



GRECO fourth round

Laura Stefan, Prague, November 2017

Issues covered

- ethical principles, rules of conduct and conflicts of interest;
- prohibition or restriction of certain activities;
- declaration of assets, income, liabilities and interests;
- enforcement of the applicable rules;
- awareness.

For:

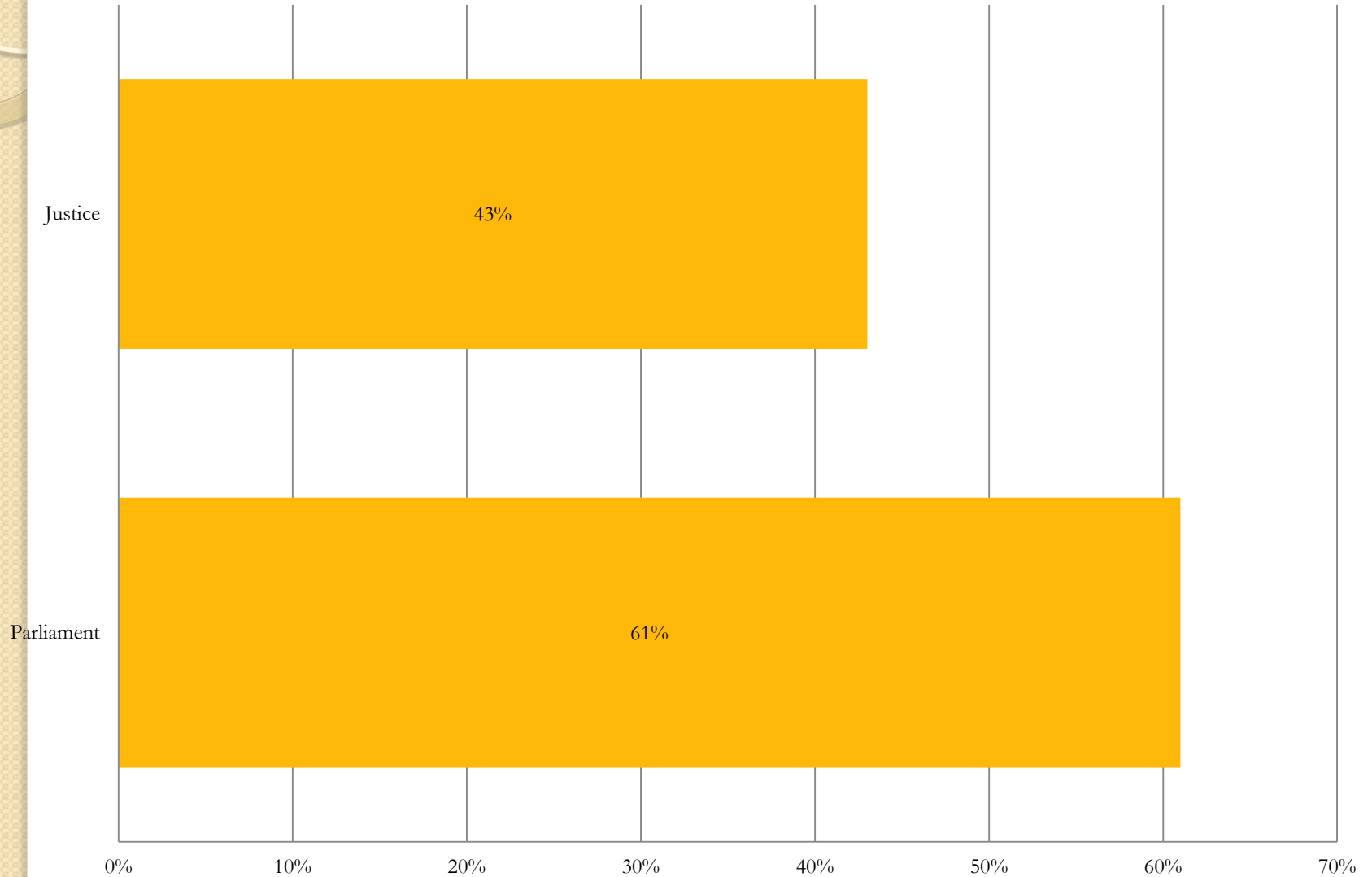
- Members of Parliament
- Judges
- Prosecutors

