



Groupe d'Etats contre la corruption
Group of States against corruption



Anti-corruption Standards and Mechanisms of the Council of Europe

6th Summer School for Junior Magistrates from South-Eastern Europe

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GRECO Bureau Member

June 7, 2011, Sunny Beach, Bulgaria



Outline



**Council of Europe
anti-corruption approach and standards**

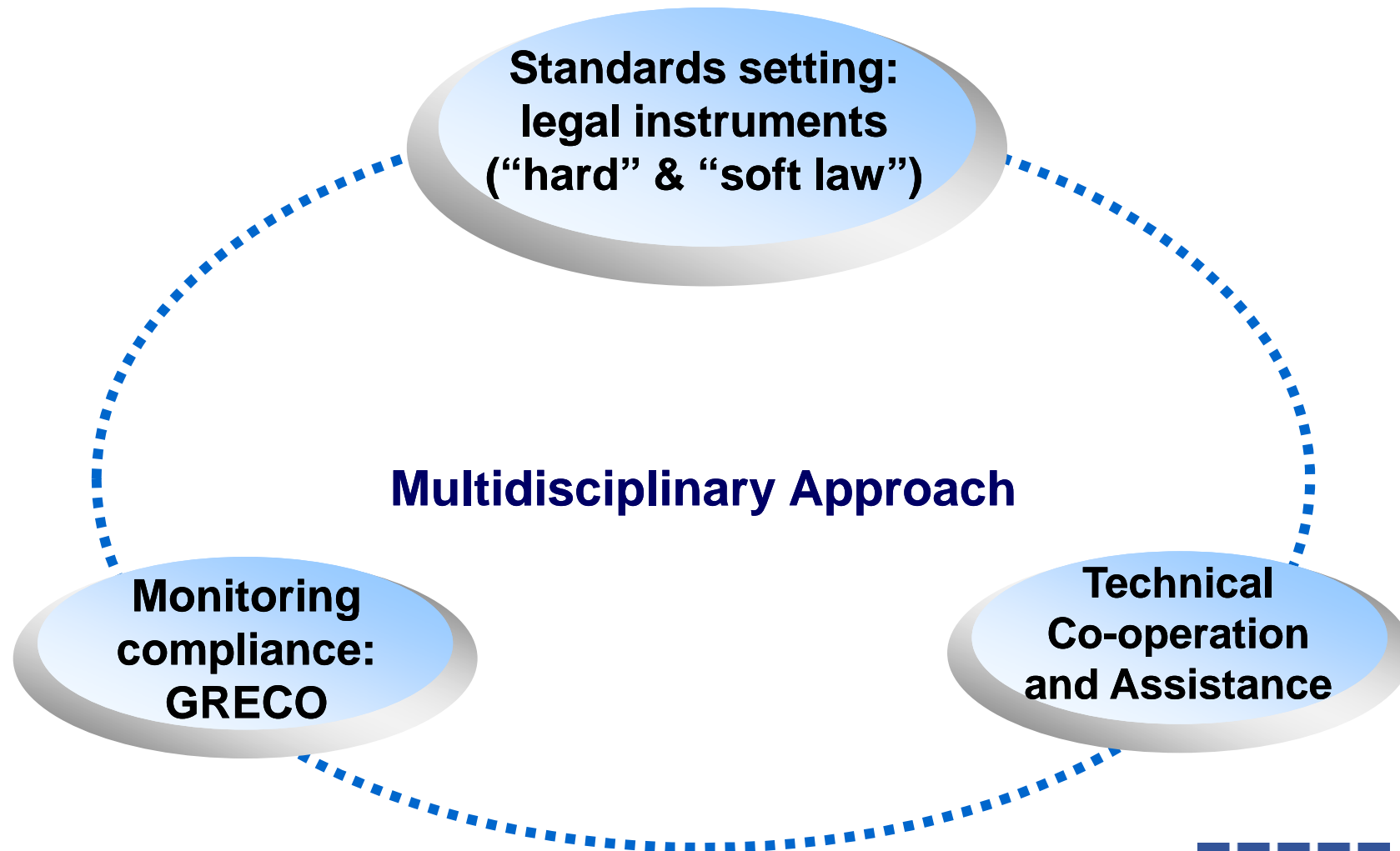
**Brief overview of CoE
Anti-corruption Standards**

Overview of GRECO

GRECO evaluations and findings

GRECO experiences

The Council of Europe's approach to the fight against corruption

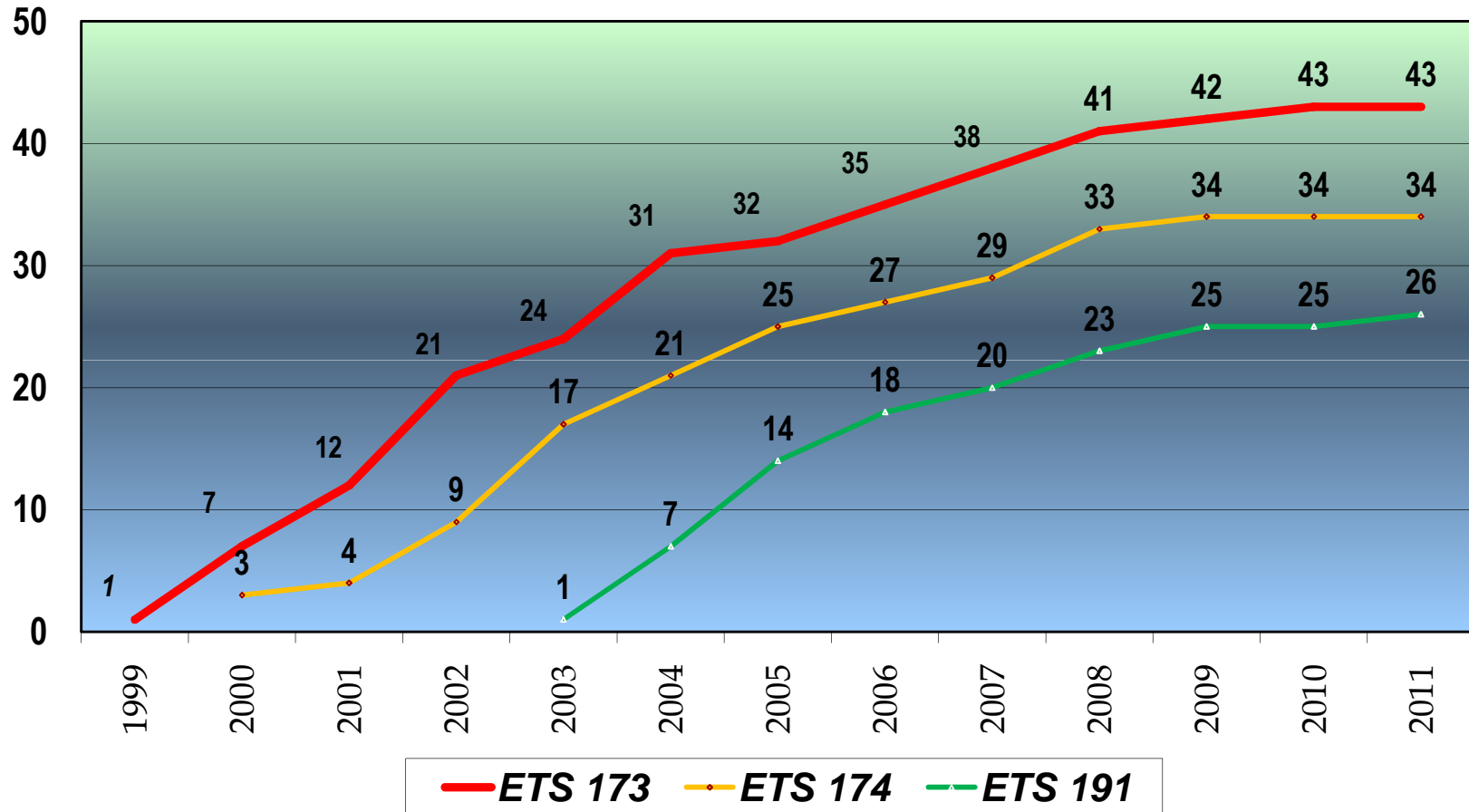


Council of Europe's Anti-corruption Standards

- The Twenty Guiding Principles for the Fight against Corruption (1997)
- The Criminal Law Convention on Corruption (ETS 173, 1999)
- The Civil Law Convention on Corruption (ETS 174, 1999)
- Recommendation on Codes of Conduct for Public Officials (2000)
- Recommendation on Funding of Political Parties and Electoral Campaigns (2003)
- Additional Protocol to the Criminal Law Convention on Corruption (ETS 191, 2003)

