

EXECUTIVE SUMMARY

Between December 2025 and February 2026, Romania experienced unprecedented civic mobilization around justice system reform. The investigative documentary "Captured Justice" published by Recorder.ro on December 9, 2025, exposed systemic vulnerabilities in judicial independence, triggering a petition signed by over 210,000 citizens and sustained public protests. This crisis revealed deep structural problems including manipulation of case allocation, concentration of administrative power, de facto impunity for judicial corruption, and institutional attacks on critical voices.

Civil society organizations Funky Citizens and Declic developed comprehensive legislative reform proposals addressing these systemic failures through amendments to Laws on Justice, Criminal Code, and Codes of Procedure. The crisis demonstrated both the strength of Romanian civil society and the depth of institutional resistance to accountability. Senior judicial officials accused journalists of crimes against national security for publishing accurate investigative reporting. Magistrates who testified about systemic problems faced disciplinary threats. The government established a working committee but has not yet introduced concrete legislative initiatives. This response documents the structural problems requiring European attention and the comprehensive reform framework civil society has proposed.

I. JUSTICE SYSTEM

A. Independence

These developments occur against the background of longstanding European concerns about Romanian justice system governance. Previous Rule of Law Reports noted challenges in judicial independence, although they could not capture the full extent of informal control mechanisms that the December 2025 timeline exposed. The crisis revealed that formal compliance with European standards masked underlying vulnerabilities in case allocation, leadership selection, and protection of critical voices within the judiciary. While Romania has maintained technical adherence to Venice Commission recommendations on institutional architecture, the recent developments demonstrated how discretionary administrative powers can undermine judicial independence in practice.

Question 2: Appointment and selection of judges, prosecutors and court presidents

Leadership appointment procedures remain characterized by excessive discretion and insufficient transparency. Vice-presidents and section heads are appointed at court president proposal without competitive examination, creating hierarchical dependencies where career progression depends on institutional favor rather than demonstrated competence. Civil society proposals require mandatory competitive examinations for all leadership functions including High Court positions, incorporating written testing, professional experience evaluation, integrity assessments, and psychological testing. Results would be published on the Superior Council of Magistracy website with scoring and reasoning.



Despite submission to the December 2025 government working group, no legislative initiative has been announced as of January 2026.

Question 3: Irremovability of judges, including transfers and delegation

Judicial irremovability is systematically undermined through arbitrary delegation practices. Court presidents exercise broad discretionary powers to delegate judges without transparent justification, with delegations extendable indefinitely. Investigative reporting documented judges handling high-profile corruption cases urgently detached before final verdicts, with cases subsequently reaching prescription. In January 2026, the CSM delegated a judge with less than one month tribunal experience as acting president of Bucharest Tribunal—Romania's largest county court—bypassing three experienced magistrates with decades of service. Reform proposals transfer delegation authority from court presidents to the CSM Judges' Section, establish twelve-month maximum duration without extension, prohibit cross-delegation, require publication of delegation decisions, and suspend delegations when criminal cases face imminent prescription.

Question 4: Promotion of judges and prosecutors

Promotion to the High Court suffers from opacity preventing meaningful scrutiny. Examination commission composition remains unpublished, creating conflict-of-interest risks. Evaluated decisions are published only with anonymous candidate codes, making verification of merit-based selection impossible. Reform proposals require publication of commission composition with extended incompatibility rules, and publication of evaluated decisions with candidate identification. Current opacity contributes to perceptions that advancement depends on conformity to institutional hierarchies rather than judicial excellence.

Question 5: Allocation of cases in courts

Random case allocation represents the most critical vulnerability in Romania's judicial system. While ECRIS automated distribution is formally established, vaguely defined exceptions for "objective situations" or "institutional necessities" permit court leadership to reassign judges between panels and sections. Evidence from 2025 demonstrates judges handling corruption cases involving high-level figures were suddenly transferred between panels immediately before verdicts, with replacement judges issuing favorable rulings or allowing prescription. Civil society proposals establish exhaustive legal criteria for judge replacement—absolute incompatibility, suspension, medical leave exceeding thirty days, transfer, delegation, promotion, or death—with replacement occurring exclusively through automated ECRIS allocation generating reports filed in case records for party inspection. Panel continuity becomes absolute, with procedural acts following illegal modification subject to absolute nullity. Over 210,000 citizens signed a December 2025 petition demanding these reforms, yet no legislative initiative has been introduced.

