

GRECO Group of States against Corruption

15th General Activity Report (2014)



**Fighting corruption
Promoting integrity**

**Mission
Results and impact
Interaction**

Thematic article:
Corruption in Sport –
Manipulation of Sports Competitions



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

GRECO
Group of States
against Corruption

15th General Activity
Report (2014)

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Foreword

Marin MRČELA, President of GRECO

The Secretary General's 2014 Report on the State of Democracy, Human Rights and the Rule of Law makes a compelling case for continued engagement in the fight against corruption at all levels.

Too many people in Europe still face corruption in their daily lives. Moreover, the financial and economic crisis has drawn attention to the pervasive effects of mismanagement, conflicts of interest and corruption in both public life and the private sector.

The Council of Europe with its 47 member States from across Europe has the capacity to direct significant political and intellectual resources at dismantling the legislative and institutional gaps that let corruption in. Work in the Organisation on developing a set of standards for regulating lobbying – the only initiative of its kind worldwide – is an example that warrants support. When the time comes, the Committee of Ministers might consider giving GRECO a clear mandate to monitor implementation of that new instrument. Another example is the work on corruption in sport which is presented in the thematic article of this report.

GRECO's 49 member States (all Council of Europe members, Belarus and the United States of America) are currently focusing their efforts in the Fourth Evaluation Round on strengthening the capacity of members of parliament, judges and prosecutors to prevent and tackle corruption within their own ranks. The institutions and services these professional groups represent are of paramount importance for the functioning of

– and trust in – a democracy. I would like to use this opportunity to express my gratitude to the authorities of Austria and Monaco and to the International Anti-Corruption Academy (IACA) for the support they provided for the holding of the Laxenburg conference at which we took stock of emerging trends from the first two years of work on the Fourth Round.

In 2014 it was a real pleasure to exchange views in the plenary with my predecessor as GRECO President Drago KOS who now chairs the OECD Working Group on Bribery in International Business Transactions. From the unique perspective of his experience in both bodies he was able to dispel any fear of overlap of the two and put a positive stress on the broad range of Council of Europe legal standards GRECO can draw on and the clear advantage that comes from the geographic proximity of our broad membership.

EU accession to GRECO remains a major issue, especially now that a new European Commission has taken up its functions. It is widely known that formal participation of the European Union in GRECO has been under discussion since the adoption by the EU of the 2010 Stockholm Programme and the publication of the European Commission's "Anti-corruption package" in June 2011. Although quite some time has since passed – and without any real breakthrough – it is clear that EU participation in GRECO will help strengthen the impact of the many anti-corruption activities undertaken in Europe. The Secretary General, Thorbjørn Jagland, has discussed these matters with President Barroso and Commissioner Malmström.

In February 2014, the Commission presented the first EU Anti-Corruption Report. It extensively reflects and references GRECO's findings, which is a clear tribute to our work. GRECO's plenary also had a fruitful exchange of views with representatives of the Commission in March 2014 and expressed its willingness to pursue ad hoc cooperation with the Commission pending formal accession. In June the Justice and Home Affairs Council urged the Commission to include in its next anti-corruption report a review of the integrity policies put in place in the EU institutions. The Council also expressly called for the full accession of the EU to GRECO as soon as possible and for the ensuing evaluation of the EU institutions by GRECO. By joining GRECO as a full member, the EU will add credibility to its Anti-Corruption Report and efforts to address corruption, including within the institutions of the

European Union. It is to be hoped that real progress in this area will be achieved in a not too distant future.

The changes forged as a result of our work are proof that GRECO is not a public relations exercise; the aim is to secure effective improvements in anti-corruption legislation and practice. We have all heard of the four eyes principle; in GRECO forty-nine pairs of eyes are involved in validating the findings of our evaluation teams, formulating recommendations and tracking progress through a process that provides plenty of room for debate, critical analysis and peer pressure and little room for evading scrutiny. I invite the public, professional associations and NGOs wishing to support our work to consult our country reports (www.coe.int/greco) and to lobby for full implementation of our recommendations.

Mission and working framework

Objective

GRECO has been in operation since 1999. It is the anti-corruption body of the Council of Europe, constituted as a monitoring body under an enlarged agreement, meaning that its member states have actively chosen to participate in its evaluation procedures and make a firm and long-term commitment to being proactive in preventing and counter-acting corruption.

The clear stated objective of the political decisions taken by the governments represented in the Organisation to establish GRECO was to strengthen the capacity of its members to fight corruption. The monitoring model in place is designed to provide each member state with a detailed analysis and set of recommendations that are tailored to addressing shortcomings in national anti-corruption policies, laws, regulations and institutional set-up that have been validated by its peers. Subsequent impact assessments (“compliance procedures”) serve to verify achievements and actively encourage progress towards the implementation of the recommendations. Multiple layers of result validation and a high level of process ownership are salient features of this model where the dynamics of mutual evaluation and peer pressure are brought into play.

Anti-corruption standards of the Council of Europe

The three unique treaties developed by the Council of Europe deal with corruption from the point of view of criminal, civil and administrative law. Corruption is seen not only as a threat to international business or to financial interests but to the values of democracy, human rights and the rule of law that are upheld by the Organisation. The **Criminal Law Convention on Corruption** (ETS 173) sets out common standards for corruption offences – without limiting itself to a uniform definition of corruption. It has an all-inclusive range of anti-corruption provisions requiring, among

others, the establishment of criminal offences for active and passive bribery (as well as aiding and abetting in such offences) of domestic public officials, domestic public assemblies, foreign public officials, foreign public assemblies, members of international parliamentary assemblies and judges and officials of international courts; for active and passive bribery in the private sector and for trading in influence. Parties to the convention are required to make provision for corporate liability, the protection of collaborators of justice and witnesses and to establish in respect of the above offences effective, proportionate and dissuasive sanctions. Its provisions on international cooperation are designed to facilitate direct and swift communication between national authorities. An **Additional Protocol** to ETS 173 (ETS 191) requires the establishment of criminal offences for active and passive bribery of domestic and foreign arbitrators and jurors.

The **Civil Law Convention on Corruption** (ETS 174) deals with compensation for damage, liability, contributory negligence, limitation periods, the validity of contracts, protection of employees, accounts and auditing, the acquisition of evidence, interim measures and international cooperation in relation to corruption defined as “requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof”.

It should be noted that within GRECO, the same evaluation criteria and level of detailed scrutiny apply to states whether they have ratified these treaties or not. The Criminal Law Convention on Corruption (ETS 173) has been ratified by forty-five GRECO member states and the Civil Law Convention on Corruption (ETS 174) by thirty-five member states. Thirty-seven members are now bound by the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) which was ratified by Georgia, Malta, Poland and Turkey in 2014.

The treaties are complemented by the following legal instruments:

- ▶ **Twenty Guiding Principles** for the fight against Corruption (Committee of Ministers Resolution (97) 24)
- ▶ Recommendation on **Codes of Conduct for Public Officials** (including a model code) (Committee of Ministers recommendation to member states No. R(2000) 10)
- ▶ Recommendation on **Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns** (Committee of Ministers recommendation to member states Rec(2003)4)

Anti-corruption components are included in the following legal instruments adopted by the Council of Europe in 2014:

- ▶ Convention on the **Manipulation of Sports Competitions** (CETS 215) which was opened for signature in September 2014
- ▶ Recommendation on the **Protection of Whistleblowers** (Committee of Ministers recommendation to member states CM/Rec(2014)7)

Council of Europe Treaty Office:

www.conventions.coe.int

Membership

Membership in GRECO is open, on an equal footing, to the 47 Council of Europe member states and to non-member states that participated in the work leading to its establishment (of the latter, Canada, the Holy See, Japan and Mexico have not yet joined). Ratification by those states of the Criminal or Civil Law Conventions on Corruption (ETS Nos. 173 and 174) leads to automatic accession to GRECO. The Committee of Ministers of the Council of Europe may invite other non-member states to accede to the conventions and/or GRECO. Kazakhstan received such an invitation in December 2013; its accession is not yet effective, pending the conclusion of a related agreement.

Other countries from a variety of regions across the globe – Kyrgyzstan, Mongolia, Morocco, Tunisia – have shown a well-informed interest in the Council of Europe’s standard-setting instruments and in the GRECO model.

During a visit to Morocco, the Deputy Secretary General of the Council of Europe had met with the Head of the central body for corruption prevention (*Instance central de Prévention de la Corruption – ICPC*) and officially invited the country to become a party to the ETS Nos. 173 and 174.

GRECO’s membership today spans the whole European continent and also includes the United States of America.

Members (49) by date of accession

Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Lithuania, Luxembourg, Romania, the Slovak Republic, Slovenia, Spain, Sweden (founding states – 1 May 1999)

Poland (date of accession: 20 May 1999), Hungary (9 July 1999), Georgia (16 September 1999), the United Kingdom (18 September 1999), Bosnia and Herzegovina (25 February 2000), Latvia (27 July 2000), Denmark (3 August 2000), the United States of America (20 September 2000), “the former Yugoslav Republic of Macedonia” (7 October 2000), Croatia (2 December 2000), Norway (6 January 2001), Albania (27 April 2001), Malta (11 May 2001), the Republic of Moldova (28 June 2001), the Netherlands (18 December 2001), Portugal (1 January 2002), the Czech Republic (9 February 2002), Serbia (1 April 2003), Turkey (1 January 2004), Armenia (20 January 2004), Azerbaijan (1 June 2004), Andorra (28 January 2005), Ukraine (1 January 2006), Montenegro (6 June 2006), Switzerland (1 July 2006), Austria (1 December 2006), the Russian Federation (1 February 2007), Italy (30 June 2007), Monaco (1 July 2007), Liechtenstein (1 January 2010), San Marino (13 August 2010), Belarus (1 July 2006 – effective participation as of 13 January 2011).

Composition and structures

The monitoring processes rely on the combined expertise of practitioners who act as evaluators and the state representatives who compose the GRECO plenary – their input is substantial; expert and technical support is provided throughout by the Secretariat. The evaluators and state representatives are nominated for each evaluation round. As they provide expert input to the monitoring that is carried out, their professional profiles are matched with the themes under evaluation. Evaluators or state representatives are designated to act as Rapporteurs in compliance procedures. The list of national delegations in GRECO can be consulted in Appendix I.

Structures

- ▶ The Plenary – delegations of permanent representatives nominated by the authorities of each GRECO member State
- ▶ The Bureau – President, Vice-President and up to five representatives from the plenary
- ▶ GRECO Evaluation Teams – ad hoc teams of practitioners/experts selected by the Plenary
- ▶ The Statutory Committee – The Permanent Representatives to the Council of Europe of member states of the Organisation, as well as specially designated representatives of GRECO member states that are not members of the Council of Europe

Observers

The granting of observer status gives other international organisations access to the work of the plenary and provides a formal avenue for consultation and coordination.

- ▶ International Anti-Corruption Academy (IACA)
- ▶ Organisation for Economic Co-operation and Development (OECD)
- ▶ Organization of American States (OAS)
- ▶ United Nations, represented by the United Nations Office on Drugs and Crime (UNODC)

Other Council of Europe bodies invited to designate a representative

- ▶ Council of Europe Development Bank (CEB)
- ▶ European Committee on Crime Problems (CDPC)
- ▶ European Committee on Legal Co-operation (CDCJ)
- ▶ Parliamentary Assembly of the Council of Europe (PACE)

Methodology – Evaluation

Teams of evaluators collect information on which to base their analysis first through questionnaires and then during country visits which allow them to solicit further information through discussions with key domestic institutions and civil society representatives. Evaluation teams spend a week on site and discussions are frank. In the current Fourth Evaluation Round, teams generally meet with:

- ▶ parliamentarians, political parties (irrespective of whether they have a seat in parliament) and parliamentary committees
- ▶ special parliamentary bodies and administrative services
- ▶ lobbyists
- ▶ departments and bodies dealing with regulations, professional standards, career and oversight of judges and prosecutors
- ▶ judges (including non-professional judges) and prosecutors from all court instances
- ▶ court and prosecution administrative services (caseload management and quality/performance checks)
- ▶ investigating judges and their administrative services
- ▶ councils for the judiciary and other oversight bodies
- ▶ complaints bodies/ombudsman

- ▶ associations/unions of the judicial and legal professions
- ▶ training institutions
- ▶ anti-corruption agencies
- ▶ NGOs (including national chapters/representatives of Transparency International (TI) and the Global Organisation of Parliamentarians against Corruption (GOPAC))
- ▶ research institutions and academics
- ▶ representatives of the business community
- ▶ the media
- ▶ international technical cooperation providers present in certain countries

The country-specific reports that are drawn up describe and analyse the current situation from data provided, collected and tested in and outside the country. Problems or challenges are identified and the action required to address them is set out in recommendations to the government. Rigorously high technical standards are maintained and balance is sought between defining the policies that might be applied in all members and designing recommendations tailored to individual national profiles and shortcomings. These are GRECO trademarks. The evaluation reports adopted contain a wealth of information on anti-corruption policies in Europe and the United States of America, with a focus on both achievements and shortcomings.

Methodology – Compliance

Measures taken in response to GRECO recommendations are subject to a specific impact assessment – compliance procedure – that provides meaningful follow-up to GRECO evaluations. In the first of two main phases a compliance report is adopted which assesses measures taken by each state to implement recommendations within the 18 months following an evaluation. Assessments are repeated, following a further implementation period of 18 months, in an addendum to the compliance report (First and Second Round compliance procedures) or a second compliance report (Third and Fourth Round compliance procedures). Intermediate or additional reporting duties and assessment phases occur if GRECO considers that the response to recommendations has been “globally unsatisfactory”. Compliance procedures related to previous evaluation rounds run in parallel to monitoring within the current evaluation round.

Rule 30 – Rules of Procedure

1. Members of GRECO shall comply with the recommendations contained in the evaluation report and implement them fully, within the time limit set by GRECO.
2. In conformity with article 15, paragraph 6, of the Statute members shall address to GRECO a situation report (hereinafter “RS-report”) indicating the measures taken to follow the recommendations in the evaluation report. GRECO will examine these reports and decide whether or not the recommendations have been complied with.

Enhancing compliance

In comparison with the Second and the Joint First and Second Evaluation Rounds, there has been a slump in the track record for compliance with recommendations issued under the Third Evaluation Round. This is partly explained by the sensitivity of some of the issues at stake, for example the transparency of political party and campaign funding.

When the performance of a member state is categorised as “globally unsatisfactory”, Rule 32 procedures are applied in order to enhance prospects for greater compliance. The organisation of a high-level mission (Rule 32, paragraph 2(iii)) has been contemplated in one or two cases.

Rule 32 – Rules of Procedure

1. Any action in respect of non-complying members shall be guided by the following principles:
 - equality of treatment between GRECO members;
 - a proportionate approach for dealing with non-complying members;
 - approval by the Plenary of the measures to be taken, whilst allowing for some flexibility regarding their application and timing.
2. The procedure for dealing with non-complying members is as follows:
 - i. GRECO shall require the head of delegation of the non-complying member to provide a report or regular reports on its progress in implementing the relevant recommendations within a fixed time-frame.
 - ii. If the member concerned is still found to be in non-compliance with the recommendations after the application of paragraph 2 (i) GRECO shall apply one or several of the following measures:

- a. the President of GRECO sending a letter, with a copy to the President of the Statutory Committee, to the Head of Delegation concerned, drawing his/her attention to non-compliance with the relevant recommendations;
- b. GRECO inviting the President of the Statutory Committee to send a letter to the Permanent Representative to the Council of Europe of the member concerned, drawing his/her attention to non-compliance with the relevant recommendations;
- c. GRECO inviting the Secretary General of the Council of Europe to send a letter to the Minister of Foreign Affairs of the member State concerned, drawing his/her attention to non-compliance with the relevant recommendations.

iii. At any stage of the non-compliance procedure, GRECO may request the member concerned to receive a high-level mission (including the President and the Executive Secretary of GRECO, the Director General of Human Rights and Rule of Law and selected Heads of delegation) with a view to reinforcing the importance of complying with the relevant recommendations.

iv. Without prejudice to Rule 33, GRECO may terminate the procedure in respect of a non-complying member after due consideration of the effect of the measures taken pursuant to paragraphs 2 i, ii and iii and the duration of the procedure. In this case, GRECO shall publish a declaration of non-compliance along with a record of the action taken by the member concerned in response to the recommendations issued in the mutual evaluation report.

Evaluation Rounds

GRECO's monitoring work is organised in evaluation rounds. Each has its own thematic scope and makes reference to the Council of Europe's standard-setting texts. The plenary has started to reflect on the thematic scope of its Fifth Evaluation Round (launch planned in 2017). In the context of the decisions that the plenary needs to take in that respect, member States have an opportunity to again choose an evaluation theme that is of political relevance and that will help to effectively respond to public concerns, notably by prompting policies to counter practices that undermine governance and democratic security and to take into account the often significant social and financial cost that results from corruption, abuse of office and similar practices.

The current Fourth Evaluation Round – the Prevention of Corruption in respect of Members of Parliament, Judges and Prosecutors – opened in January 2012. Each of the three professional groups is examined in relation to its place within a wider country and democratic context, bearing in mind the necessary balance that must be struck between fundamental principles: between promoting transparency and protecting privacy; earning trust and taking responsibility; and encouraging good conduct and enforcing rules.

To foster essential support from national parliaments and the professional bodies of the judiciary for the implementation of recommendations issued by GRECO, representatives of both branches are associated with GRECO's work.

A full set of reference and working materials related to the Fourth Evaluation Round is available at: www.coe.int/greco.

