

Opening address  
Mr. Marin **Mrčela**, President of GRECO  
Conference  
*“Prevention of Corruption  
in respect of Parliamentarians, Judges and Prosecutors:  
main trends and lessons learned  
from GRECO Fourth Evaluation Round”*  
Prague, 9-10 November 2017  
(Park Inn Hotel, Svobodova 1961/1)

9 November 2017, Opening plenary, 10.15 am

Minister, Colleagues, Ladies and Gentlemen,

Let me start by thanking the Czech authorities for hosting this important event and for the prominence they have given to the fight against corruption under their Chairmanship of the Committee of Ministers of the Council of Europe. The signing of the Additional Protocol to the Criminal Law Convention, while long overdue, is a tangible sign of the political commitment of the Czech authorities to combating corruption.

Ladies and Gentlemen,

This event allows us to step back and look at what we have done, to draw a few lessons for the future as we embark on our new, 5<sup>th</sup> evaluation round. For my part, I would like to highlight three important lessons.

First, corruption spares no one. Too often, we take for granted our fundamental values of democracy, Human Rights and the Rule of Law. In the past four years, we have too often seen mass detention of judges, attacks on judicial independence, widespread corruption of members of parliament, politically-motivated prosecutions, and journalists killed for doing their job. Too often, corruption has been at the origin of - at times, severe - political instability, democratic crisis, economic and financial collapse, extremist and populist tendencies, human rights violations, poverty, environmental disasters, looting of natural resources, to mention but a few.

At the risk of appearing old-fashioned, the first lesson I have learned from this 4<sup>th</sup> evaluation round is that, today more than ever, we need to constantly nurture fundamental principles like the independence and impartiality of the judiciary and the honesty and transparency of democratic processes because the alternative may be disastrous for us all.

The second lesson I have learned is that, to borrow an English expression, “the proof of the pudding is in the eating”. Adopting laws or setting up new bodies is good, but not good enough. While, thanks to GRECO’s recommendations, solid foundations have been laid in most jurisdictions to tackle corruption, including examples of good, even excellent practices, there is an overall lack of regard for effective implementation in most countries.

One in every five GRECO recommendations points to the need for supervision and enforcement of the legislative framework in place. This is a clear sign that, without actual implementation, new laws or new institutions constitute nothing more than one additional piece of paper or pile of bricks.

Everyone bears responsibility for effective implementation of legislation, not just governments. This is particularly true for the three categories GRECO has reviewed under the 4<sup>th</sup> round – members of parliament, judges and prosecutors.

In fact, we can’t have it both ways, can we? If we accept that there should be separation of powers, then it is incumbent on each of the three groups under examination to effectively monitor themselves, create proper oversight mechanisms, address unethical conduct where it occurs, and take swift and decisive action to enforce the rules and sanction misconduct.

The third lesson from GRECO’s 4<sup>th</sup> evaluation round is that countries too often underestimate the power of prevention which can be either weak or non-existent.

Furthermore, we have seen systems in which judges can, at the same time, be elected representatives; others, where politicians can directly recruit family members as parliamentary assistants; in some countries, judges can receive undeclared gifts of nearly 7,000 Euros without any scrutiny; in others, who becomes a judge depends on the government of the day; in the parliaments of many GRECO member States, and even in the Council of Europe’s own

Parliamentary Assembly, until very recently, there were no comprehensive rules for managing conflicts of interest or lobbying, or on declaring assets, income, liabilities and interests.

None of the above necessarily constitute an illegal or corrupt act. However, preventive rules allow potential conflicts of interest, or contacts with lobbyists to be managed properly and transparently, before they become corruption offences. We don't want MPs to declare their assets or interests because we are curious to know how much money they have or with whom they interact. Disclosure is important because, to borrow another expression, "prevention is better than cure".

In this regard, let me for a moment talk about the role of the media and NGOs. They are key to helping us hold our public officials – whether elected or not – to account for what they do and how they behave. At the same time, both the media and NGOs have to act with integrity and transparency to be credible. In this regard, let me highlight the pioneering work GRECO has done to assess the rules controlling the risks of corruption and conflicts of interest of the Conference of International NGOs of the Council of Europe. While it does not strictly speaking fall within the topics of GRECO's 4<sup>th</sup> evaluation round, this work will hopefully result in greater transparency of the work of the Conference of INGOs, and in a new code of conduct for the NGOs that form its membership, a supervision mechanism and awareness-raising initiatives.

Colleagues, Ladies and Gentlemen, let me conclude.

Thanks to GRECO's evaluations and recommendations, we have both "a road map" and specific guidance for change when it comes to the prevention of corruption among parliamentarians and in the judiciary. I will not hide from you that the data we have so far are not too encouraging. We are witnessing a slower than expected implementation rate of GRECO's recommendations. We all can and must do better. I trust that this event will trigger a renewed momentum for the implementation of our recommendations by our member States, including by their MPs, their judges and their prosecutors, so that change can happen not only in the letter of the law but also in practice.

Thank you very much for your attention and I wish us all a successful event.