Question 6: Independence and powers of the Superior Council of Magistracy

The Superior Council of Magistracy, tasked with safeguarding judicial independence, has itself become a concern regarding power concentration and insufficient accountability. The CSM exercises extensive

career control including delegation, detachment, disciplinary proceedings, and leadership appointments, yet operates with limited transparency. The Judicial Inspection functions under CSM authority, creating conflicts of interest when allegations involve magistrates aligned with dominant Council networks. Following late 2025 public exposure of systematic dysfunctions, the Judges' Section dismissed magistrate testimonies as "allegations" and announced Judicial Inspection referrals against magistrates who spoke publicly, using disciplinary mechanisms to suppress criticism rather than investigating substantive allegations. Reform proposals advocate reduced CSM powers where concentrated authority creates corruption risks, enhanced transparency including publication of delegation and disciplinary decisions, separation of Judicial Inspection from CSM control, and establishment of clear legal frameworks rather than internal regulations for core administrative functions affecting magistrates' careers.

Question 7: Accountability of judges and prosecutors, including disciplinary regime

The disciplinary regime operates through Judicial Inspection under CSM supervision, creating inherent conflicts of interest. The ambiguous "duty of reserve" has been weaponized to suppress legitimate criticism, as confirmed by the European Court of Human Rights' 2025 Grand Chamber judgment in *Danileț v. Romania*, which found that sanctioning a judge for Facebook posts criticizing judicial dysfunctions violated Article 10. 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." Significantly, the sanction was imposed by the CSM under the presidency of the current High Court President. The 2022 Special Investigation Section for magistrate offenses has proven completely ineffective with zero prosecutions despite credible allegations, operating with insufficient personnel and lacking offense specialization. This structural design creates de facto immunity. Civil society proposals include explicit legal protection for magistrates' freedom of expression regarding justice system functioning, clarifying that public debate participation about institutional dysfunctions does not constitute disciplinary offense, and extending whistleblower protections. On criminal accountability, proposals abolish the Special Investigation Section, returning to specialization by offense: corruption investigations by DNA, organized crime by DIICOT, other offenses by competent ordinary prosecutions.

Question 8: Independence/autonomy of the prosecution service

Prosecution autonomy has been compromised by systematic leadership intervention in ongoing investigations. Prosecutor testimonies made public in late 2025 revealed hierarchical control where prosecutors investigating high-level corruption faced pressure to close or dilute cases, with career consequences for resistance. Institutional response threatened disciplinary action against prosecutors who spoke publicly rather than investigating allegations. The December 2025 civic petition with 210,000 signatures explicitly demanded removal of the Prosecutor General and DNA Chief Prosecutor, citing systematic blocking of major corruption prosecutions and complicit silence when controversial court decisions undermined cases. Reform proposals emphasize clearer legal boundaries on hierarchical control, enhanced transparency regarding case assignment and progression, and mechanisms enabling prosecutors to resist unlawful orders without career retaliation.

Question 10: Significant developments affecting public perception of judicial independence

FUNKY CITIZENS

Public confidence dynamics require particular attention. The December 2025 mobilization did not emerge from a sudden crisis but from accumulated frustration with justice system dysfunction over many years. Civil society organizations, investigative journalists, and reform-oriented magistrates had documented problems with case allocation, prescription manipulation, and selective enforcement for years through reports, petitions, and public advocacy. What the documentary accomplished was consolidating fragmented concerns into systematic evidence of institutional capture, making visible the informal mechanisms through which formal rules are circumvented.

The scale of response - over 210,000 petition signatures in less than two weeks, sustained protests across major cities, unprecedented solidarity declarations from 800 magistrates and 7,000 citizens including journalists and civil society representatives - indicated that public dissatisfaction had reached critical threshold. Significantly, mobilization crossed traditional civil society boundaries, engaging citizens who normally remain distant from institutional reform debates. However, institutional attacks on journalists and whistleblowers risk accelerating the concerning trend from active dissatisfaction toward resigned disengagement. When senior judicial officials accuse investigative journalists of crimes against national security, when magistrates face disciplinary threats for truthful testimony, when civil society organizations are excluded from consultations for exercising legal rights, the message conveyed is that the system punishes rather than welcomes accountability. This pattern, if unchecked, may produce what civil society organizations termed "spiral of silence" - a shift from protest to resignation where citizens conclude the system cannot be changed and stop expecting it to function properly. Such erosion of civic expectation represents deeper democratic damage than active criticism.

