



GRECO
Group of States against Corruption
Groupe d'États contre la corruption



Adoption: 6 December 2019
Publication: 18 August 2020

Public
GrecoRC4(2019)19

FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

COMPLIANCE REPORT RUSSIAN FEDERATION

Adopted by GRECO at its 84th Plenary Meeting
(Strasbourg, 2-6 December 2019)

F
O
U
R
T
H

E
V
A
L
U
A
T
I
O
N

R
O
U
N
D

I. INTRODUCTION

1. The Compliance Report assesses the measures taken by the authorities of the Russian Federation to implement the recommendations issued in the Fourth Round Evaluation Report on the Russian Federation which was adopted at GRECO's 77th Plenary Meeting (18 October 2017) and made public on 22 March 2018, following authorisation by the Russian Federation ([GrecoEval4Rep\(2017\)2](#)). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of the Russian Federation submitted a Situation Report on measures taken to implement the recommendations. This report was received on 11 July 2019 and served, together with the information submitted subsequently, as a basis for the Compliance Report.
3. GRECO selected Germany and Bulgaria to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr David AYDINTAN, on behalf of Germany and Mr Georgi RUPCHEV, on behalf of Bulgaria. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

5. GRECO addressed 22 recommendations to the Russian Federation in its Evaluation Report. Compliance with these recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

6. *GRECO recommended that the transparency of the legislative process be enhanced (i) by introducing an obligation to hold public consultations as a main rule for draft laws in the National Assembly; (ii) by ensuring that applications to obtain media accreditation in order to have access to the parliamentary process are examined within a reasonable time, depending on the circumstances, and that grounds for refusal are reviewed with a view to facilitating media access.*
7. The Russian authorities state, in respect of part (i) of the recommendation, that the First Deputy Chairperson of the Federation Council sent an official letter to all members of the Federation Council prescribing them to hold public consultations on draft federal law prepared by them at least 14 days prior to its submission to the State Duma. Similarly, the Council of the State Duma at its meeting of 13 November recommends to deputies to organise public discussions on draft federal laws or to hold corresponding workshops and round tables, as well as other events of a similar nature.
8. As to part (ii) of the recommendation, the authorities reiterate previously given information according to which the media accreditation system of the State Duma is governed by the Accreditation Rules for Journalists and Media Technicians at the State Duma, approved by Order of the Chairperson of the State Duma No. 175r-1 of 2 July 2015. Clause 9 allows additional one-time accreditation for journalists without

issuing accreditation documents by the State Duma, if necessary, to provide more extensive coverage of certain events. The Russian authorities report that an analysis of the implementation of these Rules did not reveal any problematic issues. As to the Federation Council, in 2018, 50 media were given accreditation, and 7 were refused it owing to the exclusively advertising nature of the requesting media. All journalists who applied for one-time accreditations were granted access to the Federation Council (1 500 journalists). The State Duma indicates that no one-year accreditation has been refused from 2017 to 2019.

9. GRECO takes note of the information provided by the Russian authorities. As to part (i) of the recommendation, the aim of the recommendation was increased transparency of the legislative process through public consultations on bills emanating from the Federal Assembly. GRECO notes that public consultations on bills still do not appear to be the general rule. Decree No. 167 provides for the possibility of public consultations for draft federal constitutional and federal law, but a decision of the President of the Russian Federation is required, and the bills concerned must deal with the main directions of the state policy in the field of socio-economic development. Federal Government Resolution No. 851 provides only for the possibility of submitting draft laws for public consultation, therefore not making it the general rule either but only an option. The fact that bills are made available on internet platforms of both chambers of the Federal Assembly is not sufficient in itself, neither is the letter of the First Deputy Chairperson recommending public consultations to be held as it has no legally binding value nor the recommendation of the Council of the State Duma to hold public consultations. The notion of public consultation is to be understood as a formalised procedure, part of the legislative process, whereby the public and civil society as a whole are in a position, within a reasonable timeframe, to comment on bills before parliament. GRECO is therefore not convinced that the aim of this part of the recommendation, which is that public consultations becomes the main rule for all bills before parliament, has been fully met. However, in view of above-mentioned first steps in both chambers, this part of the recommendation can be considered to be partly implemented.
10. Regarding part (ii) of the recommendation, GRECO notes the statistics provided by the Federation Council concerning accreditation which show that the great majority of journalists have received it. As to the statistics given by the State Duma, they show that no accreditation has been refused from 2017 to 2019. GRECO is therefore satisfied that the requirements of this part of the recommendation are met.
11. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii.

12. *GRECO recommended that a code of ethics/conduct for members of parliament be adopted – covering various situations of conflicts of interest (gifts and other advantages, third party contacts, accessory activities, post-employment situations, etc.) -, made accessible to the public, and that it be complemented by practical measures for its implementation and enforcement.*
13. The Russian authorities reiterate that, according to Art. 9 of the Federal Law No. 3-FZ of 8 May 1994 “on the status of members of the Federation Council and status of the Deputies of the State Duma of the Federal Assembly” (hereafter, Law on the Status of MPs), MPs must observe a code of ethics, their responsibility being described in the chambers’ respective regulations. In addition, Federal Law No. 561-FZ of 27 December 2018 on amendments to above-mentioned law establishes the responsibility of MPs for violations of restrictions, prohibitions and non-fulfilment of duties, including non-fulfilment of obligations to report personal interests in the

exercise of their mandates that may lead to a conflict of interest, and to take measures to prevent conflict of interest.

14. The authorities refer to the State Duma's Resolution No. 4833-7 GD of 20 September 2018, which has set up the Commission for control over authenticity of information on revenues, property and property-related liabilities provided by the deputies to the State Duma, issues linked to their mandate and deputy ethics. They state that, at the legislative level, relations between the deputies and voters are regulated, mechanisms for preventing corruption are established, and compliance with ethical norms is prescribed. They add that ethical requirements and rules are formulated in the Regulations of the State Duma and the aforementioned Commission's regulations. As to the Federal Council, the authorities reiterate that, according to its regulations, members can be deprived of the right to speak without warning in a number of cases (e.g. gross, abusive terms prejudicial to the honour of citizens and officials, calls for illegal actions, language promoting social discord). A Sub-committee on parliamentary ethics and immunity has been set up for the purpose of reviewing issues of compliance with ethical standards.
15. On 5 November 2019, the Code of Ethics of Federation Council members which consolidated standards laid down in law was published and sent to all members. The Federation Council Committee on Regulation and Organisation of Parliamentary Activities will be responsible for undertaking an annual analysis and processing of information on compliance by Federation Council members with this code. On 13 November 2019, the Council of the State Duma adopted a code of ethics ("Requirements for the behaviour of deputies of the State Duma given the legally prescribed restrictions, duties and prohibitions"). Enforcement is to be ensured by the Commission on the Control over the Reliability of Information on Income, Property and Property related Obligations Submitted by Deputies, on the Mandate Issues and Issues of Parliamentary Ethics.
16. GRECO takes notes of the information provided by the Russian authorities. GRECO notes that the State Duma and the Federation Council have adopted Codes of Ethics for its members and entrusted its supervision to special commissions. However, not all integrity matters are included in these codes. For instance, contacts with third parties and post-mandate restrictions are not tackled. Therefore, the current codes need to be supplemented to cover all integrity matters as detailed in the recommendations. GRECO can only consider this recommendation as partly implemented and underlines the need for the State Duma and the Federation Council to supplement their codes in order to cover missing issues
17. GRECO concludes that recommendation ii has been partly implemented.