Ratifications Status

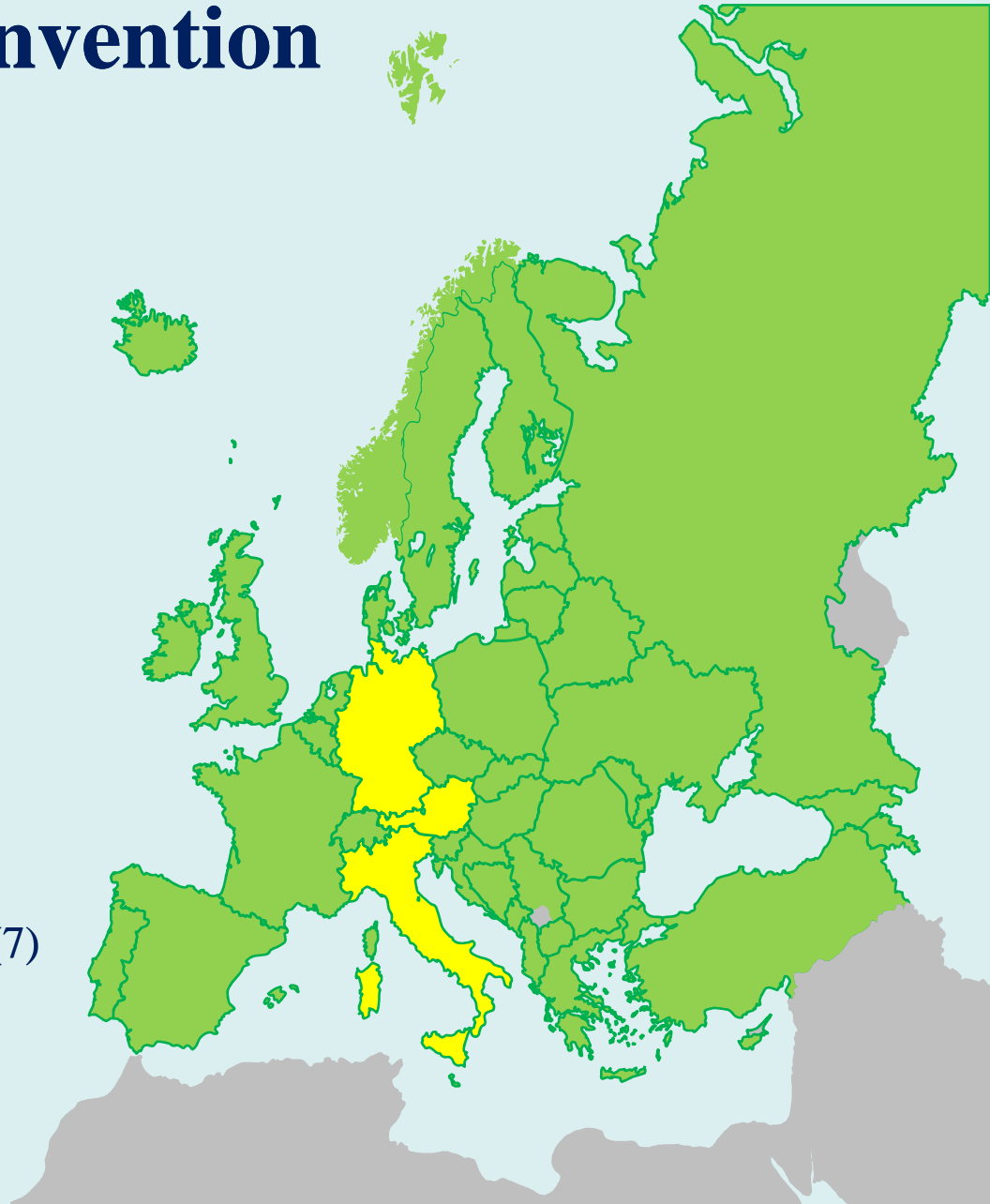
ETS 173: Criminal Law Convention; ETS 191: its Additional Protocol ; ETS 174: Civil Law Convention





Status as of: 3/6/2011

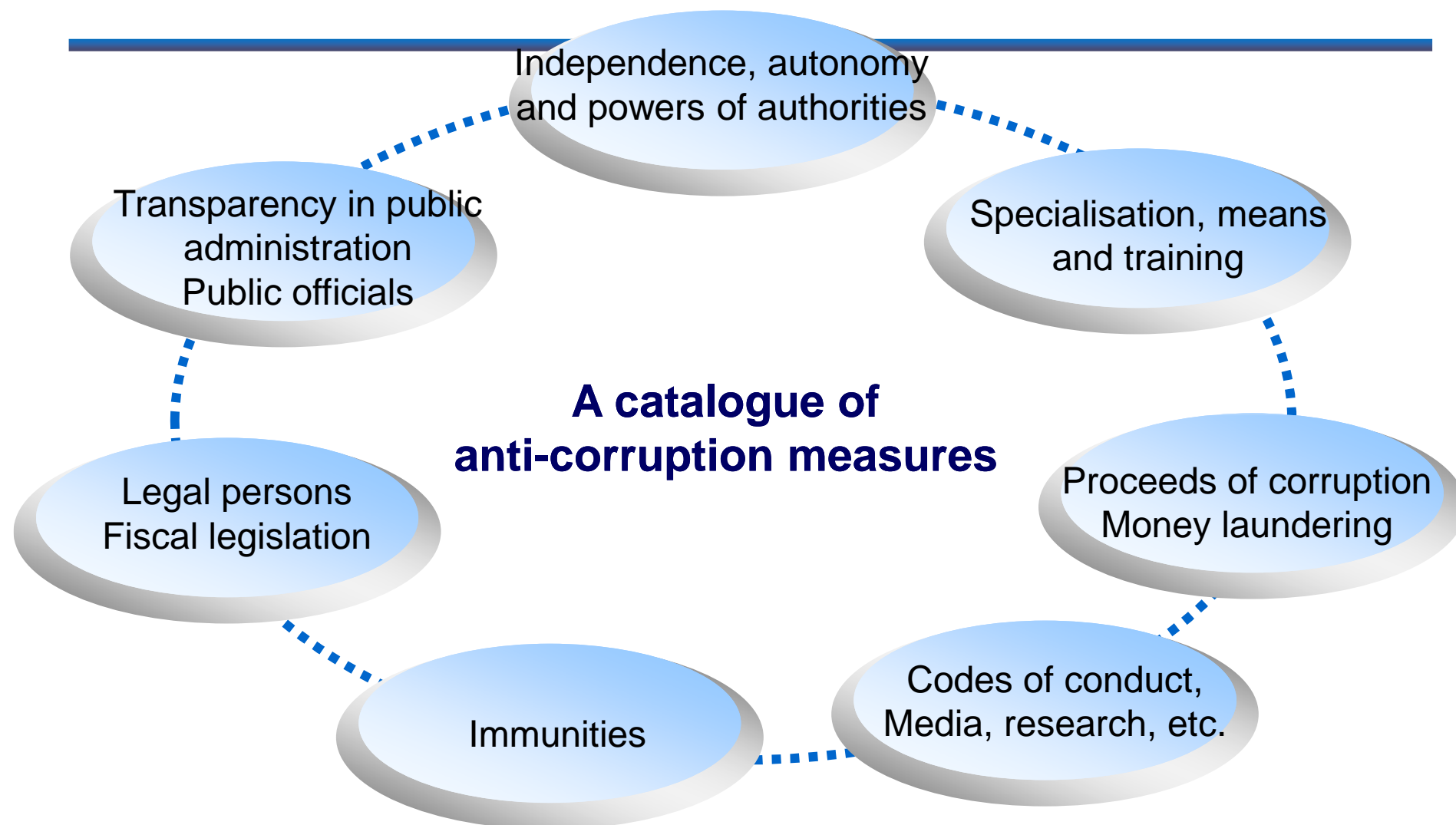
Criminal Law Convention

Status as of 3/6/2011



-  Signatures without ratification (7)
-  Ratifications/accessions (43)

