maintained as long as the contact with staff in courts and prosecutor's offices is diminished.

General Measures: In order to reach this goal, the proposed measures are:

2.1. Improvement of the courts' websites;

In order to communicate information to the public, the courts use the portal made available by the MoJ, <http://portal.just.ro>. Some courts have their own websites. The prosecutor's offices use the platform made available by the Public Ministry, www.mpublic.ro. SCM intends to standardize the minimum information which should be published on such websites, for a unified aspect, both as quality and quantity.

2.2. Reconfiguring the court and prosecutor's office management from the citizen's perspective;

The orientation of the litigant inside the premises of a judicial institution must be improved. The way of access to the contents of the file must also be rethought, by using the information technology.

The parties will also receive forms for administrative applications addressed to courts and prosecutor's offices, but also for simple actions and claims addressed to them.

2.3. Publication of reports of courts, prosecutor's offices, of the HCCJ, PHCCJ and SCM;

The activity reports of the institutions in the system must be drafted in a manner as accessible to the public as possible.

At present, there are courts and prosecutor's offices which do not publish their activity report, an aspect which must be remedied. Together with this report, the law also provides the obligation of publishing the reports on the enforcement of the law on access to public information, as well as to balance sheets of incomes and expenses.

2.4. Providing an effective and efficient institutional management;

Courts presidents will become members in a structure which will allow them to hold periodic meetings and to adopt decisions to help taking unitary and efficient measures regarding the organization of the system.

In order to provide for objective decisions, criteria will be established for the appointment of members in commissions organized at the level of courts (public procurement commissions, commissions to organize auxiliary staff recruitment or promotion contests).

The training in the field of case management and court management will be included in the curriculum of the NIM.

2.5. Organizing public events and specific campaigns in order to strengthen confidence in justice;

Public information on the judicial system will be available through an e-justice portal. The increase of public confidence will be targeted by creating and posting posters with symbolic messages, respectively positive video and audio spots with reference to the role of the judiciary, human rights and the fight against corruption.

A special effort will be deployed in relation with the involvement of the SCM and of the management of courts and prosecutor's offices in a widespread public information campaign on the new codes.

II. Strengthening of the individual integrity includes measures relating to:

- Improvement of the system of conduct and deontology rules;
- Development of a culture of judicial integrity by the specific training;
- Improvement of the system of disciplinary liability.

1. Improvement of the system of conduct and deontology rules

Justification: The role of the Superior Council of Magistracy is to provide the enforcement of the law and of the competence and professional ethics criteria in the unfolding of the professional career of judges and prosecutors.⁸ Therefore the good professional training at an individual level must be doubled by the acquisition and assimilation of specific concepts on the duties incumbent to judges and prosecutors, which include notions in the area of deontology, respectively judicial ethics⁹.

General Measures: In order to reach this goal the measures proposed in the strategy are:

2.1. Creation of Conduct Guidelines for judges, prosecutors and courts and prosecutor's offices staff, as well as of a mechanism to implement the judicial rules of conduct;

⁸ Art. 30 paragraph (3) of Law no. 317/2004 on the Superior Council of Magistracy, republished

⁹ The *Comment on the Bangalore Principles on Judicial Conduct* adopted at the UN Level shows that this instrument is destined to establish the limits of the cooperation with the press and the politicians, the limits of the friendships between judges and prosecutors or legal counsels, the responsibility towards auxiliary court staff, the importance of patience and how to assure transparency, the importance of self-training, how to avoid preconceptions and how to provide an appearance of impartiality, how to maintain the balance of the rights of the parties, how exactly can these be treated with dignity and avoiding discriminations, about the freedom of association and the free speech, including appearances in the media, about receiving gifts, frequenting clubs, bars, gambling or secret societies, or the carrying out of other judicial or administrative activities. This regulation (provided by an instrument which we can call a "Guide", "Guidelines" or even "Code" of ethics or judicial conduct) must not be addressed exclusively to professionals, it must be thought also as an instrument to help politicians (to understand the significance and importance of the independence of justice which they must protect), legal counsels (in order to understand the need to maintain correct and honest relations inside the system) and the public at large (for them to know how a judge must be so as not to doubt his/her honesty and abilities, in which context can judges and judicial judgments and decrees be criticized, etc.).