Recommendation iii.

18. *GRECO recommended that practical guidance be drawn up on the requirement for MPs to report gifts, including in kind, received from third parties.*
19. The Russian authorities state that the State Duma has adopted guidelines on receiving and reporting gifts by the deputies. For its part, the Federation Council carried out an analysis of Standing Order No. 47rp-SF of 1 April 2015 of the Chairperson "on approval of the Regulations on reporting gifts received by a member in connection with the performance of his/her official duties, surrender and evaluation of the gift, sale and crediting of proceeds from its sale" and its implementation. It concluded that there were no practical problems. A survey by the Federation Council revealed that within a four-year period, only 11 gifts to members of this chamber have been submitted. However, in 2018, the Federation Council adopted guidance on gifts and the obligation to report them.

20. At the same time, the authorities report that the Prosecutor General's Office has prepared guidelines for all categories of employees and officials on the implementation of anti-corruption regulations on gifts, for instance reporting gifts from third parties (including in-kind gifts). After discussion with all stakeholders, including from the Federal Assembly, the guidelines has brought to the attention of parliamentarians and made available on the website of the Prosecutor General's Office. In November 2019 the Ministry of Labour, which according to Presidential Decree No. 309 is entrusted with providing advisory and methodological assistance to federal bodies on the implementation of anti-corruption legislation, issued Clarifications on reporting by certain categories of persons, including MPs, of a gift received due to the protocol events, business trips and other official events the participation in which is related to the performance of their official duties, delivery and assessment of a gift, sale and crediting of proceeds from its sale.
21. GRECO takes note of the information furnished by the Russian authorities. It notes that guidelines on gifts have been adopted by the State Duma. It also notes that the Federation Council adopted practical guidance on the reporting of gifts. Clarifications on gifts have been adopted the Ministry of Labour and disseminated to all MPs. Nevertheless, GRECO is of the view that MPs should adopt their own guidelines, which should be sufficiently detailed and adapted to their own specific situation. Turning to the guidance prepared by the State Duma, as provided, GRECO considers that it appears adequate. Similarly, the Federation Council's Guidance on gifts states all gifts need to be reported. They would gain in containing further practical examples pertinent for MPs. GRECO considers that this recommendation can be considered implemented.
22. GRECO concludes that recommendation iii has been implemented satisfactorily.

Recommendation iv.

23. *GRECO recommended that the declaration of revenues, interests, property and liabilities of members of parliament be published after their submission to the State Duma and Federation Council, without omitting information (such as sources of revenues) other than prejudicial to their privacy or that of their spouses and minor children.*
24. The Russian authorities state that the Prosecutor General's Office, the Ministry of Labour and Social Protection and the Presidential Administration prepared a draft presidential decree which states that the declared annual income of officials concerned, including MPs, corresponds to the income received from the main place of work, the sale of property, educational, scientific and other creative activities. It goes on to say that officials can decide to also identify other types of income. Both the Federation Council and the State Duma are also required to introduce regulations for the posting on their websites of information revealing revenues, expenses, property and property-related liabilities of MPs, their spouses and minor children and that such information be provided to all-Russian media to be made public. The Explanatory Note to the draft decree states that the aim of this text is to increase transparency regarding the revenues of the public officials concerned (which include MPs) and to inform society and the media about the source of income by publishing specific data on their income, expenses, property and liabilities. Moreover, the Explanatory Note to the draft federal law on the amendments to the Federal Law on Status of MPs indicates that the publication of information will be aligned on that of other officials, i.e. expenses exceeding the total income for the three preceding years, as well as the sources of origin of income for which such expenses were incurred.

25. GRECO takes note of the information provided by the Russian authorities. The Evaluation Report pointed out that the detail and sources of revenues (e.g. salary, interest, dividends, remuneration from teaching and research activities, etc.) was not published but only their global amount, and the publicity of these various sources of revenues was the crux of the recommendation (para. 77, Evaluation Report). The draft presidential decree states what should be understood by declared income, i.e. income from the MP's main work, from the sale of property and from educational, scientific and other creative activities; it leaves to MPs to decide whether to indicate other revenues. The draft decree also requires both the Federation Council and the State Duma to amend their regulations within a month from the decree's entry into force in order to make public the aforementioned information on MPs' revenues. GRECO considers that this draft decree appears to be going in the right direction, although it considers that MPs should specify all sources of revenue and therefore should not be left with the option of declaring other sources of income than those expressly mentioned in the draft decree (such as dividends and other interests). GRECO therefore considers that the draft decree should be amended accordingly. However, having seen the draft decree, GRECO considers that the requirements of the recommendation have been partly met.

26. GRECO concludes that recommendation iv has been partly implemented.

Recommendation v.

27. *GRECO recommended strengthening the system of declaration of revenues, interests, property and liabilities with an effective control mechanism for both chambers of the National Assembly (including verifications of sources of revenues of MPs).*

28. The Russian authorities state that Federal Law No. 307-FZ of 3 August 2018 "on the amendments to individual legislative acts of the Russian Federation improving the control and observance of legislation on combating corruption" introduced amendments about the control on the consistency of expenses of officials, including when dismissed from their positions, by the Prosecutor General or subordinate prosecutors upon a decision of the President of the Russian Federation, the Chairperson of the Government or an official designated by the President. Amendments provide for the possibility of forfeiting property to the State if the relevant MP fails to substantiate its acquisition was rendered possible by legitimate incomes (or an amount equivalent to its value if it cannot be transferred to the State).

29. Currently, the Parliamentary Commissions cannot conduct an inspection based on the findings they make when examining MPs' asset declarations. According to the draft federal law on amendments to the Federal Law on the Status of MPs, in order to increase the effectiveness of the Commissions on Revenues, Property and Liabilities of MPs established in each chamber, they will be able on their own initiative to initiate and conduct an inspection of cases where information about the income, expenses, property and property-related liabilities of MPs (including regarding their spouses and minor children) is incomplete, inaccurate or inconsistent with their total income. The draft law is meant also to give the commissions the legal authority to require the competent authorities (e.g. tax authorities) to carry out operational investigations and communicate any results within 30 days.

30. GRECO takes note of the information provided by the Russian authorities. It notes the draft amendments to the Law on the Status of MPs aimed at strengthening the control undertaken by the Commissions on Revenues, Property and Liabilities of MPs, set up in the State Duma and the Federation Council. It notes in particular the fact that these Commission are supposed to be able to act on their own initiative (rather than upon information provided by external stakeholders, as is currently the case) and require the competent authorities to carry out investigations on their behalf and

report within 30 days. This has the potential of rendering these commissions more effective than presently, considering that the Evaluation Report has established that, in practice, they do not go beyond the cursory verification of the asset declarations submitted by MPs even when information is provided by external stakeholder to ask for inspections (para. 93).