Brief overview of CoE anti-corruption standards: *20 Guiding Principles for the fight against corruption*



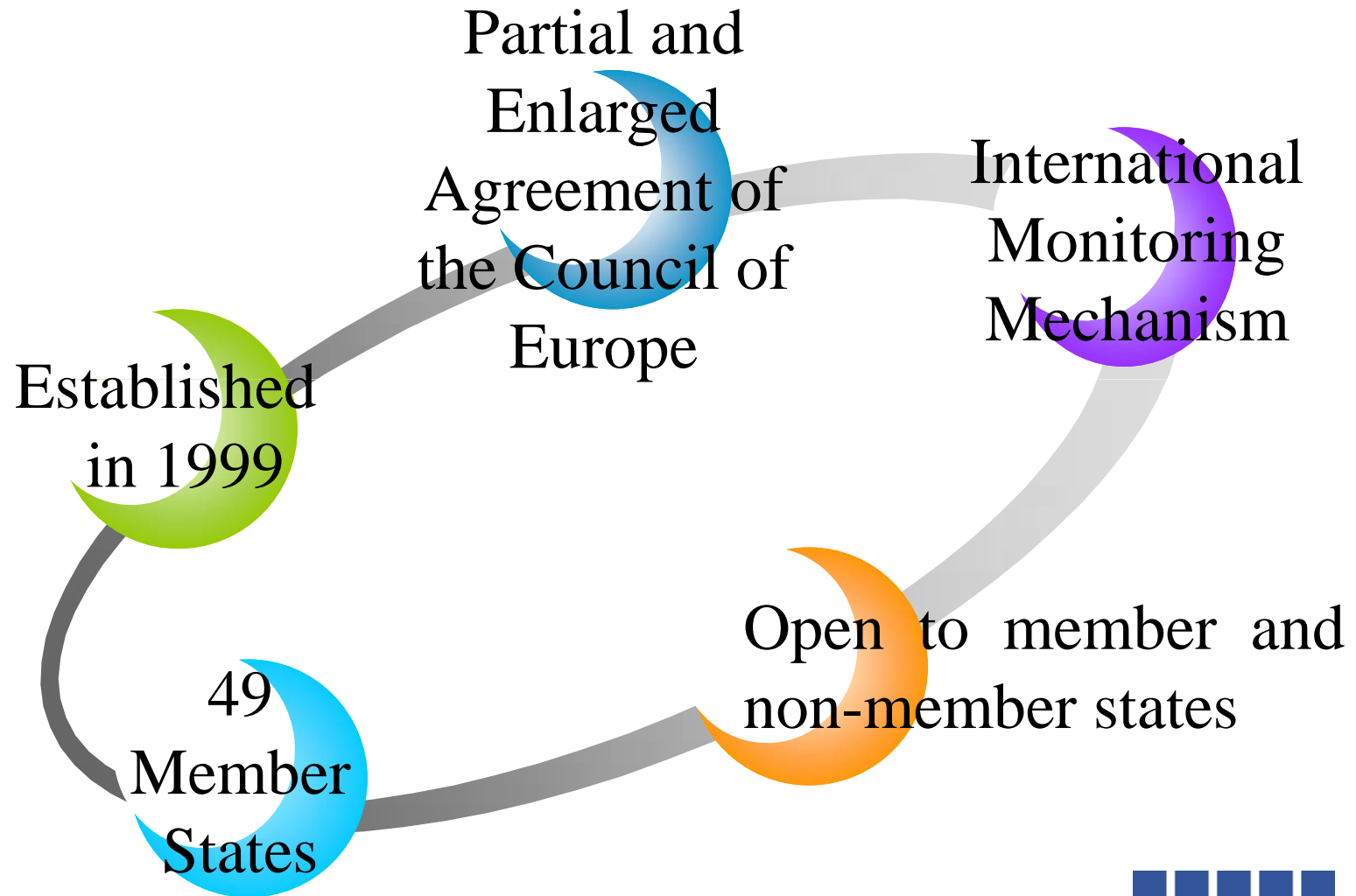
Criminal Law Convention on Corruption

- Wide scope to combat corruption acts through criminal law instruments
- Co-ordinated criminalisation of a wide range of corruption related offences, including active and passive forms of bribery in the public and private sector, trading in influence, money laundering of proceeds from corruption, accounting offences
- Wide range of public officials (national and foreign)
- Complementary criminal law measures (i.e. jurisdiction, corporate liability, sanctions)
- International co-operation