■ Fourth Evaluation Round

(launched on 1 January 2012)

Prevention of corruption in respect of members of parliament, judges and prosecutors

- ▶ Ethical principles and rules of conduct
- ▶ Conflicts of interest
- ▶ Recruitment, career and conditions of service (judges and prosecutors)
- ▶ Transparency of the legislative process (members of parliament)
- ▶ Remuneration and economic benefits (members of parliament)
- ▶ Prohibition or restriction of certain activities
- ▶ Declaration of assets, income, liabilities and interests
- ▶ Supervision and enforcement of rules and regulations
- ▶ Advice, training and awareness

■ Third Evaluation Round

(1 January 2007-31 December 2011)

Theme I: Incriminations

- ▶ Essential concepts to be captured in the definition of passive and active bribery offences as well as trading in influence
- ▶ Limitation periods
- ▶ Jurisdiction
- ▶ Special defences

Theme II: Political funding

- ▶ Transparency of books and accounts of political parties and election campaigns
- ▶ Monitoring of party and campaign funding
- ▶ Enforcement of the relevant funding rules

■ Second Evaluation Round

(1 January 2003-31 December 2006)

- ▶ Identification, seizure and confiscation of corruption proceeds
- ▶ Public administration and corruption (auditing systems, conflicts of interest, reporting of corruption and whistleblower protection)
- ▶ Prevention of legal persons being used as shields for corruption
- ▶ Fiscal and financial legislation to counter corruption
- ▶ Links between corruption, organised crime and money laundering.

■ First Evaluation Round

(1 January 2000-31 December 2002)

- ▶ Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption
- ▶ Extent and scope of immunities from criminal liability.

Members that join GRECO after the close of an evaluation round undergo evaluations on the themes of previous rounds before joining the current one, starting with the first two rounds that are restructured into **Joint First and Second Round Evaluations**. GRECO's most recent members – Belarus, Liechtenstein and San Marino will be subject to Third Round Evaluations in 2015.

Transparency

The long-standing practice whereby GRECO member states lift the confidentiality of evaluation and compliance reports shortly after their adoption goes well beyond what is provided for in its Rules of Procedure. Members are also urged to provide easy public access to translations into their national languages. This demonstration of transparency can significantly facilitate the implementation of recommendations at domestic level by raising awareness of GRECO's findings across society. The release of a report for publication is coordinated with the member state concerned and the Directorate of Communications of the Council of Europe to maximise media attention.

Core work

Evaluation procedures and key findings

The key findings summarised below are drawn from evaluation reports adopted by GRECO in 2014 in the Fourth Evaluation Round on the prevention of corruption in respect of members of parliament, judges and prosecutors.

On-site evaluation visits carried out in 2014

Fourth Evaluation Round:

- ▶ Germany (10-14 March)
- ▶ Ireland (10-14 March)
- ▶ Azerbaijan (14-18 April)
- ▶ Lithuania (2-6 June)
- ▶ Malta (23-27 June)
- ▶ Bulgaria (20-24 October)
- ▶ Hungary (27-31 October)
- ▶ Montenegro (3-7 November)
- ▶ Serbia (24-28 November)
- ▶ Greece (1-5 December)

Evaluation reports adopted in 2014

www.coe.int/greco

Fourth Evaluation Round:

- ▶ Albania
- ▶ Azerbaijan
- ▶ Belgium
- ▶ Croatia
- ▶ Denmark
- ▶ Germany
- ▶ Ireland
- ▶ Lithuania
- ▶ Malta
- ▶ Norway

Albania

Following parliamentary elections in June 2013, a new Government was formed shifting the power from the Democratic Party to a coalition of the Socialist Party and the Albanian Movement for Integration. Consequently, Albania was, at the time of the evaluation, in a transition phase with consequences for high-level appointments and legislative reviews. Perceived levels of corruption have remained elevated (cf. Transparency International's Corruption Perception Index).

Albania has adopted very detailed anti-corruption and conflicts of interest regulations applicable to members of parliament, judges and prosecutors. Nevertheless, the legislative framework, which consists *inter alia* of the constitutional provisions and laws on the prevention of conflicts of interest and asset declaration, is highly complex, and its stability and legal certainty have been undermined by numerous and frequent amendments which are, moreover, often subject to contradictory interpretation. The existing regulations mainly focus on restrictions and prohibitions, to the detriment of public disclosure and transparency, which curtails their effect. Further efforts are therefore needed not only to close the implementation gap but also to ensure that the information on persons exercising an official function, which is considered to be in the public interest, is disclosed in a timely and efficient manner. Moreover, the lack of a clear commitment to ethical conduct has been marked, the mechanisms for obtaining help, advice or training limited and the procedures for responding to ethical violations non-effective. Available data confirms that the reforms implemented so far have not yielded significant results or impacted on citizen's views regarding the level of misconduct in the country.

The openness and transparency of the National Assembly's work is hampered by the lack of access to pieces of draft legislation before their formal adoption.

The vulnerability of MPs to possible undue influence is apparent but is not subject to regulation. The importance of having clear, enforceable, publicly-shared standards of professional conduct is not considered a priority, and a system for case by case notification of conflicts of interest does not exist. Moreover, the contents of asset declarations made by MPs are not published promptly on an official web site and their full audit is carried out only every three years. Most importantly, despite largely praised amendments to the Constitution which limited MPs' (and judges') immunity, their implementation has been obstructed by the absence of corresponding amendments to the Criminal Procedure Code.

For years, the Albanian judiciary has been suffering from a low level of public trust and high corruption perception rate. This is partly explained by its weak position vis-à-vis other branches of power. The judiciary lacks control over the selection of High Court justices, and only the Minister of Justice has the right to initiate disciplinary proceedings against district and appeal court judges. The National Judicial Conference – the principle judicial self-governing body – was not fully operational for a long time, which had a negative impact on the selection of judges, career progression, training and disciplinary proceedings, and last but not least, ownership and controls of judicial ethics.

In the Prosecution Service, the requisite objective and transparent criteria have not been established for evaluating whether candidates have the high ethical qualities expected, a set of clear ethical standards or code of professional conduct has not been established for the Service as a whole, and mandatory, regular, in-service training on ethics has not been provided.

Azerbaijan

Over the last decade, the level of corruption perception in Azerbaijan has remained stably high (cf. Transparency International's Corruption Perception Index). Corruption is often referred to as being a systemic problem that broadly affects society. Despite some serious efforts undertaken since 2011 to tackle low level public sector corruption, there is little evidence of it being pursued with determination among the political elite and the upper echelons of the public service.

Although the principles of independence and separation of powers are enshrined in the Constitution and key laws, the institutional set up grants particularly strong powers to the President and the executive, which exercise considerable influence on the legislature and the judiciary, including the Prosecutor's Office. This creates an environment lacking transparency and prone to political favouritism and corruption.

At least two aspects are common to members of parliament, judges and prosecutors. The first is their allegiance to the executive. In respect of members of parliament this is due to the fact of their belonging to or supporting the party led by the President. A weak opposition is a characteristic of the political system and it can be argued that this – and the restrictions imposed on parliamentary debates of certain legislative proposals – significantly limits parliamentary oversight and the legislative process. In respect of judges and prosecutors this is due to their direct or indirect appointment by the President and the subservience of the Judicial Legal Council – the key judicial self-governing body – to the Ministry of Justice. Such a framework can create real or perceived opportunities for undue influence and political interference in the independent functioning of the legislature and the judiciary, erodes the checks and balances system and generates significant corruption risks. The second is the lack of controls on accessory activities and asset disclosure as well as on MPs' conflicts of interest. The law on asset disclosure adopted in 2005 is still not enforced. It provides for sealed, confidential asset declarations. Moreover, information on companies' organisational structures and ownership was withdrawn from the public domain in 2012. Building accountability of individual MPs, judges and prosecutors and their respective institutions appears to be problematic also in the context of restrictions on and self-censorship of the media.

To be credible and to reach top level elected or appointed officials, the anti-corruption reforms need to be further deepened and institutionalised and also need to be and be seen to be enforced impartially. Other specific concerns are also to be addressed. These include notably the development and enforcement of standards of conduct for parliamentarians, more consistent integration in the judges' and prosecutors' periodic evaluation of the integrity standards forming part of their respective codes of professional ethics. Last, but not least, they are to benefit from guidance, confidential counselling and regular training and communication activities to boost reputation, ethical behaviour and corruption prevention within their own ranks.

Belgium

Although regular surveys have shown that over 70% of the population still consider that corruption is a major problem in Belgium, people say that they encounter little corruption in their daily lives. In international comparisons the perception of corruption is moreover at a relatively low level. The justice system is generally well regarded, unlike the political institutions and elected officials, which are among those considered most affected by integrity issues. At the same time, Belgium reportedly no longer attaches the same

importance to fighting corruption, and the judicial and prosecuting authorities have to contend with funding and staffing shortages. The drive to make savings has also led to an in-depth reform of the Senate, which will gradually come into effect in 2014.

No MPs have been convicted of corruption in connection with their mandates (as far as those people interviewed on-site could recollect). Preventive mechanisms include a system for the declaration of donations, official appointments, other positions held and assets. The recent introduction of codes of deontology by the parliamentary chambers as well as of a Federal Ethics Committee, which shall all become effective in the course of 2014, are welcomed additional initiatives. The country also relies on mutual supervision within society at large and between political parties to limit misconduct. This approach nonetheless has its limits. For the time being, the regulations put in place are sometimes unnecessarily complex or of limited applicability, notably concerning donations, gifts and other benefits, and it suffers from a lack of effectiveness. The risks are augmented by the fact that relations with third parties, in particular lobbyists, have not been regulated, despite recurring controversies in this area. Belgium must therefore remedy these shortcomings and supplement its system with more ambitious arrangements, including in respect of the declarations of MPs' financial situations, which should be public including their income and assets. More effective supervisory mechanisms to ensure compliance with the obligations and the accuracy of declarations made (including sanctions of a disciplinary or criminal law nature) are also needed both inside and outside parliament. A reinforcement of the measures to safeguard MPs' integrity could also be an opportunity for parliament to affirm its undertakings in these matters, especially as the reformed Senate will no longer play the role of watchdog habitually assumed by the upper chamber in a bicameral system.

The Belgian justice system can be seen to be independent and decentralised. To offset the lack of means and understaffing problems considerable recourse is had to lawyers, in particular, to serve as judges and prosecutors (the umbrella term "*magistrat*" is used to refer to both functions), which raises various problems, not least an undesirable confusion as to these professions' different roles. Since the courts are self-managed, there is also currently no general system to assess their functioning on the basis of periodical reports. To make good this deficiency, the role of the High Council of Justice could be reinforced, including its auditing activity. It would then be able to identify reasons for the apparent disparities in the quality of the work done by comparable courts and for certain practices reported by legal practitioners, which they describe as "little arrangements between friends". The managerial function within the courts and the

prosecution service should be developed for the same reasons. Overall, even though the judiciary seems to be scarcely affected by breaches of integrity and to enjoy public confidence, it would benefit from measures to raise awareness of the standards of conduct required of "*magistrats*" in their daily activities and the manner in which those who breach the rules in this area are dealt with. Lastly, meeting the highest standards of judicial integrity is a requirement that concerns all parts of the judicial system, including the administrative courts. However, to date the organisation of the system of administrative justice has not been finalised and there is not even a list of all the administrative courts. Belgium should ensure that appropriate measures to guarantee integrity are also in place concerning this branch of the justice system.

Croatia

In the run-up to accession to the European Union in July 2013, Croatia made significant efforts to adapt and step up its legislative and institutional frameworks to meet those of its EU counterparts. It is now time to absorb the changes, as well as to effectively embed them in working practices and culture. On the anticorruption front, a dedicated Strategy and Action Plan has been in place since 2008 and continues to be updated and monitored – through joint oversight by government, parliament and civil society organisations – on a regular basis. The establishment of the Office for the Suppression of Corruption and Organised Crime (USKOK), in 2001, constitutes a key milestone of the process, which has led to an increasing number of successful prosecutions and asset confiscations, including some of a high political profile.

Despite the many encouraging steps taken, and the attention paid to public involvement and scrutiny of the pace of reform, Croatian citizens perceive corruption as a major problem. This negative perception is particularly troublesome with respect to the judiciary and politicians. The notion of conflict of interest is not always well understood as there is a tendency to associate it with incriminating behaviour. Moreover, some instances of conflict of interest have not, in citizens' eyes, been satisfactorily resolved. The Commission for the Prevention of Conflicts of Interest has an important role to play in providing tailored guidance and advice on the applicable rules and the rationale behind them, and in promoting self-governance and compliance within distinct areas of public service.

Regarding members of the parliament (Sabor), measures have been introduced to enhance the transparency of their work and public participation in the legislative process. A culture of prevention and avoidance of possible conflicts of interest needs to be fully rooted in the Sabor: a code of ethics must be adopted and internal mechanisms for self-control

and responsibility must be articulated in-house. Since most of the scandals affecting the Sabor involved MPs who were also mayors (the corrupt deals had taken place in relation to the local mandate), special attention would need to be devoted to integrity matters that may emerge when developing this dual function. Safeguarding an ethical culture in parliament is crucial for winning citizens' trust in the institution. Completing the ethics infrastructure in parliament requires continued attention and full adherence to the concepts of political accountability and zero tolerance to corruption. The more attention that is paid to prevention, the less enforcement may be needed in the long run.

Judicial reform has substantially improved judicial independence and efficiency. Resolving the extensive backlog of cases remains an important challenge, particularly given that the economic crisis has triggered an increase in their number (e.g. bankruptcy proceedings). Systematic research on the reasons for public mistrust in the judiciary is lacking although there is no evidence of structural corruption in the system. It is important to identify the roots of this perception gap and to develop targeted measures to tackle it. This also requires the development, in parallel, of a targeted communication policy, which reflects the important reforms already introduced and those in the pipeline. The available mechanisms to preserve the independence of the judiciary, not only in law, but also in practice when confronted with political, non-evidence based defamation could also be stepped up. While both judges and prosecutors have their own codes of ethics and are subject to financial disclosure, there is still room for improvement of the counselling and accountability mechanisms for judges and prosecutors which would make unethical behaviour harder to commit and easier to prevent and detect and could ultimately recast public confidence in justice.

Denmark

Public perception of the level of corruption in Denmark has historically been very low. Corruption prevention – including with respect to members of parliament, judges and prosecutors – relies to a large degree on trust, openness and public scrutiny and appears to be quite effective in practice. Integrity levels of all categories of persons under review seem to be high. Moreover, GRECO identified several strong structural points – for example, the independence of the judiciary was further strengthened in 1999 by the establishment of several bodies such as the Court Administration and the Judicial Appointment Board and appears to be exemplary. Additional activities by judges are closely regulated. Ethical questions are included in the training offered to judges and prosecutors.

That said, GRECO is of the opinion that the current system based on trust might not always provide sufficient safeguards against corruption risks in the future, and it wishes to stress that the risks related to conflicts of interest must not be underestimated. GRECO's recommendations – as well as several further suggestions – are aimed at raising awareness among members of parliament, judges and prosecutors of such risks, further enhancing transparency and public trust in them and the institutions they represent.

Areas have been identified in corruption prevention among members of parliament where there is room for improvement. In particular, it is recommended that a code of conduct be established, that *ad hoc* disclosure of actual and potential conflicts of interest be required, regular public registration of the occupations and financial interests be made mandatory and enforcement of the rules be ensured. Such measures should be seen as safeguards for ensuring that the parliamentary process is free from – and seen to be free from – improper external influence.

The development, dissemination and publication of sets of clear ethical standards/codes of conduct – tailor-made for judges and prosecutors – are recommended, coupled with complementary measures for their implementation, including dedicated training. It is crucial that such training is also provided to expert judges and lay judges, who play an important role in the judicial system.

Germany

Germany is generally considered to be in the top ranks internationally for fighting corruption and to have provided a good repressive and preventive framework. Furthermore, it would appear that public perception of corruption in general – and with respect to members of parliament, judges and prosecutors in particular – is clearly below EU average levels. Corruption prevention appears to be quite effective in practice. While GRECO takes account of this context, it still sees room for improvement. Its recommendations – as well as a range of further suggestions and considerations – are aimed at raising awareness among members of parliament, judges and prosecutors of the risks of corruption and other improper behaviour resulting from conflicts of interest, at further increasing transparency and ultimately at fostering public trust in them and the institutions they represent.

The authorities are to be commended for the Code of Conduct for members of parliament and the inherent disclosure requirements – concerning in particular income from secondary activities and donations. Further development of the rules would make it easier to identify conflicts of interest and to further the culture of prevention and avoidance. In the current absence of clear rules on *ad hoc* disclosure, it is

recommended to require parliamentarians to publicly declare potential or actual conflicts of interest as they arise in relation to their parliamentary work and to provide them with adequate guidance. Moreover, more can be done to improve access to information in the legislative process, in particular on third party involvement in decision-making, such as lobbying. Finally, while self-control and responsibility must come first from within the house, the monitoring mechanism also needs to be enhanced in order to effectively prevent violations of the rules on parliamentary comportment – which, if they remain subject mainly to *ex-post* scrutiny by the public, might give rise to mistrust of politicians and damage the reputation of the system over time.

The judiciary and the prosecution service in Germany are of high quality. However, growing dissatisfaction among professionals with the human and financial resources made available to the judicial system gives rise to concern about its efficient functioning in the future. While the independence and impartiality of individual judges and public prosecutors have been undisputed to date, some controversy surrounds the issue of the structural independence of the governing bodies of the judiciary – which decide on fundamental issues such as judges' appointment – and of the prosecution service, in particular with respect to the right of Ministers of Justice to give instructions in individual cases. Steps should be taken to ensure that the justice system is free from – and seen to be free from – political influence. While judges and public prosecutors have a strong sense of public service and of dedication to public duty, preparing a compendium of the existing rules for ethical/professional conduct for each of the two professions is recommended. In addition, it is recommended to further enhance the transparency and monitoring of secondary activities of judges.