Issues in more detail

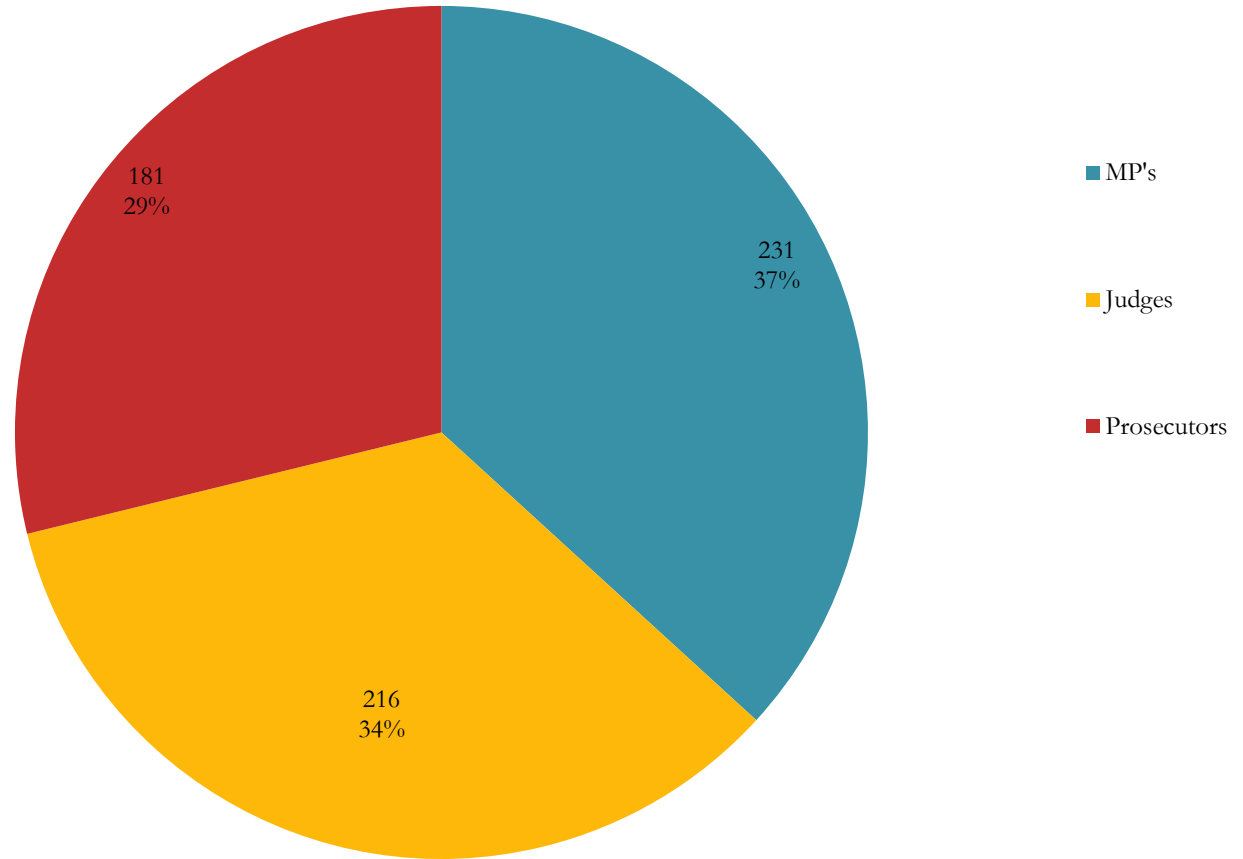
- transparency of the legislative process (members of parliament)
- transparency of the function of the service (judicial and prosecutorial services)
- remuneration and economic benefits
- recruitment, career and conditions of service
- prohibition or restriction of certain activities
- monitoring, supervision as well as enforcement of the rules

Why these topics?