B. Quality of Justice

Question 11: Accessibility of courts

Court accessibility is impaired by unpredictable legal costs and insufficient transparency. The current system addresses costs at proceedings conclusion, making financial risk evaluation impossible for parties before initiating action. This unpredictability deters citizens from exercising rights due to fear of catastrophic financial consequences. Inconsistent cost award application with divergent judicial standards for assessing reasonableness further contributes to perceptions of arbitrary discretion. Civil society proposals introduce mandatory cost budget filing at proceedings commencement, clear legal criteria for evaluating expense reasonableness, obligations to justify significant budget exceedances, and provisions limiting litigation costs in general public interest cases to prevent chilling effects discouraging enforcement of public rights against well-resourced defendants.

Question 12: Resources of the judiciary

The judicial system faces significant resource constraints, particularly at lower courts where young judges immediately following training are assigned to district courts with highest caseloads and most diverse case types, without adequate mentoring, progressive specialization, or burnout protection. Structural incentives for experienced magistrates to seek higher court promotions with lower caseloads perpetuate this pattern. Civil society organizations emphasize that judicial independence cannot be reduced to financial compensation but depends critically on transparent appointment and promotion procedures,

absence of internal hierarchical pressures, and legal accountability mechanisms. Young magistrate working conditions would be more effectively addressed through increased judicial positions based on caseload analysis, structured mentoring and specialization programs, and digital infrastructure reducing administrative burden.

Question 14: Digitalisation

Judicial system digitalization remains fragmented and governed by unclear authority lines creating security vulnerabilities and access barriers. The Ministry of Justice maintains dominant IT infrastructure control while courts of appeal and the High Court operate separate electronic filing systems without unified interoperability, data security, or public access standards. Control over judicial IT infrastructure represents control over case allocation, file access, archive integrity, and decision traceability—all matters directly implicating judicial independence. Reform proposals emphasize that the Superior Council of Magistracy must assume strategic digitalization coordination, while maintaining Ministry of Justice control of infrastructure. Proposals call for unified national electronic case file with full legal validity, complete operation traceability including case assignments and document access, mandatory independent external technical audits, and prohibition of private vendor access to judicial data, case allocation algorithms, or deliberation records. On-line courts are also part of the change needed, bringing new technologies to aid due to the large pressure given by the load on judges in lower courts.

Question 16: Court specialisation

Of particular concern is absence of mandatory specialization at district court level, where judges handle both civil and criminal matters simultaneously despite neuropsychological demands of constantly shifting between fundamentally different legal frameworks. This lack of specialization contributes to inconsistent law application, longer case durations, and magistrate burnout. Civil society proposals advocate mandatory panel specialization at district courts, separating civil and criminal jurisdictions to allow deeper expertise development and consistent cognitive frameworks, implementable through reorganization of existing panel structures without requiring additional judicial positions.

C. Efficiency of the Justice System

Question 17: Developments related to improving efficiency

Judicial efficiency has been severely compromised by structural dysfunctions extending case duration far beyond complexity requirements. Arbitrary judicial panel composition changes force cases to restart from preliminary phases, adding months or years. The prescription crisis created by 2018 and 2022 Constitutional Court decisions combined with legislative failure to adopt constitutionally compliant replacement provisions resulted in hundreds of major corruption and organized crime cases closing through time expiration rather than substantive adjudication. Civil society proposals address prescription by reconceptualizing it as criminal procedure institution rather than substantive criminal law, permitting immediate remedial legislation application and suspension of prescription periods upon trial referral, consistent with European Court of Human Rights jurisprudence. These proposals were submitted to the January 2026 government working group but have not been incorporated into announced initiatives. Beyond prescription, efficiency improvements require eliminating procedural manipulation opportunities



through panel changes, implementing unified electronic filing systems reducing administrative processing time, and establishing legal mechanisms to prioritize cases approaching prescription or involving detained defendants. More than one month after working group creation, no concrete measures, legislative calendar, or parliamentary consideration timeline has been communicated, suggesting institutional inertia may dissipate reform momentum without producing substantive change.

