

## **GRECO Fifth Evaluation Round**

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### **Preventing Corruption and Promoting Integrity in Central Governments (top executive functions) and Law Enforcement Agencies**

**Speech by Attorney General of Cyprus Costas Clerides**

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It is a great honour for me to extend a few opening remarks to such a distinguished audience, given that the launching of the Fifth Evaluation Round of GRECO falls within the term of the Cypriot Chairmanship of the Committee of Ministers of the Council of Europe.

The central theme of the Fifth Evaluation Round which is Preventing Corruption and Promoting Integrity in Central Governments (top executive functions) and Law Enforcement Agencies, is an always topical theme of critical importance in promoting the role of law in all member states.

Around this central theme various sub-themes are revolving, each one of which has its own importance.

These sub themes are:

- Effective detection of corruption
- Effective investigation of corruption
- Effective combating of corruption

It is a well known fact that corruption amongst top executive members of government, including independent officials, may take various forms. Those include bribery, fraud, embezzlement, extortion, abuse of powers, or unauthorized use of privileged information, conflict of interest, nepotism and favouritism. Especially in countries with small population, phenomena of conflict of interest, nepotism and favouritism are quite common as more or less everyone knows each other and persons in authority are easily approachable, by almost everyone.

The employment of measures which might prove quite effective in combating corruption can take many forms and these may include:

- The enactment of stronger and stricter rules and regulations controlling the existence of situations creating a conflict of interest, favouritism and nepotism.
- Effective financial audits by independent institutions and national authorities.

- More effective crime investigating and prosecuting authorities which can combat or decrease impunity.
- Measures encouraging the reporting of corrupt activity (whistle blowing).
- Methods of effective freezing and confiscating assets which are the product of corrupt activity.

The aim of preventing and fighting corruption in the public sector cannot be satisfactorily achieved without the assistance and full cooperation of the ordinary citizens. It is not an exaggeration to state that government or independent officials simply cannot take any bribes unless there is a physical or a legal person who appears and is willing to pay the bribe.

Instead of offering to pay a bribe to a public official, or instead of acceding to his request or demand to pay a bribe to him, if the citizen avoids entering into such a transaction and reports the matter to the police or other lawful authority, this aspect of corrupt practice will be diminished.

It is of course true that it is not possible by enacting any law, rule, or regulation to control the level of honesty of any individual. There are, however, ways and means by which states can control and regulate the conditions under which public servants are operating.

We can also control, regulate and minimize the various incentives these servants may have, to act illegally or even improperly.

Taking the small state of the Republic of Cyprus as an example, we can see that in the recent years there have been much more cases involving corruption amongst public or independent officials taken to Court, compared to earlier periods of time.

What is not known however is the answer to the question whether this means that there has been an increase in the number of these crimes, or whether this increase is attributable to other factors such as better detection, better auditing and better investigating of state affairs where public money is involved.

The fact is however that during the last 3 years, for the first time we have seen individuals sent to court and some imprisoned for offences involving corrupt practices, fraud etc., some of which were holding the post of mayor, of a member of parliament, of Governor of Central Bank and of Deputy Attorney General. Although of course this does not give a pleasant picture of the situation regarding the existence of corruption in the public domain, on the other hand these prosecutions and sentences do prove that the system of the administration of justice, does work effectively and independently.

Furthermore, a Committee has recently been set up in Cyprus, under the coordination of the Ministry of Justice and Public Order, with the aim of preparing a National Strategy against corruption,

thus giving effect to a recent decision taken by the Council of Ministers. Needless to say that the relevant recommendations of GRECO, together with the provisions of international treaties which have been ratified, will play a key role in forming such a national strategy.

One of the main tools employed in the war against corruption is transparency in the public sector. In this respect, a bill permitting access to the public to any public document has been prepared and is currently the subject of discussion before the Parliamentary Committee of Legal Affairs.

Also, a bill providing for the encouragement and incentives in reporting crimes of corruption and for the protection of whistle blowers is currently undergoing vetting by the Law Office of the Republic.

Other enactments are on their way to Parliament regarding rules and regulations which are expected to combat corruption within the Police.

Recent enactments dealt with imposing serious sanctions on corporations which were found guilty by a court judgment or by their admission, of giving bribes to public servants in relation to winning public procurement.

These are only a few examples of relevant legislative measures.

I feel confident that the Fifth Round of Evaluation will prove to be fruitful and I would like to congratulate GRECO for the excellent work it does in identifying the deficiencies in national anti-corruption policies and in advising on the taking of appropriate measures to prevent and combat corruption in Europe.