

Shining a light on or veiling corruption?: disclosure of interests and assets by public officials in GRECO member States

by

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GRECO – Group of States against Corruption

- Anti-corruption monitoring body of the Council of Europe
- Established in 1999
- 49 member States
- Europe & beyond (USA, *Tunisia to join soon*)
- CoE anti-corruption standards
- Mutual evaluation and peer pressure:
 - Review
 - Recommend
 - Report (within 18 months - compliance procedure)

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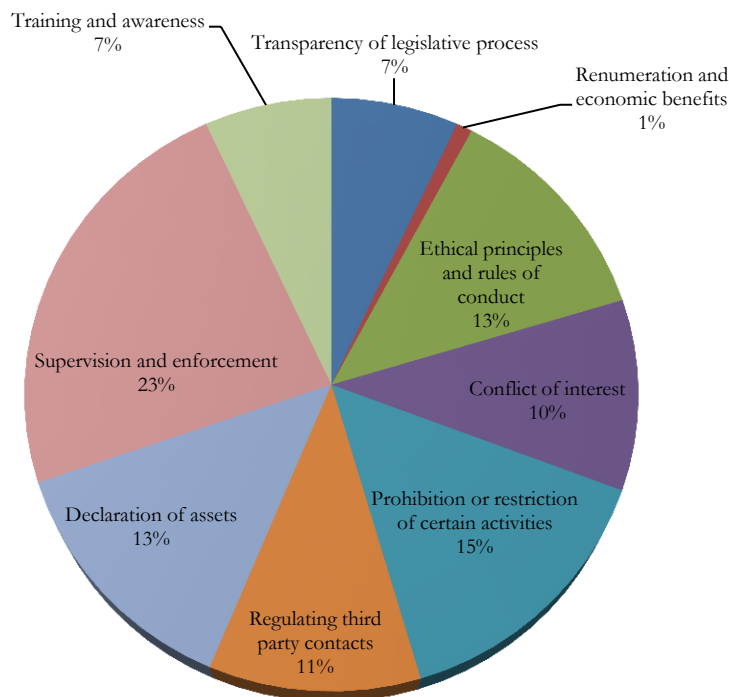
- 18 years ~ 500 country-specific evaluation and compliance reports covering 4 thematic rounds
 - National anti-corruption bodies (independence, specialisation) and immunities (1st round)
 - Public administration and corruption (2nd round)
 - Criminalisation of corruption offences, political financing (3rd round)
 - Corruption prevention in respect of MPs, judges and prosecutors (4th round)

GRECO's 4th Evaluation Round – Recommendations on interest and asset disclosure

- 37% of recommendations - on inadequate regulation and implementation of conflicts of interest and asset disclosure rules
- Principal targets - parliamentarians but also judges and prosecutors

GRECO – 4th evaluation round

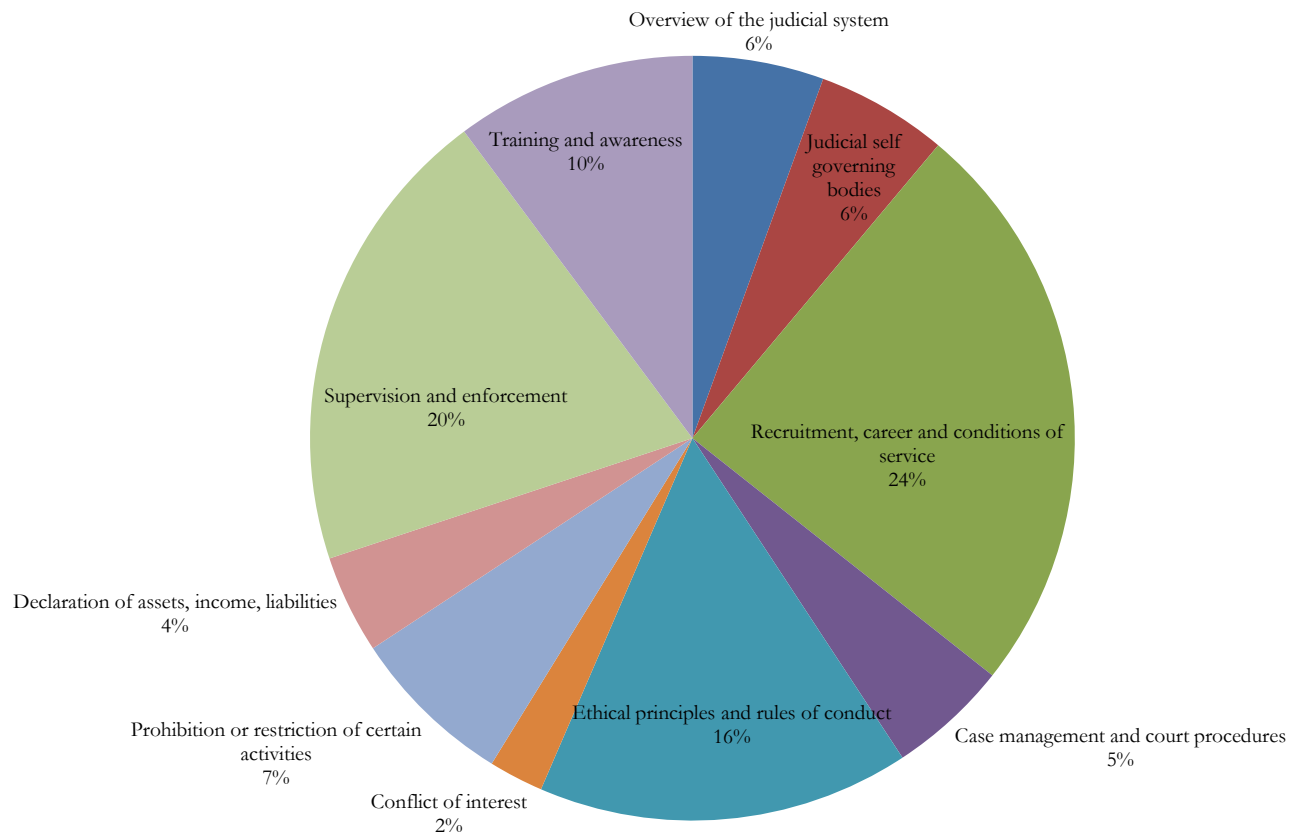
Distribution of recommendations per topic for MPs