II. ANTI-CORRUPTION FRAMEWORK

A. The Institutional Framework Capacity to Fight Corruption

Question 19: Changes regarding authorities in charge of corruption investigation and prosecution

The most significant institutional change affecting anti-corruption capacity occurred in 2022 with Special Investigation Section creation for investigating magistrate offenses. This structure replaced the previous system where magistrate offenses were investigated by specialized prosecutions according to offense type—corruption by DNA, organized crime by DIICOT, other offenses by competent ordinary prosecutions. The Special Investigation Section operates with insufficient personnel to meaningfully investigate magistrates nationwide, lacks complex corruption or organized crime offense expertise, and treats magistrate status as criminal element rather than applying functional specialization principles. The result has been zero prosecutions in recent years despite credible allegations documented through journalistic investigation and magistrate testimony, suggesting the Section functions as intended: providing formal accountability appearance while ensuring actual investigations do not occur. Civil society organizations supported by over 210,000 petition signatories have called for Section abolition and return to specialization by offense type, with corruption offenses investigated by DNA, organized crime by DIICOT, and other offenses by competent ordinary prosecutions, restoring investigative capacity by ensuring cases benefit from prosecutorial expertise while eliminating structural bottleneck producing de facto impunity.

Question 20: Safeguards for functional independence of anti-corruption authorities

National Anticorruption Directorate functional independence has been systematically compromised through informal hierarchical pressures constraining prosecutorial discretion in politically sensitive cases. DNA prosecutor testimonies made public in late 2025 described systematic leadership intervention in case progression decisions, with prosecutors instructed to close or dilute investigations involving high-level figures despite legal evidence supporting continued prosecution, with career advancement depending on compliance with such directives. The December 2025 civic petition explicitly called for DNA Chief Prosecutor and Prosecutor General removal based on documented failures to safeguard prosecutorial independence and systematic major corruption case blocking, with 210,000 signatures reflecting public recognition that anti-corruption effectiveness depends critically on leadership committed to institutional mission. Prosecution leadership reluctance to challenge controversial judicial decisions undermining major cases through panel changes, prescription rulings, or evidentiary exclusions demonstrates complicit silence where constitutional obligation required public defense of prosecutorial prerogatives. Reform proposals emphasize establishing clear legal boundaries on hierarchical control within prosecutions,



enhanced transparency regarding case assignment and progression decisions, and mechanisms enabling prosecutors to resist unlawful directives without career retaliation.

B. Prevention

Question 22: Measures to enhance integrity in the public sector

Integrity measures within the judicial sector have proven insufficient to prevent networks of interest emergence prioritizing self-preservation over institutional mission. Current frameworks rely on formal conflict-of-interest rules, asset declarations, and incompatibility provisions, yet these mechanisms address only explicit financial relationships rather than informal dependencies created by discretionary appointment powers, arbitrary career advancement decisions, and administrative control over case allocation. Reform proposals recognize genuine integrity enhancement requires structural changes preventing decision-making authority concentration, mandating transparency in administrative determinations affecting magistrates' careers, and establishing enforceable protections for judicial whistleblowers reporting institutional dysfunctions. The ambiguous "duty of reserve" formulation has been weaponized to suppress legitimate criticism, with the European Court of Human Rights' 2025 *Danileț v. Romania* ruling confirming such suppression violates Article 10 when magistrates speak publicly about serious democracy or rule of law threats.