31. Given that the bodies responsible for checking MPs' asset declarations are parliamentary commissions, rather than an external body, the real litmus test as to its effectiveness will be whether in practice the aforementioned commissions make full use of their stronger powers, that in-depth inspections are initiated and that sanctions are imposed in case of breach. Nevertheless, GRECO is ready to consider that the draft amendments prepared by the State Duma are a step in the right direction, considering the inspection powers given to the parliamentary committees.
32. GRECO concludes that recommendation v has been partly implemented.

Recommendation vi.

33. *GRECO recommended that the possibility of initiating investigations into the declaration of revenues, interests, property and liabilities of an MP, rests exclusively with the competent parliamentary committees, in order to preserve the independence of the legislative power, both real and perceived.*
34. The Russian authorities state that, at present, findings of the parliamentary commissions in MPs asset declarations cannot be a ground for conducting inspections. They add that the question of amending existing legislation to make it possible for a parliamentary commission to initiate inspections of corruption allegations is currently being considered and has been included in the draft federal law on amendments to the Federal Law on the Status of MPs.
35. GRECO takes note of the information provided by the Russian authorities whereby discussions are ongoing about modifying the law in order to enable the competent commissions to initiate investigations into the MPs' asset declarations. This is also described under recommendation v. This recommendation called for the competence of these commissions to be exclusive in order to preserve the independence of the legislative power. From the information provided by the authorities (notably under recommendation v), it appears that the possibility for the President of the Russian Federation to decide on an examination of MPs' declarations, independently from the examination undertaken by the parliamentary commissions, remains. Therefore, the recommendation cannot be considered to be implemented.

36. GRECO concludes that recommendation vi has not been implemented.

Recommendation vii.

37. *GRECO recommended ensuring that a range of adequate sanctions can be imposed on members of parliament on grounds of integrity breaches related to declarations of revenues, interests, property and liabilities, including filing incomplete or incorrect declarations, that are effective, proportionate and dissuasive.*
38. The Russian authorities indicate that Federal Law No. 561-FZ of 27 December 2018 on amendments to the Law on the Status of MPs provides for the following sanctions, notably for deliberately giving inaccurate or incomplete information about their income, expenses, property and liabilities: (a) a warning, (b) temporary removal (suspension for a certain period) of the MP from office in working bodies of the parliament (Chairman, Deputy Chairman of the House of Parliament, Chairman, Deputy Chairman of the Committee or Commission) while maintaining the status of

MP. Thus, all powers of MPs are preserved, but they are deprived of the right to occupy certain positions and perform certain work in committees and commissions. The ultimate possible sanction remains the MPs being stripped from their mandate. The imposition of a penalty is to be published in an official publication of the Federal Assembly and the chambers' respective websites. The procedure for imposing penalties is specified in the regulations of the respective chambers.

39. GRECO takes note of the information provided by the Russian authorities. GRECO refers to the Evaluation Report which highlighted the importance of having a range of sanctions the severity of which is proportionate to the seriousness of the breach, so as to ensure that minor breaches do not stay unpunished. The Evaluation Report noted that, at the time, the only available sanction for breaches concerning the declaration of revenues, property and liabilities was the termination of the MP's mandate, which was a clear risk that only the most severe breaches would be given proper consideration in the current system, whereas smaller breaches would not result in sanctions. GRECO notes that a wider range of sanctions has been introduced, such as suspension for a certain period from performing certain parliamentary functions, and considers that it satisfies the requirements of this recommendation.
40. GRECO concludes that recommendation vii has been implemented satisfactorily.

Recommendation viii.

41. *GRECO recommended the provision of specific and periodic training for all members of parliaments, with a particular focus on new parliamentarians, on ethical questions and conflict of interest.*
42. The Russian authorities state that, in accordance with clause 10 of the Action Plan of the State Duma on Combating Corruption 2018-2020 (approved on 21 November 2018), factions of the State Duma organised systematic training and awareness-raising activities for MPs concerning ethics and conflict of interest. Similarly, according to the Action Plan of the Federation Council on Combating Corruption 2018-2020 (approved on 27 July 2018), training on combating corruption, ethics, preventing and resolving conflicts of interest are organised at least twice a year for members of the Federation Council. The authorities provide the example that 234 persons were trained in 2018 and 2019 in the Federation Council. In addition, each year, as part of a campaign on asset declarations, training seminars and individual consultations are held by the Civil Service and Personnel Department of the Central Office of the State Duma and a similar division of the Central Office of the State Duma for members of chambers and their assistants. Every year, the Federation Council, the State Duma, their bodies and officials (or with the participation of the chambers) hold events on topical issues related to combating corruption. According to information from the State Duma, since 2018, some 200 deputies and their assistant have been trained.
43. GRECO takes note of the information reported by the Russian authorities. GRECO considers that the inclusion of training in the Action Plans on Combating Corruption of both the State Duma and the Federation Council is a positive development. Further, some training on asset declaration obligations takes place annually in both chambers. It also notes that factions of the State Duma have organised training and awareness activities, and that two events have been organised at the Federation Council. However, the authorities have not provided concrete information on future activities and their regularity. Approximately half of deputies have been trained since 2018 and it is not clear from the figures given by the Federation Council how many members have been trained as figures also appear to cover parliamentary staff. While these are encouraging developments, further steps are needed to ensure that all MPs receive adequate training on integrity matters, especially considering the number of

guidance documents recently adopted by both chambers. Therefore, it cannot consider the recommendation as fully implemented.

44. GRECO concludes that recommendation viii has been partly implemented.

Corruption prevention in respect of judges

Recommendation ix.

45. *GRECO recommended that the integrity requirement for selecting, appointing and promoting judges be guided by objective criteria available to the public.*

46. The Russian authorities indicate that, further to the Judicial Council's Resolution No. 649 of 18 July 2018 aimed at implementing this recommendation, a working group was set up to prepare proposals. On 21 September 2018, the Supreme Qualification Board of Judges of the Russian Federation (hereafter, the SQJB) adopted the proposals and inserted them in the Guidelines on the implementation by qualification boards of the federal legislation on combating corruption:

"Evaluation of information submitted by candidates for vacancies, as well as the results of verification activities shall be carried out by the qualification board of judges, taking into account the accuracy and integrity of their reflection.

During the evaluation, the qualification board of judges shall take into account the criteria of integrity, which can include, for example: fair use of civil rights and proper performance of civil duties; compliance by the candidate with moral and ethical requirements, adherence to high standards of morality and ethics; taking actions to counter, prevent and resolve conflicts of interest; consistency of income and property, owned by the candidate and his/her family members, with information about the expenses.