Ireland

Despite substantial reforms in the past relating to public administration including, for example, the adoption of the Freedom of Information Act, the Ethics Acts and the establishment of connected accountability mechanisms, there is growing concern about corruption in Ireland. From rather low perceived corruption levels, Ireland's ranking in Transparency International's perception index fell significantly in 2012. The drop could possibly be connected with the findings of a domestic enquiry, the "Mahon Tribunal", investigating corruption allegations in relation to planning permission and rezoning issues, involving the business sector as well as politicians.

Similar to trends in several other countries, political parties and politicians have low levels of trust, according to international surveys. The Irish authorities are

well aware of this and reforms are underway. The legislative process in parliament is very transparent; a culture of openness has been developed, built on a solid legal framework, within which modern communication techniques are used to a large extent in order to provide for broad public access and participation. The conduct of parliamentarians is governed by a wide range of standards, including constitutional principles, norms in the Ethics Acts and several codes of conduct and guidelines. However, the complexity of this structure is striking and the various norms are not always fully compatible with each other. As a result, interpretation of the standards can be challenging and a consolidated values-based normative framework – for ethical principles and conduct of MPs in various situations of conflicting interests – would be beneficial. Members of parliament are obliged to provide asset declarations; however, these obligations also need to be broadened, for example, to cover liabilities as well as the interests of persons connected to members. Moreover, the monitoring of MPs' adherence to standards, codes of conduct and other obligations also needs to be consolidated, made more uniform and preferably given a higher degree of independence *vis-à-vis* parliament and its members.

The Judiciary and the Prosecution Service are among the most trusted public institutions. The independence and professionalism of judges is undisputed. However, recent measures taken to reduce public salaries, following the financial crisis, have been of particular concern for judges as their constitutional safeguard for the protection of financial benefits has been amended. This has triggered a discussion within the judiciary on how to uphold the historically high ethical standards of an independent and professional judiciary in the future. In this connection, the establishment of a judicial council and reforms of the current system for appointing and promoting judges, are in the focus as necessary measures to maintain judicial integrity and independence. Furthermore, there is a need to establish a code of conduct/ethics connected to an accountability mechanism for judges and to institutionalise ongoing training. Such measures, which enjoy strong support from the judiciary itself, require substantial additional resources. The administrative situation in respect of prosecutors in Ireland is very different to the one concerning judges for one major reason: prosecutors are subject to the well-developed legislation, codes of conduct, guidelines, appointment procedures etc. of the civil service, complemented by dedicated measures targeting the particularities of the profession. That said, it would appear that the Prosecution Service needs to enhance the organisational structures for receiving and handling complaints concerning the integrity and ethical conduct of prosecutors and also to be more transparent *vis-à-vis* the general public in this respect.

Lithuania

Lithuania has developed a comprehensive normative and institutional framework to prevent and fight corruption. Key pieces of legislation apply indistinctively to all persons in the civil service, including members of parliament (MPs), judges and prosecutors, and an overarching anti-corruption strategy defines priorities and identifies institutions responsible for their implementation.

Many institutions hold responsibilities in this field: the Commission for Ethics and Procedure of the Seimas (parliament), the Judicial Ethics and Discipline Commission, the Judicial Court of Honour and the Commission on Ethics of Prosecutors have a specific mandate with regard to the conduct of MPs, judges and prosecutors respectively. Others, namely the Special Investigation Service and the Chief Official Ethics Commission, have a more general competence. They all need to establish closer co-operation in raising awareness and enforcing anti-corruption rules, particularly as regards conflicts of interest.

Despite these efforts, the perceived levels of corruption in Lithuania are still above the EU average. Public trust in the parliament and the judiciary is particularly low, although some surveys show a certain improvement in recent years. To address this problem, the authorities need to shift their focus to ensuring that the existing legal norms are well understood and properly enforced. The Law on the Adjustment of Public and Private Interests in Civil Service (LAPPICS) especially contains key provisions for the prevention of corruption. It defines conflicts of interest, provides for restrictions and rules to avoid them or manage them if they do occur. Furthermore, the law establishes the duty for persons in the civil service, MPs, judges and prosecutors to declare their private interests along with a mechanism for supervision and enforcement. The law is comprehensive and contains positive features, but to ensure the credibility of the system, more determined implementation action must be taken.

The Seimas in particular needs to demonstrate its commitment to addressing matters of ethics and integrity in a more proactive manner. In order to ensure that a culture of prevention and avoidance of conflicts of interest takes root among MPs, compliance with rules in this area as well as other rules on conduct must be properly monitored and enforcement action be taken when necessary. In-house channels must also be developed in order to promote and safeguard institutional and individual integrity. In addition, access to information in the legislative process needs to be improved in selected areas, notably as regards the work of committee meetings and third party involvement (lobbying) in decision-making.

The judicial authorities have been trying to address the gap in public confidence in recent years, for instance

by improving their communication. These welcome efforts have to be pursued and reinforced, with particular attention being paid to education in order to improve the drafting of court decisions. Institutional discussions among judges on conflicts of interest and ethical issues must be stimulated in order to develop a commonly agreed awareness of what is ethical; making this debate visible to the public may also help increase confidence in the judiciary. The procedure for the appointment of judges is another area of concern which must be addressed in order to increase judicial independence and public confidence.

The prosecution service (PPO) is facing similar challenges as the judiciary: it is also perceived as a closed institution and there is mistrust of recruitment and promotion processes. The PPO must address this by stepping up its communication with the public and increasing transparency and objectivity. Finally, greater attention must be paid to integrity matters by developing more practical guidance, raising awareness and stimulating discussions among prosecutors on commonly shared ethical values.

Malta

The geographical situation and population size of Malta has a significant effect on personal and professional relationship networks and in shaping domestic policies. This can, on the one hand, help ensure transparency and act as a restraint on power and wrongdoing in its community, but, on the other hand, also involves risk factors which can increase vulnerability to corruptive practices. To mitigate the risk, openness and accountability, not only at central, but also at local level, are essential at all times. For parliamentarians, judges and prosecutors the handling of interpersonal relationships and addressing real or potential conflicts of interest are clearly critical challenges.

In recent years, Malta has carefully considered corruption prevention policies and has significantly improved disclosure practices in the work of its public institutions, thereby making them more open to public scrutiny. Two reforms are currently ongoing in the areas under evaluation, notably aimed at strengthening answerability of members of parliament in the performance of their duties and at increasing efficiency in the justice system. If adopted, and ultimately implemented, with pace and determination, these reforms have the potential to instil greater transparency, accountability and integrity in the legislative and judicial branches.

Parliamentarians are generally part-time legislators who maintain their private practices. The potential for a conflict of interest due to the personal and professional networks and business links built across Malta, make maintaining decision-making independence, and being able to publically demonstrate

this independence, a live issue. A number of good disclosure rules and practices have been introduced in recent years and the House of Representatives does now have a notable level of transparency in its formal legislative processes. While the House of Representatives must be commended for instituting a Code of Ethics for its members almost 20 years ago, that code is now due for thorough revision and update: it does not sufficiently cover some topics that one might expect to see in such a code (e.g. third party contacts, misuse of confidential information, misuse of public resources – money, offices, equipment, facilities, staff, etc.) and several of its provisions raise substantial questions and ambiguities with regard to their application (e.g. acceptance of gifts, honoraria, disclosure of personal interests at the outset of parliamentary debates, etc.). There is no designated source of counselling or training on the code, and it also lacks an adequate supervision and enforcement mechanism. A Standing Committee is currently working to address ethical issues in parliament; draft legislation is now underway to reinforce ethical conduct and accountability in public life. This legislation is a step forward that, if adopted, will apply not only to members of parliament in general, but also to ministers, parliamentary secretaries, parliamentary assistants, as well as employees in a position of trust and persons engaged as advisors or consultants to government and any statutory body.

In general, the justice system experiences rather long delays. Moreover, some scandals in recent years involving judges have somewhat tarnished the traditionally acknowledged sound reputation of the judicial system and have triggered a debate on integrity and accountability matters within the judiciary. As a result, popular satisfaction with justice as a whole has never been so low. There are certainly some shortcomings in the current system which could constitute problems in the future, and opportunities which have not been fully exploited for anti-corruption purposes. More particularly, the system governing the appointment and discipline of judges is due for an overhaul with the overall aim of instilling greater transparency and independence; this would additionally help to clarify the qualities and standards of behaviour the public can expect from those in judicial office. Likewise, the development of training and dedicated channels of support on judicial ethics and behaviour can only prove to be an asset for the professionals concerned. A holistic reform of the judicial system is underway, concrete measures have been proposed to increase the efficiency and effectiveness of the justice system and increase public trust as a result; these measures currently await implementation action.

Prosecutorial activity is shared between the police and the Attorney General (AG). The AG is free to choose how to handle cases and is not subject to directives or policy

guidelines from the executive. In this connection, the AG Office has secured a track record of independence in its action, and is a trusted institution. In the course of justice reform, key attention must be attached to formalising conditions of service (including appointment, promotion and dismissal mechanisms, as well as working protocols) and to further refining the ethical and accountability frameworks for prosecutors.

Norway

Public perception of corruption has historically been low in Norway and the public has a higher trust in the country's institutions than in many other European countries. No integrity incidents have been reported regarding members of the professional categories under review. Several reasons concur to explain this phenomenon: the high moral standards and independence of public officials combined with a zero tolerance approach to corruption on the one hand, and the wide transparency of institutions and public scrutiny performed by the media, on the other.

The high levels of public trust extend to members of parliament. The system relies mainly on openness, trust and public scrutiny. GRECO notes several positive elements, such as the transparency of the legislative process and of public records and the Ethical Guidelines adopted by the Presidium of the Storting (parliament) in June 2013. It takes the view, however, that these guidelines need to be further developed and complemented by practical awareness-raising measures in order to provide better guidance to members of parliament on integrity issues. Moreover, transparency regarding potential and actual conflicts of interest has to be improved by the introduction of a requirement to disclose such conflicts as they emerge. A public declaration system of members of parliament's outside appointments, activities and economic interests exists and has been gradually developed over time. GRECO recommends further developments to this system, in order to ensure that the public has a more complete picture of the relevant interests. Finally, appropriate measures need to be taken for the supervision and enforcement of those standards.

Members of the Norwegian judiciary have a long standing reputation of independence and competence. Public trust in their integrity is equally high. GRECO assesses positively the system for ensuring integrity and preventing misconduct among judges and prosecutors. Limited areas deserve further attention. Such is the case for transparency of the process of appointment of short-term judges. Prosecutors also need to adopt a specific code of professional conduct; training and awareness activities on ethics and expected conduct need to be further developed for all categories of judges, including lay judges, and for prosecutors.

Emerging trends from Fourth Round Evaluations

The following conclusions of the conference held in Laxenburg (Austria) on 10-11 April (cf. section 5 of this report under “The Committee of Ministers”), drawn up by the General Rapporteur, Mr Yves-Marie Doublet, Deputy Director, National Assembly of France and GRECO Evaluator, provide his overview of the lessons that can be drawn from the first two years of the Fourth Evaluation Round with respect to strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks.

Conference on strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks: emerging trends from two years of GRECO Round IV evaluations (Laxenburg, 10-11 April 2014)

Conclusions by the General Rapporteur,
Yves-Marie DOUBLET

When the problem of corruption is raised today, a number of points spring to mind.

Firstly, there are the factors behind this issue.

The great complexity of our societies, with ever-more intensive interaction between economic, political and social players, leads to a growing number of situations in which bribery and conflicts of interest may arise, which in turn generates a vital need for rules of ethics. Conflicts of interest were not a risk for Robinson Crusoe on his desert island. The risk arises when living in society.

Then there is the way the problem is perceived by society itself. The culture of transparency that has developed in recent years also means that what was formerly deemed harmless and tolerated is now disapproved and condemned.

Lastly, there is the impact of corruption on society.

The preamble to the Council of Europe’s Criminal Law Convention on Corruption of 1999 offers a good illustration of the consequences: *«Corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society».*

Members of parliament, judges and prosecutors are at the centre of this debate. Whether in parliament or the courtroom, they all take public decisions that commit society. Elected representatives embody democratic values, and judges and prosecutors the rule of law. However, if the public no longer trusts them, democracy is in danger. The ministers and the Deputy Secretary General of the Council

of Europe have drawn our attention to this, and the example given yesterday of the situation in Slovenia was also enlightening.

The legal arsenal for the repression of corruption has been considerably enhanced, notably under the influence of international conventions. Conversely, corruption prevention is a more recent idea and still at a very early stage. At the same time, the public now legitimately nurtures higher expectations regarding the prevention of corruption, particularly in these times of financial crisis when everyone must play their part in the efforts. As already mentioned, distrust of public decision-makers has also grown. As a consequence, safeguarding these public players against the risks of conflicts of interest, the common denominator of GRECO’s Fourth Round, has become essential as a means of consolidating ties between citizens and their institutions and simultaneously making public decisions more safe.

Over the last day and a half of discussions two messages have been conveyed and one question has been raised:

- ▶ Preventing corruption of parliamentarians, judges and prosecutors is not a fad but a necessity.
- ▶ GRECO’s Evaluation Round on this topic is bringing positive results and serves as a stimulus for reforms.
- ▶ Is it necessary to take things further?

A culture of integrity and ethics is not innate. As Jane Ley pointed out, it cannot rely solely on individual consciences. It requires vigilance, discernment and guidance and must be a collective approach based on personal responsibilities.

Whether in the case of MPs, judges or prosecutors, the lessons drawn from GRECO’s evaluations show that the member states’ rules and regulations are as yet incomplete or just being developed. These rules and regulations now need to:

- ▶ Define conflicts of interest. The importance of perceptions and the degree of intensity of interests must be taken into account. This is because it is not sufficient that interests simply co-exist, or that they converge or diverge, but there must be a real conflict, that is to say a contradiction. The time criterion is also a factor. Conflicts of interest must be prevented in respect of interests held not only before and during the term of office but also after, as a representative from Luxembourg said. However, the law must not go too far, as there is a genuine risk of triggering excessive and constant judgment. All members of parliament and all judges and prosecutors have interests, but not all interests in themselves result in conflicts.

- ▶ Identify critical or problematic situations from the ethics standpoint;
- ▶ Encourage the introduction of obligatory declarations, since these foster the emergence of an ethics culture, above all if they are made public, and contribute tangibly to the prevention of conflicts of interest;
- ▶ Establish the possibility of obtaining advice from third parties or authorities either within the system itself or on its margins. Guidance on questions of ethics is needed. Parliamentarians, judges and prosecutors must not be left alone to deal with these issues. A related discussion took place yesterday with the UK representative concerning the comparative merits of internal and external control.

One of the lessons drawn from the evaluations is that ethics is not so much a matter of prohibition and punishment as of values and positive principles, which must be implemented preventively, as Ms Artukovic-Kunst underlined. However, there is no sure and certain recipe for preventing corruption of MPs, judges or prosecutors. This justifies the UN Convention's prudent approach, to which Mr Manquet appropriately referred this morning. A culture of preventive ethics can nonetheless prove effective, as criminal and disciplinary penalties, albeit useful and dissuasive, are not the right answer in every case.

The representative of Liechtenstein raised the question of the penalties that should be imposed for non-compliance with the rules on conflicts of interest. The sanctions must be proportionate. Ones that are disproportionate may be unconstitutional, as the French courts decided with regard to a penalty of deprivation of civic rights for five years pronounced following a conviction for corruption. It should be recalled here that GRECO has insisted that penalties be effective, dissuasive and proportionate.

GRECO's Fourth Round certainly can have positive outcomes and encourage states to pass appropriate legislation and undertake policy, institutional and judicial reforms.

I am aware of the arguments of those who entertain doubts about this exercise. At first glance, it might appear that the Fourth Round is not based on any particular legal instrument. In reality, as mentioned by Mr Mrčela, GRECO's evaluations are anchored in the fundamental principles and standards for credible and effective democratic institutions as endorsed by the Council of Europe and its "variable geometry" of inter-governmental and inter-parliamentary bodies. Rather than monitoring compliance with specific provisions of the

organisation's anti-corruption treaties and imposing uniform rules, GRECO's approach in the Fourth Round has been to evaluate each country purely on its own merits and context and to design tailor-made recommendations.

Evaluation team members know full well that the recommendations targeting MPs, judges and prosecutors encounter strong corporatist resistance. MPs jealously guard their independence and are used to determining their own rules of conduct. Judges and prosecutors are wary of any interference with their status by the executive or legislative branches of power. Mention was made this morning of the muffled discord in France between the Judicial Service Commission and the justice minister, reminding us of the sensitive nature of such relationships when it comes to the appointment of judges. Judges and prosecutors in the more recent democracies know from experience that independence has its price.

Should one then simply give in and leave these public players exposed to a risk of potential or real conflicts of interest? Should registers of lobbyists be operated solely on a voluntary basis? Should grey areas be tolerated in respect of the acceptance of gifts by MPs? Must one await hypothetical national laws, which are likely to emerge only under the pressure of the media attention surrounding certain scandals? Yesterday, we heard a presentation from an NGO concerning the example of the half measures taken with regard to Austrian parliamentarians.

Conversely, in the case of judges and prosecutors, the appointment and promotion procedures in Germany described in Mr Hornung's very detailed presentation, the work of the International Association of Judges mentioned by Mr Reissner, the progress noted in Croatia regarding the composition of the Council of Prosecutors, the very complete integrity programme in the Dutch prosecution service, which Ms Nooy has just outlined for us, and Poland's experience of applying GRECO's recommendations, presented by Ms Lewandowska, are all good practice examples which could provide GRECO's evaluators with very useful food for thought.

GRECO's considerations have the merit of situating the problems in an international context. While avoiding any kind of naive optimism, **three lessons** can be drawn from this initial experience.