Question 25: Whistleblower protection measures

Whistleblower protection for magistrates reporting judicial system dysfunctions is virtually nonexistent despite formal legal frameworks. The institutional response to magistrate testimonies made public in late 2025 illustrated this gap: rather than investigating substantive allegations of case manipulation, arbitrary panel changes, and informal pressure networks, the CSM Judges' Section dismissed accounts as "allegations" and announced Judicial Inspection referrals for potential disciplinary action against those who spoke, using disciplinary mechanisms to suppress rather than protect whistleblowing. Over 800 judges and prosecutors signed an unprecedented December 2025 public statement affirming that "truth and integrity must not be sanctioned but protected" and that "silence is not an option when professional values are endangered," reflecting recognition that absent effective whistleblower protections, systemic corruption becomes self-perpetuating as those witnessing misconduct calculate that reporting carries greater career risk than silence. Civil society proposals call for explicit statutory provisions clarifying that reporting institutional dysfunctions, case manipulation, or informal pressure networks does not constitute disciplinary offense, and extending full whistleblower legislation protections to magistrates reporting legal violations through appropriate channels.

C. Repression

Question 29: Obstacles to investigation and prosecution of high-level corruption

The statute of limitations represents the most significant obstacle to effective high-level corruption prosecution. Constitutional Court decisions declaring prescription provisions unconstitutional in 2018 and 2022 combined with legislative failure to adopt compliant replacement provisions created a crisis where major corruption cases have been systematically closed through time expiration. The judiciary did not

treat prescription deadlines as urgent priorities requiring expedited proceedings but rather as convenient case closure mechanisms without controversial final verdicts. Civil society organizations documented specific instances where judicial panel changes forced case restarts immediately before prescription deadlines, where delegation of judges handling corruption cases involving high-level figures created months-long delays allowing prescription intervention, and where evidentiary disputes were prolonged through procedural mechanisms until prescription made substantive resolution impossible, suggesting prescription operates not as neutral procedural safeguard but as tactical instrument available to defendants with sufficient political or economic influence to activate judicial system vulnerabilities. Reform proposals submitted to the January 2026 government working group address prescription through reconceptualization as criminal procedure institution, permitting suspension of prescription periods upon trial referral and immediate remedial legislation application to pending cases, with clarification of "serious social harm" definitions ensuring sanctions reflect actual societal impact. Despite technical feasibility and constitutional grounding, no legislative initiative has been formally introduced as of January 2026, suggesting institutional resistance to closing the prescription loophole remains strong.

Question 30: Effectiveness of sanctions

Anti-corruption sanction effectiveness has been fundamentally compromised by the prescription crisis, converting substantial prison sentences imposed at trial level into nullities through appellate delay tactics and procedural manipulation. Cases where first-instance courts imposed significant sanctions following rigorous evidential proceedings have been closed in appeal phase through prescription, effectively granting complete impunity despite judicial guilt findings. This outcome pattern destroys deterrent effects and signals to potential offenders that political or economic influence sufficient to prolong appellate proceedings ensures ultimate impunity regardless of trial outcomes. Current situation where major corruption cases close through prescription rather than final judgment, where magistrate misconduct faces zero criminal prosecution despite credible allegations, and where asset recovery proceeds at pace insufficient to offset corruption proceeds demonstrates systemic repression mechanism failure requiring fundamental restructuring to eliminate obstacles currently ensuring high-level corruption impunity.

III. MEDIA PLURALISM AND MEDIA FREEDOM

C. Framework for Journalists' Protection

Question 38: Rules and practices guaranteeing journalists' independence and safety

Journalistic independence and safety protection faced severe challenges throughout late 2025 following investigative journalism publication exposing systematic judicial dysfunction. The institutional response illustrates how formal legal protections prove inadequate when powerful institutions mobilize administrative and reputational mechanisms against critical reporting. Bucharest Court of Appeal president publicly accused journalists of attempting to "destabilize the judiciary" and engaging in "public instigation against the constitutional order"—language invoking serious criminal offenses under Articles 368 and 397 of the Criminal Code relating to national security. The CSM Judges' Section characterized investigative journalism as part of a "well-established plan implying destruction of trust in the justice



system," effectively framing journalism as institutional attack rather than public service. These institutional attacks created substantial chilling effects extending beyond targeted journalists to the broader journalistic community. The invocation of national security offenses in response to investigative reporting signals that journalism exposing institutional dysfunction may be treated as criminal conduct rather than protected speech, with attacks originating from judicial institutions particularly positioned to initiate criminal proceedings or influence prosecutorial decisions through informal networks. Nearly 7,000 citizens including over 800 journalists and 130 media organizations signed an open letter condemning attacks and expressing solidarity, reflecting professional community recognition that threats represented assault on press freedom generally. The gap between legal framework and practical protection requires enhanced mechanisms including swift judicial review of institutional attacks on journalists, sanctions for public officials abusing authority to intimidate reporters, and explicit statutory protections affirming that investigative journalism exposing institutional dysfunction constitutes protected public interest activity regardless of institutional displeasure.