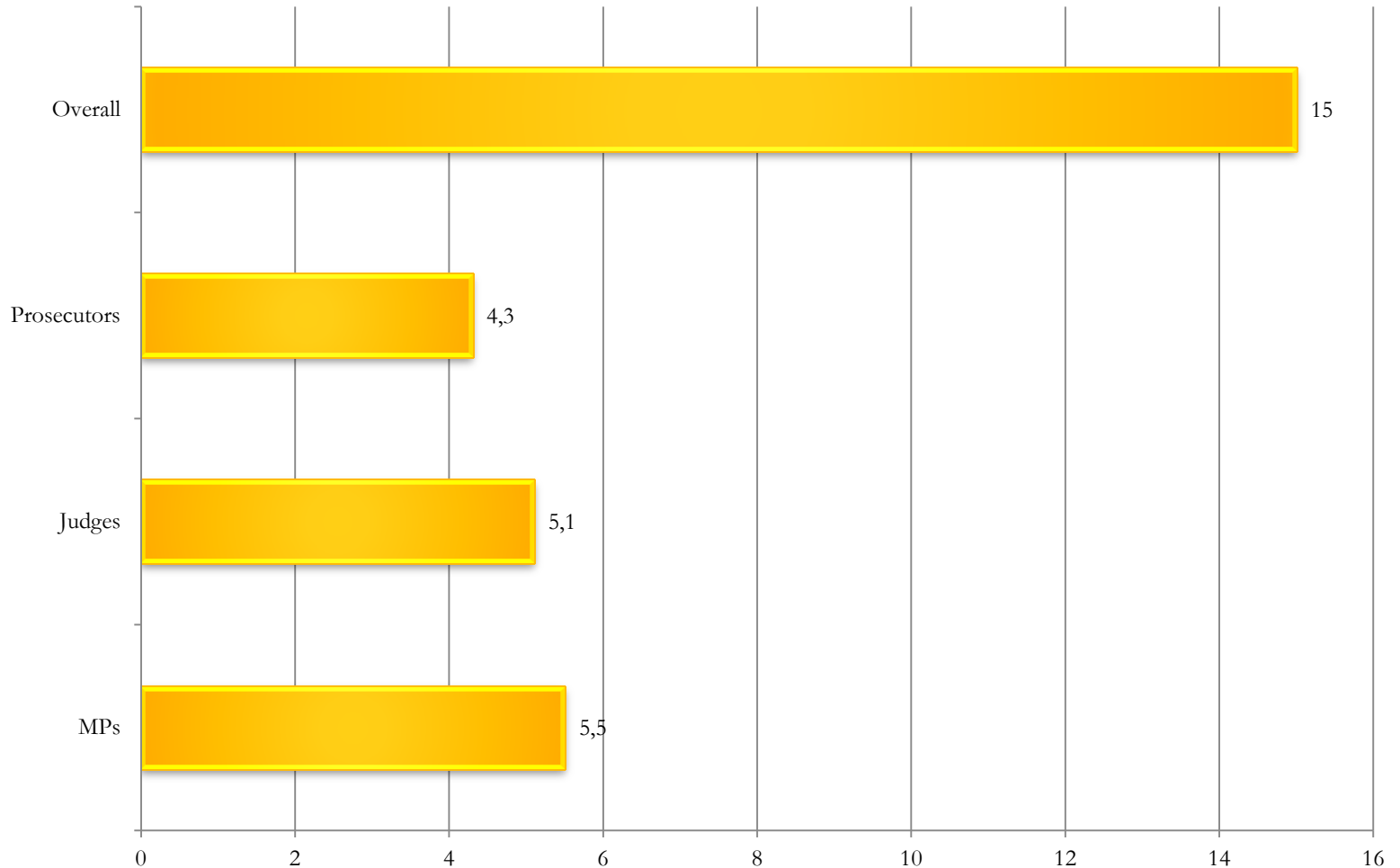
Box 1: Levels of public mistrust in categories under review 4th Round (Eurobarometer 11/2016)



