

**Building democratic security in the Mediterranean: common challenges, shared responsibility, Dubrovnik, Croatia, 6 November 2018**  
**Bullet points for Marin Mrčela, President of GRECO**

Session 2: Building democratic security, promoting good governance and countering threats to the rule of law - *Council of Europe tools to address threats to the rule of law*

- Thank the Parliamentary Assembly for inviting me to this event.
- As you know, GRECO is the Council of Europe anti-corruption body. It is our job to ensure compliance with and effective implementation of the anti-corruption standards in all our 49 member states. These include the whole of geographical Europe, plus the United States. Two countries have been invited to join GRECO, at their request, Kazakhstan and Tunisia.
- The biggest threat to the Rule of Law is corruption. When corruption captures and pervades state institutions, democracy cannot function, Human Rights are at risk, and the Rule of Law crumbles.
- Let me be very concrete by mentioning one aspect: an independent judiciary. I think we can all safely agree on the prime importance of an independent judiciary for respecting Human Rights and upholding the Rule of Law.
- Yet, only a few weeks ago, in another beautiful Croatian city – Šibenik – a deputy minister of a Council of Europe member state, at a Ministerial conference, argued that GRECO should not be concerned about the “administration of justice” in relation to the fight against corruption. That argument is a text-book example of “alternative facts”. GRECO’s recommendations are not about administration but about independence of judiciary. There cannot be an effective fight against corruption without an independent judiciary. Whoever thinks otherwise is seriously, and perhaps deliberately, “beside the point”.
- Judges who are appointed or removed at the whim of the political masters of the day, who issue “judgments of convenience” or “popular decisions” to please those in power, who pay part of their salary to the parties of the politicians who elect them, who are appointed according to political affiliation instead of merit, or who can be MPs or Mayors at the same time, cannot be independent in practice, or be perceived as being independent. Such a judiciary cannot be credible, will not have the trust of the people and is not apt for securing compliance with the international Human Rights standards.

- My statements are not a rhetoric device - these are real situations GRECO has encountered in its monitoring work. The reason for my concern is that in some parts of Europe today we are not just seeing an absence of progress, but regression. GRECO will remain vigilant: our new Rule 34 procedure allows GRECO to act at any time, on any topic, and at very short notice, in respect of any of our 49 member states to raise a “yellow card” when things go the “wrong way”.
- GRECO’s recommendations are one of the responses to these challenges. They are about securing public sector integrity and are designed to shield all branches of the state – the legislative, the judicial and the executive – from corruption. Their full implementation is key. At the Ministerial event I mentioned earlier, organised by the Croatian Chairmanship of the Committee of Ministers a few days ago in Šibenik, many senior political leaders of our member states expressed strong commitment to GRECO, its work and the implementation of our recommendations. This is encouraging, even very encouraging. But we need to see *that* commitment better translated into national reforms, even if it means facing difficult challenges. We can all do more and better.
- This event in Dubrovnik involves countries from around the Mediterranean shores. Allow me to comment that Tunisia requested GRECO membership last year, in 2017. GRECO and the Committee of Ministers acted very quickly and completed in a few months the procedure for inviting Tunisia to join GRECO. Since then, despite two letters from our side, we have received no reply from the Tunisian authorities to our invitation to join GRECO. Expressions of international commitment require domestic action to translate words into reality.
- If Tunisia joined GRECO, it would be part, on an equal footing, of a family of nations who voluntarily submit themselves to our strong and credible mutual evaluation process to better our collective response to corruption. I hope the Tunisian authorities will join our family in the very near future. We are ready to welcome you, but “it takes two to tango”.
- My final word is about the Parliamentary Assembly which continues to initiate and lead important anti-corruption work. Cooperation between PACE and GRECO is sustained and strong. And to show you that we in GRECO “mean business”, let me inform you that, as a follow up to PACE Recommendation 2105 (2017) on “Promoting integrity in governance to tackle political corruption”, a Network of national anti-corruption authorities was born in Šibenik on 16 October 2018. 20 agencies joined it on the spot and more will follow. This is an operational

platform – not a “talking shop” - for anti-corruption agencies to exchange information and good practice in the fight against corruption and the promotion of integrity in public life.

- One also needs to lead by example. As you know, GRECO issued a number of recommendations to strengthen PACE’s own integrity framework following allegations of corruption. Much progress has been made by PACE to comply with GRECO recommendations, but more is still to be done. In April this year, I addressed a letter to the then President of the Assembly, Mr. Nicoletti, highlighting the areas where more progress is needed. I trust the current President of the Assembly will follow up on the outstanding points<sup>1</sup>. This is in the interest of PACE and of the Council of Europe as a whole.
- Thanks again for having invited me to this event. I look forward to the debate.

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<sup>1</sup> [For reference only in case you get a question: Outstanding issues include the recommendations on:  
(i) consolidating and harmonising in one single enforceable set of rules the various texts relating to integrity;  
(ii) extending the interests declaration to include income and outside activities of all PACE members;  
(iii) introducing a clear prohibition in principle on the acceptance of gifts, travel, hospitality and other benefits;  
(iv) providing for some form of post-employment cooling-off period after a PACE member ceases to be part of PACE;  
(v) completing and strengthening the sanction system;  
(vi) addressing the issue of immunities; and  
(vii) initiating consultations with a view to implementing and/or reviewing Rule 1327 in respect of PACE.]