With regard to candidates from among the current judges, the qualification board of judges shall also assess the presence or absence of contracts involving financial obligations, with persons who are dependent on the judge, as well as with persons who are participants in legal proceedings in cases that are pending; the observance by a judge in the exercise of his/her powers of the procedures provided for by procedural legislation in order to protect him/her from suspicion of bias and partiality."

47. The revised Guidelines are posted on the SQBJ's [website](#) and were published in a Bulletin of the SQBJ for 2018 and in the results of the seminar bringing together the chairpersons of the qualification boards of judges (2018). In addition, Order of the Judicial Department of the Supreme Court No. 284 of 30 November 2018 made changes to the Guidelines on the organisation of psychological support for the work on the selection of candidate judges to reflect the amendments to the aforementioned Guidelines regarding "the level of development of the moral consciousness of a candidate".

48. GRECO takes note of the information provided by the Russian authorities. It notes that the Supreme Qualification Board of Judges of the Russian Federation has inserted language in the "Guidelines on the implementation by qualification boards of the federal legislation on combating corruption" to the effect that integrity criteria should be taken into account when evaluating candidates to vacancies, with additional requirements for promotion of judges.

49. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x.

50. *GRECO recommended that the process of recruiting judges be reviewed so as to better preserve the separation of powers and the independence of the judiciary vis-à-vis the executive by strengthening significantly the role of the judiciary in the selection process of candidate judges leading to their appointment by the President.*
51. The Russian authorities give a description of the selection system as was given in the Evaluation Report. They reiterate that the Presidential Commission on preliminary consideration of candidates for the positions of judges is composed of 15 members, including two representatives of the Executive power (the Ministry of Internal Affairs of Russia and the Federal Security Service of Russia) and the President, through representatives of the Presidential Administration. In addition, the judicial community, the Supervisory authority (Prosecutor General's office), and civil society are represented.
52. GRECO notes that the authorities do not provide any new information but repeat the description given in the Evaluation Report. The Evaluation Report notes that the President's role in appointing judges is more than ceremonial and is in fact decisive, as the President can refuse to appoint the judges recommended by the Judges Qualifying Boards. The Presidential administration is associated to the selection process not only in being represented by an appointee in Judges Qualifying Boards, at regional level, but also through a strong presence in the Presidential Commission that carries out the ultimate selection before appointment (para. 150). As no new information has been provided, GRECO cannot consider this recommendation as implemented.
53. GRECO concludes that recommendation x has not been implemented.

Recommendation xi.

54. *GRECO recommended that the federal authorities seek ways to strengthen the security of tenure of justices of the peace, involving the constituent entities.*
55. The Russian authorities state that on 26 February 2019 the Plenum of the Supreme Court submitted a draft federal law providing for the appointment of justices of the peace for an unlimited term of office. On 19 June 2019, the competent parliamentary committee decided to recommend its adoption in first reading. The draft law was considered by the Council of the State Duma and adopted in first reading by the State Duma. According to the federal draft law, all justices of the peace across the constituent entities will benefit from life tenure.
56. GRECO takes note of the information given by the Russian authorities. It considers that the draft federal law providing for the appointment of justices of the peace for an unlimited term of office is a positive development, which responds to the aim of the recommendation.
57. GRECO concludes that recommendation xi has been implemented satisfactorily.

Recommendation xii.

58. *GRECO recommended that the provisions connected with judges' impartiality and integrity (close relatives interested in the proceedings; action that could lead to conflict of interest; personal relationship with parties to the proceedings) which were removed from the Code of Judicial Ethics be reintegrated as safeguards for their impartiality and integrity.*

59. The Russian authorities state that in July 2018 the Judicial Council established a working group to examine the above recommendation. The working group was of the opinion that there was no need to reintegrate the contentious clauses into Article 9 of the Code Judicial Ethics. It contends that these clauses dealt with procedural relations (i.e. the procedure for forming an independent and impartial composition of the court for the consideration of a particular case) and that, according to Article 71 of the Constitution, procedural legislation was under the exclusive jurisdiction of the Russian Federation. Moreover, from January 2019 the composition of courts using an automated information system became the general rule. Additionally, disqualification and self-disqualification are presented as a useful tool to achieve the same goal of impartiality; procedure codes pose the principle that a judge should be excluded from considering a case if s/he is directly or indirectly interested in its outcome or there are circumstances that may cast a shadow on his/her objectivity and impartiality.
60. According to the authorities and as mentioned in the evaluation report, the Code of Judicial Ethics contains basic principles, including on preventing and resolving conflicts of interest. The authorities contend that the clause that was deleted only listed private situations that questioned the impartiality of judges and duplicated norms of procedural law. They are of the view that the Code of Judicial Ethics cannot cover the diversity of ethically ambiguous situations that can be perceived as a conflict of interest. The Judicial Council questions the added value of reintegrating of the language that has been removed and consider that better result can be achieved through measures such as: closer interaction between judicial councils and the media to highlight conflicts of interest linked to judicial practice; compulsory annual monitoring by the judicial councils of the constituent states of potential conflicts of interest that come to their attention, and sending monitoring results to the Judicial Council to be compiled and notified to all judges; regular workshops for judges (mandatory for judges appointed for the first time) on issues pertaining to judicial conduct, including conflict of interest. These measures are said to be implemented successfully at present.
61. At the same time, the authorities indicate the preparation of proposals for improving the procedure for preventing and resolving conflict of interest arising when judges exercise their powers, including in cases involving citizens and legal entities with which a judge, his/her close relatives or relatives are financially or otherwise liable (para. 8 of the National Anti-Corruption Plan for 2018-2020, approved by Presidential Decree No. 378 of 29 July 2018). The authorities add that from September 2019 it became the general rule to form the composition of courts through an automated information system that considers the workload and specialisation of judges. Moreover, in October 2019, the Ethics Commission of the Judicial Council issued a digest of its opinions on situations of conflict of interest: it contains the provisions that are excluded from the Code of Judicial Ethics. Finally, the Supreme Court is currently planning the study the judicial practical consideration of issues related to settlement and prevention of conflict of interest during adjudication of the criminal, civil, administrative cases, administrative offense cases.
62. GRECO takes notes of the information provided by the Russian authorities. It regrets that the Judicial Council has decided not to reintegrate in the Code of Judicial Ethical the relevant clauses on judges' impartiality and integrity (close relatives interested in the proceedings; action that could lead to conflict of interest; personal relationship with parties to the proceedings) as per the recommendation, notably on the ground that they repeated the content of the law.
63. GRECO can only reiterate the position expressed in the Evaluation Report that the provisions in question represent important safeguards for the impartiality, both real and perceived, of judges (para. 184). It does not see any contradiction in having these principles laid down in both the law and the Code of Judicial Ethics, the aim of

the latter being to illustrate the cardinal principles to be followed by judges in exercising their duties. In any event, a Code of Judicial Ethics is meant to be true to the law, therefore not rewriting it but explaining it in a way that makes it more palatable to those meant to abide by it. GRECO notes on the other hand that the authorities report that a digest has been issued by the Ethics Commission of the Judicial Council on its opinions on situations of conflict of interest and that the Supreme Court is planning to work on the issue preventing conflicts of interest. These are positive developments, but the scope of the recommendation was the reintegration of the disputed clauses on conflicts of interest into the Judicial Code of Ethics, which is the ultimate reference document for all judges in terms of ethical standards, and such has not been the case.