Recommendations per category



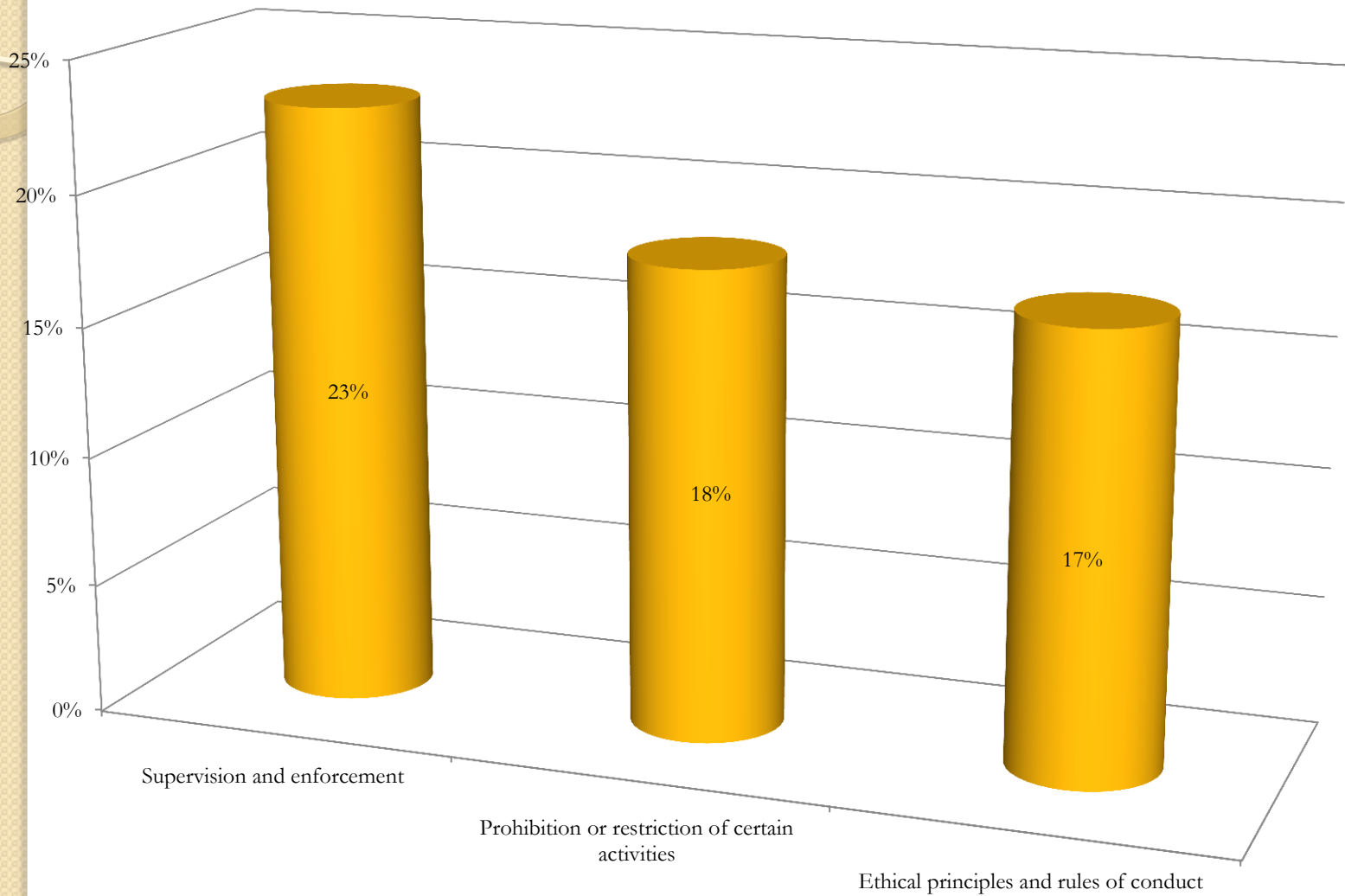
Average number of recommendations



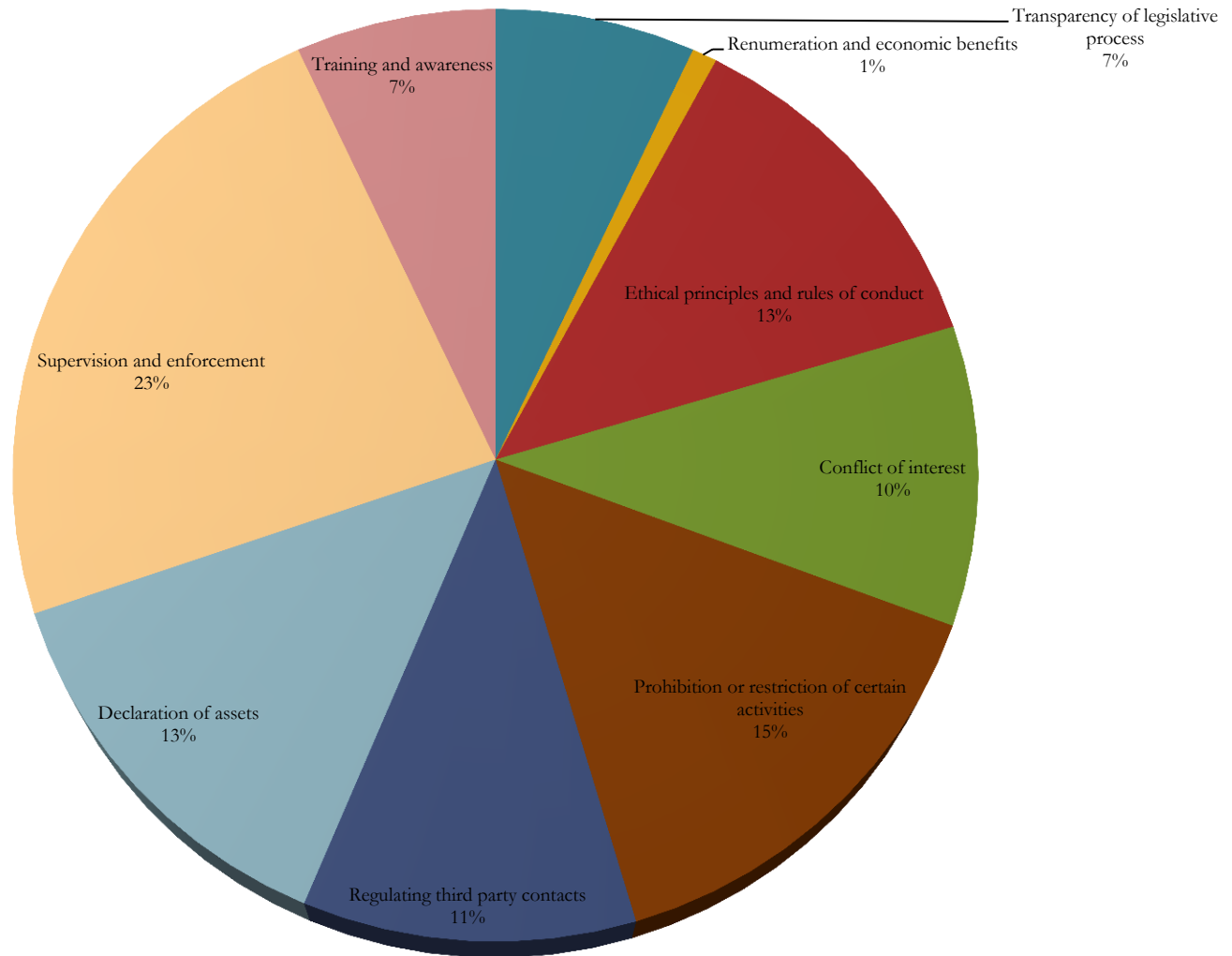
Trends

- Strict prohibitions – sometimes not adapted with the nature of the functions
- Transparency and control – to allow office holders to keep contact with the workforce
- Focus on the function!

