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Intervention by Marin **Mrčela**, President of GRECO, on the occasion of the Opening of the Judicial Year of the European Court of Human Rights, 26 January 2018

Mr. President, Excellencies, Ladies and Gentlemen, dear colleagues,

- I am truly grateful for the opportunity that is given to me to say a few, brief words about GRECO's findings on preventing corruption and promoting integrity in the judiciary across Europe and the United States. GRECO, which is the Council of Europe's anti-corruption body, completed the anti-corruption evaluations of nearly all Council of Europe and US judiciaries, including at the highest level of the state.
- You will not be surprised to hear that GRECO is on the same wavelength as the Court when it comes to the separation of powers, one of the foundations of any democratic society, and the independence of the judiciary.
- GRECO findings have highlighted concerns in three main areas:
 - 1) Recruitment, career and conditions of service;
 - 2) Ethical principles and rules of conduct;
 - 3) Supervision and enforcement of these standards.
- Let me say a few words about each of them. I will start with recruitment, career and conditions of service of judges:
 - A majority of countries received recommendations in this area. Judicial positions need to be awarded on merit. GRECO made it clear that career progression and other conditions of employment, such as transfers between courts, must be managed fairly. This means that decisions should be taken on clear, objective and merit-based criteria;
 - GRECO underlined the need to strengthen the decisive influence of the relevant self-governing judicial bodies, such as Judicial Councils, in the appointment, reappointment and career progression of judges, and to ensure that such bodies are predominantly composed of judges elected by their peers;

Finally, GRECO has noted – to be honest, not without some surprise - that it is still possible in a number of European countries to be at the same time a judge and an elected representative. GRECO has been firm in recommending in such cases that a restriction on the simultaneous holding of office as a judge and as a member of a national or local executive or legislative body be laid down in law

- The second issue that I wish to highlight concerns a crucial aspect: ethical principles and rules of conduct. The vast majority of GRECO member states were given

recommendations because they needed (a) to adopt such codes or review their substance or (b) to improve their implementation:

- (a) Regarding the substance of such codes, the rules should explicitly promote the independence, integrity and impartiality of judges. But a focus should also be placed on preventing and resolving potential conflicts of interest, acceptance of gifts, accessory activities, etc.;
 - (b) GRECO has often stressed that codes of conduct are meant to be practical documents that help guide judges in their daily work. This is important to avoid that it becomes a mere statement of principles that gathers dust on a shelf. In addition, judges should be provided support to successfully fulfil their functions, through training and confidential counselling on ethical dilemmas or potential conflicts of interest.
- The third point picked up by GRECO is the need to increase the responsibility of the judiciary itself for maintaining high standards of integrity and ethical conduct among their own ranks. This involves continuing professional development and support as well as supervision.

Ladies and Gentlemen,

- A really independent judiciary is the strongest firewalls against corruption within the justice system. But, as I have just briefly touched upon, this goes hand in hand with the judiciary being irreproachable in their conduct and sweeping in front of their own door.
- I would like to end my short intervention with a hopefully not too provocative note. In GRECO, we have seen that no one is immune to corruption. Equally, everyone needs to lead by example. Therefore, we advised the Council of Europe's Parliamentary Assembly, the INGOs Conference, the Congress of Local and Regional Authorities, as well as the highest level of the judiciary across our membership, on how best to improve their integrity frameworks. Since we all know that it is better to prevent a cold than cure it, I was wondering what the Court does to make of its code of conduct a living instrument and to maintain the highest possible level of integrity. In GRECO, we are ready to work with you to support your endeavours.

Thank you for your attention.