64. GRECO concludes that recommendation xii has not been implemented.

Recommendation xiii.

65. *GRECO recommended that parties to proceedings whose motion for the recusal of the judge(s) deciding on their case and on this motion has been rejected be given the possibility of immediately appealing against such refusals without prejudice to the conduct of proceedings within reasonable time.*
66. The Russian authorities indicate that the Prosecutor General's Office prepared draft amendments to the Criminal Procedure Code so as to provide that the dismissal of an application for the disqualification of a judge, several judges or the entire composition of a court may be appealed within three days from the date of the decision dismissing the said application. Moreover, the court of appeal will have to decide no later than three days from the date of receipt of the application. In case of dismissal of an application for the disqualification of a judge(s) a second application could not be made by the same person and on the same grounds. The draft amendments are being discussed by the competent state bodies.
67. GRECO takes note of the information given by the Russian authorities. The draft amendment to the Criminal Procedure Code as prepared by the Prosecutor General's Office would provide for a possibility to appeal the dismissal of an application for disqualification, with a decision on this appeal to be made within three days. This would fill the procedural gap which was behind this recommendation. Pending its adoption, the recommendation can therefore be considered partly implemented.
68. GRECO concludes that recommendation xiii has been partly implemented.

Recommendation xiv.

69. *GRECO recommended that practical guidance be drawn up on the requirement for judges to report all forms of gifts, including in kind, received from third parties.*
70. The Russian authorities report that the Presidium of the Judicial Council has examined the recommendation and concluded that the current legislation provides an adequate framework on the issue of gifts by imposing a complete ban on receiving them in any form and any occasion, with the exception of gifts received at protocol events, which must all be handed to the court where the judge sits. They refer to existing legislation (Federal Law on Combating Corruption, Law on the Status of Judges, Civil Code) and other texts (Federation Government Regulation No. 10 approving the Model Regulations on the reporting of gifts; Regulation No. 1043/kd of the Chairperson of the Supreme Court on the procedure for the reporting by judges and federal state civil servants of the central office of the Supreme Court on receiving gifts in connection with outside events). At the same time, in 2019, the Prosecutor General's Office, which is entrusted by law to support the implementation of anti-corruption

legislation, has prepared a practical guide for all officials, including judges, on the implementation of anti-corruption regulations regarding gifts, which covers the reporting of gifts received from third parties, including in kind gifts, followed by examples and advice on possible action.

71. GRECO takes note of the information provided by the Russian authorities. It notes that there is a number of legal texts that lay down a ban on all officials, including judges, from accepting gifts, except those received at protocol events, which need to be handed afterwards to the court where judges sit. It refers to the Evaluation Report which states that further guidance could usefully be developed for judges to clarify that they must report all gifts from third parties, whether financial or in kind, regardless of whether they have been received in the strict exercise of their judicial functions (e.g. gifts received during official events) or could be seen as related in some way with their judicial functions (e.g. gifts made to attract a judge's goodwill).
72. GRECO takes the view that the purpose of such guidelines is to be a practical tool which illustrates, with real-life examples based on circumstances in which judges may find themselves, the principles laid down in the law and in regulations. It notes the fact that, as part of its official role in supporting anti-corruption legislation by all officials concerned (including judges), the Prosecutor General's Office has prepared practice guidance for all officials in cooperation with the different public authorities concerned. Unlike prosecutors, there are no guidelines prepared by the judiciary itself. This can be regretted as such a practical document could be helpful for judges to gain a sense of ownership of the rules on gifts. However, considering the official role entrusted to the Prosecutor General's Office in supporting the implementation of anti-corruption legislation by all officials (including judges), its practical guide, which describes how to deal with gifts, notably those received as part of protocol events, business trips and other official events, can be considered adequate to meet the requirements of this recommendation provided the judiciary consents to such guidelines.
73. GRECO concludes that recommendation xiv has been implemented satisfactorily.

Recommendation xv.

74. *GRECO recommended increasing transparency in respect of declarations on revenues, expenses, interests, property and liabilities by judges regarding sources of revenues, including from accessory activities, with due regard to their and their relatives' privacy and security.*
75. The Russian authorities provides the same information that was detailed in respect of MPs in para. 26 as the draft presidential decree covers "officials", which not only include MPs but also judges.
76. GRECO takes note of the information given by the Russian authorities. The draft presidential decree states what should be understood by declared income of officials (including judges), i.e. income from their main work, from the sale of property and from educational, scientific and other creative activities; it leaves to judges to decide whether to indicate other revenues. GRECO considers that this draft decree appears to be going in the right direction, although it considers that judges should specify all sources of revenue and therefore should not be left with the option of declaring other sources of income that those expressly mentioned in the draft decree (such as dividends and other interests). According to GRECO, the authorities should amend the draft decree accordingly. However, pending such an amendment and the adoption of the presidential decree, GRECO considers that the requirements of the recommendation have been partly met.

77. GRECO concludes that recommendation xv has been partly implemented.

Recommendation xvi.

78. *GRECO recommended that the immunity of judges be limited to activities related to their participation in the administration of justice ("functional immunity") to the extent possible.*

79. The Russian authorities indicate that the Judicial Council, based on a study on judicial immunity, considers that the current procedure to scrutinise a judge's administrative and criminal responsibility is adequate, in balancing public interest and the constitutional guarantees of independence and immunity of judges. The Russian authorities contend that judicial immunity is not absolute and is limited to functional immunity. According to the authorities, the current immunity is consistent with international standards and is one of the basic constitutional guarantees of the independence of the judiciary, which according to Article 122 of the Constitution and part 4 of Article 5 of the Federal Constitutional Law on the Judicial System of the Russian Federation cannot be reduced.

80. GRECO takes note of the information reported by the Russian authorities. It notes that the Judicial Council considers that the current system of immunity of judges is satisfactory. GRECO refers to the Evaluation Report which found that, leaving aside the legitimate immunity of judges related to the exercise of their judicial duties, judges also enjoy another form of immunity, i.e. that consent from a Judges' Qualifications Board is required before any criminal investigation and prosecution can start. This goes beyond a strict functional immunity connected to the administration of justice. As underlined in the Evaluation Report, offences with no connection to the administration of justice should be subject to investigation and prosecution without the need for a specific consent from the judiciary as a main rule (para. 213). Therefore, no change to the system having been reported, the recommendation has not been fulfilled.

81. GRECO concludes that recommendation xvi has not been implemented.

Recommendation xvii.

