



To Ms. Sophie Wilmès  
Vice-President of the European Parliament  
Chair of the DRFMG (Democracy, Rule of Law and Fundamental Rights Monitoring Group)  
January 28, 2026

## **Civil Society Submission to the DRFMG: Recent Developments and Reform Proposals Concerning the Independence of the Romanian Judicial System**

Dear Ms. Wilmès,

We have the honour to address you in your capacity as Chair of the Democracy, Rule of Law, and Fundamental Rights Monitoring Group of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs. We write on behalf of Funky Citizens and Declic, two Romanian civil society organizations with established records in monitoring rule of law developments and advocating for judicial reform in Romania.

We wish to submit for your consideration a comprehensive account of recent developments concerning the independence and functioning of the Romanian judicial system, together with our substantive legislative proposals aimed at addressing identified structural deficiencies. We believe our perspective as civil society organizations directly engaged with these matters may provide valuable complementary information to support a comprehensive understanding of the systemic challenges facing Romania's judicial system.

This submission is prompted by significant developments that have unfolded since December 2025 which have brought into sharp relief longstanding concerns regarding judicial independence, the effectiveness of anti-corruption mechanisms, and the protection of fundamental rights within Romania's justice system. We are also putting forward in this way the demands of over 210,000 citizens that are demanding real reforms in this system.

### **Context and Timeline of Recent Developments**

Romania's judicial system has been experiencing a prolonged crisis of legitimacy, characterized by declining public trust, concerns about judicial independence, and evidence of systematic dysfunction in handling major corruption cases. These problems have been documented and signaled repeatedly over recent years by civil society organizations, independent magistrates, journalists, and European monitoring mechanisms. The issues reflect structural vulnerabilities that have accumulated over time and have been exacerbated by successive legislative interventions.

Throughout 2025, the recognition of these problems manifested in various institutional initiatives: parliamentary hearings on judicial reform, invitations to dialogue from the National Union of Romanian Bar Associations, and other consultative processes. These developments confirmed that concerns about



the justice system's functioning were widely known across institutional actors and civil society. The judiciary itself was increasingly unable to ignore the accumulating evidence of dysfunction.

In this context, the High Court of Cassation and Justice issued invitations in November 2025 to civil society organizations for a dialogue on the functioning of the justice system, scheduled for December 9, 2025. However, the manner in which this dialogue was organized raised fundamental concerns. The concerns about the intention of HCCJ was highlighted through the selective invitation of civil society organizations, combined with the lack of transparency demonstrated by the HCCJ leadership recently - including discussions held behind closed doors with political leaders, without subsequent disclosure of their content. This manner suggested an approach to engagement characterized more by opacity than openness. The dialogue appeared designed less to address systemic problems than to manage institutional legitimacy concerns through the appearance of consultation.

The scale and gravity of these longstanding problems gained unprecedented public visibility on December 9, 2025, when the investigative journalism outlet Recorder published a two-hour documentary titled "Captured Justice" (Justiție Capturată), which exposed systematic dysfunction within Romania's judicial system. The investigation, based on over eighteen months of research and testimonies from judges and prosecutors, revealed a deeply concerning pattern: the Romanian judiciary has been captured by a network of interests involving magistrates and politicians who have systematically blocked major corruption cases, arbitrarily transferred judges from high-profile files, and marginalized magistrates who refuse to comply with informal pressure.

The documentary's key findings included evidence that court presidents exercise discretionary power over case allocation, effectively circumventing the principle of random distribution. It documented instances where judges handling corruption cases involving high-level political figures were suddenly transferred or delegated away from their cases, sometimes just before final verdicts were to be issued. Several of these cases subsequently reached prescription, effectively granting impunity to the accused. The investigation also highlighted how the The Special Investigation Section, the new system of investigation of offences committed by judges and prosecutors created in 2022, has proven completely ineffective, with zero cases prosecuted in recent years, creating a de facto immunity for judicial misconduct. This pattern of discretionary appointments was illustrated when, amid the ongoing crisis, the CSM delegated as acting president of Bucharest Tribunal - Romania's largest county-level court - a judge with less than one month of experience at the tribunal, bypassing three experienced magistrates who had expressed willingness to serve, including judges with decades of service at the court.