Firstly, this is an area where we are nearly starting from scratch. Codes of ethics are still virtually unknown at the level of parliamentarians and, to a lesser degree, among judges and prosecutors. In our sample of 17 countries evaluated so

far, one-third has a code of conduct for judges. As Mr Duro Sessa told us concerning Croatia, those codes that do exist have their strong and weak points. It must also be said that everything depends on how the term is interpreted. It has been announced that the Polish Sejm has a code of conduct. GRECO is not entirely in agreement, since it considers that principles of ethics which invite Polish MPs to exercise objectivity and to be broad-minded do not constitute corruption prevention guidelines.

Also, virtually none of the countries in our sample has a definition of a conflict of interests. GRECO will therefore be providing a powerful spur to act, since most countries will be unable to take refuge behind pre-existing rules.

The second point I wish to make is that by choosing parliamentarians, on one hand, and judges and prosecutors, on the other, GRECO has shown discernment. The recent political history of Southern Europe offers frequent examples of tense relations between politicians and prosecutors. Evaluating one camp while deliberately ignoring the other would have engendered an imbalance. Submitting both to the same evaluation exercise in respect of very similar problems obliges the two camps to respond to GRECO's observations.

Lastly, many of us here today deal with reports by international organisations and NGOs relating to corruption. However, without wishing to hurt anyone's feelings, we can but acknowledge that these reports are variable in quality. One of GRECO's undisputed strengths is that its reports are based on well-founded, sound, precise and verified legal analyses, avoiding generalities and biased surveys whose questions point respondents towards the desired answers. As Mr Manquet said, peer review also lends the process considerable legitimacy. GRECO's findings of weaknesses are hard to evade. It is this approach which makes GRECO an authoritative body and has over time earned it its reputation.

By choosing the hitherto unexplored theme of prevention of corruption of parliamentarians, judges and prosecutors GRECO has broken new ground. Should things be taken further in future?

I am asking this question because any observer of the Fourth Round is entitled to ask why GRECO is taking an interest in the legislature and the judiciary and ignoring the executive branch of power. Why is the focus on preventing corruption of judges, when scandals involving government members are much more frequent than those concerning judges?

Why attach importance to «revolving doors» for judges, when most of the latter only look to retire once their judicial career is over? Is there a real need for a declaration of assets by judges and prosecutors, as compared with the holders of executive power who are far more exposed to corruption risks?

Clearly, in a democratic society, parliaments, courts and prosecution services are vested with significant public authority and expected to be in the vanguard of corruption prevention. The increasing public demand for integrity and incorruptibility extends to both institutional settings and persons, particularly when these are elected or appointed to such important public positions as that of MP, judge or public prosecutor. The striking reality has however been widespread mistrust and the perception in some GRECO member states that politicians and members of the judiciary are particularly tainted by corruption. That explains the focus and scope of GRECO's Fourth Round. However, by raising these questions I may already be sketching out the direction to be taken by GRECO's future evaluation rounds, which could concern the executive, public administration, where there is often well-advanced legislation, and, as I suggested yesterday, local elected representatives, since conflicts of interest can also arise at that level.

However, whether in the current round or a future round, the issues that GRECO has chosen to address bring to mind what Max Weber said in his famous lecture of 1919: *"It is immensely moving when a mature man – no matter whether old or young in years – is aware of a responsibility for the consequences of his conduct and really feels such responsibility with heart and soul. He then acts by following an ethic of responsibility and somewhere he reaches the point where he says 'Here I stand; I can do no other.' That is something genuinely human and moving. And every one of us who is not spiritually dead must realize the possibility of finding himself at some time in that position. In so far as this is true, an ethic of ultimate ends and an ethic of responsibility are not absolute contrasts but rather supplements, which only in unison constitute a genuine man – a man who can have the 'calling for politics.'"*

By making its contribution to the development of corruption prevention tools, GRECO is in its own way participating in shaping this public figure to whom Max Weber pays tribute.

Full report of the meeting, published by the International Anti-Corruption Academy (IACA)

Compliance procedures and key results

Compliance reports adopted in 2014

www.coe.int/greco

Compliance with recommendations from the Fourth Evaluation Round

- ▶ Compliance Reports on Poland, the United Kingdom – procedures ongoing

Rule 32 procedures¹

- ▶ Compliance Report on Slovenia – procedure opened

Compliance with recommendations from the Third Evaluation Round

- ▶ Compliance Reports on Austria, Italy, Monaco, the Russian Federation, the United States of America, – procedures ongoing
- ▶ Second Compliance Reports on Azerbaijan, Bulgaria, Hungary – procedure ongoing
- ▶ Second Compliance Reports on Armenia, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia” – procedures closed
- ▶ Addenda to the Second Compliance Reports on Latvia, Poland, the Slovak Republic, Slovenia – procedures closed
- ▶ Addendum to the Second Compliance Report on Spain – procedure ongoing

Rule 32 procedures

- ▶ Second Compliance Reports on Romania, Turkey, – Rule 32 procedures opened
- ▶ Interim Compliance Reports on Bosnia and Herzegovina, Czech Republic (2nd report), Denmark (3rd report), France (2nd report), Greece (2nd report), Malta, Switzerland, Turkey – procedures ongoing
- ▶ Interim Compliance Reports on Belgium (3rd report), Germany (3rd report), Sweden (4th report) – Rule 32 procedures closed

Compliance with recommendations from Joint First and Second Round Evaluations

- ▶ Compliance Report on San Marino – procedure ongoing;
- ▶ Fourth Addendum to the Compliance Report on Ukraine – procedure ongoing

Rule 32 procedures

- ▶ Compliance Report on Belarus – Rule 32 procedures opened

The bulk of compliance procedures conducted in 2014 were those that constitute follow-up to **Third Round evaluations** and **Joint First and Second Round evaluations**. Examples of the impact GRECO monitoring has had are highlighted below:

Third Evaluation Round

- ▶ ratification of the Criminal Law Convention on Corruption ETS 173 (Austria, Italy);
- ▶ ratification of the Additional Protocol to the Criminal Law Convention on Corruption ETS 191 (Austria, Belarus, Monaco, Malta, Poland, Turkey);
- ▶ establishment of a coherent system of legal provisions on bribery and trading in influence (Greece);
- ▶ criminalisation of several types of corruption-related activities in respect of trading in influence and/or active bribery offences, namely: trading in influence as defined by the Criminal Law Convention on Corruption ETS 173 (Austria, Monaco, Turkey); indirect active trading in influence (Latvia); requesting an undue advantage as passive bribery (Monaco, Latvia); unrequested receipt of an undue advantage (Latvia); offering/promising an undue advantage (Latvia); “accepting an offer or promise” as passive bribery (Monaco, Latvia); offering/promising/requesting a bribe irrespective of whether or not the parties have agreed upon the bribe (Turkey); use of (and acting as) intermediaries (Monaco, Turkey); all corrupt acts/omissions in the exercise of the functions of a public official, irrespective of whether or not they constitute a breach of duty and whether or not they lie within the scope of the official’s competence (Turkey, Greece);
- ▶ criminalisation of bribery offences committed by different public actors: members of public assemblies (Austria, Monaco), members of government and mayors (Monaco), foreign public officials, members of foreign public assemblies and international public officials (Monaco, Turkey), members of international parliamentary assemblies, judges and officials of international courts (Monaco, Russian Federation, Turkey), domestic, foreign and international judges, arbitrators and jurors (Greece), intermediaries and third party beneficiaries (Greece);
- ▶ broader incrimination of bribery offences committed by different public actors: members of public assemblies (Germany), members of foreign assemblies (Germany), members of international parliamentary assemblies (Germany);
- ▶ establishment of jurisdiction over bribery offences committed by national public officials abroad (Austria);
- ▶ reinforcement of the sanctions provided for in cases of trading in influence and/or bribery offences (Austria, Italy, Latvia);

1. Non-compliance (see Methodology – Enhancing compliance).

- ▶ reform of the statute limitations for prosecuting bribery and trading in influence (Monaco, Latvia);
- ▶ abolishment of automatic exemptions from punishment for bribery in the public sector in cases of effective regret (Armenia, Austria);
- ▶ amendments to legislation in respect of bribery in the private sector in order to clearly cover the full range of persons who direct or work for, in any capacity, private sector entities (Monaco, Serbia);
- ▶ abolition of the requirement of a prior complaint in order to start prosecutions in respect of bribery in the private sector (Austria);
- ▶ introduction of a systematised and comprehensive legal framework on the financing of political parties and election campaigns, including the transparency thereof (Austria, Bulgaria, Italy, Sweden);
- ▶ adoption of a new legal framework on the financing of election campaigns, including transparency rules and the establishment of an independent monitoring body (Monaco);
- ▶ introduction of rules requiring parties and election campaign organisers to disclose their income and expenditure in greater detail, including the nature and value of individual (cash and in-kind) donations and loans (Slovakia, Slovenia, Sweden);
- ▶ introduction of measures increasing the transparency of donations to political parties or campaign participants (Austria, Bosnia and Herzegovina, Slovakia);
- ▶ the prohibition of donations from legal persons to political parties (Slovenia);
- ▶ introduction or lowering of the disclosure thresholds for donations to political parties or candidates (Italy, Russian Federation, Sweden);
- ▶ adjustment of the current spending limits for election campaigns, in order to promote transparency of the actual costs of campaigns (Slovenia);
- ▶ elaboration of measures aiming to increase the transparency of the accounts of entities which are related to political parties, or otherwise under their control (Italy, Slovakia, Slovenia, Sweden);
- ▶ introduction of a requirement on political parties to keep proper books and accounts and of ways to support them in complying with these transparency regulations (Azerbaijan);
- ▶ improved accessibility to financial reports of political parties and campaign participants (Austria, Slovakia, Slovenia);
- ▶ introduction of guidelines and regular training for political parties on the applicable political funding regulations (Slovakia, "The former Yugoslav Republic of Macedonia");
- ▶ the establishment of a mechanism for monitoring political financing (Armenia, Sweden);
- ▶ the allocation of additional resources (financial and personnel) to the body responsible for the control of political financing (Poland);
- ▶ introduction of clear rules on mandatory auditing of the financial activities of political parties (Italy, Poland);
- ▶ introduction of measures to enhance the cooperation between the authorities responsible for the enforcement of political financing legislation (Poland);
- ▶ establishment of clear rules ensuring the effectiveness and necessary independence of auditors called upon to certify the accounts of political parties and election candidates (Austria, Slovenia);
- ▶ introduction of effective sanctions and/or sanctioning mechanisms for violations of the rules on political funding (Slovakia, Slovenia, Sweden, "The former Yugoslav Republic of Macedonia");

Joint First and Second Evaluation Rounds

- ▶ establishment of bribery as a criminal offence which is dealt with only under the criminal justice process and not under an administrative sanctions system (Ukraine)
- ▶ the introduction of liability for legal persons in respect of corruption (San Marino, Ukraine);
- ▶ enhancement of the level of specialisation to handle corruption investigations within the responsible body as well as regular training for law enforcement staff on the typology of corruption and the prevention and detection of corruption offences (Belarus);
- ▶ creation of a hotline for reporting suspicions of corruption which can be used by the public (San Marino);
- ▶ provision for in rem confiscation of the proceeds of corruption, accompanied by the pertinent safeguards under the principle of the rule of law (Belarus);
- ▶ introduction of regulations with respect to confiscation and seizure of proceeds from crime which would make it possible to apply measures with regard to direct as well as indirect (converted) proceeds, the value of the proceeds and in respect of proceeds held by a third party (Ukraine);
- ▶ introduction of regulations for handling and auditing of the seizure/confiscation of cash by police officers (San Marino);

- ▶ introduction of accounting legislation in compliance with international accounting standards and provision for the uniform implementation of such standards in respect of legal persons (Belarus);
- ▶ enhanced sanctions for account offences in order to ensure that they are effective, proportionate and dissuasive (San Marino);
- ▶ introduction of a ban on the deductibility of corruption-related expenses (San Marino);
- ▶ strengthening of the existing mechanisms for recruitment and advancement in the public service in order to ensure that they are fair, merit-based and transparent (San Marino).

Further reading: Directorate General Human Rights and Rule of Law (2014), *Practical impact of the Council of Europe monitoring mechanisms*, Council of Europe

News from member states

Corruption is a constant feature of public concern, debate and scrutiny and as a result it holds a prominent place on national agendas. The plenary (Item 4 – Topical developments/events) also serves as a forum for member states to share information outside the formal reporting cycles. Examples include:

Albania

- ▶ Amendments were adopted to the Law on the Declaration and Control of Assets and the Law on Conflicts of Interest – legislation that provides the legal basis for the functioning of the High Inspectorate of Declaration of Assets of Albania (HIDAA). The prohibition on entering into contractual relations with public bodies and of holding shares or other interests in legal persons was extended to first instance and appellate judges and prosecutors. The obligation on public officials, their spouses, adult children and parents to declare their assets was extended to include cohabitants. The threshold of expenditure and assets that must be declared by public officials was lowered significantly (from ca. 3 930 Euros to 235 Euros) and they are also prohibited from holding sums in cash of above ca. 11 800 Euros – to end a practice whereby newly appointed officials could declare large cash sums they did not possess in order to later account for sums acquired through corruption.
- ▶ A parliamentary inquiry into the legality of the appointment of the Chief Inspector of the HIDAA, had been politically sensitive. Ultimately, the appointment was revoked on the grounds that the previous parliament had exceeded its powers by appointing a person who did not meet the legal criteria for appointment.

Azerbaijan

- ▶ The State Agency for Public Service and Social Innovations set up the ASAN Service that delivers a centralised public access point to a wide range of services provided i) by State entities: issuing identity documents, residence permits, notarised documents, birth and death certifications, renewal of driving licences, etc. and ii) by private service providers operating in a public-private partnership: banking, insurance, legal consultancy, translation, utility services, etc. The key benefits sought are transparency, broad accessibility, minimised subjectivity through a range of e-services and reduced opportunity for corruption – for example, cash payments are not accepted.

Croatia

- ▶ A former Prime Minister was sentenced to eight and a half years in prison for accepting bribes and the 5 million euros taken in bribes were confiscated.
- ▶ Based on GRECO's Fourth Round Evaluation Report and the first edition of the EU Anti-corruption Report, the main strategic focus of the Anti-corruption Strategy for 2015-2020 was prevention. Other goals include work with respect to the protection of whistleblowers, conflicts of interest and lobbying.

Estonia

- ▶ Advances were made towards ratifying the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191).

Finland

- ▶ A high-level panel discussion was opened by the Minister of Justice at a public event organised on International Anti-Corruption Day (9 December) and that will be repeated annually to raise public awareness of the risks of corruption to society.
- ▶ Progress was made on draft legislation to make disclosure (registration and publication) of outside ties by members of parliament mandatory and proposals were made for written guidance to be made available to them on the proper interpretation of article 32 of the Constitution as regards conflicts of interest, and for the rules on gifts to be expanded.
- ▶ In-depth training on ethical principles and rules was provided to judges and defence lawyers and inception training on the same themes was provided to new lay judges.
- ▶ A set of ethical rules prepared by a working party set up by the Prosecutor General was communicated throughout the prosecution service for feedback and then incorporated into the training programme for prosecutors.

Germany

- ▶ The process for ratification of the United Nations Convention against Corruption was completed. The legislative amendments adopted in the context of that process (extension of criminal liability for active and passive bribery of members of public assemblies) also constituted a significant step towards ratification of the Council of Europe Criminal Law Convention on Corruption (ETS 173) for which additional legislative measures were being taken.

Ireland

- ▶ Draft legislation was under preparation: i) the Criminal Justice (Corruption) Bill – including an autonomous offence of trading in influence; ii) the Electoral (amendment) (referendum spending and miscellaneous provisions) Bill; and iii) the Electoral (amendment) (political funding) Act. In addition, guidelines on the publication of accounts by political parties were being prepared by the Standards in Public Office Commission and preparatory work for the establishment of an Electoral Commission was commenced.

Latvia

- ▶ The Office of the Prosecutor General had published on-line up-dated details of the procedure for filing complaints. Training on ethics, conflicts of interest, lobbying and trading in influence was provided to prosecutors, judges, lawyers and the staff of various law enforcement bodies and of the Corruption

Prevention and Combating Bureau (KNAB) in the framework of a project funded by the European Commission.

- ▶ The question of the reform/restructuring of the tasks of the Corruption Prevention and Combating Bureau (KNAB) was on the agenda of the government – this issue was followed particularly closely by GRECO given the customary support it voices for the provision of sufficient means and independence to such bodies.

Liechtenstein

- ▶ With the entry into force of the new Professional Trustee Act and an addition to the Law on Persons and Companies, the scope of responsibilities of the independent Financial Market Authority for the supervision of trustees and trust companies was substantially expanded to encompass the granting of licences, monitoring of ongoing compliance with licencing conditions and enforcement of supervision (including withdrawal of licences).
- ▶ Amendments to the Police Act and the Criminal Code introducing a system for the protection of witnesses were approved by parliament and revisions to the State Personnel Act to provide for the protection of whistleblowers and a reporting obligation were submitted by the government for public consultation.

Luxembourg

- ▶ A Code of Ethics for Parliamentarians came into effect. It provides for the filing of declarations of income and financial interests, regulates prohibitions on accepting gifts and other advantages and the conduct to be followed when dealing with lobbyists. A consultative committee supervises application of the Code.
- ▶ A Grand Ducal Order of 14 November stipulates the ethical rules applicable to government members. An ad hoc Ethics Committee can provide advice confidentially. The Order provides a definition of conflict of interests and any member who feels exposed to a conflict is obliged to remedy the situation immediately. All remunerated activities over the 10 years before joining the government, information on financial interests, on the professional activities of spouses or partners are to be declared. End of mandate restrictions and limitations on the acceptance of gifts, hospitality, decorations and other honours are also imposed and fees received for public speaking engagements are to be declared to the Ethics Committee and donated to a charitable, social or environmental organization.