Question 41: Lawsuits (including SLAPPs) against journalists

While formal lawsuits were not immediately filed following late 2025 investigative reporting, institutional attacks function as strategic intimidation tactics comparable in effect to Strategic Lawsuits Against Public Participation. Public accusations of attempting to "destabilize" state institutions and engaging in criminal conduct against constitutional order, made by judicial institution heads in official communications and press conferences, create reputational harm and implicit legal action threats while avoiding procedural safeguards applying in actual litigation. This approach achieves SLAPP objectives—intimidating journalists and deterring future critical reporting—without triggering anti-SLAPP procedural protections. The CSM referral of judicial whistleblowers to Judicial Inspection for potential disciplinary action creates additional chilling effects on journalistic source development. If magistrates providing information to journalists face disciplinary sanctions for speaking, journalistic source protection becomes practically meaningless as potential sources calculate that investigator cooperation will result in career destruction regardless of formal confidentiality protections. This represents indirect SLAPP mechanism: rather than suing journalists directly, institutions target their sources through administrative proceedings, deterring future source cooperation and investigative journalism. The December 2025 open letter signed by 7,000 citizens and 130 organizations explicitly called for National Audiovisual Council action to address broadcast content attacking investigative journalists, recognizing that media amplifying institutional attacks functions as intimidation instrument deserving regulatory response. Comprehensive protection frameworks must address the full range of tactics available to powerful institutions seeking to suppress critical journalism, including administrative proceedings, disciplinary actions, public accusations of criminality, and orchestrated media campaigns questioning journalist integrity.

IV. OTHER INSTITUTIONAL ISSUES

Stakeholder Consultations and Dialogue Framework

The Government established a Working Committee on Justice Laws on December 23, 2025, following petition delivery with over 210,000 signatures presented to Prime Minister Ilie Bolojan. Two legal challenges against the Committee were filed by NGOs in January 2026 but rejected by Bucharest Court of

FUNKY CITIZENS

Appeal on January 8 and 12, 2026, allowing reform processes to continue. However, no concrete legislative proposals have been formally introduced to Parliament. ÎCCJ organized separate dialogue sessions with civil society in December 2025 while excluding Declic because "litigation initiated by mentioned organization regarding ÎCCJ leadership" was pending in courts. Funky Citizens rejected this exclusion rationale in its public response, stating: "Excluding an organization because it chose to contest court decisions in trial does not represent neutrality - it is exactly the opposite."

Funky Citizens noted this exclusion came in a context of lack of transparency guarantees demonstrated by ÎCCJ leadership in the period, including discussions behind closed doors with political leaders, without subsequent transparency of their content. Funky Citizens declined participation in what it characterized as "controlled dialogue, with preselected participants, producing appearance of consultation without its substance," choosing instead to publish its comprehensive position document publicly for open scrutiny and debate.

Civil Society Mobilization and Framework

The December 2025 crisis demonstrated both extraordinary civil society strength and the challenges it faces when confronting entrenched institutional interests. Over 210,000 petition signatures collected in less than two weeks, daily protests in Bucharest and major cities continuing through December 18, 2025, solidarity declarations from over 800 magistrates, and open letters signed by nearly 7,000 citizens including over 800 journalists showed unprecedented mobilization across professional and civic sectors. Civil society organizations translated public anger and frustration into comprehensive legislative amendment packages with technical legal precision, engaging substantive policy dialogue while maintaining public pressure.

Funky Citizens and Declic produced detailed proposals for five laws including specific article amendments, constitutional justifications, and implementation frameworks. This demonstrates capacity for both mass mobilization and technical legal analysis, bridging popular demands with legislative reality.

However, institutional responses revealed resistance to genuine accountability. Judicial officials responded with attacks rather than engagement, characterizing legitimate journalism and civic activism as threats to constitutional order. Exclusion of critical organizations from dialogue processes suggested preference for controlled consultation over authentic stakeholder engagement.