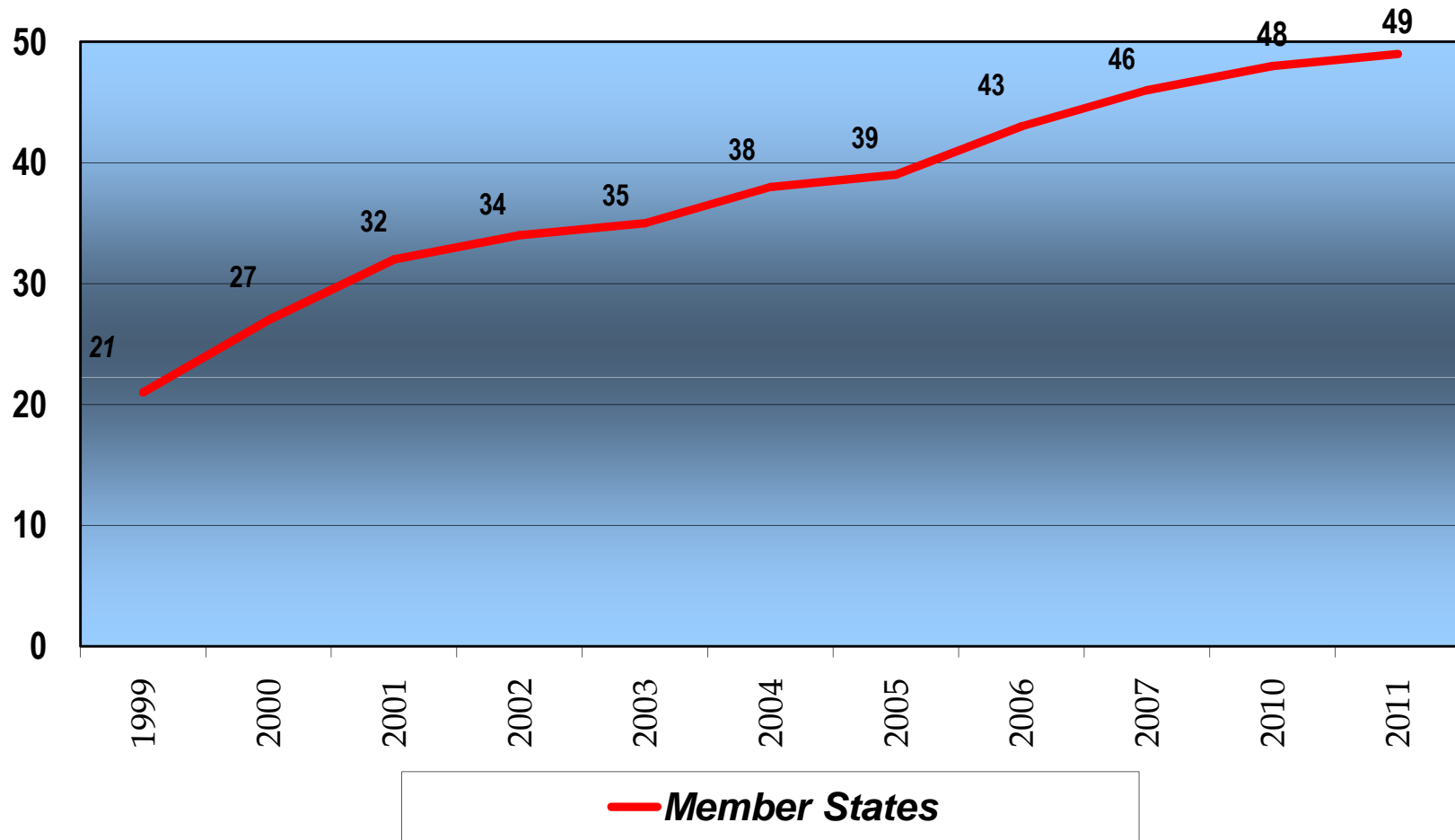
Civil Law Convention on Corruption

- Civil remedies, compensation for damage resulting from corruption
- State responsibility
- Validity of contracts
- Civil law measures
- Protection of whistleblowers

