

Annex No 5

Requests made by civil society organisations for public morality and respect of the law

January 2012

1 Democracy, elections and political parties

Main conditions:

- 1.1 Liberalisation of restrictive conditions of constituting a political party and the elimination of discriminating and favouring conditions for certain actors participating in elections;
- 1.2 Adoption of the legislative initiative for elimination of political transit
- 1.3 Interdiction of financing political parties by legal entities
- 1.4 Extension of the Account Court control over all financial operations of political parties
- 1.5 Creation of mechanisms for individual revocation of parliamentarians
- 1.6 Guarantee of the constitutional right to freedom of speech through aligning legislation and legal practice to the provisions of the European Convention of Human Rights and to the practice of the European Court of Human Rights

Priorities:

- 1.7 Institution of the obligation to declare collaboration with information services under non-prescriptible penal sanction for candidates to elections, public clerks and magistrates
- 1.8 Sanction of public interventions and discriminating attitudes towards minorities and vulnerable groups
- 1.9 Depolitisation of public radio and TV services and of Agerpres agency by modification of laws under which these institutions function
- 1.10 All parties should assume a set of criteria agreed with the civil society for nominating candidates to elections.

2 Parliament, Government, Presidency

Main conditions:

- 2.1 Consolidation of the role of the Parliament by limiting the practice of government ordinances
- 2.2 Elimination of the procedure of legalisation by responsibility of the Government, except for the state of emergency and the state of war
- 2.3 Improve the legal process by social and civic authentic dialogue, based on well-founded impact studies which should ensure the stability of the legal framework

Priorities:

- 2.4 Construction of a participating work mechanism with the civil society, in a formula agreed with all political parties

- 2.5 Introduce the sanction of annulling the effects of those normative acts whose process of adoption did not respect Law 52/2003 on decisional transparency
- 2.6 Simplify the procedure of approving body search and sending in court of ministers and former ministers
- 2.7 Reduce the presidential immunity and suspend any prescription during the mandate

3 Transparency and good governing

Main conditions:

- 3.1 Depoliticise the administrative body and transparency of recruitment for public clerks based on competency, publicise organigrams of public institutions and CVs of public clerks on the website of the institution
- 3.2 Create, in cooperation with the civil society and the business associations, a permanent monitoring on the allocation of public finances to the private sector
- 3.3 Integral and proactive application of law 544/2001 by automatically placing on the website of the institution all activity reports as requested by the law, as well as all public acquisitions, budgets and salaries in the public sector
- 3.4 Enlarge the application of laws 52/2003 and 544/2001 in order to cover other categories of legal persons within the public and state owned sectors, as well as the information to which the access of citizens is free
- 3.5 Create an administrative sanction for the wrong application of law 544/2003 and well as law 52/2003

Priorities:

- 3.6 Strengthen the capacity of departments responsible for answering requests based on law 544/2001 so that they are capable of responding as soon as possible, correctly and fully, to the requests received from citizens
- 3.7 Simplify, standardise and unify administrative procedures by adopting the Administrative Code and the administrative procedure Code of Romania
- 3.8 Setting, by law, all cost standards for public services and investments

4 Justice, law and jurisprudence

Main conditions:

- 4.1 Create the principle of material responsibility for the bad management of public finances and infringement of citizens' rights
- 4.2 Re-create the real independence and protection of magistrates against all political interference, without instituting impunity for malpraxis and corruption
- 4.3 Legislative simplification and systematisation by adopting sectorial regulation codes

Priorities:

- 4.4 Ensure transparency and quality to the act of justice, unify legal practice and set motivation standards for Court decisions

- 4.5** Withdraw and discourage any legislative projects that would work against transparency of the statement of assets and against a real control of the conflicts of interest and incompatibilities in the exercise of public functions and roles.

5 Public participation and civic dialogue

Main conditions:

- 5.1** Change the law of public manifestations in order to eliminate the current excessive restrictions
- 5.2** Increase the role of participative democracy, according to the Treaty of Lisbon by creating new mechanisms for interaction between citizens and institutions and by respecting initiative of citizens at local and parliamentary levels
- 5.3** Introduce individual revocation mechanisms for mandates obtained in elections by citizen initiatives of creating referendums in circumscriptions
- 5.4** Organise consultations on relevant public policy themes, all along the public policy process

Priorities:

- 5.5** Stop abuses by legal forces against the exercise of the right to freedom of speech and public gathering
- 5.6** Investigate abuses made by the Gendarmes against peaceful protesters, including a parliamentary commission
- 5.7** Organise consultations in elaborating important programme documents (for instance National Strategy Anti-corruption, National Development Plan, Operation Programmes and the National Programme for Rural Development)
- 5.8** Build and use dialogue and public consultation at the level of ministries and local public authorities
- 5.9** Include representatives of NGOs in the Economic and Social Council
- 5.10** Set and respect a regular consultation schedule, at the level of the Prime Minister, through the College for Consultation of Associations and Foundations

6 Environment

Main conditions:

- 6.1** Acknowledge durable development as horizontal policy through operational existing legislation and satisfactory budget allocation
- 6.2** Use structural and cohesion funds so that the results of the projects lead to a real durable development
- 6.3** Operate national programmes of durable development, which are clear and predictable, and which should contribute towards a green economy
- 6.4** Improve the formal and non-formal education programme, as well as increase the degree of public awareness on durable development
- 6.5** Stimulate local economic activity in rural areas

Priorities:

- 6.6** Reject the project of modification of the Law of Mines 85/2003, which would allow mining corporations to make expropriations on behalf of the state
- 6.7** Stop the process of authorising operations on mining exploitation in Rosia Montana and investigate illegalities which were signalled by the civil society
- 6.8** Identify and sanction those who favoured abuses against the environment (illegal cutting, pollution, introduction of hunting in protected areas, unsustainable urban development, etc)
- 6.9** Public delimitation of political parties and of the Romanian President from private interests related to exploiting natural resources with a major impact on the environment
- 6.10** Sustain the revitalisation of rural areas by projects supporting *in situ* the unprotected rural patrimony

7 Social

Main conditions:

- 7.1** Sustain social economy, small enterprises and rural development, as means of fighting against social exclusion and poverty, and to reduce the huge distance between the rich and the poor
- 7.2** Promote decentralisation of social services, from the perspective of their role as responsible institution and at the level of budget allocation
- 7.3** Harmonise the social assistance legislation

Priorities:

- 7.4** Review the allocation of resources from the state budget dedicated to the social field (education, health, social services) through transparent, strategic and efficient allocations of public resources, in consultation with all factors interested
- 7.5** Sustain and legitimise the action of changing negative attitudes by punctual interventions at local level and manage issues of social inclusion of discriminated groups; integration and application of the concept of active citizenship in any kind of intervention, stimulating both minority and majority groups
- 7.6** Facilitate the development of a free social services market, similar to other general interest services in the field of education and health
- 7.7** Promote, especially on local levels, the principle of subsidiary, in the sense of substituting public structures and services in the process of managing social issues structured of civil society and private services, which can ensure the effective framework for an efficient use of community resources

8 Management of public funds and goods

- 8.1** Create the obligation of pre-approval of the Parliament for exploiting country mineral resources and fossils
- 8.2** Create mechanisms that should lead to an efficient management of public and European funds

- 8.3** Adopt a responsible behaviour for all the political class towards the absorption of European funds and promote Romania's interested related to European institutions
- 8.4** Stop the destruction of our national natural and architectural patrimony with the complicity of authorities

NGO's Coalition from Romania