Members of Parliament



Members of Parliament



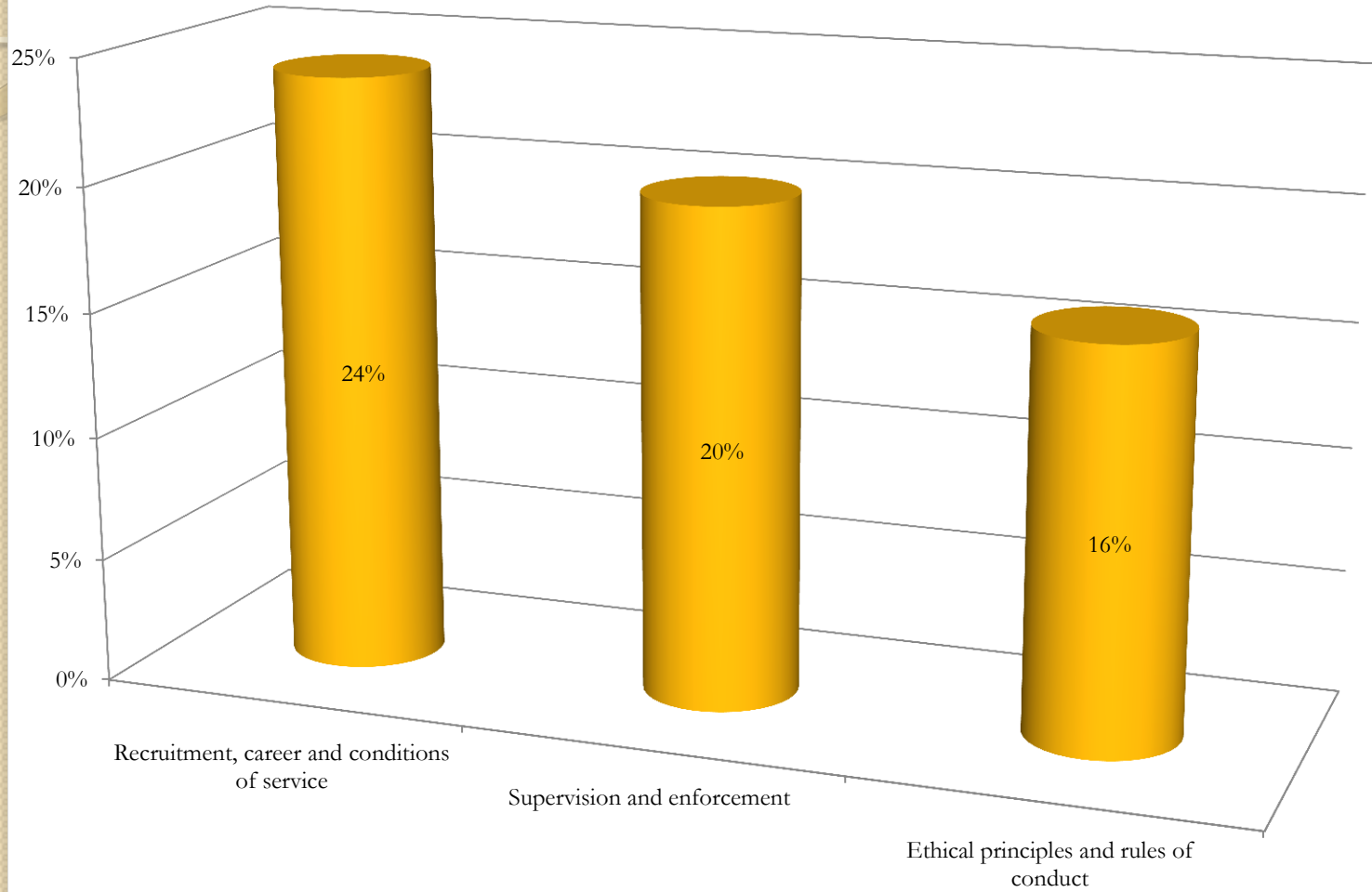
Members of Parliament

- 67% of the recommendations issued under the category of ethical principles and rules of conduct is asking member states to **adopt a code/rules of conduct**
- 54% of the recommendations issued under conflicts of interest ask member states to **introduce a system that allows for ad-hoc disclosure of conflicts of interests**
- 11% of the total number of recommendations call for the introduction of **rules that better govern their interactions with lobbyists and other third parties seeking to influence the legislative process**
- 50% of the recommendations issued under training and awareness are asking member states the establishment of **dedicated confidential counseling**