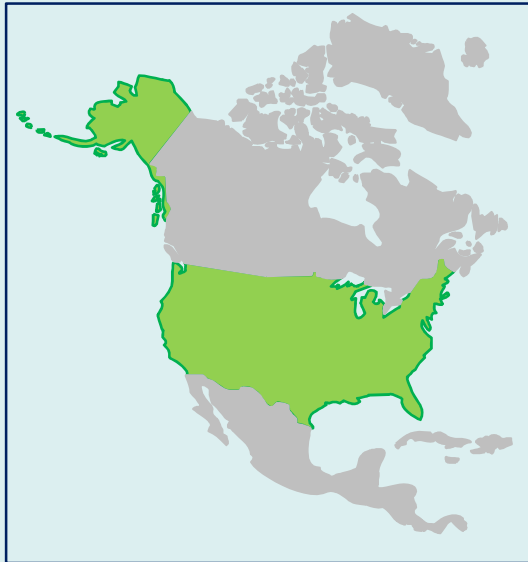
GRECO Overview



GRECO Membership

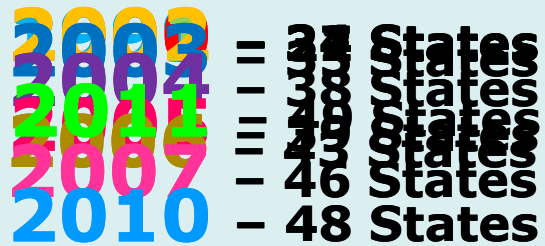


GRECO Membership Map

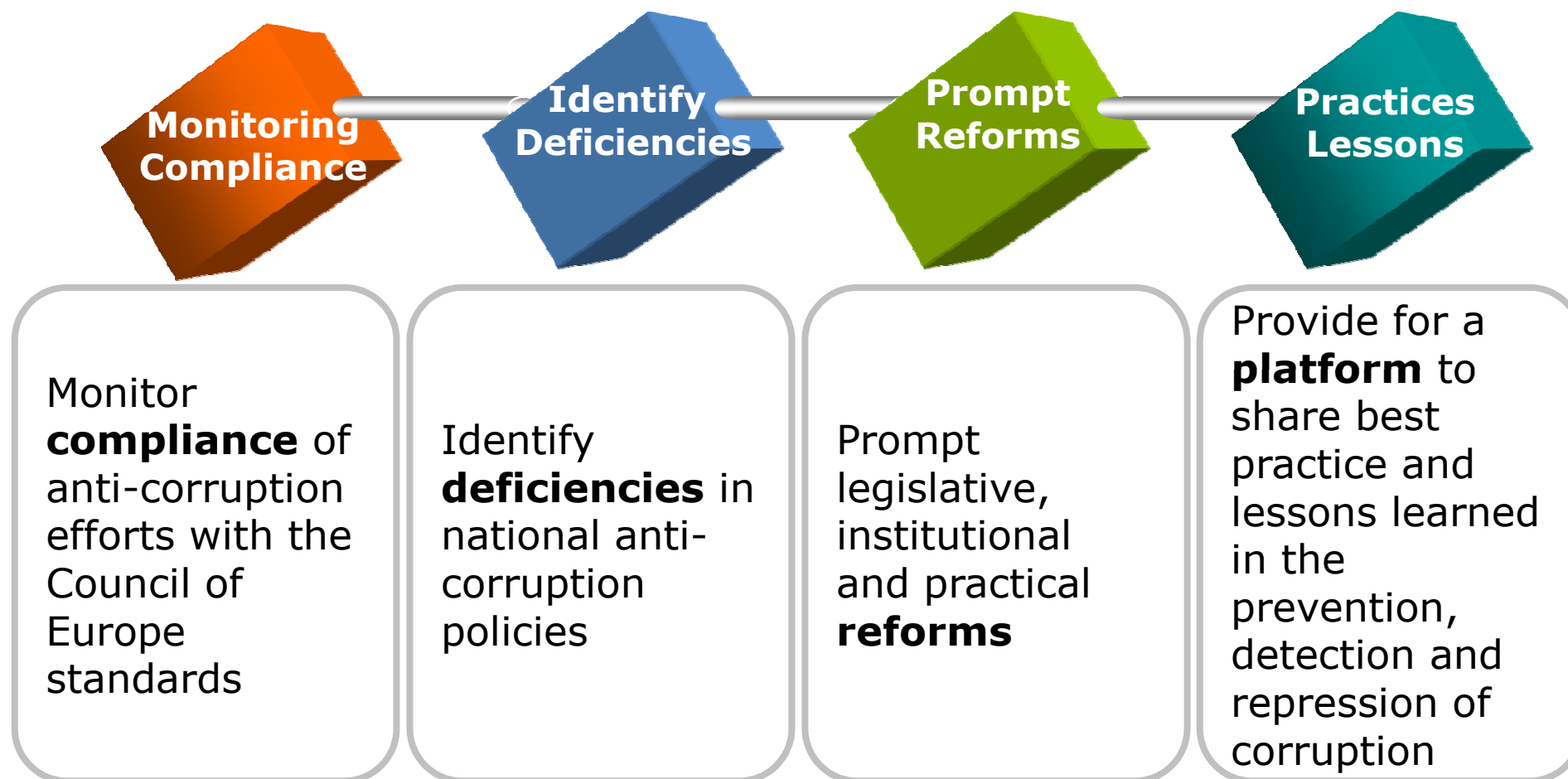


1999

17 Founding States

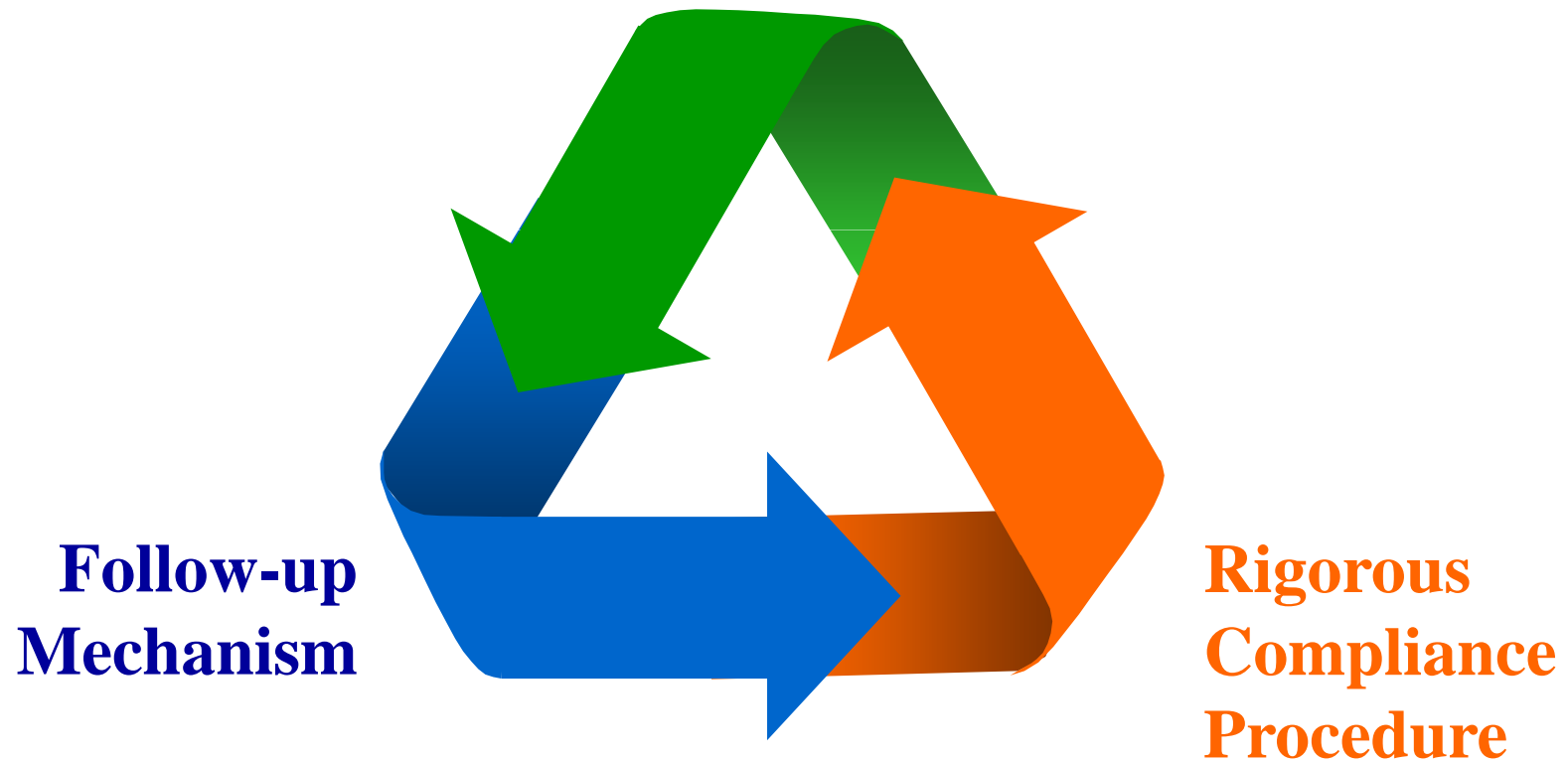


GRECO Objective



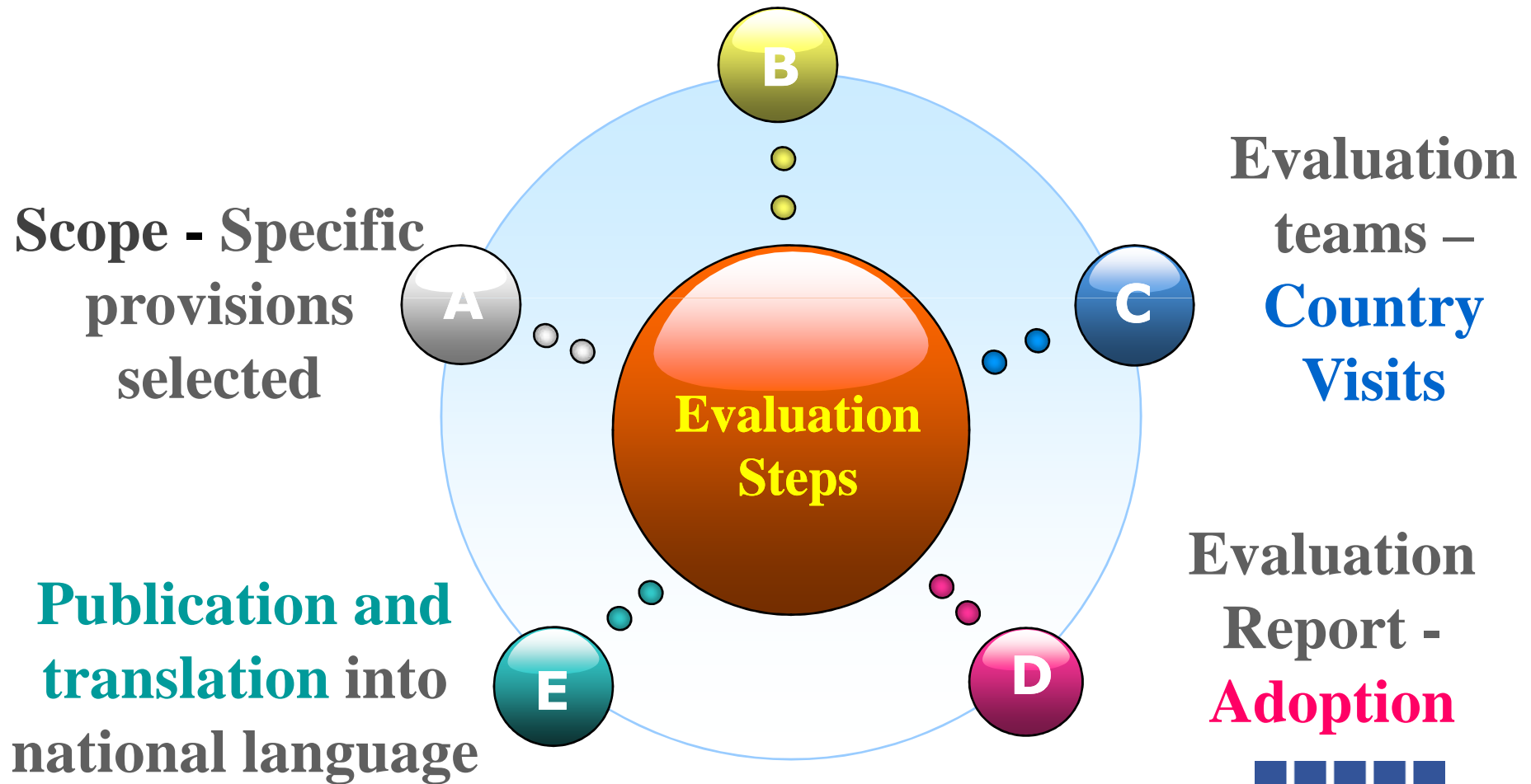
GRECO Working Methods

**Mutual Evaluation
Peer Review**

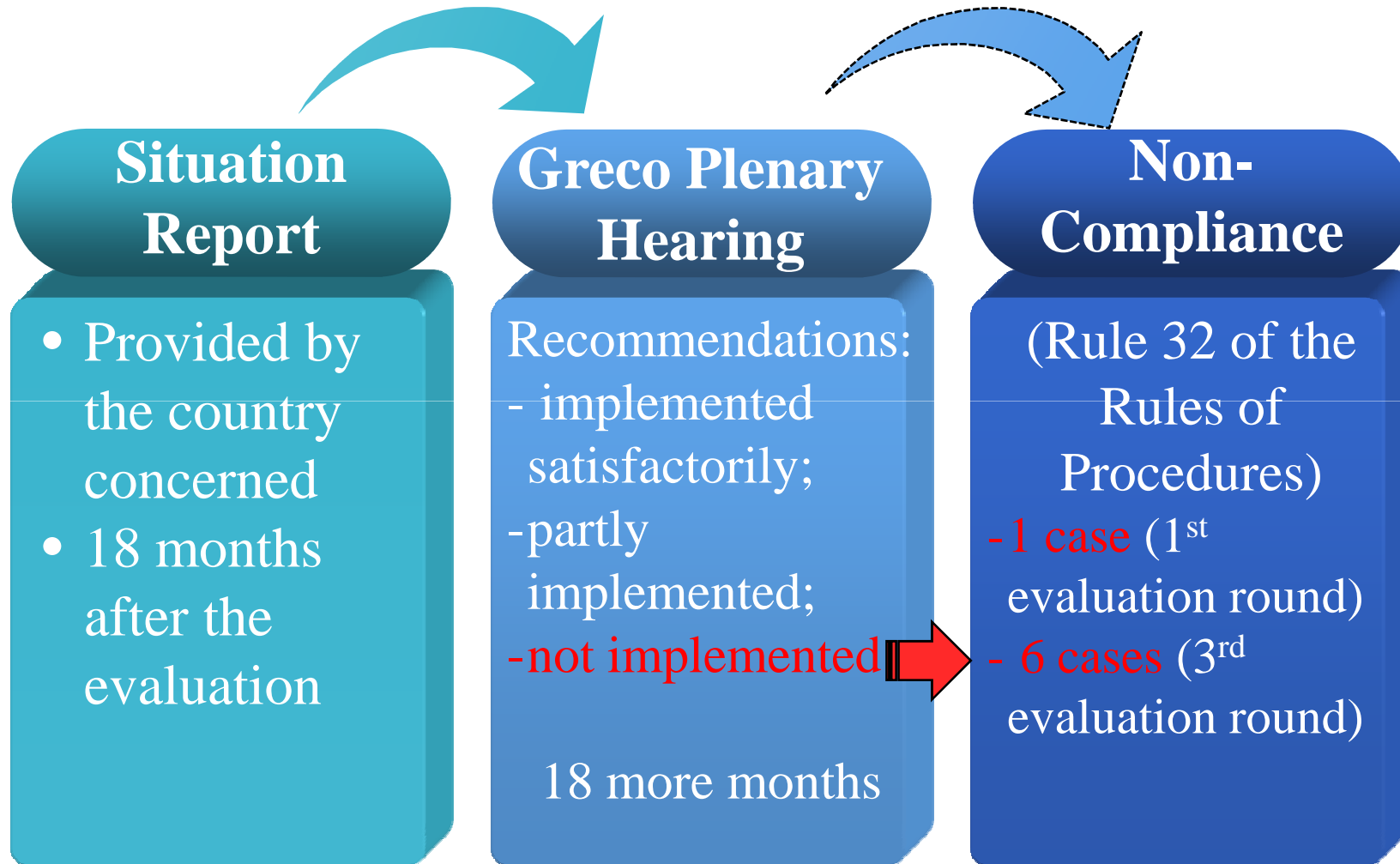


GRECO Evaluations - Procedure

Collection of information by **questionnaire**



Compliance Procedure



GRECO First Evaluation Round

(January 2000 – December 2002)

■ *Evaluation themes:*

- **Independence, autonomy and powers** of persons or bodies in charge of preventing, prosecuting and adjudicating corruption offences
- **Immunities** from investigation, prosecution or adjudication of corruption offences
- **Specialisation, means and training** of persons or bodies in charge of fighting corruption

(Resolution (97) 24 “20 Guiding Principles”, principles 3, 6 and 7)

GRECO findings of the first evaluation round

3 main fields of necessary improvements:

- Substantive law
- Implementation of adopted legislation
- General topics important for the fight against corruption

GRECO Second Evaluation Round

(January 2003 – December 2006)

■ *Evaluation themes:*

- Identification, seizure and confiscation of the **proceeds of corruption** (including links between corruption, organized crime and money laundering)
- The role of the **public administration**, efficiency and transparency with regard to corruption
- Prevention of **legal persons** being used as shields for corruption, including tax and financial legislation to counter corruption

(Resolution (97) 24 “20 Guiding Principles” and Criminal Law Convention on Corruption ETS n° 173)

GRECO findings of the second evaluation round

Main fields of necessary improvements:

- Effectiveness of money laundering mechanisms
- Seizure and confiscation of corruption's proceeds