Malta

- ▶ The process for ratification of the Additional Protocol to the Criminal Law Convention (ETS 191) was completed.
- ▶ Progress was made in the examination by parliament of a draft Financing of Political Parties Act.

Monaco

- ▶ A Municipal Decree on the ethical obligations of municipal officials of September 2014 – that complements decrees that apply to state officials and to officials of the judicial services – covers in particular the receipt of gifts, stipulating that those that might influence partiality or constitute a reward for actions/decisions are prohibited. Potential or real conflicts of interest are to be reported to the appropriate persons in the hierarchy.
- ▶ A draft law to amend the law on the funding of election campaigns in the light of recommendations addressed to Monaco was submitted to the appropriate parliamentary commissions.

Montenegro

- ▶ New legislation was adopted: i) the Law on the Prevention of Corruption which establishes an Agency for the Prevention of Corruption that inherits supervisory functions from the Directorate for Anti-corruption Initiative and the Commission for the Prevention of Conflicts of Interest; and ii) a new Law on the Financing of Political Parties and Electoral Campaigns and the Law on Lobbying.
- ▶ In cooperation with its counterpart in Slovenia, the Directorate for Anti-corruption Initiative created a new web platform for establishing and evaluating the integrity plans all government bodies are obliged to develop and implement. It will also serve as a useful resource for the Agency for the Prevention of Corruption.

Norway

- ▶ A web tool – the Political Parties' Portal – was set up to handle applications and the disbursement of state grants, and for the collection, management, monitoring and publication of the financial accounts of the 20 national political parties and their 3 380 subordinate entities. Information flow, decision-making and auditing are facilitated as the relevant ministry, the 19 county governor offices, the political party monitoring/control authority and the party auditing committee can interact with the portal.

Poland

- ▶ The Central Anti-Corruption Bureau (CBA), with financial support from the Prevention of and Fight against Crime Programme of the European Commission, set up an [e-learning platform](#) (Polish and English) that gives access, free of charge, to comprehensive learning and awareness-raising resources on corruption organised in three thematic modules – corruption in public administration, corruption in the business sector and, the social effects of corruption.

Serbia

- ▶ New legislation was adopted: i) the Law on the Protection of Whistleblowers; and ii) amendments to the Law on the Financing of Political Parties. The Anti-Corruption Agency (ACA) had voiced concerns over one element of the latter piece of legislation as it allows political parties to buy real estate with money allocated from the State budget.
- ▶ The occasion of International Anti-Corruption Day had been used by the ACA to promote and raise awareness of a draft Model Law on the Anti-Corruption Agency which is an ACA initiative.

Slovak Republic

- ▶ The Law on Certain Measures related to Reporting on Anti-social activities would enter into force on 1 January 2015. It provides for the protection of those who, by blowing the whistle on corruption or other activity termed as “anti-social” (i.e. illegal) they acquire knowledge of in the context of their job or functions, significantly contribute to the identification of such behaviour and to the detection and conviction of a perpetrator.

Slovenia

- ▶ The Slovenian Commission for the Prevention of Corruption (CPC) was a partner in a national project that focused on women managers and their career paths, particularly obstacles they face. Corruption risks with respect to top management, including corruption in recruitment procedures had been identified.
- ▶ The CPC had celebrated its 10th anniversary with a series of events such as a roundtable bringing together former Chief Commissioners and representatives of the media and civil society organisations and an anti-corruption film festival.
- ▶ A former CPC Chief Commissioner, Mr Goran KLEMENČIČ was appointed Minister of Justice.

Spain

- ▶ Four draft bills were presented to parliament by the government: i) the draft Economy Act (including a ban on the cancellation of a political party's debts by the banks); ii) a draft act on the status of high senior officials (prevention of conflicts of interest and setting up of an office responsible for registering conflicts of interest); iii) a draft Bill amending the Criminal Code with respect to its bribery and main criminal provisions (corruption in the private sector and trading in influence); and iv) a draft Bill amending the Criminal Procedure Code (to speed up procedures especially in corruption cases by imposing a limit on the length of procedural steps).
- ▶ Measures were being envisaged by the Judicial Council to reinforce and support judicial activity in connection with the investigation and adjudication of corruption cases, including the setting up of a dedicated oversight and supervisory unit.

Switzerland

- ▶ A bill was submitted to parliament proposing the extension of the criminalisation of private sector bribery to cover non-profit organisations.

“The former Yugoslav Republic of Macedonia”

- ▶ The capacities and role of the State Audit Office were due to be strengthened via a constitutional amendment.
- ▶ A major programme funded by the European Union Instrument for Pre-accession Assistance (IPA) was being implemented. The main beneficiary is the State Commission for the Prevention of Corruption and the Federal Office of Administration of Germany (BVA) is the designated twinning partner. The project components include: improving the institutional anti-corruption framework, improving the management of conflicts of interest policies, new software solutions for the verification of asset declarations, a new methodology for producing statistics on corruption cases and training of judges and prosecutors.

Turkey

- ▶ The Constitutional Court had ruled that a number of amendments made to the Law on the High Council of Judges and Prosecutors (HCJP) in 2014 were unconstitutional, notably with respect to the powers given to the Minister of Justice, in his role as President of the HCJP (appointments to the Inspection Board, assignment of members

to the chambers, initiation of investigations into HCJP members, etc). A new Judicial Reform Law (17 June 2014) was passed in order to respond to the Constitutional Court's ruling and earlier provisions were restored to the Law on the High Council of Judges and Prosecutors.

Ukraine

- ▶ New legislation was adopted as part of a reform package that includes an Anti-Corruption Strategy for 2014-2017: i) a law establishing the National Anti-corruption Bureau which is a law enforcement body focused on countering corruption among high-level officials; ii) the Law on Corruption Prevention with stipulations on policy making and the attainment of objectives and which also provides for mechanisms for preventing and resolving conflicts of interest and modern methods for financial disclosure by officials; and iii) a law that provides for the identification and publication of information on company ownership and the publication of information from the property register.
- ▶ Via other legislation, sanctions for corruption offences were raised, criminal liability of all private sector employees was established, promising an illegal benefit was criminalised and provision was made for the criminal liability of legal persons that do not have proper corruption prevention measures in place.

United Kingdom

- ▶ The Lords Reform Act (May 2014) introduced additional sanctions whereby Peers cease being members if convicted in the UK and sentenced to a custodial sentence of more than 12 months, and if they do not attend the House during session without good reason.
- ▶ A study of awareness and impact of the 2010 Bribery Act among small and medium-sized enterprises was commissioned.
- ▶ The UK Anti-corruption Plan was published and would be reviewed on a regular basis as part of the UK's commitment to the Open Government Partnership process developed with civil society.
- ▶ New sentencing guidelines by the Sentencing Council took effect from October in respect of fraud, bribery and money laundering – ensuring that the impact on victims is central to decisions and making clear the serious consequences for offenders, both individual and corporate.

The Council of Europe – a multidisciplinary approach to corruption

The Committee of Ministers

On the occasion of his **annual exchange of views with the Committee of Ministers** (1203rd Meeting of the Ministers' Deputies, 18 June 2014) GRECO's President underlined the importance of the continued support provided by the political bodies of the Council of Europe and the role they can play in stimulating political commitment to fighting corruption in order to recast confidence in democratic governance and the rule of law.

Under the auspices of the chairmanship of Austria of the Committee of Ministers, a **Conference on strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks: emerging trends from two years of GRECO Round IV evaluations** (Laxenburg, 10-11 April 2014) was organised jointly with the Ministry of Justice of Austria and the International Anti-Corruption Academy (IACA), with additional financial support from the Government of Monaco².

GRECO contributed in cooperation with the Action against Crime Department to the organisation of a **Conference on the fight against corruption: international standards and national experiences** (Baku, 30 June-1 July 2014) that was held under the auspices of the chairmanship of Azerbaijan of the Committee of Ministers.

The Parliamentary Assembly (PACE)

In April 2014, the Committee on Rules of Procedure, Immunities and Institutional Affairs launched the **PACE Anti-corruption Platform**. It brings together parliamentarians, anti-corruption experts and other stakeholders to share information, spread good practices and debate and in that context promotes the Council of Europe instruments and standards and implementation of GRECO's recommendations. The contribution PACE members can make, in their respective national

parliaments, to securing concrete action in response to GRECO's findings is highly valued.

In that context, Gabriella BATTAINI-DRAGONI, Deputy Secretary General participated in a Hearing on Reporting on Corruption: Journalists and Parliamentarians Investigating Together at which she underlined the important role played by the media and investigative journalism in revealing cases of corruption, abuse of office and illicit enrichment and drew attention to the recommendations GRECO has addressed to parliaments and political parties for example on transparency of political funding. Later in the year, in the framework of the Platform, a **conference-debate on Gender Dimensions of Corruption** was organised jointly with the PACE Committees on Equality and Non-Discrimination and on Rules of Procedure, Immunities and Institutional Affairs. Mr Matthias KOPETZKY, member of the Board of the Institute of Internal Audit – Austria and Leader of its Anti-Fraud Study Group, who has been associated with GRECO's work on gender, and Ms Helena LIŠUCHOVÁ, GRECO's Gender Equality Rapporteur provided examples to illustrate why and how the integration of a gender perspective adds value to the prevention and fight against corruption.

The Secretary General

The Secretary General of the Council of Europe reiterated the importance he attaches to the work of GRECO and to the matter of EU accession to GRECO in the Strategic Vision paper issued when he took up his second term in office in 2014.

The 2014 edition of the **Secretary General's Report on the State of Democracy, Human Rights and the Rule of Law in Europe** reflects some key concerns highlighted by GRECO's monitoring and makes four anti-corruption recommendations to guide efforts in Europe. They call for integrity in the judiciary, law enforcement and prosecution bodies to be reinforced, for the commitment of MPs to corruption prevention in their own ranks to be furthered, the setting up of independent bodies to monitor political financing and, for the protection of whistleblowers.

2. Cf. the conclusions drawn up by the General Rapporteur, in section 3.2 of this report).

The report also calls on monitoring bodies to look into amending their operational practices with a view to improving their capacity for rapid reaction in emergency situations or in response to urgent requests from member states. After careful consideration, GRECO decided that its main strategy for dealing with such situations related to its monitoring mandate and the Council of Europe's anti-corruption standards would involve conducting an **ad hoc focused dialogue** with a member State and has adopted a specific framework for such dialogue. It will not favour however over-hasty reactions that might not secure lasting results. GRECO has already some experience in reacting to pressing issues in its member states, for example legislative initiatives thought to infringe international anti-corruption standards or run counter to GRECO recommendations and changes that might negatively affect specialised anti-corruption bodies.

Congress of Local and Regional Authorities

GRECO's President participated in a **conference on Combating Corruption – Preventive and Repressive Measures on European, National, Regional and Local Level**, co-organised by the Regional Parliament of the Tyrol and the Congress (Innsbruck, 8-9 May 2014). On that occasion, he stressed how corruption undermines people's confidence in all levels of government and that at the local and regional levels corruption prevention mechanisms and procedures are not always up to the challenges that stem from the transfer of many competences previously exercised by central authorities. A significant number of GRECO recommendations addressed to national governments need also to be implemented at local and regional level where the decentralisation of decision-making, management of significant sums of public money and the relationships between local business and local politicians or civil servants can create a climate which does not necessarily favour integrity and fair play.

Further reading and contacts: www.coe.int/congress

Technical assistance and cooperation – Economic Crime and Cooperation Unit (ECCU)

The work of the ECCU is one of the three pillars of coordinated action deployed by the Council of Europe in the fight against corruption: the setting of norms and legal standards, monitoring, and technical assistance. Examples of the **technical cooperation and assistance and capacity-building** delivered in 2014 that included specific anti-corruption components:

- ▶ completion of the four-year EU funded EaP Facility regional project – Strengthening good governance and the fight against corruption in Eastern

Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine); the closing conference, held in December 2014 summarised the lessons learned and envisages the next steps of anti-corruption reforms needed in the region

- ▶ in Morocco an overarching assessment of the entire anti-corruption regime (based on GRECO methodologies) was carried out; a significant reinforcement of the institutional capacities of its leading anti-corruption authority and development of systemic interagency coordination was achieved; contributions were also made to setting-up a risk-based anti-corruption framework and training and capacity building (EU funded regional programme – Promotion of good governance: fight against corruption and money-laundering in the South Neighbourhood (SNAC1))
- ▶ in Tunisia extensive technical and legal advice for the preparation of the legal framework of a new Good Governance and Anti-corruption Authority was provided; (EU funded regional programme – Promotion of good governance: fight against corruption and money-laundering in the South Neighbourhood (SNAC1))
- ▶ development of an Investigation Guide for Inspectors and training of public sector inspectors from Turkey by the United Kingdom's National Crime Agency and the European Union Anti-Fraud Office on modern investigation techniques in corruption and fraud cases (EU/Council of Europe joint programme – Strengthening the coordination of anti-corruption policies and practices in Turkey (TYSAP))
- ▶ support was given to strengthening the capacities of the Federal and Regional Business Ombudsman offices through advice, training and sharing of good anti-corruption practices from Council of Europe member states in preventive measures against the abuse of public authority in the corporate sector; measures for the protection of whistleblowers; corruption risks and protection mechanism for entrepreneurs in the Russian Federation (EU/Council of Europe joint project – Protection of Rights of Entrepreneurs in the Russian Federation from Corrupt Practices (PRECOP))
- ▶ delivery of certified Council of Europe training on Basic anti-corruption concepts for civil servants, judges and prosecutors and publication of a Manual for Practitioners for continuous vocational training, developed with input from Russian specialists
- ▶ conduct of corruption risk analysis on obstacles to efficient criminal investigations and proceedings and on corruption risks within law enforcement and the judiciary; expert assistance for the drawing up of the Law on Whistleblower Protection; delivery of a large-scale training programme on corruption and economic crime to judges, prosecutors and

police officers; development of a comprehensive training curriculum on judicial ethics, integrity and conflicts of interest (EU/Council of Europe joint programme – Strengthening the capacities of law enforcement and the judiciary in the fight against corruption in Serbia (PACS))

- ▶ completion of the 2nd assessment cycle on the compliance of Kosovo^{3*} with international standards in the area of the fight against corruption, money laundering and financing of terrorism based on GRECO and FATF/MONEYVAL methodologies (EU/Council of Europe Joint Programme – Project against Economic Crime in Kosovo* – PECK)
- ▶ a project proposal was developed for technical assistance to the National Anti-corruption Coordinator – Greece
- ▶ project proposals were developed for technical assistance and cooperation projects for Azerbaijan, Georgia, Moldova and Ukraine (Council of Europe/ EU Eastern Partnership Programmatic Co-operation Framework (PCF))

Further reading and contacts: www.coe.int/corruption

European Commission for Democracy through Law (Venice Commission)

The Venice Commission adopted (98th plenary session, March 2014) a report drawn up in cooperation with Mr Yves-Marie DOUBLET, GRECO Evaluator, entitled *The Scope and Lifting of Parliamentary Immunities*. The report presents a description, analysis and assessment of rules on the scope and lifting of parliamentary immunity – a basic distinction is made between what is usually referred to as “non-liability” (freedom of speech) and “inviolability” (protection against arrest, detention, prosecution, etc.). It includes proposals for common criteria and guidelines, inspired by rules and practices already developed at the European level by the Parliamentary Assembly of the Council of Europe and the European Parliament.

Further reading and contacts: www.venice.coe.int

The Gender Equality Commission (GEC)

The GEC has approved of GRECO’s approach and substantial contribution to the implementation of the **Council of Europe’s Gender Equality Strategy**. GRECO’s Gender Equality Rapporteur, Ms Helena LIŠUCHOVÁ (Czech Republic) has played a key role in that process by promoting the concept of gender mainstreaming and a changed mind-set as regards

3. *All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

gender-specific issues in anti-corruption policy making. One of her roles is to ensure that gender issues are highlighted at various stages of GRECO’s monitoring procedures and related statistical data is now presented in GRECO’s Fourth Round evaluations. The impetus created by the exchange of research and ideas at an international conference organised by GRECO under the Senate of the Parliament and the Ministry of Justice of the Czech Republic in 2013⁴ lead to further initiatives in 2014 involving cooperation with the Parliamentary Assembly of the Council of Europe and the United Nations (cf. under those titles in sections 5 and 6 of this report).

Further reading and contacts: www.coe.int/equality

The European Committee on Crime Problems (CDPC)

The CDPC consulted GRECO on whether it saw any need to review or further promote the Criminal Law Convention on Corruption (ETS 173). In the course of its monitoring work so far GRECO has not identified any particular shortcomings in the text and all Council of Europe member states have either ratified or are working towards ratifying it. GRECO did however feel that it would be highly desirable for the CDPC to carry out a feasibility study on amending or complementing ETS 173 with a view to covering **the non-profit sector** (e.g. private associations – including those operating at international level, foundations, labour unions, charities, churches involved in service delivery to the community, etc.) as it is a sector that does not receive much attention as regards corruption risks and the legal framework that is applicable. The CDPC (67th Plenary Session, 1-4 December 2014) decided nevertheless to maintain its previous conclusion that in a majority of member states such matters are covered by existing legislation but has suggested that GRECO might choose to return with a renewed and reasoned opinion as to the need for additional provisions in connection with the implementation of the Council of Europe Convention on the Manipulation of Sports Competitions (CETS 215).

Further reading and contacts: www.coe.int/cdpc

The European Committee on Legal Co-operation (CDCJ)

In light of a feasibility study it had commissioned, the CDCJ decided to start work on drafting a Council of Europe **legal instrument on lobbying**. That exercise is the first of its kind as no international body has developed a legal instrument to provide guidance on developing national regulations on lobbying activities.