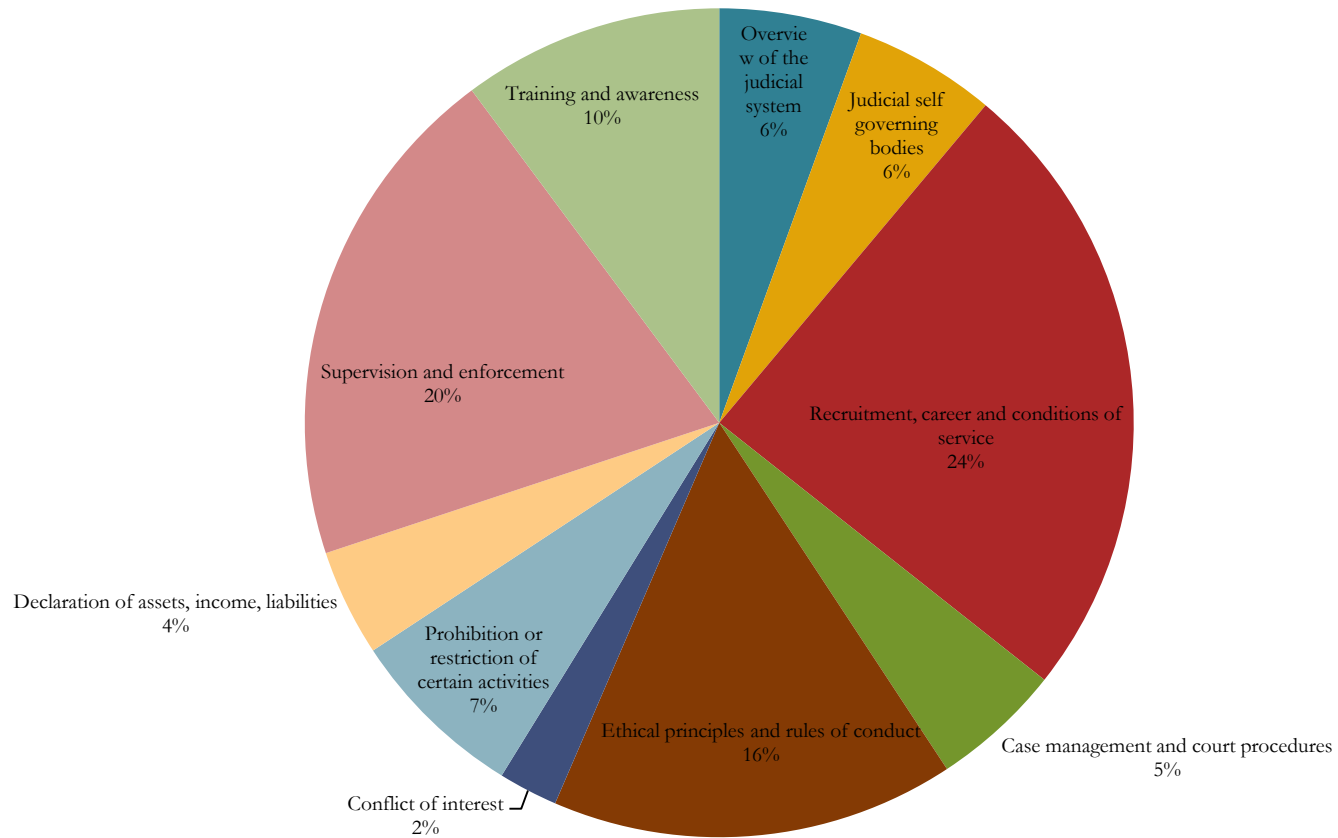
Members of Parliament

- It is clear that immunity provided to MP's have been brought to under some sort of discipline in member states because only 2% of the recommendations ask countries to **make sure that immunity rules do not hinder corruption prosecutions**
- More than 80% of the total recommendations under prohibition or restriction of certain activities deal **with gifts and contracts with State authorities and the misuse of public resources**
- 48% of the recommendations issued under the category of **transparency of the legislative process** call for further improvements to prevent undue interests permeating law-making
- Remuneration and economic benefits and misuse of confidential information are sections that received negligible amount of recommendations.