- Conflict of interest
- Pantouflage/Revolving doors
- Whistleblowers' protection
- Responsibility of legal persons

GRECO Third Evaluation Round

(January 2007 – ongoing)

■ *Evaluation themes:*

I. Incriminations on Corruption (Criminal Law Convention (ETS n° 173), its Additional Protocol (ETS n° 191) and GP 2 (Resolution (97) 24))

II. Transparency of Party Funding (Rec. 2003/4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns)

GRECO findings of the third evaluation round

Incriminations:

- Explicit criminalisation of bribery and trading in influence (TI) for foreign officials
 - foreign public officials, members of foreign public assemblies, officials of international organisations, members of international parliamentary assemblies, judges and officials of international courts
- Incriminations for national and foreign arbitrators and jurors
- Constitutive elements of different bribery and TI offences
- Sanctions applied i.e. statute of limitations
 - Low penalties for bribery offences (bribery in the private sector, TI, active forms)
- Abolishment of dual criminality requirement for corruption and trading in influence offences
- Jurisdiction for bribery and TI offences committed abroad
- Defences (automatic regret)

GRECO findings of the third evaluation round

Political Financing:

- Transparency of Political Funding
 - *Status*: similar obligations for political parties and candidates
 - *Donations*: Anonymous donations, threshold effects, contributions in kind, sponsorship, loans, rewards for public contracts
 - *Party accounts*: maintaining accounts, standards, content, scope, presentation, publication
- Monitoring the implementation of the legislation
 - Independence of the supervisory body, a single body, scope, resources...
- Sanctions
 - Inappropriate, weak, flexible sanctions, limited scope, lack of application

GRECO Fourth Evaluation Round

Corruption Prevention in respect of:

**Members of
Parliament**

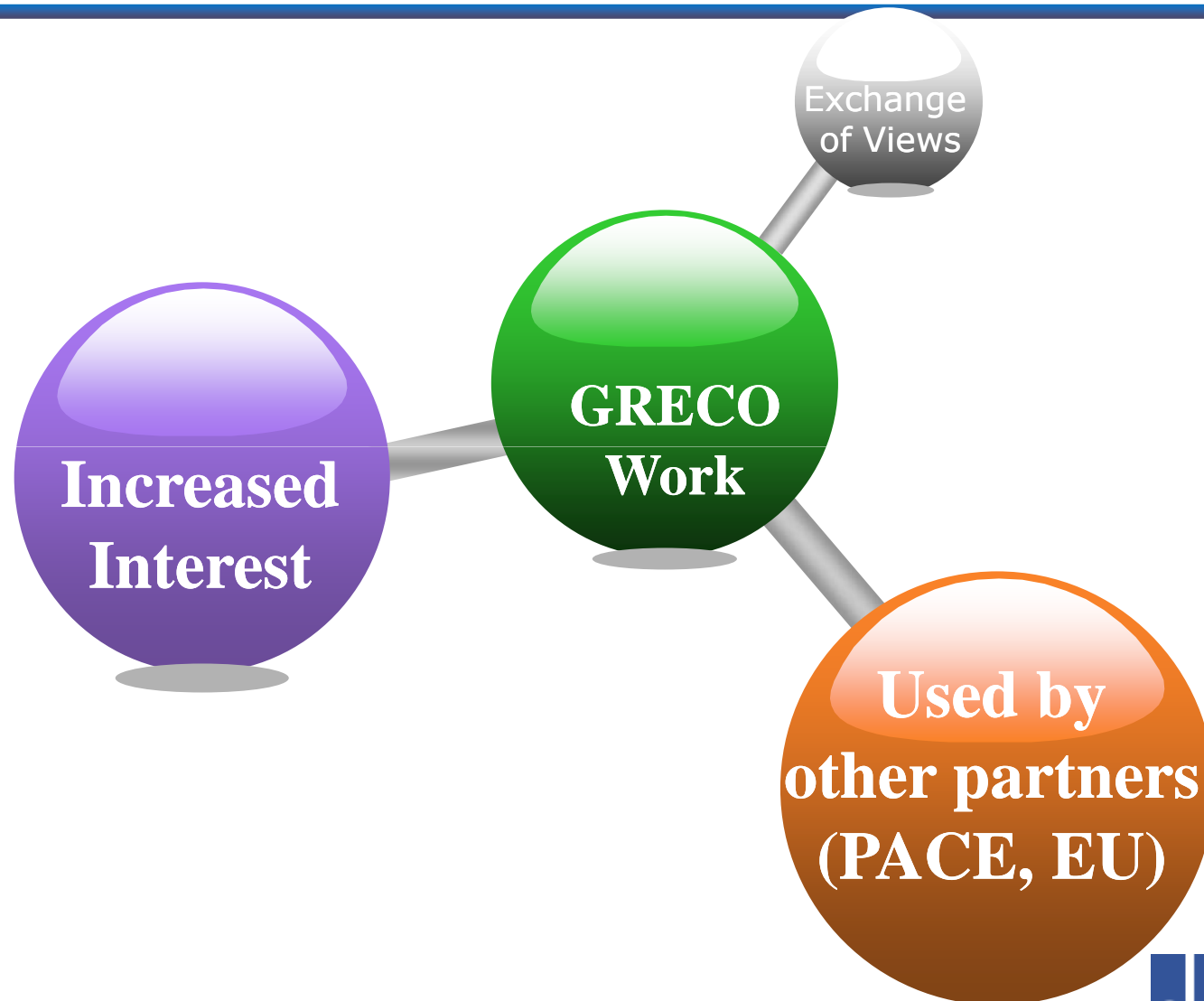
(regardless of the
chamber of
parliament, regardless
of whether they are
appointed or elected)

**Judges and
Prosecutors**

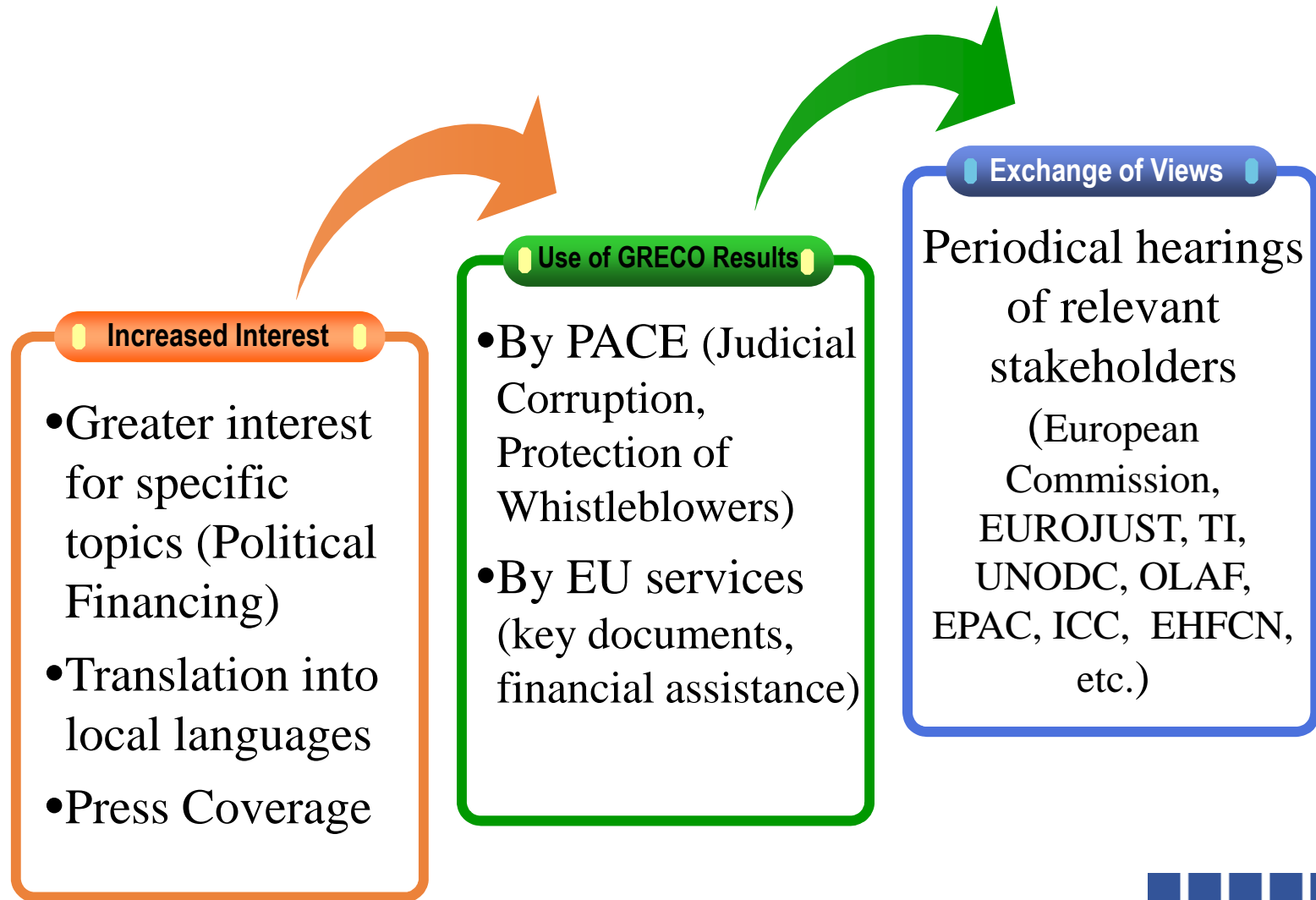
(both professional and
lay judges, regardless
of the type of court in
which they sit)