82. *GRECO recommended that initial training and on-going training on corruption prevention issues, including on how to implement the Code of Judicial Ethics, be reinforced for all judges and that a system for training and counselling be made available to justices of the peace on matters relating to their expected conduct, prevention of conflicts of interest and the like.*

83. The Russian authorities indicate that several steps have been taken by the Judicial Department of the Supreme Court and the Russian State University of Justice to implement this recommendation. Since January 2018 on-going training has included issues related to corruption, ethics and conflict of interest. Anti-corruption issues, such as resolving conflict of interest, are introduced as a mandatory discipline by all refresher courses for newly appointed judges as well as judges from arbitration courts and courts of general jurisdiction. In 2018 7 213 judges were trained at the State University of Justice,¹ and from January to May 2019 2 343 judges underwent such training.² The authorities add that in branches of the Russian State University of Justice located in the constituent entities of the Russian Federation various subjects

¹ 757 judges appointed for the first time to the positions of judges underwent retraining; 6 321 judges underwent training; 135 justices of the peace were trained.

² 274 judges appointed for the first time as judges were retrained; 2 119 judges passed qualifications; 50 justices of the peace were trained.

are taught that cover anti-corruption legislation insofar as justices of the peace are concerned. Training programmes include a number of corruption related topics such as "Judicial ethics: standards of communication and behaviour of a judicial officer", "the Code of judicial ethics", "Anti-corruption legislation, measures to combat corruption", "Professional ethics of a justice of the peace". In 2018 a total of 751 justices of the peace were trained in the branches of the Russian State University of Justice. From January to May 2019, 238 justices of the peace were trained. E-training was also developed by the State University of justices of the peace on "countering corruption in judicial activities" and "preventing conflicts of interest".

84. In order to support training, a practical manual on "preventing and combating corruption in judicial activities" was prepared by Russian State University of Justice. It is currently used in programmes aiming to improve the qualifications of judges in teaching the basic discipline "Combating Corruption and Resolving Conflicts of Interest" and is sent electronically to the councils of judges of the constituent entities. Moreover, the Judicial Department of the Supreme Court also organises regular seminars to raise the awareness of judges about corruption prevention. In the first half of 2018, 7 421 legal and anti-corruption events were held in federal courts of general jurisdiction, federal arbitration courts and the Judicial Department system in the field of combating corruption and resolving conflicts of interest. In parallel, the Russian State University of Justice organises similar activities.
85. The Presidium of the Judicial Council of the Russian Federation's Resolution No. 689 of 3 December 2018 validated an instruction organising counselling for judges – including justices of the peace – in matters of corruption prevention, including conflict of interest and ethical conduct. According to the instruction, judges seeking counsel will have to address different bodies depending on the area concerned (ethical requirements, conflict of interest or asset declarations). The bodies will also be different for a certain number of judges (e.g. judges from courts of cassation, courts of appeal). The Judicial Department of the Supreme Court of the Russian Federation organised the promotion of this instruction amongst all judges and judicial departments in the constituent entities to inform all judges of their right to apply for counselling in matters of corruption prevention.
86. GRECO takes notes of the information provided by the Russian authorities. Steps have reportedly been taken to include corruption prevention, including conflict of interest resolution, as a compulsory topic for the training of all judges and a practical manual has been prepared to support training in this field. Training on corruption prevention has been rolled out for justices of peace, as per the recommendation, but needs to continue expanding in order to reach more justices of the peace across the country, given that they are the first instance judges in the constituent authorities for civil, administrative and criminal cases (with a maximum punishment of three years' imprisonment). In accordance with the recommendation, training on corruption prevention for justices of the peace has been developed.
87. GRECO also notes that the Judicial Council of the Russian Federation has adopted an instruction on the organisation of counselling for all judges, including justices of the peace, in matters of corruption prevention. Considering the complexity of counselling system described in the instruction, with judges needing to turn to different bodies depending on the issues (ethical matters, conflict of interest and asset declarations) and the court where they sit, GRECO is of the view that promotion of the system should continue to ensure that all judges, including justices of the peace, are fully aware of the avenues open to them to obtain counsel on integrity issues. Nevertheless, GRECO considers this to be a positive development as it opens the possibility for justices of the peace of obtaining confidential counselling as per the recommendation.

88. GRECO concludes that recommendation xvii has been implemented satisfactorily.

Corruption prevention in respect of prosecutors

Recommendation xviii.

89. *GRECO recommended that the procedure of appointment to higher posts of prosecutors be made more transparent vis-à-vis candidates with relevant professional experience who are not part of the prosecution services, by using objective and predetermined criteria and an open recruitment procedure.*
90. The Russian authorities underlined that the system of personnel selection aims primarily at attracting experienced candidates from within the public prosecution services. The possibility of appointing a candidate from outside the prosecution service is regarded as the exception. They indicate that a number of criteria applying to outside candidates are laid down in organisational and administrative documents of the Prosecutor General's Office.
91. An appointment procedure is provided for prosecutors of constituent entities and specialised prosecutors who are appointed by the President of the Russian Federation. The Commission of the Prosecutor General's Office on preliminary consideration of candidates for these positions was set up in 2015; it includes representatives of the Civil Service and Personnel Department of the President of the Russian Federation, the Commissioner for Human Rights, the Federation Council and the State Duma, and leading legal, scientific and educational organisations.
92. According to the authorities, the provisions of the Law on the Prosecutor's Office and the orders of the Prosecutor General ensure to a certain extent the transparency of the procedure for the selection of candidates and appointment to prosecution positions, including persons not previously serving in the prosecution service. The authorities provide the example of an ongoing replacement process concerning heads of structural units (e.g. legal management, protocol, media relations) by former employees of state bodies, state executive bodies and public organisations. Documents related of the Prosecutor General's Office on human resources are published in a journal (Zakonnost) and on the internet.
93. As part of the execution of the Government of the Russian Federation's Decree No. 397 of 31 march 2018 "on Approving a Unified Methodology for Holding Competitions for the Vacancies of the State Civil Service of the Russian Federation and Including in the Personnel Reserve of State Bodies", announcements about accepting documents for participation in competitions are to be posted on the websites of the Prosecutor General's Office and the prosecutor's offices of the constituent entities, and their placement in the state information system is planned. In order to effectively use the methods of evaluation of candidates, participation in the work of the competition commissions is provided by specialists in the field of personnel assessment, as well as specialists in certain areas and types of professional performance, corresponding to the tasks and functions of the prosecution authorities and their departments. An open procedure for admitting candidates with relevant professional experience to the prosecution service of the Russian Federation, using the designated forms and methods of conducting tenders, makes it possible to achieve transparency in appointment, including to senior civil service posts in the prosecution authorities of the Russian Federation.
94. Taking into account GRECO's recommendation, the Prosecutor General's Office prepared information on the qualification requirements for candidates applying to fill the federal public service positions in the prosecution authorities, in line with the provisions of the Prosecutor's Office Law and organisational administrative

documents of the Prosecutor General. This information was made available on its website on 19 October 2018.³

95. GRECO takes note of the information provided by the Russian authorities. GRECO recalls that the Evaluation Report called for more transparency around the recruitment procedure for experienced outside candidates to join senior positions in the Prosecution Services, which are opened to external recruitment. In response to the recommendation, it notes that the Prosecutor General's Office has published an extensive note to recapitulate the legal requirements for external candidates and made it available on its website. As a result of Government Decree No. 397 of 31 March 2018, it appears that more transparency is to be injected in the recruitment process, with an open procedure using standardised forms and methods for dealing with vacancies. This also represents a positive step towards more transparency of the recruitment of external candidates. Therefore, the requirements of this recommendation are met.
96. GRECO concludes that recommendation xviii has been implemented satisfactorily.