The societal response was immediate and unprecedented. On December 11, Funky Citizens and Declic launched a petition demanding the modification of the Justice Laws. Within 48 hours, the petition gathered 125,000 signatures. By December 23, when we formally presented it to Prime Minister Ilie Bolojan, it had reached over 210,000 signatures, making it one of the largest petitions in recent Romanian history on a judicial matter and the second largest petition overall in recent history.

Simultaneously, spontaneous protests began on December 10 in Bucharest and quickly spread to other cities across the country. These protests continued daily for over a week, bringing thousands of citizens into the streets demanding accountability and reform. Equally significant was the response from within



the judiciary itself: by December 13, over 800 judges and prosecutors from all levels of the judicial system had signed an unprecedented public statement of solidarity with their colleagues who had spoken out in the documentary, affirming that "truth and integrity must not be sanctioned but protected" and that "silence is not an option when professional values are endangered."

The leadership of the Bucharest Court of Appeal and the High Court of Cassation and Justice launched attacks against the journalists, with the president of the Bucharest Court of Appeal publicly accusing Recorder of attempting to "destabilize the judiciary" and engaging in "public instigation against the constitutional order"- language invoking serious criminal offenses against national security. The Judges' Section of the Superior Council of Magistracy similarly dismissed the testimonies in the documentary as "allegations" and announced it would refer the matter to the Judicial Inspection, effectively threatening disciplinary action against the magistrates who had spoken out. The gravity of these institutional attacks prompted an unprecedented response: within days, nearly 7,000 citizens - including over 800 journalists - along with 130 media organizations and civil society associations, signed an open letter of solidarity with Recorder, condemning the attacks as an assault on press freedom and the public's right to information.

This institutional backlash against both journalists and whistleblower magistrates raises serious concerns about freedom of expression, the protection of journalistic sources, and the ability of the judicial system to self-correct. It also demonstrates precisely the capture dynamics that the documentary exposed: when criticism emerges, those who control institutional levers use them to suppress dissent rather than address the substance of the allegations.

The government's response included the establishment of a working group on December 23 to analyze potential amendments to the Justice Laws, with Funky Citizens and Declic participating alongside other stakeholders. However, the process has been contentious.

### **The Contribution of Funky Citizens and Declic**

Against this backdrop, Funky Citizens and Declic have developed comprehensive legislative proposals addressing the structural vulnerabilities identified in the documentary. Our work represents not merely a reaction to recent revelations but the culmination of years of monitoring judicial reform in Romania and analyzing the progressive erosion of checks and balances within the system.

Our reform package addresses ten critical areas, each grounded in concrete evidence of dysfunction and designed to restore both the independence of individual magistrates and the accountability of the system as a whole. We have proposed amendments to the Justice Laws, the Criminal Code, and the Codes of Criminal and Civil Procedure, because the problems do not reside in a single legal act but in an accumulated set of regulatory weaknesses that enable capture and obstruct transparency.

#### **1. Random Case Allocation**

First and foremost, we have proposed strict guarantees for the random allocation of cases and the continuity of judicial panels. While Romanian law formally enshrines the principle of random case distribution, the actual practice allows court presidents and section chiefs to reassign judges between panels and sections based on vaguely defined "objective situations" or "institutional necessities." Our



proposal establishes exhaustive legal criteria for when a judge may be replaced, eliminates any discretionary role for court leadership in such decisions, mandates that all replacements occur exclusively through the automated ECRIS system, and requires the automatic generation of allocation reports to be filed in the case record for parties' access. This transforms random allocation from a formal principle into an enforceable guarantee.