Judges



Judges



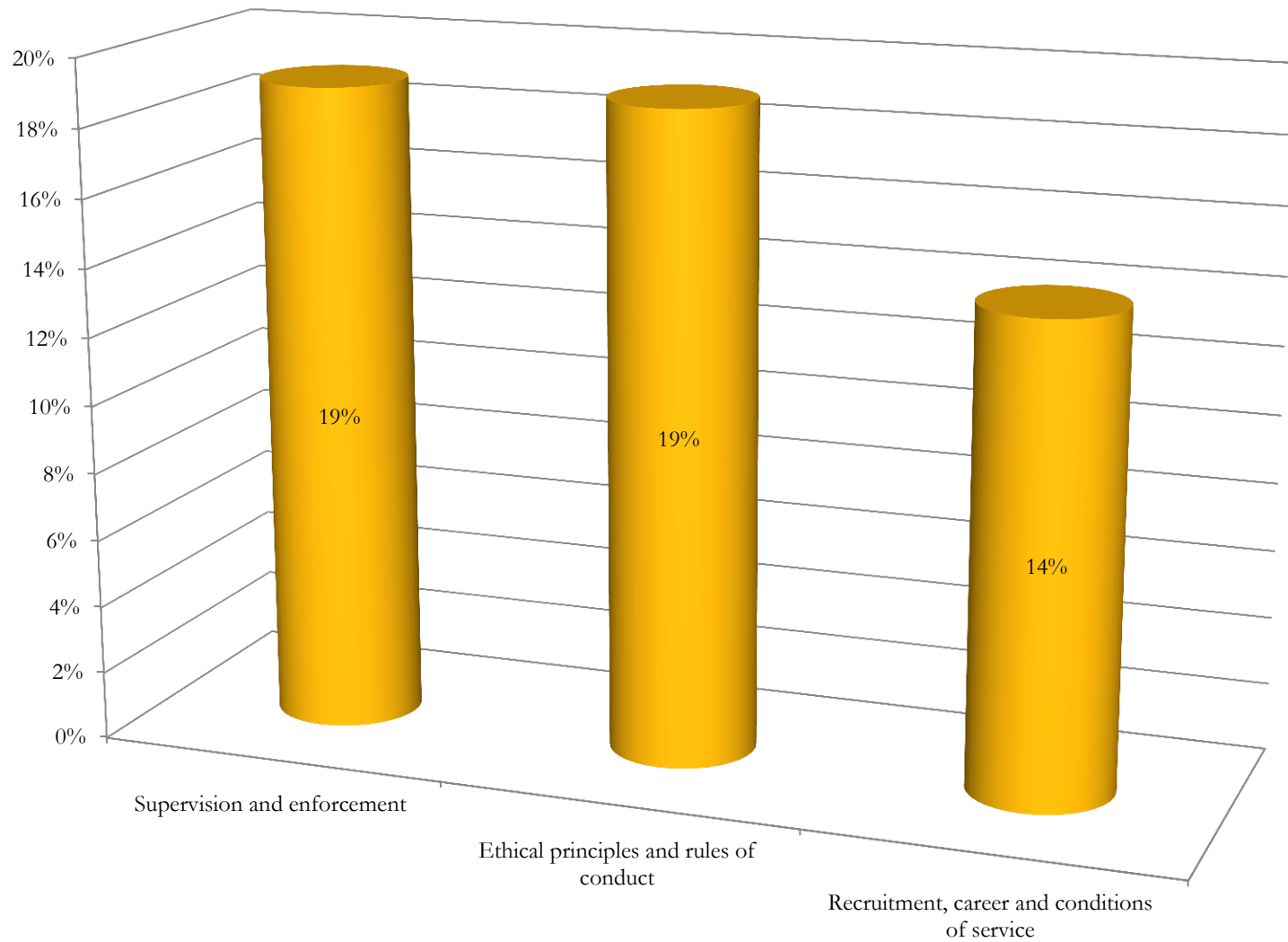
Judges

- The majority of the recommendations dealing with judicial career call for **higher transparency in recruitment processes and minimising the potential outside influence in the selection, transfer and promotion of judges**
- **Supervision and enforcement** of existing rules is another area where expressed significant concern
- 29% of the recommendations issued under ethical principles and rules of conduct ask member states the adoption/establishment of rules of conduct and 26% call for improvements, updates or revision in the existing codes of conduct. Hence, 55% of the recommendations under this category deals with **codes of conduct and the provision of guidance/advice on ethical matters**