International standards impose the regulation of conduct of magistrates also by internal norms as a recommendation, to cover various aspects of the judicial and extrajudicial activity, not regulated in the statute law or in the deontological codes¹⁰. Such a *Conduct Guidelines for the Judicial System* will be addressed to magistrates and the other staff active within the SCM, JI, NIM, NSC etc. It will be drafted by representatives of all these categories of staff, in order for it to be actually assumed and to ease its assimilation.

1.2. Creation of enforcement procedures for the Conduct Guidelines for the judicial system;

The implementation of the Guidelines will be provided by procedure norms, included in its actual contents, which will point out the mechanism by which a judge or a prosecutor, or other persons active in the judicial system can be helped by their colleagues to solve an ethical dilemma: to which ethics counsel they may address, how to elaborate the recommendation, how to provide similar recommendations in identical cases, etc. In order to provide a professional framework for the activity of the ethics counsels, they will operate within a national network and will enjoy specific training.

1.3. Providing the framework for the enforcement of provisions of art. 5 paragraph 2 of Law no. 303/2004.

The law provides the competence of the management college of the court or of the prosecutor's office in the event the judge or the prosecutor thinks they are involved in a case of conflict of interests. In order to provide for a correct enforcement of this norm, which is different from the regulation of interdictions and incompatibilities, the adoption of a secondary regulation is required.

2. Development of a culture of judicial integrity by specific training

Justification: The integrity – as a value in exerting this public function of such a large responsibility in society – must be infused during all the steps of the career of a judge or a prosecutor. The ethical component and the professional deontology must necessarily be an integral part of the initial and continuous training curriculum.

General Measures: In order to reach this goal the measures proposed in the strategy are:

2.1. Providing qualified trainers in the area of ethics and professional deontology

At present, several magistrates specializing in these areas are active within the chair of Ethics and Deontology of the NIM. There are others who have been trained as

¹⁰ We must distinguish between *deontological* and *judicial ethics rules*. The first include the rules and duties necessary in order to exert the legal profession, as provided by the law regarding the judicial organization and the one regulating the professional status. The rules of judicial ethics are wider, they guide the beneficiaries on the conduct in certain specific situations, so as to help them fulfil their functions both within the institution and outside the exertion of function, to contribute thus to the maintaining of confidence of population in the system; an ethical conduct code is accepted by the professionals who agree to regulate their own behaviour according to looser or stricter standards, they assume these „bottom-up approach” rules.

trainers in these areas, but they are not active. It is therefore a necessity to renew the existing records and to provide for their distribution at least at the level of each court of appeal and prosecutor's office attached to them.

2.2. Preparation within the continuous training in the area of deontology and judicial ethics of all categories of staff in the system of justice, including those in management positions and the judicial inspectors.

Once the trainers are provided, training in these areas will be also offered to justice staff and legal trainees. Due to the specific role of courts and prosecutor's offices managers, respectively of the judicial inspection in the area of ethics management, these will enjoy specific training.

2.3. The inclusion of the Guidelines on judicial Conduct and of the Deontological Code in the bibliography, as a condition to occupy executive and management positions

Knowledge of the rights, obligations and professional duties will be a part of the bibliography of those wishing to occupy executive or management positions in the judicial system.

2.4. Organizing periodical debates between all the law professionals on the role of justice and profession ethics (including legal counsels, mediators, experts)

The conduct of the other law professionals also contributes to the maintaining of the confidence of population in the justice. In order to secure respect in relations between them and magistrates and court clerks it is necessary to provide an organizational framework for periodical meetings.

2.5. Publishing of case law in matters of judicial corruption, disciplinary and deontological areas on magistrates, while informing the magistrates on those matters.

