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Exchange of views between the President of GRECO and the Committee of Ministers

(1287th meeting of the Ministers' Deputies, Strasbourg, 31 May 2017)

STATEMENT by Mr Marin MRČELA, President of GRECO

Distinguished Chair¹
Secretary General,
Deputy Secretary General,
Ambassadors,
Ladies and Gentlemen,

It gives me great pleasure to be with you again, since my re-election as President of GRECO for this new Evaluation Round, to present to you today the 2016 edition of the General Activity Report of the Group of States against Corruption.

This Activity report is different from previous ones in that it provides a horizontal overview of our 49 members' action against corruption in 2016. It is a sort of "State of Corruption" report which highlights trends and challenges in our 49 member States and which, I hope, will help guide our collective anti-corruption efforts.

With the adoption of over 40 evaluation and compliance reports in 2016, GRECO continues to develop a solid experience and a thorough understanding of the main trends, challenges and good practices in the areas of the criminalisation of corruption, political funding, as well as corruption prevention in relation to members of parliament, judges and prosecutors. These areas are essential for the functioning of democratic states, and the integrity within them impacts directly on the level of trust citizens place in our institutions.

In 2016, Europe and the United States have witnessed a growing trend towards polarisation, nationalism and populism. Our citizens are increasingly worried by the way public affairs are managed, which some perceive as benefiting the "happy few" to the detriment of everyone else. The reasons are complex, but "corruption" – in all its forms and manifestations of unethical and dishonest behaviour - is the unspoken word in this equation. It has spared no country, organisation or sector of activity in 2016. Whether in the public or private sector, at national, European or international level, allegations or confirmed cases of corruption have affected governments, parliaments, the judiciary, national and international institutions, markets, sports organisations and private companies.

While the implementation rate of GRECO's recommendations in respect of the first two rounds has been high, fully implemented recommendations in the 3rd and the 4th evaluation rounds are less frequent. You will find in Appendices 2a and 2b of our Annual Report details of the progress made by each Member in implementing GRECO's recommendations.

Against this background, GRECO is seeing a surge in compliance reports which is distracting its attention from the main evaluations which are, and must remain, the core of our business. The increasing complexity of the issues discussed and the fact that governments must rely on other actors for the implementation of recommendations, such as parliaments, judges' and prosecutors' organisations or self-governing bodies, may partly explain this slower than expected pace of implementation. However, more can and must be done. It is precisely in times when the public demands integrity and corruption-free societies that there is a need for strong political will to deal with the problems and to reform.

¹ Mr. Emil Ruffer, Ambassador, Permanent Representative of the Czech Republic to the Council of Europe.

Throughout 2016, GRECO has observed trends, challenges and good practices in the areas covered by the 3rd and 4th Evaluation Rounds. They are articulated in more detail in the report, but allow me to make a few general observations.

While in the area of incrimination, member states have, by and large, criminalised most forms of corruption, there appears to be a tendency to over-rely on the repressive aspects of fighting corruption, too often underestimating the strength and effectiveness of preventive mechanisms - which are either too weak or absent. Therefore, GRECO has called for a range of preventive measures aimed at avoiding various forms of conflicts of interest. The establishment of codes for ethical conduct and asset declaration in respect of public figures and officials serves that purpose. The supervision and enforcement of such rules also require special attention.

The transparency of the legislative process needs further attention, and in this connection political financing rules and the regulation of the growing phenomenon of “lobbying” are areas of particular concern in the GRECO context. It is also critical that the independence of the judiciary, as the ultimate guarantor of justice and the rule of law, still remains high on member states’ agendas. Measures to guarantee judicial independence are urgently needed in certain countries and GRECO’s findings and recommendations in this respect complement the ongoing plan of action of the Council of Europe on strengthening judicial independence and impartiality. GRECO has also expressed concern about the lack of preventive measures against potential undue influences over prosecution systems, whether these are part of the judiciary, independent bodies or part of the executive powers.

In 2016, GRECO laid the foundations for its 5th Evaluation Round starting in 2017. The theme - “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies” - constitutes a logical extension to the 4th Round with its implications for shaping citizens’ attitudes vis-à-vis their political institutions and democracy in general. Furthermore, while law enforcement authorities form a cornerstone of the fight against corruption and their integrity is a fundamental feature of them, experience shows that the specific risk factors involved in the work of law enforcement agencies warrant careful consideration. I count on each member’s support to ensure that the 5th Evaluation Round remains as technical, transparent and expert-based as the previous four Rounds have been. I would like to take this occasion to thank the many of you who were present at the High Level Launch event on 20 March: this is testimony of your interest and support for our work and I am grateful for it. Our first 5th round evaluations will start in a few days with visits to Slovenia and the United Kingdom.