## 2. Prevention of Administrative Power Concentration and Court Governance Reform

Second, we have proposed fundamental changes to the governance structure of courts to prevent the concentration of administrative power. Currently, court presidents appoint section chiefs, who then become ex officio members of the court's management board, creating a self-reproducing hierarchy. Our proposal makes section chiefs subject to competitive examination, increases the number of elected judges in management boards, and removes the ex officio membership of section chiefs. Critically, we propose that the powers of court presidents, vice-presidents, and section chiefs be established by law, not by internal regulations adopted by the Superior Council of Magistracy, thus subjecting administrative powers to democratic legislative control rather than corporate self-regulation.

## 3. Transparency, Open Justice, and Public Access to Judicial Information

Third, we have developed detailed provisions for transparency and Open Justice, including mandatory publication of all judicial decisions with parties' names and decision numbers, live streaming of court hearings in administrative litigation and criminal cases at appellate levels, establishment of a unified national electronic case file with full legal validity, and automatic transcription of oral arguments accessible to parties through the electronic file. These measures recognize that justice is a public service and that public trust depends on public access to information about how the system functions.

## 4. Appointment to Leadership Positions Through Transparent Competition

Fourth, we have addressed the critical issue of managerial positions within the judiciary, proposing that leadership functions at all levels - including the High Court of Cassation and Justice - be subject to competitive examinations with written tests, professional experience evaluation, integrity criteria, and psychological testing. These positions should be understood as temporary managerial mandates, not as superior career stages, and should be subject to meaningful judicial review of appointment decisions. This approach professionalizes court management and reduces the conformism and informal dependencies created by the current system of discretionary appointments.

## 5. Return to the Principle of Specialization in Investigating Magistrates

Fifth, recognizing that the Special Investigation Service created in 2022 has resulted in de facto impunity for magistrates, we have proposed returning to the principle of specialization by offense rather than by the status of the accused. Corruption offenses committed by magistrates would be investigated by the National Anticorruption Directorate, organized crime offenses by DIICOT, and other offenses by the competent prosecution offices under ordinary jurisdiction. This eliminates the structural bottleneck that has allowed hundreds of potential cases to go uninvestigated.



## 6. Protection of Freedom of Expression for Magistrates and Whistleblower Protections

Sixth, we have proposed explicit legal protection for freedom of expression by magistrates regarding the functioning of the justice system. The current formulation of the duty of reserve is ambiguous and has been weaponized to suppress legitimate criticism, as confirmed by the European Court of Human Rights judgment in *Danileț v. Romania*. Our proposal clarifies that participation in public debate about justice system dysfunctions does not constitute a disciplinary offense and extends whistleblower protections to magistrates who report legal violations.

The need for such protections is underscored by the European Court of Human Rights' recent ruling in *Danileț v. Romania*, which found that Romania violated a judge's freedom of expression by sanctioning him for Facebook posts criticizing judicial dysfunctions. The Court held that 'where democracy or the rule of law are seriously threatened, judges have the right to express themselves on matters of public interest.' Notably, the sanction was imposed in 2019 by the CSM under the presidency of Lia Savonea, who currently serves as President of the High Court of Cassation and Justice.

## 7. Clarification and Stabilization of the Prescription Regime

Seventh, we have developed proposals to address the prescription crisis created by Constitutional Court decisions in 2018 and 2022 and the legislature's subsequent failure to adopt constitutional compliant provisions. This crisis has resulted in hundreds of corruption and organized crime cases being closed not because the facts did not exist but because the state failed to create a functional legal framework. Our proposal includes clarifying prescription as a procedural institution, suspending the prescription period upon referral to trial, and defining more precisely the notion of "serious social harm" so that sanctions reflect the actual impact of offenses on society.

## 8. Predictability and Fairness in Legal Costs

Eighth, we have proposed reforms to ensure predictability and fairness in the allocation of legal costs in civil proceedings, including mandatory filing of cost budgets at the beginning of proceedings, clear legal criteria for assessing the reasonableness of costs, and the possibility of limiting costs in cases of general public interest to prevent financial pressure from deterring access to justice.