There already exists a rich case law regarding the criminal or disciplinary sanction of magistrates. In order to become acquainted with the reasons which led to the issuance of such decisions, it is necessary to publish and discuss them with the staff. It is also necessary that necessary measures be taken so as not to repeat the same deviations within the respective court or prosecutor's office.

At the same time the managements of court and prosecutor's offices will have to take measures to improve the conduct, as imposed by the aspects signaled in control documents, evaluations or even in complaints of the litigants.

3. Improvement of the system of disciplinary liability

Justification: The free acceptance of the norms of professional conduct leads to a diminished risk of appearance of corruption acts. Acceptance of such an ethical system is acknowledged as a corruption prevention measure. Yet the methods to prevent cases of

lack of integrity fail when the law is infringed by magistrates and auxiliary specialty staff in the courts and prosecutor's offices. Fighting against such cases supposes a firm, fast and predictable system of regulating, investigating and sanctioning infringements.

General Measures: The measures proposed in relation with the disciplinary responsibility of judges, prosecutors and auxiliary specialty personnel in courts and prosecutor's offices are:

3.1. Improvement of the legislative framework in disciplinary matters corroborated with the modernization of the evaluation system;

The disciplinary system must be improved so as to provide an adequate sanctioning of those committing disciplinary offences, but solutions must be predictable at the same time. A ranking of disciplinary offences becomes necessary, as well as the establishing of the criteria of implementation for disciplinary sanctions. Enforced discipline must however be subsequent to the prevention of torts. Therefore a special stress will be laid on the regular evaluations of the staff.

3.2. Consolidation of the role and status of Judicial Inspection.

The Judicial Inspection is and must remain outside the area of judicial power. The maintaining of autonomy in relation with the political factor will be envisaged and any attempt to subordinate it by mechanisms allowing the intromission of the other two powers in the activity of the Inspection or of the inspectors will be rejected. The Inspection will insist on the preventive side, so that inspectors must contribute to the improvement of management in courts and prosecutor's offices. When they carry out activities in disciplinary matters, they must provide a quick and correct unfolding of the procedures.

The way the Inspectors are selected, how the work is distributed among them, providing sufficient staff, the ways to perform the control, the evaluation of the activity of the inspectors will be permanently monitored by the head inspectors and the SCM, according to a special regulation to be drafted by the SCM.

3.3. Efficient processing of notifications on the system malfunctions

At present citizens file complaints and notifications in relation with the manner of organization and function of the justice system to various authorities such as: Presidential Administration, the Commission for the investigation of abuses attached to the Parliament, the Ministry of Justice, to members of the European Parliament. Also, there is often no distinction between the competences of the DNA and those of the Judicial Inspection.

The SCM proposes the creation of a unique system for the addressing of complaints and notifications regarding the organization and/or functioning of the system which should involve representatives of all the judicial organizations, destined to correctly screen these petitions. In order to provide for transparency, the representatives of civil society within the SCM can also be involved.

D. MONITORING AND EVALUATION

The SCM will coordinate the implementation of the strategy and of the measures contained in the attached actions plan, following which the Strategy will be possibly periodically revised, depending on the difficulties and evolutions recorded in the implementation process.

The evaluation of the way in which the goals are reached and the proposed measures are implemented will take place within and according to the monitoring mechanism for the implementation of the National Anticorruption Strategy. This involves the participation of the SCM to:

- The debates of the Platform of independent institutions and Anticorruption Agencies;
- Coordination meetings organized by the ministry of justice;
- Trans-sectoral theme evaluation missions.

The SCM will also contribute to the drafting of the National Anticorruption Report. For that purpose it will provide for the semestral updating of relevant data and information included in the periodic self-evaluation of the level of implementation of the mandatory preventive measures and will transmit notes and periodic reports on the stage of implementation of the sectoral strategy. For that purpose the SCM, through the coordinator of its own strategy (commission no. 4 – Transparency and Integrity) will cooperate with the Technical Inter-institutional Secretariat, established at the level of the MoJf.

The strategy and the Actions Plan are drafted for the period 2011-2016, which coincides with the mandate of the members of the SCM.