I also wish to thank the Council of Europe’s Secretary General and Deputy Secretary General for their continuous support for GRECO’s work. Be it through direct written correspondence with ministers or through other high-level political contacts, they spare no occasion to remind our members of their obligations stemming from their GRECO membership and the importance of implementing GRECO’s recommendations.

Ladies and Gentlemen,

Combating corruption starts on our doorsteps. We – in the Council of Europe – have to lead by example and expect from ourselves and from our institutions, the same level of integrity we ask from our member States. The allegations of corruption in the Parliamentary Assembly have been disturbing. It is not for me or for GRECO to ascertain the facts or to carry out an investigation. However, I wish to support the Secretary General in his letter to the President of the Assembly on 24 March 2017 - and I quote - that “it is paramount that all of [PACE] members act with integrity and are perceived as doing so by the wider public”. I welcome the steps taken by the Assembly at its last Sessions to respond to these allegations.

For our part, we have responded favourably to the Assembly’s request to GRECO for an Opinion on their integrity framework. GRECO is expected to adopt it in June, the week before the June part-Session of the Assembly. GRECO’s opinion will be made public. I trust that the Assembly will take our views into account when reviewing their integrity framework through a report which is being prepared by Mr. Ian Liddell-Grainger from the United Kingdom.

Ladies and Gentlemen,

Let me now turn to our external relations, starting from the European Union. GRECO held this year very interesting exchanges of views with Emily O’Reilly, the European Ombudsman, and with the Director General of EU’s anti-Fraud Office, OLAF, Mr. Kessler. We discussed issues of common concern, such as whistle-blowing, lobbying and revolving doors. I wish to thank both Ms. O’Reilly and Mr. Kessler for their contribution to GRECO’s work. This cooperation shows the benefit of greater cooperation between GRECO and EU institutions. I welcome the inclusion of the “fight against corruption”, notably the EU’s participation in GRECO, amongst the EU priorities for cooperation with the Council of Europe in 2016-2017, and note that the “EU’s full participation in GRECO remains a long term objective”. I also welcome the recent call by the European Parliament for the “EU to advance its application for membership to GRECO as soon as possible”.

I now look forward to moving from words to action, since we haven’t really advanced much on this issue so far. We in GRECO remain, as we have always been, ready to discuss with our EU colleagues the modalities of a possible EU participation in GRECO.

GRECO’s cooperation with other international anti-corruption peer review mechanisms (notably the UN, the OECD and the OAS) is strong. While acknowledging that the scope of the evaluations of the various mechanisms and their *modus operandi* are different from GRECO’s work, we have in 2016 exchanged views on how to enhance synergies and exchange good practices. We have also discussed practical ways to increase the impact of our respective monitoring work while seeking to reduce the burden on member states to the extent possible. This exercise will continue in 2017.

Combating corruption is not only a matter of new laws and their implementation, but also of ethics and individual behaviour, and often implies changing people’s hearts and minds. We need to raise everyone’s awareness of the multiple devastating effects of corruption and show why we must reject it, why there is no room for it in our societies. It is for this reason that the GRECO Secretariat, in cooperation with the Directorate of Communication of the Council of Europe has produced an awareness-raising video on the negative consequences of corruption.

The video is available for download free of charge from our website. I encourage you all to support its diffusion and broadcasting in schools, on television and social media, etc.

As stated above, transparency is key to accountability. This is also true for GRECO. We place an increasing amount of information about our work on our new website and communicate actively through social media. I am very happy to see that GRECO members – except one, Belarus – have swiftly authorised the publication of their reports. As a result, we are seeing heightened attention being paid to our work in national debates and the media. This is gratifying and pushes us to maintain a high level of quality.

Mr. Chairman, Ladies and Gentlemen,

Let me conclude with a word of thanks to the Czech Republic for having placed the fight against corruption amongst its priorities for the Chairmanship of the Committee of Ministers of the Council of Europe and for hosting, in this context, an international Conference on the findings of GRECO's 4th evaluation round in Prague in November. This will be an important occasion to share experiences and lessons learned and will help all member states to move forward in the implementation of GRECO's recommendations.

Thank you very much for your attention - and for your support. I look forward to your questions and comments.