4. Conference on the Gender Dimensions of Corruption (Prague, 13 December 2013).

The study points to a Committee of Ministers recommendation as possibly being the most practical format for the instrument and indicates that its implementation might be monitored by GRECO which has looked into the issue, mainly from the standpoint of how members of parliament should be expected to react in response to solicitations from third parties, in its Fourth Evaluation Round.

Further reading and contacts: www.coe.int/cdcj

Conference of Ministers responsible for Sport and Enlarged Partial Agreement on Sport (EPAS)

One of the main themes of the 13th Council of Europe Conference of Ministers responsible for Sport (Magglingen/Macolin, Switzerland, 18 September 2014) was the Risk of Corruption in the Governance of Sport. National delegations from

the member States of the Conference – which is the only political forum addressing sports issues at pan-European level – and representatives of FIFA and UEFA took part in the debate and a resolution was adopted calling, among other things, for the promotion of a **zero tolerance policy regarding corruption in sport**. The Conference also invites states all over the world to ratify the Council of Europe Convention on the Manipulation of Sports Competitions (CETS 215, opened for signature on 18 September 2014), which had resulted from two years of work within EPAS that also involved consultations with sports organisations and betting operators. For further details, please refer to the thematic article on Corruption in Sport – Manipulation of Sports Competitions by the Deputy Secretary General of the Council of Europe (cf. section 8 of this report).

Further reading and contacts: www.coe.int/epas

External relations

Solicitations for input to other activities are frequent and potential for cooperation is regularly brought to the attention of the plenary. Some longstanding contacts are maintained, others result from the specific thematic focus of the current evaluation round or other topical issues. The highly dynamic interplay of initiatives in the international anti-corruption community undeniably favours real progress in the fight against corruption. Sustained efforts are made by GRECO's secretariat to ensure coordination of monitoring activities and to promote synergies in work plans and outputs.

European Union (EU)

Cooperation, including in the fields of EU neighbourhood, external action and enlargement policies has operated for some time through well-established Council of Europe/EU consultation frameworks.

The first edition of the EU Anti-Corruption Report was published by the European Commission in February. The engagement of the Commission in the fight against corruption was welcomed by GRECO which held an exchange of views with Mr Reinhard PRIEBE, Director for Internal Security, DG Home Affairs of the European Commission at the March plenary meeting. The Council of Europe's anti-corruption standards had served as important references for the assessments made in the report, extensive use was made of GRECO's findings and, furthermore, it promotes the importance of implementing GRECO recommendations.

The participation of the EU in GRECO is provided for under Article 5 of GRECO's Statute. It is a matter that has held a prominent place in discussions between the Council of Europe (and GRECO) and the European Commission for some time and which has been supported by the European Council. At the time of writing, the Commission was still carrying out an impact assessment regarding possible EU membership of GRECO in consultation with other EU institutions. Other details pertaining to 2014 are referred to by the President of GRECO in the foreword to this report. In the new Commission formed by President Jean-Claude JUNCKER for the period 2014-2019, the portfolio of Mr Dimitris AVRAMOPOULOUS, Commissioner for

Migration, Home Affairs and Citizenship includes matters related to the fight against corruption and GRECO.

International Anti-Corruption Academy (IACA)

IACA has had observer status in GRECO since 2011. GRECO's partnership with this respected academic and training institution – to which references can be found in various sections of this report – is highly valued.

International Chamber of Commerce (ICC)

The ICC takes an active interest in GRECO's work and provides visibility to it in the framework of meetings of its Anti-Corruption Commission (ICC-ACC) where, for example, thought is being given not only to managing the risk of bribes being offered by business but also the risk to business of attempts at extortion by elected officials. Information on the experiences of the business community can be enlightening for GRECO evaluation teams.

International Institute for Democracy and Electoral Assistance (International IDEA)

Regular inter-secretariat contacts are maintained with this intergovernmental organisation. Mr Samuel JONES, Programme Officer presented to GRECO's June plenary meeting a study entitled Funding of Political Parties and Election Campaigns: A handbook on political finance that was published in September. A second publication entitled Political Finance Regulations around the World: An overview of the International IDEA Database was made available to the plenary later in the year. The mission of International IDEA is to support sustainable democracy worldwide. Its work ties in closely with GRECO's Third Round, Theme II on political funding where thirty member states have yet to complete (or commence) the work related to compliance procedures. On invitation, International IDEA can act as a facilitator by bringing interested parties together to discuss and provide advice to support national initiatives.

Organisation for Economic Co-operation and Development (OECD)

The OECD has had observer status in GRECO since 2002. GRECO is an observer in the OECD Working Group on Bribery in International Business Transactions and a member of the Steering Group of the OECD Anti-Corruption Network (ACN) for Eastern Europe and Central Asia.

GRECO's work on political financing, the work of the Venice Commission and the standards of the Council of Europe are particularly relevant to the OECD Trust Strategy with respect to seeking a response to perceptions of declining trust in governments and parliaments. In that context in 2014, comments and input were provided by the Secretariat for the OECD publication entitled *Lobbyists, Government and Public Trust: Volume 3 Implementing the OECD Principles for Transparency and Integrity in Lobbying*. A GRECO Expert and a member of the Secretariat moderated panel discussions on legislative loopholes, and finance regulations and their impact on an (un)even playing field among actors respectively, at an the OECD Forum on Financing Democracy and Averting Policy Capture.

GRECO's former President, Mr Drago KOS (Slovenia) took up the chairmanship of the OECD Working Group on Bribery in International Business Transactions in January 2014. He participated in an exchange of views with GRECO's Plenary in October.

Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

The OSCE/ODIHR has engaged in work in the anti-corruption field and continues to seek to cooperate with GRECO, particularly in relation to work on political funding (see also the section on the OECD). GRECO has observer status in the OSCE/ODIHR Core Group of Experts on Political Parties which facilitates the transfer of information and expert advice relating to GRECO standards and national practices. Comments and input were provided by the Secretariat for the OSCE Handbook of Best Practices in Combating Corruption that was published in 2014 and for a revision of the ODIHR-Venice Commission Guidelines on Political Party Regulation.

Organization of American States (OAS)

The OAS has had observer status in GRECO since 2011. Contacts between the secretariats of the OAS Follow-up Mechanism of the Inter-American Convention against Corruption (MESICIC) and of GRECO are maintained normally in the framework of the activities of fora such as the United Nations and the OECD.

Transparency International (TI)

MM Mark PERERA and Carl DOLAN from the Transparency International EU Office in Brussels presented, at GRECO's June plenary meeting, the main findings of TI's EU Integrity System Report, published in April 2014. It is a study of 10 EU institutions that complements TI's 2012 National Integrity Studies (23 EU member states and Norway and Switzerland) and the EU's first Anti-corruption Report, which in its first edition does not address its own institutions. The report assesses how the institutions deal with internal corruption risks, foster public sector integrity and contribute to the fight against corruption in Europe and includes recommendations that can be used as a tool to close integrity gaps.

Meetings with the national chapters of this leading global non-governmental organisation are regularly included on the schedules of GRECO evaluation visits.

UNITED NATIONS

United Nations Office on Drugs and Crime (UNODC)

UNODC has had observer status in GRECO since 2006. Coordination is ensured through participation, in particular, in the work of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) on implementation review and of the Open-ended Intergovernmental Working Group on the Prevention of Corruption. The latter structure functions as an observatory that gathers information on good practices in corruption prevention and delivers technical assistance.

United Nations Development Programme (UNDP)

GRECO's Gender Rapporteur, Ms Helena LIŠUCHOVÁ (Czech Republic), Ms Vita HABJAN BARBORIČ, Bureau member (Slovenia) and a member of GRECO's secretariat had collaborated with the UNDP on the methodology for the Survey on men and women in civil service conceived by the UNDP Bratislava Regional Centre for Europe and the CIS. The survey is designed to measure perceptions of men and women's vulnerabilities and risks associated with transparency, accountability and corruption within the civil service. The main questions posed are broadly how male and female civil service employees perceive and experience transparency, accountability and corruption in the work place and what are the differentiated impacts of corruption and a lack of transparency on the recruitment and career development of male and female civil service employees. Consent was given by UNDP for all GRECO member States to participate in the survey and they have been encouraged to do so.

A full list of events and meetings is available in Appendix II.

Governing structures and management

The permanent, specific bodies constituting GRECO are the Plenary, the Bureau and the Statutory Committee. The Statute also provides for ad hoc bodies, principally evaluation teams but also working parties.

Plenary and Bureau

GRECO elects a President, Vice-President and Bureau for each new evaluation round. The positions of President and Vice-President for the duration of the Fourth Evaluation Round were taken up in 2012 by Mr Marin MRČELA, Justice at the Supreme Court of Croatia and Mr Christian MANQUET, Head of Department, Directorate for Penal Legislation, Ministry of Justice of Austria respectively.

The plenary is composed of representatives of member states appointed on a “permanent” basis (Rule 3 of the Rules of Procedure). The intention is to thus ensure consistency in GRECO’s monitoring work – due to the direct involvement of representatives in the peer review process during the examination and adoption of evaluation and compliance reports. The plenary also takes final decisions on the focus of GRECO’s monitoring, policy and planning.

Statutory Committee – Budget and Programme of Activities

The Statutory Committee is composed of the Permanent Representatives to the Council of Europe of GRECO member states and representatives of the two states that are GRECO members but not members of the Council of Europe (Belarus and the United States of America). Its principle task is to adopt GRECO’s budget. In line with the biennial programme and budget method implemented by the Organisation, the Statutory Committee, chaired in 2014 by Ambassador Peter GUNNING, Permanent Representative of Ireland to the Council of Europe, approved GRECO’s budget for 2015.

The expertise provided by evaluators and national representatives which is not remunerated has been key to the cost-effectiveness of this monitoring mechanism. It is becoming apparent that technical adjustments applied to budgets across the Organisation might affect negatively GRECO’s ability to maintain its current rhythm of activities as, however much priority is given to its work, its budget cannot benefit from a transfer of funds within the Organisation due to GRECO’s status as an enlarged agreement. GRECO hopes that this will be borne in mind in future discussions on its financial resources.

Secretariat

The Secretariat, headed by Wolfgang RAU, Executive Secretary, provides substantial analytical and technical input to GRECO’s monitoring work and is responsible for the management of the budget and programme of activities as well as external relations (organisational chart of GRECO’s Secretariat – see Appendix III).

Thematic article

Corruption in Sport – Manipulation of Sports Competitions

Wendela KUPER, Head of sports, security and international affairs, Ministry of Health, Welfare and Sport (Netherlands), Chair of the Governing Board of the Enlarged Partial Agreement on Sport (EPAS)

As a very competitive activity and even a multi-million euro business, sport can be subject to corruption. The continuing scandals reinforce this. While the implementation of good governance principles is key, sports organisations, as well as governments which support them financially, need to follow a “zero tolerance” policy as outlined herein.

Introduction

As a value-oriented organisation, the Council of Europe has stressed for decades that sport pre-supposes effort, commitment, personal empowerment, respect for opponents and rules, solidarity and team spirit, among other things. Far beyond the visible activity itself, sport provides role modelling and a means of conveying these values to members of society, and to young people in particular. In addition to its educational role, sport contributes to public health, social inclusion and is an increasingly important economic activity. Sport organisations which enjoy the right to freedom of association, are expected to provide numerous social benefits, in an autonomous way but with the support of states and within the framework of the applicable law. The two key Recommendations of the Committee of Ministers to member states on the revised Code of Sports Ethics (Recommendation CM/Rec(2010)9) and on the European Sports Charter (Recommendation No. R (92) 13 rev) reflect this approach.

However, as in any other sector of society sport is not immune to corruption, on the contrary, as a very competitive activity it is exposed to specific risks, especially as nowadays parts of it have become a multi-million

euro business while the structures are sometimes still those of an amateur club, with limited accountability requirements. With checks and balances, transparency and accountability lacking, many sport organisations are struggling with misuse of power and corruption. These are not isolated problems as, due to the high media attention on sport, any negative incident becomes a scandal which tarnishes the image of sport and shatters the trust in sport’s contribution to society.

Good governance in sport is needed to uphold the values inherent to sport and to ensure sport organisations are taken seriously. The Council of Europe addressed the issue of Good governance in Sport at its 10th Conference of European Ministers responsible for Sport (Budapest, 2004); published a European survey on it and the Recommendation Rec(2005)8 of the Committee of Ministers to member states on the principles of good governance in sport.

In 2009, the Enlarged Partial Agreement on Sport (EPAS) decided to focus on the manipulation of sports competitions (match-fixing), putting aside the more general issue of the fight against corruption in sport, to be addressed at a later stage (see for further information ref. No. 1)⁵.

Since then, allegations and cases of corruption in sport have continued to surface making action more urgent. On 25 April 2012 the Parliamentary Assembly of the Council of Europe adopted a resolution on “Good governance and ethics in sport” (ref. nos. 3 & 14), based on a report mentioning recent scandals and decisions in the governance of international football. Other international organisations have addressed the issue of corruption in sport as well. The Declaration of the Fifth UNESCO International Conference of Ministers and Senior Officials responsible for Physical Education and Sport (MINEPS V, in Berlin) in its section on “Integrity of Sport”, addresses corruption in sport on an equal footing with doping and the manipulation of sports competitions.

5. Refers to the number in the Bibliography attached.

Similarly, issues of corruption in sport governance or in the bidding for or preparation of major sports events have been addressed by national governments and parliaments, e.g. in Switzerland (see for instance ref. No. 9) and the United Kingdom (see for instance ref. No. 11). Considering the European involvement in the international sports movement, the role of European states hosting events or headquarters of sport organisations, and the financial involvement of public authorities in sport, the 13th Council of Europe Conference of Ministers responsible for Sport (18 September 2014) had the risk of corruption in the governance of sport as its main topic.

Corruption in the governance of sport has been difficult to address at intergovernmental level. It had sometimes been alleged that the issue fell within the remit of the private, autonomous sport movement, or that cases were anecdotal. It appears today that the issue is indeed a serious one because it matters to millions of people involved in sport and involves huge amounts of money. Far from being restricted to a few international sports federations, corruption in sport represents the tip of the iceberg of corrupt practices which are widespread at national level. Turning a blind eye to such behaviour is not acceptable for an organisation which advocates the Rule of Law at international level.

Towards better governance in sport

The promotion and enforcement of good governance principles is considered to be the key to preventing and addressing the issue of corruption in sport. Moreover, better governance is likely to build more efficient, open and reliable sports organisations. Indeed, the governance of sports organisations needs to be transparent, accountable and responsive and to allow stakeholders a share in the strategic decision-making process. A system of checks and balances needs to be installed in all sports organisations to enable trust between all stakeholders.

The Recommendation Rec(2005)8 on good governance in sport (ref. No. 2), specified effective policies and measures of good governance in sport, which include as a minimum requirement:

- ▶ democratic structures for non-governmental sports organisations based on clear and regular electoral procedures open to the whole membership;
- ▶ organisation and management of a professional standard, with an appropriate code of ethics and procedures for dealing with conflicts of interest;
- ▶ accountability and transparency in decision-making and financial operations, including the open publication of duly audited yearly financial accounts;

- ▶ fairness in dealing with membership, including gender equality and solidarity.

Following the adoption of this recommendation, a number of notable initiatives have backed similar principles and further elaborated or operationalised them into indicators.

In 2008, the IOC Basic Universal Principles of Good Governance (ref. No. 12), were approved by the XIIIth Congress, (Copenhagen, 2009) and referred to in the 2011 update of the Olympic Charter. Eventually, the principles of good governance were enacted in an explicit way in the 2013 update of the Code of Ethics: its article C1 mentions that “The Basic Universal Principles of Good Governance of the Olympic and Sports Movement, in particular transparency, responsibility and accountability, must be respected by all Olympic constituents”. Moreover, the quite detailed Basic Universal Principles of Good Governance of the Olympic and Sports Movement were set out as an Implementing Provision of the IOC Code of Ethics. However, so far, the IOC Code of Ethics is not self-executing in every international federation. Some sports organisations have adopted the IOC standards and started to review their governance or to consider statutory updates, whereas others are hesitant, either because they do not agree with IOC policies or they feel insecure about what is expected of them.

In parallel, the Council of the European Union, in the framework of the implementation of the Work Plan for Sport 2011-2014 (Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a European Union Work Plan for Sport for 2011-2014), set up an Expert Group on Good governance which adopted a number of deliverables, including “Principles for good governance in sport” (ref. No. 8), which set a framework within which sports organisations should operate. In 2011, the European Commission supported a number of projects in the field of good governance in sport, within the framework of the “preparatory actions in the field of sport” (e.g. ref. Nos. 14 & 4).

The rationale underlying the EU principles is that there is a link between the autonomous self-regulation of the sports movement, and its compliance with good governance principles. The IOC process was possibly also influenced by this approach, since the Basic Universal Principles of Good Governance of the Olympic and Sports Movement were first elaborated in a seminar on the Autonomy of Olympic and Sport Movement, following the high profile case of Meca-Medina and Majcen (C-519/04) in 2006 in which the Court of Justice of the European Union rejected a “sports exception” tailored for sports organisations and reinforced the legal uncertainty of the environment in which they operate (ref. No. 7).