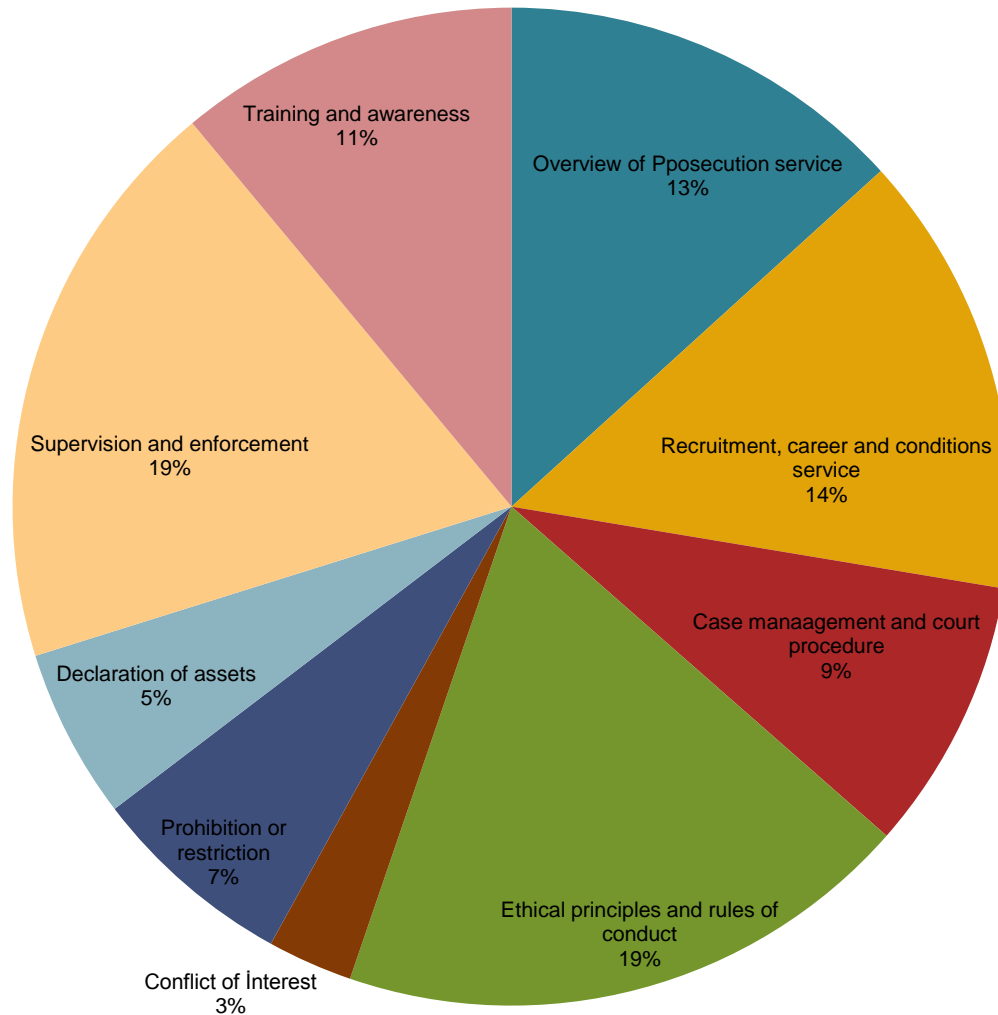
Judges

- Although, the prohibition or restriction of certain activities is not particularly problematic for judges, the issue of incompatibilities send some early warning lights: 67% of the recommendations issued under this category is about **incompatibilities**; the **move of judges to the political arena** is reputed to be highly controversial for the doubts on the real, and perceived, independence and separation of powers it may give rise to
- 54% of the recommendations issued under training and awareness ask member states to **introduce some sort of training on integrity matters for judges**
- Recusal and routine withdrawal mechanisms in the judiciary appear to be adequately regulated in GRECO member states
- Similarly, conflict of interest regimes for judges seem adequate with only 2% of recommendations targeting this area.

Prosecutors



Prosecutors



Prosecutors

- Most of the recommendations pertaining to career life of prosecutors ask for **ensuring higher transparency and minimising the potential outside influence in the selection, transfer and promotion of prosecutors**
- **Supervision and enforcement** of existing rules is another area where expressed significant concern
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- 35% of the recommendations issued under ethical principles and rules of conduct call for the **adoption of rules of conduct**
- 42% of the recommendations issued under this category is about **incompatibilities**,

Prosecutors

- 60% of the recommendations issued under training and awareness ask member states to **introduce effective ethical training modules** for prosecutors, both as part of initial and rolling training programmes
- Recusal and routine withdrawal mechanisms in the judiciary appear to be adequately regulated in GRECO member states
- Similarly, conflict of interest regimes for judges seem adequate with only 3% of recommendations targeting this area.

Recommendations per topic