## 9. Governance of Judicial IT Infrastructure and the Unified Electronic Case File

Ninth, we have addressed the governance of judicial IT infrastructure, proposing that the Superior Council of Magistracy assume strategic coordination of digitalization as the guarantor of judicial independence, that the electronic file become the single authoritative legal record with complete traceability of all operations, and that independent external technical audits be conducted regularly. The current system, where the Ministry of Justice maintains dominant control over IT solutions while courts of appeal and the High Court operate separate electronic filing systems, creates both security vulnerabilities and barriers to access.

## 10. Limitation of Arbitrary Delegations and Secondments



Finally, and perhaps most importantly, we have emphasized throughout our proposals that digitalization must be understood as the infrastructure of power, not as a neutral instrument. Control over IT systems means control over case allocation, access to files, archive integrity, and decision traceability. In a system where judicial independence is already fragile, allowing IT infrastructure to be managed without robust external oversight and clear legal frameworks creates unacceptable risks of manipulation.

Our legislative proposals have been developed through consultation with legal experts. They have been presented to the government working group and made fully public on our websites. However, we must note with deep concern that the reform process faces determined institutional resistance and troubling inertia. More than a month has passed since the establishment of the government working group, yet no concrete measures have been announced or communicated to the public regarding the initiation of reform. Despite the Executive having the necessary amendments to the Justice Laws already available for consideration, there remains no published calendar of actions or timeline for the reform process.

Our legislative proposals have been developed through consultation with legal experts. They have been presented to the government working group and made fully public on our websites. However, we must note with deep concern that the reform process faces determined institutional resistance. The same forces exposed in the Recorder documentary continue to use their administrative positions to obstruct transparency, intimidate critics, and preserve the status quo. The attacks on Recorder's journalists and the implicit threats against whistleblower magistrates through referrals to the Judicial Inspection demonstrate that the captured elements of the system understand that genuine reform threatens their ability to exercise informal power.

The European Union's Rule of Law Framework and the specific recommendations issued to Romania under the Cooperation and Verification Mechanism have consistently emphasized the need for judicial independence, effectiveness in fighting corruption, and transparent, merit-based appointments within the judiciary. The current crisis demonstrates that these issues remain unresolved and, in some respects, have deteriorated since the formal end of CVM in 2022. The mechanisms that were supposed to safeguard judicial independence have themselves been captured, and the reforms that were supposed to strengthen the rule of law have been systematically undermined or reversed.

The current moment in Romania represents both a crisis and an opportunity. The crisis lies in the documented capture of judicial institutions by networks of interest that prioritize self-preservation over the rule of law. The opportunity lies in the unprecedented mobilization of civil society, independent magistrates, and journalists demanding change, supported by concrete, technically sound reform proposals.

The DRFMG may receive assessments of Romania's judicial situation from various institutional actors. We believe it essential that the European Parliament also hear the perspective of civil society and the 210,000 citizens whose petition demands reform - a view grounded in lived experience of systemic dysfunctions rather than institutional positioning. The worrying developments detailed in this submission require examination from multiple perspectives, ensuring that both institutional accounts and civic concerns inform European-level monitoring.



We call upon the European Parliament and the Democracy, Rule of Law, and Fundamental Rights Monitoring Group to maintain sustained and rigorous monitoring of developments in Romania's justice system during this period. The legislative reform process currently underway will determine whether the unprecedented civic mobilization translates into meaningful institutional change or dissipates without lasting impact. The window of opportunity created by this engagement may close rapidly if institutional resistance succeeds in delaying or diluting reforms, making continued European attention essential to ensuring that the reforms are implemented.

Funky Citizens and Declic are committed to continuing our advocacy for judicial reform in Romania. We welcome the opportunity to provide additional information, detailed legislative proposals, or any other materials that would assist the Democracy, Rule of Law, and Fundamental Rights Monitoring Group in its monitoring mission.

Thank you for your attention to these critical issues.

Sincerely,

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