



# Respecting international anti-corruption standards



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# Council of Europe

## A pan-European organisation

47 member states

- To defend democracy
- To protect human rights
- To promote the rule of law
- To guarantee the social and economic development of European societies
- To consolidate democratic stability in Europe

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

- Multifaceted – 3 interrelated elements:
  - ❖ Standard setting
    - legal instruments (“soft” & “hard law”)
  - ❖ Monitoring
  - ❖ Technical assistance and co-operation

# Council of Europe and Corruption

## Legal instruments :

- The Twenty Guiding Principles for the Fight against Corruption (1997)
- The Criminal Law Convention on Corruption (1999)
- The Civil Law Convention on Corruption (1999)
- Codes of Conduct for Public Officials (2000)
- Funding of Political Parties and Electoral Campaigns (2003)

# The 20 Guiding Principles for the Fight against Corruption

A catalogue of measures to be included in comprehensive national strategies against corruption :

- Awareness of corruption, transparency in public administration, independence and specialisation of authorities, criminalisation of corruption, proceeds of corruption, legal persons, immunity, media, research etc.

■ **Monitoring: GRECO**

# Criminal Law Convention on Corruption

Wide scope to combat corrupt practices through criminal law. Provides for:

- co-ordinated criminalisation of a wide range of corruption related offences, including private corruption, trading in influence and accounting offences
- complementary criminal law measures, including corporate liability
- international co-operation

■ **Monitoring: GRECO**

# Civil Law Convention on Corruption

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

■ Monitoring: GRECO

# Model Code of Conduct for Public Officials

- Public service ethic in public administration
- Ethical conduct expected of public officials
- Information to the public on standards of conduct to be expected

■ **Monitoring: GRECO**



# Recommendation on Common Rules Against Corruption in the Funding of Political Parties & Electoral Campaigns

- Funding sources
- Electoral campaign expenditure
- Transparency, supervision & enforcement of political financing regulations

■ Monitoring: GRECO



# Group of States against Corruption (GRECO)

*Enlarged Agreement of the Council  
of Europe*

G R E C O

# GRECO

## Group of States against Corruption

- International monitoring mechanism
- Established in 1999
- Open to member and non-member States of the Council of Europe
- 49 members (48 European States and the USA)

# GRECO

## Objectives

- Monitor compliance with Council of Europe standards
- Identify deficiencies in national anti-corruption policies
- Prompt legislative, institutional and practical reforms
- Provide for a platform to share best practice and lessons learned in the prevention and detection of corruption