Recommendation xix.

97. *GRECO recommended that clear and objective criteria for the assignment of cases to prosecutors be introduced, with due regard being had to a fair and equitable workload between prosecutors, and that the case assignment be protected from undue influence.*
98. The Russian authorities indicate that this recommendation was examined by the Prosecutor General's Office, in cooperation with prosecutors of the constituent entities. On 30 October 2018, the Board of the Prosecutor General's Office held a meeting to examine the participation of prosecutors in the judicial stages of criminal proceedings. As a result, the Board took the formal decision to instruct prosecutors to ensure an optimal and uniform distribution of the burden of public prosecutors taking into account their qualifications and work experience as well as the complexity and volume of cases in the court. In addition, they were instructed to ensure compliance with the requirements of the legislation on procedural independence and notably that there should be no pressure on public prosecutors forcing them to defend the findings of preliminary investigations, not confirmed by the evidence examined during the trial.
99. GRECO takes note of the information given by the Russian authorities. In the instruction adopted by the Board of the Prosecutor General's Office, general criteria for allocating cases are mentioned (taking into account the qualification and work experience, and the complexity and volume of cases in the court) and the question of protecting case allocation from undue influence is rather narrowly construed as are only mentioned instances where a prosecutor would be forced to support the findings of preliminary investigations even though they are not confirmed by evidence during the trial.
100. GRECO recalls that this recommendation was about laying down clear and objective criteria for the assignment of cases to prosecutors, which is all the more important as there is no principle of random assignment of cases and cases are simply allocated by the head of the prosecution services. It notes that the rather generic principles laid down in the aforementioned instruction still leave room for subjectivity in practice. Moreover, the scope of the instruction regarding protection from undue influence, which goes hand in hand with the need for objective and clear allocation criteria, appears very narrowly construed. Overall, GRECO considers the criteria

³ <http://www.genproc.gov.ru/smi/news/genproc/news-1474202/>

ought to be more specific and objective, including when it comes to avoiding undue influence. Therefore, it cannot consider this recommendation as entirely fulfilled.

101. GRECO concludes that recommendation xix has been partly implemented.

Recommendation xx.

102. *GRECO recommended that practical guidance be drawn up on the requirement for prosecutors to report gifts, including in kind, received from third parties.*

103. The Russian authorities report that, in response to this recommendation, the Prosecutor General's Office prepared guidelines on prosecutors receiving and reporting gifts, which were sent notably to the heads of departments of the Prosecutor General's Office, the Rector of the University's Prosecutor's Office and prosecutors of the constituent entities. These guidelines refer to the legal basis for prosecutors receiving gifts, the procedure for reporting them and the practice of the law enforcement. They indicate that all gifts received during an official event or business trip which are organised in the framework of their profession need to be declared. More generally, they stipulate that, in case of doubt as to whether a gift is related to the prosecutor's official duties and should thus be declared, it should be determined what the relationship with the person offering the gift is and the circumstances in which the gift was given. It goes on to provide certain examples of third party from whom prosecutors should avoid receiving gifts. Gifts received in a private capacity need not be declared unless they take the form of cash, shares, real estate and vehicles, which are reflected in certificates of income, property and property-related liabilities. In April 2017 the Code of Ethics of the Prosecution Staff Member was supplemented by a clause excluding the possibility of receiving remuneration from individuals and legal entities in connection with the performance of official duties (gifts, cash remuneration, loans, material services, entertainment, leisure and other remuneration), except in cases established by law. The authorities view as positive that in 2018 no officials were found violating the restrictions on receiving gifts (two officials were held responsible in 2017).

104. GRECO takes note of the information provided by the Russian authorities. It notes that Guidelines have been adopted to clarify the circumstances where gifts received from third party would need to be declared by prosecutors. These Guidelines clarify that any gift received in the framework of an official event or business trip in which they participate in their professional capacity will need to be declared, which was a concern of the Evaluation Report. They also clarify that while gifts from a third party will not have to be declared, in case of doubt, the relationship with the person offering the gift and the circumstances in which it was given need to be taken into consideration. Moreover, in all cases where gifts from any third party take the form of cash, shares, real estate and vehicles, they need to be declared. Overall, GRECO is satisfied that this recommendation has been fulfilled.

105. GRECO concludes that recommendation xx has been implemented satisfactorily.

Recommendation xxi.

106. *GRECO recommended that disciplinary proceedings against prosecutors carried out by the Prosecution Services be handled with a sufficient degree of autonomy and provide for more public accountability and transparency.*

107. The Russian authorities consider that the recommendation's focus is on greater transparency on disciplinary proceedings. In this respect, they state that, by Order No. 515 of the Prosecutor General, the Central Personnel Administration sends information on persons discharged of the prosecution service for inclusion in the

Central Office of the Federal Government's Register of persons discharged due to loss of confidence. This register is an open access data base available on the official website of the federal state information system.

108. In order to implement the recommendation, on 1 October 2018, the Prosecutor General's Office posted on its website information on the results of disciplinary proceedings against prosecutors for the first half of 2018⁴, on 5 April 2019, for the whole of 2018⁵ and on 5 September 2019 for the first half of 2019.⁶ This information contains the number of prosecuted employees, the grounds for prosecution, the nature of the violations (violation of the Code of Ethics of the Prosecution Staff Member, commission of a corruption offense, non-compliance with labour discipline, etc.) and the penalties applied. Information on the results of disciplinary practice in the prosecution authorities will be posted on the website of the Prosecutor General's Office of the Russian Federation every six months.
109. GRECO takes note of the information provided by the Russian authorities. It notes the efforts made by the Prosecutor General's Office to increase transparency around disciplinary proceedings against prosecutors and in particular the open data register where information can be found on dismissed prosecutors and the regular publication of the results of disciplinary proceedings against prosecutors. This responds to one aspect of the recommendation.
110. However, GRECO underlines that another aspect of the recommendation concerns the fact that disciplinary proceedings should be handled with more autonomy from the direct hierarchy and service where the prosecutor is posted. Currently, investigations are carried out by the human resources of the prosecution services where the prosecutor is posted, and certifications commissions, which are chaired by the first deputy or deputy head of the prosecutor's office and are composed predominantly of prosecutors and prosecution staff of the service where the prosecutor under disciplinary action works, assess possible ethical breaches and sanctions. The decision rests with the prosecutor having appointed the prosecutor against whom disciplinary proceedings have been instituted. Since there have been no changes in the disciplinary mechanism as described in the Evaluation Report, GRECO cannot consider this aspect of the recommendation to be implemented.
111. GRECO concludes that recommendation xxi has been partly implemented.