In addition, two recent specific football processes resulted in the improvement of policies and practices according to good governance principles. Following a number of allegations of corruption and of legislative interference, leading to the suspension of high level officials, the 2011 FIFA Congress, at the request of the FIFA President, ordered an independent Review on the “Governance of FIFA” (ref. No. 15), and subsequently set up a temporary “Independent Governance Committee (IGC)”. The IGC proposed a number of recommendations, some of which were adopted by the 2012 and 2013 Congresses of FIFA. There were reforms regarding the organisation of the disciplinary bodies and the function of the audit and compliance Committee, and the ushering in of a code of ethics, the setting-up of a whistle-blower mechanism, etc. A number of the IGC’s recommendations were not endorsed as such by the competent FIFA bodies, but were followed up with other measures (e.g. transparency in the area of remuneration, external observers in the Executive Committee and revision of bidding processes) or were rejected by the Congress (e.g. on term limits). The final report by IGC was released on 22 April 2014. While concluding his mandate, Prof. Mark Pieth, Chair of the IGC, strongly advised the FIFA stakeholders to continue focusing on the reform process and challenged the leadership to demonstrate that the organisation’s culture has changed.

From a different background, UEFA went through a process of enhancing the financial transparency of its clubs over the same period. In order to safeguard the ethical management of clubs, it decided to introduce the principle of “financial fair play”. The idea behind the term is that professional clubs should not spend more than they earn, which would avoid overspending and bankruptcy. This set of rules goes hand in hand with enhanced mechanisms for financial oversight, which should improve the transparency of budgets and put financial management on a sound footing. UEFA also established a task force on good governance in autumn 2013.

In this context, the Parliamentary Assembly of the Council of Europe is preparing a report on “The Governance of Football”. The report, prepared by MP Michael Connarty (UK), was approved by the relevant Committee in January 2014 and is due to be adopted by the plenary session in June 2015. This report reviews the progress made and points out some shortcomings in the regulation of UEFA’s and FIFA’s governance, and echoes worries about workers’ rights and corruption allegations related to recent adjudications of major sport events.

Over the last decade, the issue of good governance in sport has established itself as a top priority on the sports policy agenda of sports organisations, NGOs (Transparency International, Play the Game), parliaments, governments and intergovernmental

organisations. Implementation, identification and exchange of good practices should be further supported and enforced.

Much has been done by sports organisations, to improve their governance. Although reform processes have often been initiated as a reaction to public scandals, they have exercised an in-depth influence on the processes of international sports organisations. However, the promotion of good governance is an on-going process which needs to be continued and supported. The commitment of the IOC to further enforcing good governance as part of its Agenda 2020 is welcomed (see ref. no 13). One should keep in mind that the sports movement is a complex network of organisations linked by political relations. Addressing the issue at the level of key players such as the IOC or FIFA or enhancing the legal framework in Switzerland, where most sports organisations have their seats, is necessary but not sufficient. The effort needs to be extended to all International Federations and at national level. At their level, governmental authorities should take note of this phenomenon and be prepared to pay attention to good governance in sport and to support its implementation, at national level. Trans-national cases and the reaction of key players have created a momentum for increased co-operation between sports organisations and governments: the Olympic movement recognises today that autonomy and good governance of sport are two sides of the same medal. It is seeking close co-operation with public authorities on the fight against corruption, acknowledging that it does not have all the necessary assets in its own hands. FIFA, which claimed the right to wash its dirty laundry in private a few years ago, has referred the “Qatargate” case to the Swiss prosecutor.

The fight against corruption in the governance of sports organisations

In addition to the promotion of good governance in sport (which is a long-term process involving cultural changes), sports organisations and governments need to recognise that corruption in sport damages not only the image of sport, its organisations and leaders, but also undermines the positive influence that sport has in spreading benefits to society. Therefore, acting to eliminate corruption in sport goes to the very heart of the Council of Europe’s mission, which includes the promotion of the Rule of Law and Democracy.

At a more operational level, protecting sport against corruption not only makes sport more effective and its organisations more reliable partners, but also sends an important message on the need to fight corruption in society. Governments granting large sums of money to sports organisations and events, both directly and indirectly, have a responsibility to their taxpayers that their money is well spent. To preserve the autonomy

of sport and check that the funds are used for the purpose for which they were allocated is a challenge for governments. Obviously, both – autonomy and transparency – are important; governments have to be careful that they audit how public money has been spent but also that they do not use good governance as an excuse to interfere in the decision-making of sports organisations. This brings up once again the Council of Europe’s mission for the rule of law and freedom of association.

Corruption in sport can take many forms. The most prominent one is “match-fixing” – EPAS focused on it over the last five years, developing the Convention on the Manipulation of Sports Competitions (CETS N° 215). Other examples are club owners requesting kick-backs for player transfers; companies and governments rigging bids for sports events or construction contracts. Indeed, any procurement and tendering process can be marred by illicit practices. Members of decision-making bodies of sports organisations can take bribes in exchange for promises to vote for a certain candidate. Doping tests can be falsified and related procedures thwarted. Risky processes should be identified, and the integrity of the decision-making process ensured, through appropriate preventative good governance measures.

The threat of corruption in sport needs to be recognised. Sports organisations as well as governments should follow a “zero tolerance” policy towards corrupt practices and co-operate at national and international level. The most effective fight against corruption may occur when the competent jurisdictions, as well as independent sports disciplinary bodies, are entrusted with investigating and sanctioning such practices. Private corruption – in sports as well as in other areas – could be prosecuted *ex officio* and not only at the instigation of the injured party, as very few cases are reported by injured parties. Possible loopholes in the existing legislation and sports regulations should be identified and addressed. The definition of private corruption in international treaties – the Council of Europe Criminal Law Convention on Corruption (ETS N° 173), as well as the United Nations Convention against Corruption – focused on “business activities”. In some countries, the fact that sport organisations are established as non-profit associations may place them outside the remit of anti-corruption provisions.

A special case of relevance for the prevention of and fight against corrupt practices in sport is the organisation of sports events. Law-abiding procedures are of importance to the public authorities, the public sector and the sports organisation concerned, from the bidding process to the running of the event. Such events are sometimes organised with high political priority and under time pressure due to a fixed deadline. They often involve *ad hoc* bodies and structures, whose statute and operating framework should be clearly defined.

The United Nations Office on Drugs and Crime (UNODC), within the framework of its United Nations Convention against Corruption (UNCAC), has performed intergovernmental expert work and published a handbook called “The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events” (ref. No. 18), which is relevant to sports events but covers a much broader range of events. This strategy uses UNCAC as the underlying standard for building up transparency and accountability at major public events. It gathers good practice examples such as the adoption of specialised legislation to set up a governance framework and the identification or creation of specialised anti-corruption supervisory bodies.

Anti-corruption standards and risk-reduction mechanisms should be included in the terms of reference for the organisation of major sports events, as well as compliance with other international standards (e.g. on the protection of workers, spectator violence, match-fixing, etc.). Objective, transparent and competitive bidding processes will help prevent corruption when cities or venues are chosen to host sporting events. They are also essential in bids for major projects, such as the building of stadiums. Bids need to be run in a transparent way and monitored independently⁶. National federations could ask for more accountability in their continental and international structures. Athletes could be further engaged in decision-making. Other actors should have a role too. Sponsors can play their part by promoting ethics in sport as part of their corporate responsibility programmes. Civil society already holds sport organisations and governments accountable. The media also has the power to raise awareness about corruption in sport. With these changes to the rules of the game, the sector can regain its reputation for fair play.

Conclusion

Much can be done to break the ties between sport and corruption. Measures required include supporting the setting up of a framework for awareness raising and educating leaders, board members, officials, athletes and other stakeholders. Moreover, there is a need to attend to, and discuss with all interested parties, the importance of developing enforceable and measurable ethical rules and effective anti-corruption practices.

The case of international sports organisations requires increased co-ordination. Countries which bid for or

6. In this connection cf. “Sponsorship and corruption: the German model”, feature article in GRECO’s Eleventh General Activity Report (2010) – [http://www.coe.int/t/dghl/monitoring/greco/documents/2011/Greco\(2011\)1_Act.Report2010_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/documents/2011/Greco(2011)1_Act.Report2010_EN.pdf)

host international sports events, as well as those that are home to the headquarters of international sports organisations, are expected to play a leading role. Since most international sports organisations are located in Council of Europe member states, around 75% of the positions as president and secretary general in international sports federations are held by Europeans and many international sports events are taking place in European states. Those countries bear a special responsibility.

In international sport, sponsors have a key responsibility to secure best practice and good governance. These stakeholders are able to exert the largest amount of influence and also stand to lose if something goes wrong.

Transparency in decisions and policies is vital as well as the avoidance of conflicts of interest and too close links between sport, politics, business and the media. Sports organisations should include anti-corruption measures in their constitutions and codes of conduct, and infringements should be followed by independent disciplinary procedures or other relevant enforcement action. Additionally, clear regulations and openness on player transfers will protect the employment market and reduce the risk of tax evasion. In the longer term, the implementation of such standards should become a requirement for sports organisations to engage in formal co-operation with international organisations (co-operation in terms of programmes, consultative status, etc.) and states (organisation of events, location of headquarters, agreements, etc.). Governmental and other public authorities, which are supporting sport at all levels, are entitled to set conditions to ensure that their subsidies are used for their intended purpose, and that the beneficiary organisations comply with standards for good governance.

Within governmental authorities, as well as between the sports movement and public authorities, enhanced co-operation should be sought between anti-corruption and criminal law authorities. I welcome the fact that within the Council of Europe bodies, continuous dialogue is taking place between EPAS, which is in charge of sports policies, the Group of States against Corruption (GRECO), and the Departments in charge of anti-corruption. In this connection, the work of GRECO, notably its country monitoring reports, can be a valuable source of inspiration. Information identified through monitoring mechanisms on the implementation of anti-corruption standards could provide guidance for the development of co-operation between the sports movement and public authorities, with a view to the development of an environment safe from corruption, preserving the values, the image and the social benefits of sport.

Annotated bibliography

Adopted Texts

1. Recommendation [CM/Rec\(2011\)10](#) of the Committee of Ministers to member states on promotion of the integrity of sport against manipulation of results, notably match fixing

In this Recommendation the Committee of Ministers acknowledges the pressures on sport while insisting that fair play and ethical practices need to be enforced. It calls for the prevention of manipulating sports results.

2. Recommendation [CM/Rec\(2005\)8](#) of the Committee of Ministers to member states on the principles of good governance in sport

This Recommendation asks member states to adopt policies and measures of good governance, defines the minimum requirements and states that this applies to governments as well as non-governmental sectors of sport.

3. [Resolution 1875 \(2012\)1](#) on good governance and ethics in sport of the Parliamentary Assembly of the Council of Europe

The Resolution takes note of the rising financial pressures on sport and the criminal consequences which follow, of the growing discrepancy in competitors' resources and the opacity in decision-making. It recommends that governing bodies strengthen financial fair play, improve governance mechanisms and take note of the Guidelines appended to the Resolution.

Reports and handbooks

4. Alm J. (ed.) (2013), *Action for Good Governance in International Sports organisations*, final report, Danish Institute for Sports Studies/Play the Game, Copenhagen.

As part of the European Commission's call for preparatory actions in sport, Play the Game conducted a project on good governance in international sports organisations. The result is a new measuring tool for governance in sport called "The Sports Governance Observer".

5. Andersen J. S. (2012), *Playing by the rules: financial fair play and the fight against corruption in sport*, at a public hearing organised by the European Parliament, Play the Game.

In this speech, Mr Andersen focuses on good governance and the role of the European Union "in getting sport back on a democratic track". He gave examples of how corruption is prevalent in international sports federations. He offers six actions that can be taken without compromising the autonomy of sport.

6. Bures R. (2008), *Why Sport is not Immune to Corruption*, EPAS (2008) INF10rev., Council of Europe, Strasbourg.

After offering several examples of corruption, the author states that corruption occurs in many aspects of sport and should not be neglected nor defined in limited terms. Sport provides many opportunities for corruption, attracts organised crime, is difficult to prosecute, occurs in amateur as well as professional sport, is difficult to accept as not seen as “dirty” and is difficult to reveal due to the closed nature of its clubs/federations.

7. Chappelet J-L. and Mrkonjic M. (2013), *Basic Indicators for Better Governance in International Sport (BIBGIS): An assessment tool for international sport governing bodies*, IDHEAP Working Paper 1/2013, Switzerland.

As there already exists quite a number of sets of principles of good governance, this paper focuses on indicators of measurement for better governance. From the analysis done, a tool was developed to assess and measure the state of governance of international sport governing bodies: the Basic Indicators for Better Governance in International Sport (BIBGIS).

8. EU Expert Group “Good Governance” (2013), *Deliverable 2: Principles of good governance in sport*, EU Work Plan for Sport 2011-2014, European Union.

As part of the work of the EU Expert Group on Good Governance, good governance principles were decided upon. They are based on 10 main principles which are accompanied by detailed practical guidance in this report. The main purpose of the principles is to serve as guidance providing minimum standards that can inspire sports bodies at all levels in the implementation of good governance across different disciplines and countries. The results of EU-funded field projects on good governance were used to complement the list of principles by providing evidence-based data and identifying examples of good practices.

9. Federal Council Switzerland (2012), *Lutte contre la corruption et les matchs truqués dans le sport*, report in response to postulate 11.3754 filed June 28, 2011 by the Commission of Science, Education and Culture of the Council of States.

The Federal Council was mandated to report on what measures existed nationally and internationally to fight against corruption and match-fixing, to verify if existing legislation was sufficient or if improved means were necessary. The report covers corruption in international sports federations and manipulation of sport competitions. Recent developments are described and a legal analysis made of the situation. Available legislation on fighting corruption and match-fixing is reviewed.

10. Geeraert a., Alm J. and Groll M., in International Journal of Sport Policy and Politics (2013), *Good governance in international sport organizations: an analysis of the 35 Olympic sport governing bodies*, International Journal of Sport Policy and Politics

The article sums up the result of the test survey into the governance standards of 35 Olympic sport governing bodies

11. House of Commons, Culture, Media and Sport Committee, *2018 World Cup Bid*, Sixth Report of Session 2010–12;

The report analyses FIFA’s Role during the Bidding Process as well as the English bid.

12. International Olympic Committee (2008), *Basic Universal Principles of Good Governance of the Olympic and Sports Movement*, seminar on Autonomy of Olympic and Sport Movement, IOC.

Seven basic universal principles are highlighted, with their sub-themes and elements to be considered.

13. *International Olympic Committee (2014), Olympic Agenda 2020 IOC.*

The Agenda 2020 is the strategic roadmap for the future of the Olympic Movement; it was unanimously adopted at the 127th IOC Session in Monaco on 8 and 9 December 2014. It includes 40 recommendations, and cover topics such as “Foster gender equality”, “Comply with basic principles of good governance”, “Increase transparency” and “Strengthen the IOC Ethics Commission independence”.

14. International Sport and Culture Association (ISCA) and Transparency International Germany (2013), *Guidelines for Good Governance in Grassroots Sport*, ISCA, Copenhagen.

Using the EU principles of good governance (democracy, accountability, transparency and inclusion of stakeholders), this document reviews the elements included in the 4 basic principles. It ends with a tool for sports leaders and organisations to help them understand their role and adhere to the principles.

15. Pieth M. (2011), *Governing FIFA: concept paper and report*, Universität Basel, Basel.

The large increase in funds received by sports governing bodies such as FIFA have changed their role, their traditional structure is not adapted to the new role. There has been some gradual reform, but more is needed. The report assesses FIFA as a commercial entity, as a quasi-public body and looks at its compliance with anti-corruption practices and its relation with its members, recommendations are made and the creation of a Task Force suggested.

16. Rochebloine F. (2012), Rapporteur, *Good governance and ethics in sport*; report by the Committee on Culture, science, Education and Media; Doc. 12889, Council of Europe Parliamentary Assembly.

This report contains the draft resolution of the Parliamentary Assembly on good governance and ethics in sport as well as the explanatory memorandum by the Rapporteur. The memorandum explains why good governance is necessary and investigates the associated problems; it goes on to cover financial fair play and protection of young migrant sportspeople and finishes with suggestions for improvement.

17. Transparency International Swiss (2013), *Corruption dans le Sport Dossier*, Traspparency International Suisse, Berne.

This report presents the legal and legislative situation in Switzerland as concerns corruption in sport. It also offers practical suggestions on prevention and awareness-raising for sports clubs and federations.

18. United Nations Organization on Crime and Drugs (2013), *The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events*, UN, New York.

The United Nations Office on Drugs and Crime (UNODC), guided by the principles in the United Nations Convention against Corruption, has developed this handbook featuring a set of practical measures designed to counter the threat of corruption.