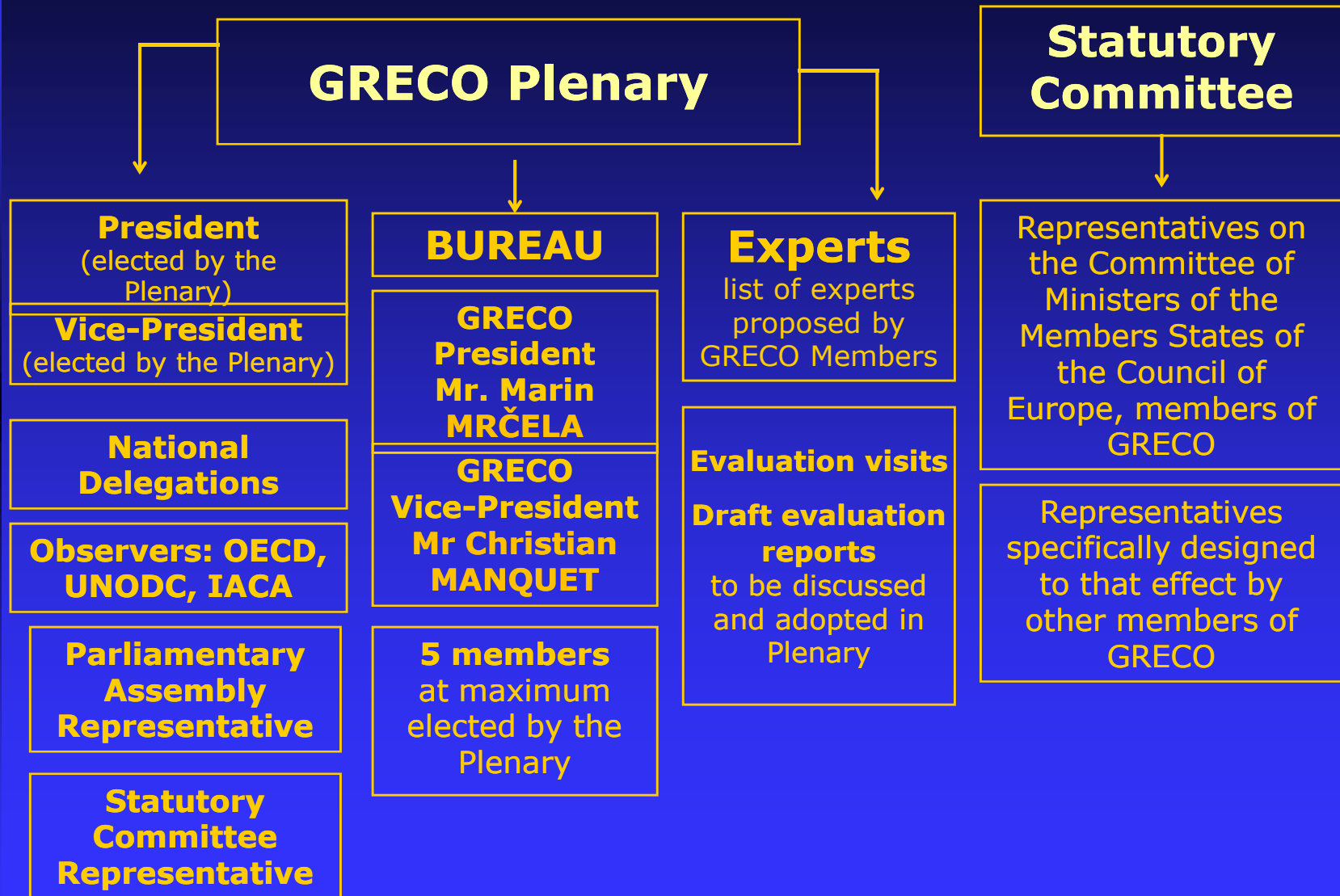
# GRECO

## Working methods

- Dynamic process of mutual evaluation and peer pressure
- Follow-up mechanism

Scrupulous observance of principle of  
EQUALITY OF RIGHTS & OBLIGATIONS  
all members are evaluated on an equal footing

# GRECO Agreement




# GRECO Evaluations

## Procedure:

- Evaluation rounds
- Specific provisions/themes selected
- Collection of information by questionnaire
- Evaluation teams
- Country visits
- Evaluation reports
- Hearing at GRECO plenary and adoption of Recommendations
- Publication and translation into national language

# Compliance Procedure

- 18 months to fulfil Recommendations
  - Situation report by country concerned
  - Hearing at GRECO Plenary:
    - Recommendations implemented satisfactory; or
    - partly implemented; or
    - not implemented
- 
- Non-compliance procedure (Rule 32 of the Rules of Procedure)



# GRECO

## First 3 Evaluation Rounds

- First Evaluation Round
  - 2000-2003 (independence of persons in charge of dealing with corruption, immunities, specialisation)
- Second Evaluation Round
  - 2003-2006 (proceeds of corruption, public administration and legal persons)
- Third Evaluation Round
  - 2007-2011 (incriminations and political party funding)

# GRECO

## First Evaluation Round

- 1 January 2000 - 31 December 2002
- Evaluation themes:
  - *Principle 3* : independence & autonomy of persons in charge of the prevention, investigation, prosecution & adjudication of corruption offences
  - *Principle 6* : to limit immunity from investigation, prosecution or adjudication of corruption offences
  - *Principle 7* : promotion of the specialisation of persons or bodies in charge of fighting corruption

("20 Guiding Principles")

# **GRECO**

## **Second Evaluation Round**

- 1 January 2003 - 1 July 2005
- Evaluation themes:
  - Proceeds of Corruption
  - Public Administration and Corruption
  - Legal Persons and Corruption

("20 Guiding Principles" and Criminal and Civil Law Conventions on Corruption)

# **GRECO**

## **Third Evaluation Round**

- 1 January 2007 – 31 December 2011
- Evaluation themes:
  - Incriminations provided by Criminal Law Convention on Corruption
  - Transparency, supervision & enforcement of political financing regulations

(Criminal Law Convention & Recommendation on Party Funding & Electoral Campaigns)

# GRECO

## Fourth Evaluation Round

- 1 January 2012 commenced
- Evaluation themes:
  - Corruption prevention among members of parliament
  - Corruption prevention among judges and prosecutors

# Fourth Evaluation Round (Main themes)

- Ethical principles and rules of conduct
- Conflicts of interest
- Prohibition or restriction of certain activities
- Declarations of assets, income, liabilities and interests
- Supervision & enforcement
- Training & awareness

# Ethical Principles and Rules of Conduct

- Have they been identified and formalised in any way:
  - if so, when, how and by whom were they drafted
  - what measures in place to ensure compliance

# Conflicts of Interest

- Definitions and types of conflict of interests
- Mechanisms in place to prevent the occurrence of conflict of interest
- Procedures to resolve conflicts before they arise
- Action taken to deal with conflicts after they arise
- Supervision and by whom



# Prohibitions or restrictions on certain activities

- Rules that prohibit or restrictions of:
  - activities in which individuals have a private interest
  - accept gifts
  - hold posts outside parliament, judicial office, prosecutorial role
  - financial interests (shares, bonds, etc)
  - enter into contracts with state

# Declaration of assets, income, liabilities and interests

- Details of any rules governing asset declarations, in particular:
  - cover family members
  - time periods covered
  - body to whom such declarations submitted
  - public access to information
  - supervision of declarations

# Enforcement and Awareness

- any enforcement mechanisms in place and sanctions for infringing rules on conduct, declarations, conflicts, etc.
- any changes in the law governing corruption in the country since GRECO's last evaluation
- whether and how MPs, judges and prosecutors are aware of the rules

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[www.coe.int/greco](http://www.coe.int/greco)