Starting: January 2012

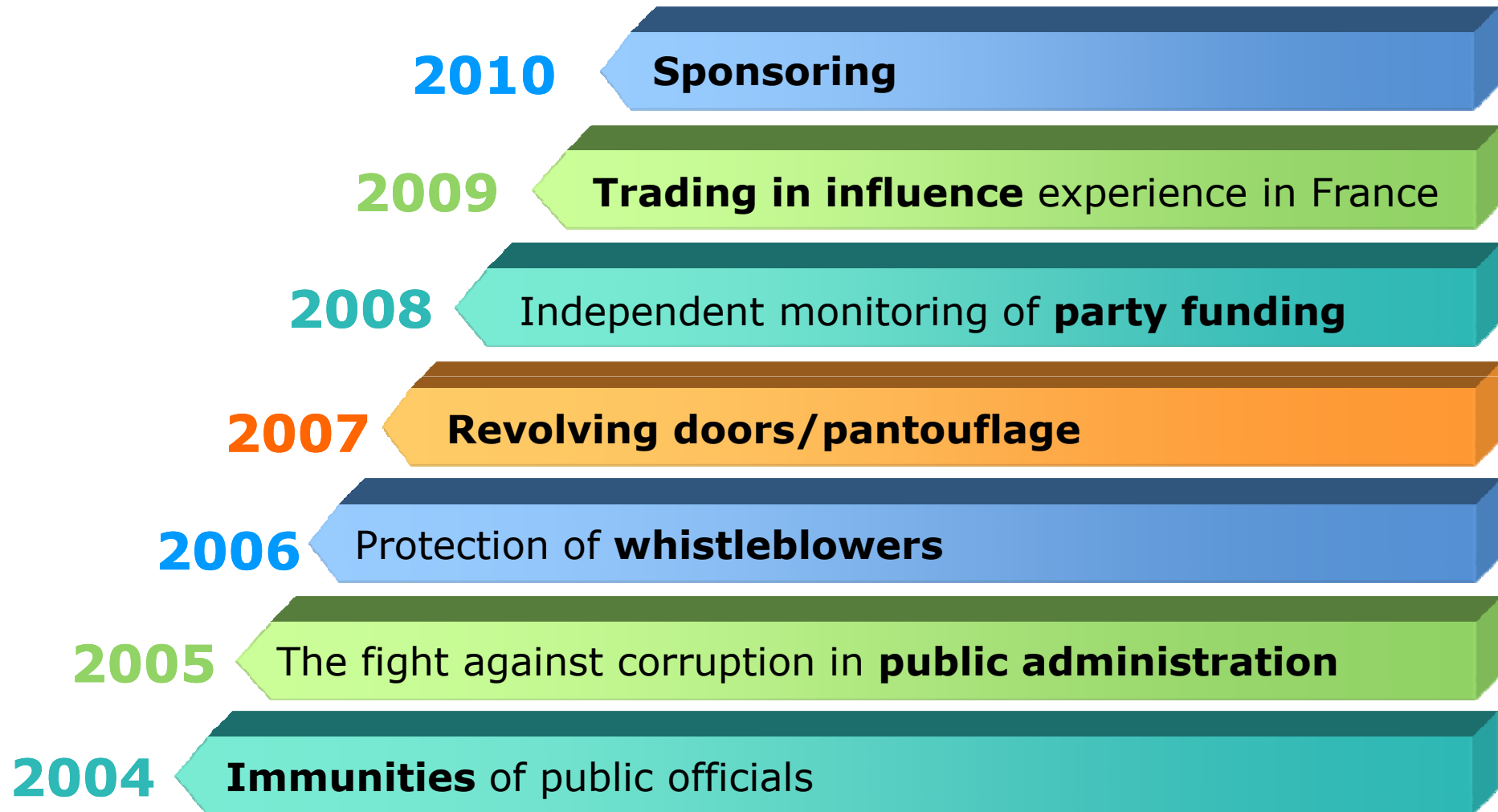
GRECO Experience



Increased interest and visibility of GRECO



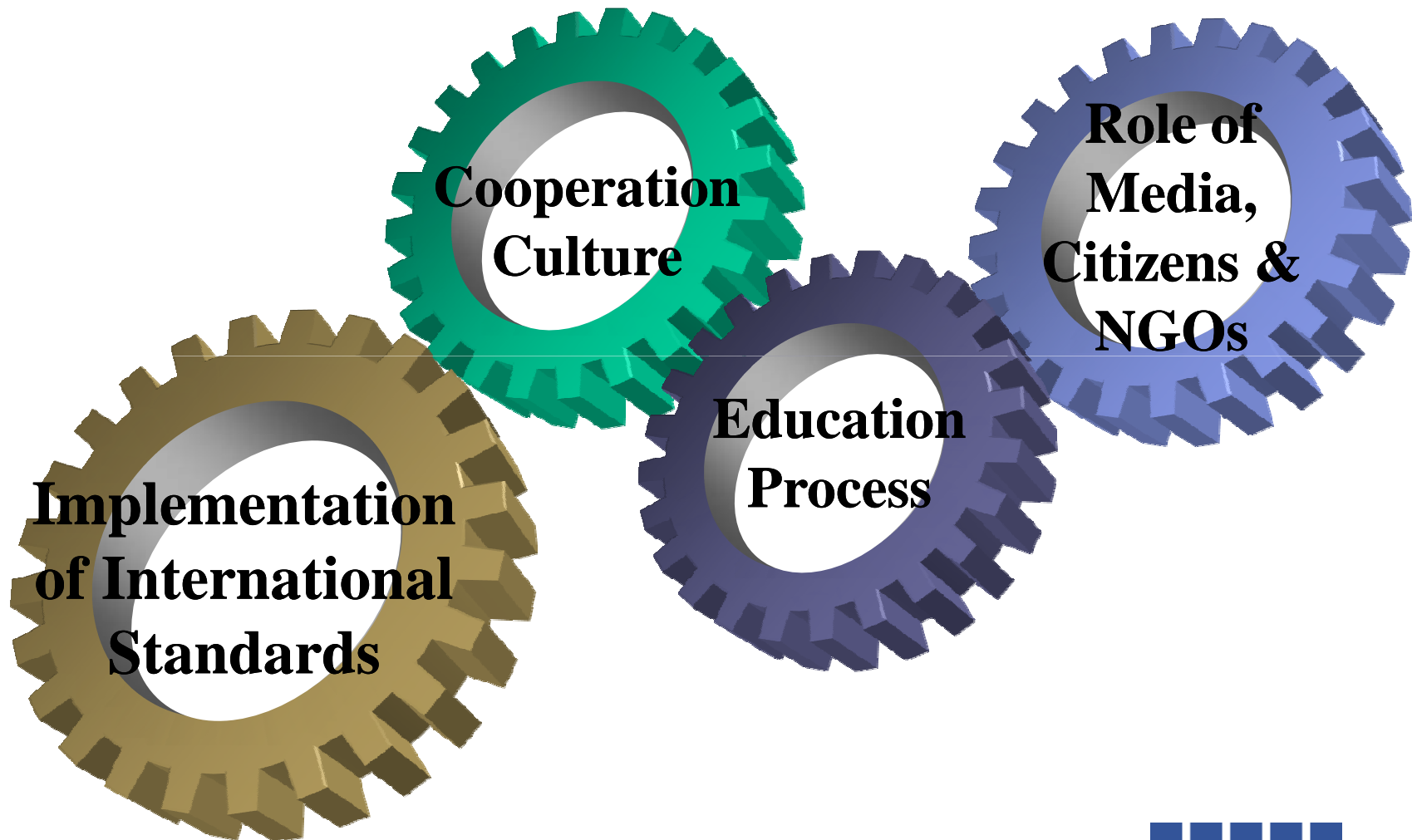
Specific Thematic Experiences



Difficulties encountered

- Different goals of member states
- Lower implementation rate of recommendations during the 3rd round
- Feeling of “unequal” treatment of member states

Conclusion



For further information:

www.coe.int/greco

The screenshot displays the GRECO website interface. At the top, the Council of Europe logo and the text 'Group of States against Corruption' are visible. The main navigation bar includes links for 'Council of Europe', 'DG-HL portal', 'Home', 'Site map', 'Contact us', and 'Restricted access'. The left sidebar contains a menu with items like 'About GRECO', 'Meetings', 'Evaluations', 'Documents', 'News flashes / Press releases', 'Web resources', and '10th Anniversary Conference'. The main content area features a 'News' section with a 'NEWS FLASH' and a headline: 'GRECO report on Moldova calls for improvement of anti-bribery legislation and for stricter supervision of political funding'. Below this, there is a sub-headline: 'GRECO report on Cyprus: Need for uniform anti-corruption legislation and greater transparency of financing of political parties'. The right sidebar contains sections for 'Meetings', 'Evaluations', and 'Third Evaluation Round', each with a list of links. A small image of a report cover is also visible in the bottom right of the main content area.

Thank you for your attention

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Questions - Discussion