Recommendation xxii.

112. *GRECO recommended that regular in-service training on corruption prevention, ethics and integrity for prosecutors be further improved.*
113. The Russian authorities reports that measures have been taken to provide anti-corruption training for young professionals as well as experienced officials in accordance with the recommendation. In the course of the implementation of the advanced training programme in 2018, prosecutors with short work experience in the central office of the Prosecutor General's Office were informed about recent changes in anti-corruption legislation, anti-corruption duties, prohibitions and restrictions applicable to federal civil servants and sanctions for their violation. In the framework of a permanent seminar of the Prosecutor General's Office, employees of the central office conducted classes on the topics such as "issues of declaring income, expenses, property and property-related liabilities" and "organising and carrying out activities

⁴ See: <http://www.genproc.gov.ru/smi/news/genproc/news-1467794/>

⁵ See: <http://www.genproc.gov.ru/smi/news/genproc/news-1593044/>

⁶ 12 employees were dismissed for violation of the oath of the prosecutor, and 1 employee was dismissed due to the loss of confidence.

to prevent corruption and other offences in the prosecution authorities of the Russian Federation". Issues pertaining to the procedure for submitting information on income, expenses, property and property-related liabilities were also reviewed at the Prosecutor's Office University (hereinafter as the University) during the advanced training of prosecutors. In 2018, the University held a practical seminar on the topics of restrictions, prohibitions and duties established by the Federal Law "On Combating Corruption" and of gifts. Relevant anti-corruption topics have also been studied by prosecutors and federal state civil servants of prosecution bodies during vocational training in interregional centres operating in the prosecutor's offices of the Khabarovsk Territory, Saratov and Sverdlovsk Regions, and the city of Saint Petersburg. In 2018, 3 620 people underwent anti-corruption training (2 963 in 2017). In addition, prosecution services in the constituent entities organise on their own initiative anti-corruption training sessions, including post-training knowledge tests to identify areas for improvement and inform future training. Finally, the authorities underline how the Code of Ethics of Prosecution Staff Members is taught to prosecutors (young professionals with work experience of up to three years) under programmes implemented in interregional vocational training centres for prosecutors and federal civil servants.

114. GRECO takes note of the information given by the Russian authorities. It considers that adequate steps have been taken to strengthen in-service training on corruption prevention at federal level and interregional level. This recommendation can be considered as fulfilled and the Russian authorities are invited to continue intensifying their training efforts, notably in the constituent entities.

115. GRECO concludes that recommendation xxii has been implemented satisfactorily.

III. CONCLUSIONS

116. **In view of the foregoing, GRECO concludes that the Russian Federation has implemented satisfactorily or dealt with in a satisfactory manner nine of the twenty-two recommendations contained in the Fourth Round Evaluation Report.** Nine recommendations have been partly implemented and four recommendations have not been implemented.

117. More specifically, recommendations iii, vii, ix, xi, xiv, xvii, xviii, xx and xxii have been implemented satisfactorily. Recommendations i, ii, iv, v, viii, xiii, xv, xix and xxi have been partly implemented. Recommendations vi, x, xii and xvi have not been implemented.

118. With respect to members of parliament, GRECO notes that some progress has been made. The transparency of the legislative process still needs strengthening, with public consultations on bills becoming the general rule rather than an option depending on a number of requirements. GRECO notes that the State Duma and the Federation Council have adopted codes of ethics, although they leave out some important issues (contacts with third parties, post-employment restrictions). GRECO notes that the State Duma adopted guidelines on the requirement for MPs to report gifts, including in kind, received from third parties, and so has the Federation Council has adopted such guidelines, even if they might be further developed. It also notes that the rules on the publication of asset declarations are in the process of being amended so that sources of revenues of MPs be divulged (and not only the global annual amount, as currently the case); however the draft text fails to cover some revenues such as dividends and interests. As to the control of asset declarations, the competent parliamentary commissions should see their inspection powers increased but, as it is not an external control, it remains to be seen whether they will make full use of these powers and be an effective control, given their track record for not acting on information warranting further inspections. Moreover, the executive power still

has the possibility of initiating its own control of MPs' asset declarations, which remains a concern for the separation of powers. Finally, training programmes on corruption prevention have been put in place in both the State Duma and the Federation Council, but further efforts are to be made to ensure that all MPs receive adequate training. Overall, some distance still needs to be covered to fully implement recommendations concerning MPs.

119. With respect to judges, GRECO notes some steps towards implementation of a number of recommendations, with many concrete results still outstanding. As regards recruitment, some initiatives have been taken to lay down integrity criteria, and to go towards life tenure for justices of the peace. Guidance is developed to clarify situations where judges are presented with gifts that may interfere with their judicial functions. Amendments to the Criminal Procedure Code have also been proposed to make it possible to appeal against a refusal to grant a request for the disqualification of judges, in response to a concern expressed by GRECO. Insofar as asset declarations are concerned, it has been proposed to include sources of revenues in published asset declarations. On the other hand, GRECO regrets that the Judicial Council has decided not to reintegrate in the Code of Judicial Ethical the relevant clauses on judges' impartiality and integrity (close relatives interested in the proceedings; action that could lead to conflict of interest; personal relationship with parties to the proceedings), in particular because, according to the Judicial Council, they repeated the content of the law. GRECO reiterates that the purpose of a code of judicial ethics is not to merely repeat the law but to clarify it, with the help of real-life examples likely to be faced by judges in their daily duties. Moreover, contrary to the authorities, GRECO continues to think that the rules on immunity ought to be revisited so that judges' immunity is strictly limited to functional immunity; currently, consent from a Judges' Qualifications Board is required before any criminal investigation and prosecution can start. As to training, further efforts have been deployed notably for justices of the peace, which should be sustained. Regarding counselling, it is to be noted that confidential counselling is being rolled out. Overall, the authorities are called upon to continue their efforts towards the implementation of recommendations pertaining to judges.
120. With respect to prosecutors, some progress can be witnessed. The recruitment procedure to allow external candidates to join the prosecution services has been made more transparent. Practical guidance has been drawn up on the requirement for prosecutors to report gifts, including in kind, received from third parties. Moreover, in-service training more systematically includes topics related to corruption prevention. That said, a number of areas need further progress to be achieved. Firstly, regarding the question of protecting case assignment from undue influence, only generic criteria have been laid down. Insofar as disciplinary proceedings are concerned, it is positive that transparency has been increased, but another aspect needs attention, which is to ensure that disciplinary proceedings are not directly depended on the direct chain of command and the service where the prosecutor concerned is posted.
121. In view of the above, GRECO notes that further material progress is necessary to demonstrate an acceptable level of compliance with the recommendations within the next 18 months. GRECO invites the Head of delegation of the Russian Federation to submit additional information regarding the implementation of recommendations i, ii, iv, v, viii, x, xii, xiii, xv, xvi, xix and xxi by 30 June 2021.
122. Finally, GRECO invites the authorities of the Russian Federation to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.