- Every country received at least one recommendation on conflicts of interest
- Nearly all countries collect information from MPs about their financial assets, income and liabilities at the start of the MPs' service, which is made available to the public

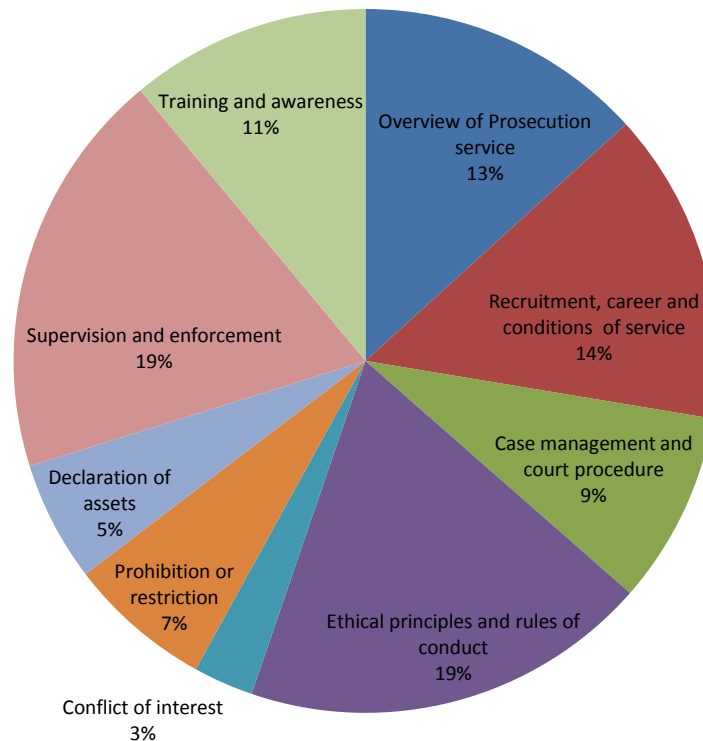
GRECO – 4th evaluation round

Distribution of recommendations issued for judges



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Distribution of recommendations issued for prosecutors



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Recommendations

A. The scope of disclosures

➤ Material scope

- Widen the *categories* of interests to cover:
 - outside activities, including e.g. unpaid directorships
 - gifts, hospitality, sponsorship, travel paid by third parties
 - outside ties (for MPs)
- Provide *quantitative* data on income, financial assets, liabilities:
 - lower the threshold for reporting
 - increasing the level of detail, e.g. with respect to shareholding

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Recommendations

A. The scope of disclosures

➤ Personal scope

- consider including information on spouses and dependent family members/close relatives

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Recommendations

B. Accessibility

- Declarations need to be made publicly accessible in practice and all obstacles to access are to be removed
- Availability on an official web site, in a timely manner
- Declarations to follow a prescribed format to facilitate their comparability across function and over time

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Recommendations

C. Supervision and enforcement

(one in five recommendations refers to failures of supervision and enforcement)

- independence, including operational, of oversight bodies to be strengthened
- the clear mandate, powers and adequate resources to carry out substantive checks, investigate irregularities and initiate proceedings
- effective, proportionate and dissuasive sanctions to be introduced
- inter-institutional co-operation to be stepped up

GRECO – 4th Evaluation Round

Recommendations

Only for MPs:

Ad hoc/case by case declaration of interests rarely specifically regulated or applied in practice

- 54% of all recommendations under « conflicts of interest » call for instituting *ad hoc* disclosure of private interests

Conclusion

Shining a light on corruption...?

- MPs', judges' and prosecutors' interests and assets more visible
- reporting requirements better targeted
- more accessible and timely publication thanks to e-declaration
- opportunity for self-evaluation and impact assessment
- the overall efficiency of disclosure systems has improved

Conclusion

Veiling corruption...?

- a growing number of declarants: a benefit or an obstacle?
- multiple declarations (e.g. on compatibility with the post, outside activities, private interests, assets, income)
- fragmented or cursory oversight
- absence of a comprehensive overview of public officials' interests
- complex, frequently changing and oftentimes contradictory legislation

GRECO - looking ahead...

- 4th Round compliance procedure
- 5th evaluation round « Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies» - launched in March 2017
- First 5th Round reports - on the UK and Slovenia – will be adopted in December 2017

Questions?

Thank you

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