Appendices

APPENDIX I – Representatives in GRECO (at 23/12/14)

ALBANIA / ALBANIE

Mrs Eridana ÇANO (Head of delegation)
Chief of Staff
Minister of State on Local Issues/
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Prime Minister's Office

Ms Edlira NASI
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ANDORRA / ANDORRE

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Ministry of Finance

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Ministry of Finance

ARMENIA / ARMÉNIE

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Ms Anna MARGARYAN
Chair of Criminal Law and Criminology
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Office of the President of the Republic

AUSTRIA / AUTRICHE

Mr Christian MANQUET (Head of delegation)
Vice-President of GRECO / Vice-président du GRECO
Head of Department
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Ministry of Justice

Substitut/e
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Substitut/e
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International Instruments and Cooperation
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AZERBAIJAN / AZERBAIDJAN

Mr Vusal HUSEYNOV (Head of delegation)
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Law Enforcement Coordination Department
Administration of the President of the Republic
Secretary of the Commission for Combating
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Research and Practical Centre for Problems
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Head of Department
Research and Practical Centre for Problems

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BELGIUM / BELGIQUE

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Secrétaire Général Adjoint
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Substitut/e
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Présidente du Conseil supérieur de la Justice et de
la Commission de nomination et de désignation
néerlandophone
Avocat général à la Cour de Cassation
Conseil supérieur de la Justice

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Member of the Superior Council of Magistracy

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Deputy Head of Directorate
Head of Section of supervision of anti-corruption
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Prosecutor General's Office

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SAN MARINO / SAINT-MARIN

Mr Eros GASPERONI (Head of delegation)
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Official at the Department of Foreign Affairs

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Substitut/e

Ms Marina MARFORI
State Lawyers' Office
Expert in Legislative Studies

SERBIA / SERBIE

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Mr Radomir ILIC
Adviser to the Minister
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Mr Jovan COSIC
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Ministry of Justice

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Ministry of Justice

Mr Rafael VAILLO RAMOS
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Substitut/e

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Ministry of Justice

Mr Mattias LARSSON
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Substitut/e

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SWITZERLAND / SUISSE

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Bureau Member / Membre du Bureau
Chef de l'unité du droit pénal international
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"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / « L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »

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Judge
Director of the Academy for Judges and Public
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TURKEY / TURQUIE

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Deputy General Director
General Directorate of International Law and Foreign
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Ministry of Justice

Mr Mete DEMIRCI
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Prime Ministry Inspection Board

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Board

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Cabinet
of Ministers

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PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Mr Robert NEILL (United Kingdom)
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Substitut/e
Mr Kimmo SASI (Finland)
Member of the Committee on Legal Affairs and
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REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ

NN

REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

Ms Helena LIŠUCHOVÁ
Head of International Cooperation Department
Ministry of Justice

PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO

Mr Peter GUNNING
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Permanent Representative
Permanent Representation of Ireland to the Council of Europe

COUNCIL OF EUROPE DEVELOPMENT BANK (CEB) / BANQUE DE DEVELOPPEMENT DU CONSEIL DE L'EUROPE (CEB)

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International Anti-corruption Academy (IACA) / Académie internationale de lutte contre la corruption (IACA)

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Ms Christiane POHN-HUFNAGL
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Mr Ernst SCHMID
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Organization of American States (OAS) / Organisation des États américains (OEA)

Mr Jorge GARCIA-GONZALES
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APPENDIX II – Meetings held/attended

BODIES CONSTITUTING GRECO

Plenary Meetings

GRECO 63 (24-28 March)
GRECO 64 (16-20 June)
GRECO 65 (6-10 October)
GRECO 66 (8-12 December)

Bureau Meetings

Bureau 67 (21 February)
Bureau 68 (23 May)
Bureau 69 (5 September)
Bureau 70 (30 October)

Statutory Committee

19th Meeting – Approval budget 2015 (22 October)

Exchanges of views

Exchanges of views were held between the plenary and the following:

- ▶ Mr Reinhard PRIEBE, Director for Internal Security and Ms Anabela GAGO, Head of Unit, DG Home Affairs, European Commission (GRECO 63)
- ▶ Mr Drago KOS, Chair of the OECD Working Group on Bribery in International Business Transactions (GRECO 65)

External relations

GRECO – represented by the President, his representative or by the Secretariat – provided input at the following meetings:

European Union

- ▶ Annual Forum on Combating Corruption in the EU organised by the Academy of European Law with support from the European Anti-Fraud Office (OLAF) (Trier, 27-28 February) – Secretariat
- ▶ European Commission Local Administration Facility seminar on Anticorruption and Conflict of Interest for local and regional representatives (Brussels, 19-21 March) – Secretariat
- ▶ Rule of Law Platform for Central Asia of the European Union External Action Service Working Group on Judicial Capacity (Brussels, 24 April) – Secretariat
- ▶ European Centre for Parliamentary Research and Documentation (ECPRD) seminar on Structures and Procedure with regard to the Code of Conduct for MPs and the Integrity of Parliamentary Staff (Skopje, 8-9 May) – Secretariat
- ▶ European Parliament Youth Event – EYE 2014 (Strasbourg, 9 May) – Secretariat

- ▶ Bilateral consultations with the European Commission, DG Enlargement (Strasbourg, 15 May) – Secretariat
- ▶ Conference on New challenges for anti-corruption measures and for the protection of EU financial interests, organised by the Austrian Association for European Criminal Law, the European Anti-Fraud Office (OLAF) and the International Anti-Corruption Academy (IACA) together with the University of Vienna (Laxenburg and Vienna, 15-16 May) – Mr Christian MANQUET, Vice-President
- ▶ Council of Europe/European Union Senior Officials' Meeting (Strasbourg, 17 June) – Secretariat

International Anti-Corruption Academy (IACA)

- ▶ Third session of the Assembly of Parties (Baku, 19-21 November) – President

Organisation for Economic Co-operation and Development (OECD) – Observer in GRECO

- ▶ Forum on Integrity (19 March) – Secretariat
- ▶ Forum on Financing Democracy and Averting Policy Capture – OECD in cooperation with International IDEA and the Organization of American States (Paris, 3-4 December) – Secretariat

Organization for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

- ▶ Political Party Expert Seminar (Warsaw, 1-2 July) – Secretariat
- ▶ Annual meeting of the Core Group of Experts on Political Parties (Warsaw, 3 July) – Secretariat

United Nations Office on Drugs and Crime (UNODC) – Observer in GRECO

- ▶ Cooperation meeting on Gender Dimensions of Corruption (Vienna, 9 April) – Ms Helena LIŠUCHOVÁ, GRECO's Gender Equality Rapporteur
- ▶ 5th meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption (Vienna, 8-10 September) – Secretariat
- ▶ United Nations Convention against Corruption Implementation Review Group – 5th and resumed 5th sessions (Vienna, 2-6 June and 13-15 October) – Secretariat

Others

- ▶ International Symposium on the Rule of Law and Justice (Istanbul, 8-9 May) – Ms Helena LIŠUCHOVÁ, Bureau member
- ▶ Stability Pact for South Eastern Europe Workshop on Judicial ethics and corruption prevention: comparative experience and common challenges (Belgrade, 16 May) – Mr Markus BUSCH, Head of Delegation, Germany
- ▶ Judicial Academy seminar (Skopje, 22 May) – President

- ▶ Anti-Fraud Office of Catalonia and Consorci Universitat Internacional Menéndez Pelaya Summer course on Lobbies and Conflict of Interest: regulation and experiences (Barcelona, 30 June- 1 July) – Secretariat
- ▶ Conference of Ministers of Justice of Ibero-American Countries (COMJIB) international seminar on Improving International Cooperation regarding Corruption and Economic Crime (La Antigua, Guatemala, 8-9 July) – Mr Fernando JIMENEZ SANCHEZ, GRECO Evaluator
- ▶ Classroom Law Project seminar (Portland, USA, 22 July) – President
- ▶ University of Barcelona international seminar: European Anti-corruption Criminal Policy (Barcelona, 16-17 October) – Secretariat
- ▶ 4th Experts Meeting on Corruption held by the Financial Action Task Force (FATF) and the G20 Anti-corruption Working Group (Paris, 18 October) – Secretariat
- ▶ Federal Ministry of Justice of Switzerland workshop on drafting legislation related to the financing of political parties and election campaigns (Berne, 11 November) – Secretariat
- ▶ International Chamber of Commerce Commission on Corporate Responsibility and Anti-corruption (Paris, 2 April, 18 November) – Secretariat
- ▶ Regional Anti-corruption conference (South Eastern Europe) to mark the 10th Anniversary of the opening for signature of the United Nations Convention against Corruption (Sarajevo, 9-10 December) – Ms Vita HABJAN BARBORIČ, Bureau member
- Tyrol and the Congress of Local and Regional Authorities of the Council of Europe (Innsbruck, 8-9 May) – President
- ▶ EU/Council of Europe joint project to promote good governance and the fight against corruption and money laundering (SNAC Tunisia): study visit by senior national authorities and institutions, parliamentarians and civil society bodies (Strasbourg, 12 June) – Secretariat
- ▶ Project funded by the European Union and the Ministry for Foreign Affairs of Finland and implemented by the Venice Commission – Supporting constitutional justice, access to justice and electoral reform in the countries of Central Asia: study visit by senior judges and officials from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (Strasbourg, 17 June) – Secretariat
- ▶ Venice Commission 11th European Conference of Electoral Management Bodies: Combating the Misuse of Administrative Resources during Electoral Processes (Helsinki, 26-27 June) – Mr Yves-Marie DOUBLET, GRECO evaluator
- ▶ Conference organised under the auspices of the chairmanship of Azerbaijan of the Committee of Ministers on The fight against corruption: international standards and national experiences (Baku, 30 June-1 July) – President; GRECO representatives and experts; Secretariat
- ▶ EU/Council of Europe joint programme on strengthening democratic reform in the southern Neighbourhood: Information seminar on key Council of Europe conventions (Jerusalem, 7-8 July) – Secretariat

Council of Europe

GRECO – represented by the President, his representative or by the Secretariat – provided input at the following meetings:

- ▶ EU/Council of Europe joint programme on strengthening democratic reform in the southern Neighbourhood: Information seminar on key Council of Europe conventions (Amman, 3 April) – Ms Vita HABJAN BARBORIČ, Bureau member
- ▶ Conference organised under the auspices of the chairmanship of Austria of the Committee of Ministers: Strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks: emerging trends from two years of GRECO Round IV evaluations (International Anti-Corruption Academy, Laxenburg, 10-11 April) – President; GRECO representatives and experts; Secretariat
- ▶ International conference Combating Corruption – Preventive and Repressive Measures at the European, National, Regional and Local Level, organised jointly by the Regional Parliament of
- ▶ EU/Council of Europe joint project – Support to the Efficiency of Justice (SEJ): study visit by legal assistants of the Constitutional and High Courts of Albania (Strasbourg, 8 July) – Secretariat
- ▶ Lisbon Forum: Electoral processes and democratic consolidation in the countries of the southern Mediterranean (Lisbon, 15-16 September) – Mr Yves-Marie DOUBLET, GRECO evaluator
- ▶ Parliamentary Assembly immediate measures package for Ukraine: capacity building seminar for the members of the staff of different committees of the Verkhovna Rada (Strasbourg, 16 September) – Secretariat
- ▶ Parliamentary Assembly hearing on Gender Dimensions of Corruption (Strasbourg, 1 October) – Ms Helena LIŠUCHOVÁ, GRECO's Gender Equality Rapporteur and Mr Matthias KOPETZKY, expert associated with GRECO's work on gender
- ▶ Venice Commission Intercultural Workshop on Democracy: Transparency and the Rule of Law as Pre-conditions of Equitable and Sustainable Development (Rome, 9 October) – Mr Fernando JIMENEZ SANCHEZ, GRECO Evaluator

- ▶ EU/Council of Europe Joint Programme – Project against Economic Crime in Kosovo⁷ (PECK): Face-to-Face meeting between the Expert Assessment Team and representatives of beneficiary institutions to discuss the Draft Final Assessment Reports on compliance with international standards in Anti-Corruption and Anti-Money Laundering and Combating the Financing of Terrorism (Strasbourg, 3-4 November) – Secretariat
- ▶ EU/Council of Europe joint project – Protection of Entrepreneurs in the Russian Federation from Corrupt Practices (PRECOP): study visit by Regional Business Ombudsmen from the Russian Federation (Strasbourg, 13 November) – Secretariat
- ▶ Exchange of views with the Gender Equality Commission (Strasbourg, 19-21 November) – GRECO's Gender Equality Rapporteur
- ▶ Project funded by the European Union and implemented by the Venice Commission and the UNDP to provide support to the Constitutional Chamber of Kyrgyzstan: study visit by judges and staff of the Constitutional Chamber (Strasbourg, 26 November) – Secretariat
- ▶ Secretary General's working lunch with the Presidents of the monitoring and advisory bodies of the Council of Europe (Strasbourg, 2 December) – President, Secretariat

Individuals

The Executive Secretary and/or his representatives met with:

- ▶ Ms Kerstin LUNDGREN, member of the Parliamentary Assembly of the Council of Europe (Sweden, ALDE) and Rapporteur on "The implementation of the Memorandum of Understanding between the Council of Europe and the European Union" to speak about cooperation between GRECO and the EU (30 January)
- ▶ delegation from Kyrgyzstan, headed by the Vice Speaker of the Parliament, Ms Asiya SASYKBAEVA (30 January).
- ▶ Mr Khishigdelger DAVAADORJ, Ambassador Extraordinary and Plenipotentiary of Mongolia to Benelux and the European Union, Mr Lundeg PUREVSUREN, National Security and Foreign Policy Advisor to the President of Mongolia (4 February)
- ▶ A delegation from Mongolia: Mr Chadraabal UNURBAYAR, Legal Policy Advisor to the President, Mr Khishigdelger DAVAADORJ, Ambassador Extraordinary and Plenipotentiary of Mongolia to

BENELUX and the European Union and Ms Oyunm ANGAR, third Secretary of the Embassy in Brussels (4 March)

- ▶ Mr Andrew BRADLEY, Director, Office of International IDEA to the EU (29 April)
- ▶ Mr Azamat SHAMBILOV, Project Coordinator, Penal Reform International, Kazakhstan-PRI (4 June)
- ▶ Mr Scott McPHERSON, Director of Law, Rights and International and Ms Farah ZIAULLA, Deputy Director, Human Rights and Security Policy, Ministry of Justice, United Kingdom (27 June)
- ▶ Prosecutor General of Armenia and the Permanent Representative of Armenia to the Council of Europe (7 July)
- ▶ Ms Amy P. WESTLING, Consul General of the United States of America in Strasbourg, Deputy Permanent Observer to the Council of Europe and Mr Dan MANGIS, Senior Desk Officer for France and Monaco, Office of Western European Affairs, Bureau of European and Eurasian Affairs, U.S. State Department (9 October)
- ▶ Ms Anamara OSORIO SILVA, Chief Public Prosecutor, State of São Paulo (17 October)
- ▶ Mr Ioannis-Spyridon TENTES, National Anti-Corruption Coordinator, Greece (joint appointment with Mr Johannes KLEIJSSSEN, Director of Information Society and Action against Crime and Mr Ivan KOEDJIKOV, Head of Action against Crime of the Council of Europe) (21 October)
- ▶ Mr Yves LETERME, Secretary-General of International IDEA (3 November)
- ▶ Mr Thomas VENNEN, Head of Democratization, OSCE/ODIHR (4 November)

Briefings on GRECO

Groups of study visitors to the Council of Europe

- ▶ Department of State Representation before the International Courts of Human Rights, Georgia (7 February)
- ▶ Sorbonne University – Master's students in European law, France (11 March)
- ▶ journalists, Ukraine (12 March)
- ▶ deputy judges – organised by the Swedish Judicial Academy (9 April)
- ▶ doctoral students from a variety of countries (10 April)
- ▶ judges of the Administrative Court of Malmö, Sweden (11 April)
- ▶ Salzburg regional parliament, Austria (15 April)
- ▶ Human Rights Committee of the League of Arab States (6 May)
- ▶ University of Poitiers – Master's students in criminal law, France (15 May)

7. All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

- ▶ business representatives (legal and compliance services), France (23 May)
- ▶ local chapter of Anticor (Anticor67), France (4 June)
- ▶ students of political science, Bosnia-Herzegovina (26 June)
- ▶ judges and prosecutors, Republic of Moldova (9 July)
- ▶ Norwegian Bar Association (12 September)
- ▶ law professors, judges and prosecutors, Belarus (24 September 2014)
- ▶ Bar Association of Thonon-les-Bains, France (24 September 2014)
- ▶ Ecole nationale de la magistrature, France (24 June, 30 September)
- ▶ journalists, Belgium (3 October)
- ▶ assistant judges, Sweden (15 October)
- ▶ judicial practitioners and public audit employees, Brazil (26 November)
- ▶ Young Lawyers Association, “the former Yugoslav Republic of Macedonia” (4 December)
- ▶ judges and prosecutors, Bulgaria (9 December)

APPENDIX III – Secretariat

(within the Directorate General Human Rights and Rule of Law)

Executive Secretary

Wolfgang Rau, Executive Secretary
Elspeth Reilly, Personal assistant
Penelope Prebensen, Administrative assistant

Section I

Björn Janson, Head
Laura Sanz-Levia, Administrator
Sophie Meudal-Leenders, Administrator
Marie-Rose Prevost, Assistant

Evaluation and compliance procedures in respect of:

Albania
Belarus
Bosnia and Herzegovina
Croatia
Denmark
Estonia
Finland
Hungary
Iceland
Ireland
Italy
Malta
Montenegro
Poland
Russian Federation
San Marino
Serbia
Slovenia
Spain
Sweden
“The former Yugoslav Republic of Macedonia”
Turkey
Ukraine
United Kingdom
United States of America

Section II

Christophe Speckbacher, Head
Michael Janssen, Administrator
Liubov Samokhina, Administrator
Laure Pincemaille, Assistant

Evaluation and compliance procedures in respect of:

Andorra
Armenia
Austria
Azerbaijan
Belgium
Bulgaria
Cyprus
Czech Republic
France
Georgia
Germany
Greece
Latvia
Liechtenstein
Lithuania
Luxembourg
Republic of Moldova
Monaco
Netherlands
Norway
Portugal
Romania
Slovak Republic
Switzerland

Central Office – logistics

Penelope Prebensen, Head
Marie-Rose Prevost
Laure Pincemaille

Corruption represents a serious and ongoing threat to the functioning of democratic institutions and is an affront to human rights which are at the very heart of the values of the Council of Europe.

The Group of States against Corruption (GRECO) monitors the implementation of the package of anti-corruption instruments of the Council of Europe. Within the mechanism, 49 member States – the entire European continent and the United States of America - are working together to improve their capacity to prevent and fight corruption.

GRECO's evaluations comprise an in-depth analysis of legislation, institutional set-ups and anti-corruption policies which is confronted with the reality on-site during evaluation visits to each member State. The visits introduce an adversarial element into the process which is critical for its overall credibility, and constructive peer pressure comes into play during the reviews carried out by the GRECO Plenary.

The recommendations addressed to each member State form the core of GRECO's evaluation reports. Their implementation and impact is assessed in the various stages of GRECO's compliance procedures which are designed to ensure that effective reform is actively sought and put into practice by the countries.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE