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Corruption erodes Human Rights protection

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FOREWORD

I am honoured to present the Twelfth General Activity Report of the Group of States against Corruption (GRECO) as the body's newly elected President. My mandate will run for the duration of the Fourth Evaluation Round – our new round, launched on 1 January 2012, which focuses on Corruption prevention in respect of members of parliament, judges and prosecutors. As Associate Justice at the Supreme Court of Croatia, I hope to be well-placed to make a substantial contribution to that work.

I wish first to pay tribute to Drago Kos, GRECO's outgoing President. He held that position from January 2003, throughout the Second and Third Evaluation Rounds and was a major driving force behind so many of GRECO's achievements. I adhere fully to the compliments paid to him by Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, when she awarded him the Pro Merito Medal at the end of his mandate. She highlighted his tenacity and energy which – without a shadow of a doubt - contributed to GRECO becoming a trademark of excellence of the Organisation and a reference in the field.

I have been involved in GRECO's work now for a number of years and acted as its Vice-President from January 2007. I am convinced of the soundness of the mechanism's peer-to-peer review methodology and impact which engenders significant commitment by its member states. The authoritative conclusions of its monitoring provide member states with clear direction in their anti-corruption efforts.

We have the privilege of including in our report a feature article by Mr Thomas Hammarberg, Council of Europe Commissioner for Human Rights who rightly reminds us of the devastating effect corruption can have on vulnerable groups and individuals and of the links between disarming corruption and the protection of human rights.

Our work gives rise to a significant echo in the media, triggered, more recently by the political funding component of the Third Evaluation Round in particular. We will continue to monitor progress in the implementation of our recommendations on that topic over the next few years. I anticipate that our work on corruption in the judiciary and in parliaments in the new evaluation round will also generate a great deal of attention and feed debates that have been going on for quite some time within our membership.

It is my sincere hope that we will be able to rely not only on the governments of our member states but also on members of parliament, the judiciary and the bodies that make up civil society to stand by us and support the implementation of the recommendations GRECO issues. Our sole aim is to undermine practices and forces that pose a significant threat to the ideals of fairness and good governance to which the majority aspire.

Formal participation of the European Union in GRECO has reappeared on the agenda since the adoption by the EU of the 2010 Stockholm Programme and publication of the European Commission's "Anti-corruption package" in June 2011. This has been welcomed unequivocally by GRECO whose statute has provided for such participation from the outset and allows for the design of specific arrangements, as appropriate. I am eagerly awaiting news to the effect that the European Commission has requested – and been granted – the necessary go-ahead from the European Council to open negotiations.

I look forward to presenting this report to the **Ministers' Deputies of the Council of Europe** in May 2012, an important occasion for formal contact with the Committee of Ministers upon whose support I hope we can continue to rely, in particular with regard to future EU participation, the possible accession of new member states to GRECO and rallying support by all potential national actors for the implementation of GRECO's recommendations.

Marin MRČELA – *President of GRECO*

MISSION AND WORKING FRAMEWORK

1. GRECO monitors the compliance of its member states with the Council of Europe's anti-corruption instruments.¹ A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary. The country-specific reports adopted by GRECO identify shortcomings in national legislation, regulations, policies and institutional set-ups and contain recommendations tailored to prompt the reforms needed to improve the capacity of states to fight corruption.

2. **Evaluation rounds** provide the structure for GRECO's monitoring work.

Third Evaluation Round (1 January 2007 – 31 December 2011):

Theme I: Incriminations

- essential concepts to be captured in the definition of passive and active bribery as well as trading in influence
- limitation periods
- jurisdiction
- special defences

Theme II: Political funding

- transparency of books and accounts of political parties and election campaigns
- monitoring of party and campaign funding
- enforcement of the relevant funding rules

Second Evaluation Round (1 January 2003 – 31 December 2006):

- identification, seizure and confiscation of corruption proceeds
- public administration and corruption (auditing systems, conflicts of interest)
- prevention of legal persons being used as shields for corruption
- fiscal and financial legislation to counter corruption
- links between corruption, organised crime and money laundering.

First Evaluation Round (1 January 2000 – 31 December 2002)

- independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption
- extent and scope of immunities from criminal liability.

3. Members that join GRECO after the close of an evaluation round are subject to evaluation on the themes of previous rounds before joining the current one. In 2011, such evaluations took the form of **Joint First and Second Round Evaluations**. Those member states that have not yet ratified the Criminal Law Convention on Corruption and its Additional Protocol are subject to the same level of detailed scrutiny as member states that are parties to both legal instruments.²

4. Measures taken in response to GRECO recommendations are subject to a specific impact assessment – **compliance procedure** – that provides meaningful follow-up to GRECO evaluations. It consists of two phases. The first is the adoption of a compliance report which assesses measures taken by each state to implement recommendations

¹ * Criminal Law Convention on Corruption (ETS No. 173)

* Civil Law Convention on Corruption (ETS No. 174)

* Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191)

* Twenty Guiding Principles against Corruption (Resolution (97) 24)

* Recommendation on Codes of Conduct for Public Officials (Recommendation No. R (2000) 10)

* Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (Recommendation Rec(2003)4).

² Six member states have not yet ratified the Criminal Law Convention (Austria, Germany, Italy, Liechtenstein, San Marino and the United States of America), while twenty-one member states (Andorra, Austria, Azerbaijan, Belarus, Czech Republic, Estonia, Georgia, Germany, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Malta, Monaco, Poland, Portugal, Russian Federation, San Marino, Turkey and the United States of America) have not ratified the Additional Protocol.

within the 18 months following an evaluation. Assessments are pursued – as necessary – following a further implementation period of 18 months in an addendum to the compliance report (First and Second Round compliance procedures) or a second compliance report (Third Round compliance procedures).

5. All evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.

2011 – RESULTS AND IMPACT

MEMBERSHIP

6. GRECO's membership increased to 49 when the participation of Belarus became effective on 13 January 2011 (composition – Appendix I; representatives appointed by member states – Appendix II).

7. Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states having participated in the work leading to its establishment. Ratification by those states of the Criminal or Civil Law Conventions on Corruption (ETS Nos. 173 and 174) leads to automatic accession to GRECO. The Committee of Ministers of the Council of Europe may invite other non-member states to accede to the conventions and/or GRECO. Kazakhstan has expressed strong interest in joining GRECO and other countries from a variety of regions across the globe have shown a well-informed interest in the Council of Europe's standard-setting instruments and in the GRECO model.

RATIFICATION OF COUNCIL OF EUROPE LEGAL INSTRUMENTS

8. In 2011, the Additional Protocol to the Criminal Law Convention on Corruption was ratified by three more member states (Bosnia and Herzegovina, Finland and Spain). In total, this legal instrument has now been ratified by 28 GRECO member states, while the number of signatures not followed by ratifications has decreased to eleven.

EVALUATION PROCEDURES

On-site visits carried out by evaluation teams in 2011:

Third Evaluation Round: Bosnia and Herzegovina (9 – 10 February), Ukraine (11 – 15 April), United States of America (2 – 6 May), Switzerland (9 – 13 May), Austria (6 – 10 June), Monaco (12 – 16 September), Italy (3 – 7 October), Russian Federation (3 – 7 October)

Joint First and Second Evaluation Rounds: Liechtenstein (11 – 15 April), San Marino (20 – 24 June), Belarus (14 – 18 November)

Evaluation reports adopted by the plenary in 2011:

Third Evaluation Round: Andorra, Austria, Bosnia and Herzegovina, Cyprus, Czech Republic, Georgia, Republic of Moldova, Switzerland, Ukraine, United States of America

Joint First and Second Evaluation Rounds: Liechtenstein, San Marino

9. In 2011, evaluation procedures focused principally on monitoring within the framework of the Third Evaluation Round and on completing a number of joint first and second round evaluations in respect of more recent members. In order to assess the

monitoring results throughout the third round, GRECO commissioned two studies. One focusing on incriminations, was carried out by Mr Roderick H.R. MACAULEY.³ The other one, addressing the transparency of party funding, was elaborated by Mr Yves-Marie DOUBLET.⁴ The key findings of these studies are presented below:

Third Evaluation Round (Theme I): Incriminations⁵ – main results

10. GRECO's third round reports generally reflected a high degree of compliance with the Criminal Law Convention on Corruption. A substantial proportion of GRECO member states have made legislative amendments in recent years with a view to incorporating various international (Council of Europe, United Nations, OECD, etc) anti-corruption standards into domestic legislation. However, the often used practice of providing "piecemeal" compliance with various international obligations, rather than more complete revisions, often leaves significant gaps in the overall coverage of the domestic law. GRECO has spotted a number of countries which need to thoroughly review their anti-corruption criminal legislation in order to replace fragmented laws, often characterised by complexity and uncertainty, with a comprehensive legal framework.

11. A great majority of the member states have incorporated most forms of the various bribery offences foreseen in the Convention into their domestic legislation. Obviously, public sector bribery offences have long been in place in all jurisdictions. However, private sector bribery is a more recent offence in several jurisdictions and a few countries do not criminalise such forms of bribery at all. Furthermore, it appears that several states are not entirely clear about the nature of the offence **trading in influence**. Some member states express the view that other forms of corruption offences capture the most reprehensible aspect of trading in influence and a number of states have concerns that trading in influence as such comes too close to legitimate forms of lobbying. As a consequence, many contracting parties have introduced reservations in respect of this offence in their ratification instruments. Moreover, less than comprehensive compliance among GRECO members is exposed as regards **bribery of jurors and arbitrators** in the domestic as well as in the foreign context, as set out in the Additional Protocol to the Convention and a large number of them have not ratified the Additional Protocol. Another offence which causes controversy is **bribery of members of public assemblies** (MPs), in relation to which some countries have more restricted laws than foreseen in the Convention, e.g. limiting such actions to the parliamentary or legislative process.

12. Recognising that all laws require some degree of interpretation, a number of states have provided GRECO with jurisprudence and statistics in relation to corruption offences. However, in several states, prosecutions in respect of corruption offences are rare, making it difficult, not only for the general public, but also for practitioners, to foresee the consequences of the legislation. In this respect, GRECO has signalled how important it is for the sake of consistency, clarity and legal security that all corruption offences contain the same basic elements.

³ Mr Macauley, Head of the United Kingdom delegation to GRECO, currently working as a criminal law adviser at the Ministry of Justice of the United Kingdom, most recently managing the implementation of the Bribery Act 2010.

⁴ Mr Doublet is Deputy Director at the French National Assembly. He assists GRECO as technical expert on issues relating to political party funding.

⁵ Theme I of the Third Evaluation Round examines compliance with Articles 1a and 1b (definitions); 2-12 (main obligations to criminalise conduct); 15 (participatory acts); 16 (immunity); 17 (jurisdiction) and 19 paragraph 1 (effective proportionate and dissuasive sanctions and measures) of the Criminal Law Convention on Corruption (ETS No. 173) and Articles 1 (definitions) and 2-6 (domestic and foreign arbitrators and jurors) of the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191). The evaluation also comprises Guiding Principle 2 (criminalisation of corruption) of Resolution (97) 24.

13. The specific definitions and elements required in respect of the various offences under the Convention and the Additional Protocol and to what extent these are reflected accurately in domestic legislation were examined in great detail during the Third Evaluation Round. For example, the definition of **public official**, although not autonomously defined under the Convention, has been considered narrow in a number of domestic laws as, for instance, it did not capture parliamentarians or did not embrace lower-level administrative staff. The notion of “**undue advantage**” also raises concern in respect of a number of countries, in particular, as regards intangible benefits and the lack of a clear distinction between undue and due advantages.

14. The Convention requires **sanctions** for corruption offences to be effective, proportionate and dissuasive. Although this objective appears to be broadly complied with, there is a tendency in many countries – contrary to the spirit of the Convention – to treat some types of corruption offences more, or less, seriously than others. For example, the sanction for passive bribery in the public sector is often more severe than for the active side of the offence. Weak sanctions in respect of private sector bribery have also been repeatedly criticised by GRECO.

15. Extra-territorial **jurisdiction**, i.e. the extent to which courts have powers to try cases committed abroad, is a key factor in any legislation’s effectiveness to tackle international forms of corruption. By far the most common issue in this respect is that of “dual criminality”. Typically, this means that the prosecution of an offence committed abroad is predicated upon the conduct amounting to an offence in the state where it was committed. The Convention does not provide for the application of this principle and GRECO has made it clear that such restrictions are potentially very limiting for tackling international corruption.

16. In conclusion, although GRECO’s reports overall reflect a relatively high degree of compliance with the requirements of the Convention and its Additional Protocol, the legal tools needed to bring those committing bribery offences to justice are not enough: states must also commit both political will and considerable resources if their investigating authorities, prosecutors and courts are to tackle the threats posed by corruption in a serious, determined and effective manner (link to the full report – Appendix IV).

Third Evaluation Round (Theme II): Transparency of Party Funding⁶ – main results

17. Evaluations under this Theme addressed three key areas, namely transparency, supervision and sanctions. While GRECO member states have intensified their regulatory efforts in the sphere of political financing, domestic standards vary considerably from one country to the other and fall short, in some respects, of the provisions under evaluation. While GRECO recognises that there is no single, unique model to regulate political financing, it calls unequivocally for the setting-up of transparent systems for political financing and for addressing weaknesses that are common to the political systems of numerous member states, *inter alia*, with regard to the following issues.

⁶ Theme II of the Third Evaluation Round covers the following provisions of the Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (Recommendation Rec(2003)4): the requirements upon political parties and related entities to keep appropriate accounts (Article 11); account records concerning contributions and contributors (Articles 12a and 12b); public access to accounts (Article 13b); general monitoring of the financing of political parties, related entities, electoral campaigns, elected representatives, election candidates and issue-based or third party contributions (Article 14a); supervision of accounts and expenses of political parties and expenses involved in electoral campaigns (Article 14b); sanctions/measures for infringements of domestic rules relating to financing of parties/electoral campaigns (Article 16); application of party funding rules to election candidates and elected representatives (Article 8). The evaluation round is furthermore based on Guiding Principle 15 (Resolution (97) 24).

18. Firstly, in the area of **transparency**, states often fail to provide for consistent legislation covering both regular party funding and election campaign financing. While direct financial donations are frequently subject to transparency regulations, other sources of income such as donations in kind, party membership fees, loans or sponsorship tend to be neglected by the legislation and may be misused to circumvent the rules on donations. In some countries, the identity of donors and the amount of donations are not disclosed at all or only in case of very large contributions, thus allowing for anonymous donations. Regulations on annual party accounts and on campaign funding reports often fail to require the level of detail necessary to provide meaningful information and to ensure a standardised presentation which would make it possible to compare the reports over time and between different entities. As concerns the scope of accounts to be supervised, many countries' legislation ignores local party bodies, entities directly or indirectly related to the sphere of activity of parties and third parties involved in election campaigns. In many countries, financial information is not made public in an easily accessible manner and within specified timeframes, and sometimes accounts are not even presented to a supervisory body.

19. Secondly, one of the great lessons to emerge from this evaluation exercise is that, in the field of political financing, legislation and regulations can only be judged in terms of their application and their associated monitoring machinery. While some political systems do not provide for any **supervisory mechanism** at all, others restrict oversight to regular party funding or to campaign financing only. Many countries assign monitoring tasks to various public bodies with shared competences. Such a multiplicity of bodies often has adverse effects in so far as it prevents a single body from obtaining a comprehensive global picture of political financing and from assuming effective responsibility for the process. A large number of member states fail to provide for a truly independent (both institutionally and financially speaking) supervisory body/bodies endowed with appropriate powers to carry out a fully fledged – and thus, not merely formalistic – verification of political accounts. Competent bodies frequently do not enjoy an appropriate degree of independence from the parties themselves, nor from governmental authority. As concerns the effectiveness of supervision, many of the evaluation reports show that it does not extend beyond the information supplied by the political institutions, parties and candidates themselves – often due to a lack of sufficient financial and personnel resources. As a complement, GRECO considers that the requirement for political parties to have their accounts verified by independent auditors is a valuable tool to reinforce the financial discipline of political actors and decrease possibilities for corruption. Such a tool is absent in numerous countries or lacks appropriate guarantees of independence of the auditors.

20. Thirdly, consideration of the **sanctions** adopted by member states shows that these often display at least one of two characteristics, namely that they are inappropriate or not applied. Several factors may make sanctions inappropriate, namely their weakness, lack of flexibility, limited scope, the absence of procedures to enforce them and the short statute of limitation for imposing sanctions. GRECO has also found that infringements of political finance rules are rarely brought to light and often do not lead to any meaningful reaction by the supervisory bodies or the law enforcement authorities.

21. Finally, the thematic review concludes by drawing attention to the fact that the problems identified are highly interdependent. A full range of legal sanctions serves little purpose if the supervisory body is not empowered to enforce them. At the same time, that body's authority may be totally illusory if it is unable to penetrate the fog surrounding the financing of a particular party or electoral campaign, if the sources of that income are not sufficiently publicised. This is why a comprehensive and overall approach to these problems is so important (link to the full report – Appendix IV).

COMPLIANCE PROCEDURES

Compliance reports adopted in 2011:

Third Round: Compliance Reports on Albania, Belgium, Croatia, Denmark, France, Germany, Ireland, Lithuania, Malta, Norway, Spain, Sweden; Second Compliance Report⁷ on Finland – procedure closed

Third Round, Rule 32 procedure⁸: *Interim* Compliance Report on Luxembourg – closing the procedure, *Second Interim* Compliance Report on Slovakia – closing the procedure; *Interim* Compliance Report on Sweden – procedure ongoing

Joint First and Second Rounds: Compliance Report on Italy; Addendum to the Compliance Report on Andorra – procedure closed; Addendum to the Compliance Report on Ukraine – procedure ongoing⁹

Second Round: Addenda to the Compliance Reports on Bosnia and Herzegovina and Georgia – procedures closed

22. In the course of 2011, GRECO continued to assess the action taken by member States in response to its recommendations. The various stages of these compliance procedures are designed to maintain the momentum of ongoing reforms initiated as a result of GRECO's findings.

23. As evidenced by the information gathered, the impact of GRECO has been substantial and has prompted a **broad range of policy, legal and institutional reforms**, as well as a variety of capacity-building, training and awareness-raising measures.

24. In the framework of the compliance procedure under the Third Evaluation Round, a total of *sixteen member States* were assessed. The concrete measures taken by them to implement the GRECO-issued recommendations comprised, *inter alia*:

- the **ratification** of the Criminal Law Convention on Corruption and its Additional Protocol (Spain);
- the **revision of existing criminal laws** in the field of corruption with a view to enhancing their consistency and clarity (Ireland, Spain, Sweden);
- the **abolition of a dual criminality requirement** with respect to the offences of bribery and/or trading in influence and, thus, non-renewal of reservations under Article 17 of the above convention (Finland, Luxembourg);
- the introduction of adequate safeguards to ensure that the **effective regret defence is not misused** in the investigation/prosecution of corruption offences (Lithuania, Slovenia);
- the comprehensive **review of legislation on the financing of political parties and election campaigns**, often via broad national consultations (Croatia, Ireland, Lithuania, Luxembourg), or the initiation of such a process (Belgium);
- the introduction of an obligation to **report on income received and expenses** incurred in connection with election campaigns (Norway);
- the strengthening of the **mandate, control functions and liability of treasurers** in charge of party income and election campaign expenses (Lithuania);
- the **prohibition of anonymous donations** to political parties (Albania, Finland);

⁷ Rules of Procedure, Rule 31 revised in March 2010, reinforced the compliance procedures to be applied to Third Round and subsequent compliance procedures by transforming the 'addendum stage' into a full 'second compliance report stage'.

⁸ Applied when performance has been qualified as globally unsatisfactory.

⁹ Further assessment to be carried out in a 2nd Addendum to the compliance report.

- a more precise **definition of mandates of oversight bodies** entrusted with the supervision of political financing and the concomitant enhancement in the quality of inter-agency co-operation and co-ordination (Croatia, Lithuania);
- the **reinforcement of sanctions** provided for the infringement of party and election campaign rules (Albania, Croatia, Finland, Lithuania).

25. In the framework of compliance procedures covering the Second and Joint First and Second Evaluation Rounds, *five member States* were monitored. The action taken in response to GRECO recommendations included, *inter alia*:

- the application of special investigative techniques to corruption offences and the introduction of **extended confiscation**, both enabling better detection and investigation of corruption offences (Bosnia and Herzegovina);
- the adoption of new **laws on the judicial system and the status of judges** introducing a more transparent and competitive recruitment procedure according to objective criteria and supervised by a permanent body of the judicial system and providing for enhanced material conditions for judges (Ukraine);
- the launching of a comprehensive **administrative procedure reform** to tackle the backlog of cases and to ensure the timeliness of the administrative jurisdiction process (Italy);
- the pursuit of a **public administration reform** with a view to achieving efficient and sound management of public resources via audit arrangements and increased accountability of officials and through the drafting of an anti-corruption legislative package, foreseeing rules on whistleblower protection and conflicts of interest (Italy);
- the adoption of new **laws on the public service and on conflicts of interest**, incorporating a general code of conduct for public officials, providing for an obligation to report suspicions of corruption and other illegal activities to superiors or law enforcement bodies and affording protection to those who report suspicions in good faith (Georgia);
- the adoption of a **new law on access to public information**, listing information that has to be disclosed and defining the time limits for the provision of such information by public authorities (Ukraine).

26. In addition, in all five member States a more systematic in-service **training for law enforcement staff and prosecutors** on the prevention, investigation and prosecution of organised crime, including corruption and money laundering, has been carried out. Those states that had recently introduced the criminal liability of legal persons (Andorra, Georgia) also invested in the clarification and wider application of this concept.

27. Overall, in comparison to the Second and the Joint First and Second Evaluation Rounds, the level of compliance by member States with their obligations under the Third Evaluation Round has somewhat decreased. It is clear that implementation of recommendations under the Third Round mostly implies legislative amendments in rather technical and complex areas, but the decrease may also be explained to some extent by the sensitivity of the issues at stake (e.g. transparency of party funding), requiring consensus among political stakeholders, as well as the extension of GRECO monitoring to areas beyond governmental control and under the influence of political parties and parliaments.

PARTNERSHIPS**EXTERNAL PARTNERS***Observers*

28. Recognising the complementary nature of the work of other anti-corruption mechanisms, each with its own specific remit, GRECO maintains longstanding, close relations with the **Organisation for Economic Co-operation and Development (OECD)** and the **United Nations**, represented by the **United Nations Office on Drugs and Crime (UNODC)** which have had observer status in GRECO since 2002 and 2006 respectively. It follows regularly the work of the OECD Working Group on Bribery in International Business Transactions and that of the Conference of States Parties to the United Nations Convention against Corruption and related initiatives in particular as regards implementation review of the convention. The sharing of expertise and the coordination of planning is thus facilitated. In 2011, GRECO broadened this form of cooperation by granting observer status to the **Organization of American States (OAS)** and the **International Anti-Corruption Academy (IACA)**.

Cooperation with the European Union

29. Concrete prospects for formal participation of the **European Union** in GRECO written into the 2010 Stockholm Programme adopted by the Council of the European Union, were behind informal consultations between GRECO's secretariat and that of the European Commission in 2011 and led to the development of concrete proposals for the possible format of and modalities for future participation of the EU. The proposals were reflected in a European Commission report submitted to the European Council as one of four components of the Commission's "Anti-corruption package" adopted on 6 June 2011. Full membership in GRECO is one of the options contemplated in the report. In this connection, the Commission pledged to request the Council to authorise the opening of negotiations for the EU's participation in GRECO. At the end of the year, there was an expectation that this request would be made in due course and that the Council would give the necessary go-ahead for a meaningful framework for cooperation.

30. Another component of the "Anti-corruption package" is the Commission's decision to establish an anti-corruption reporting mechanism which will produce every two years – starting in 2013 – a monitoring report on EU member states' efforts against corruption, including recommendations. It is understood that use will be made in this context of the GRECO *acquis*.

31. GRECO considers the pooling of efforts through EU participation as being of key importance and was supported in this respect by Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, who in an address to the 50th Plenary Meeting, pointed out that the in-built flexibility of GRECO's Statute would certainly be a major asset for finding practical solutions to suit both sides when negotiating the modalities of participation. EU participation would create significant added value by combining GRECO's extensive monitoring expertise with the Union's political leverage and would bolster the response given to the high public expectations as regards the need for effective measures to counter corruption.

32. Within already well-established EU-Council of Europe consultation frameworks, the results of GRECO's evaluation and compliance procedures continued to serve as a source of input to European Commission progress reports for candidate and potential candidate countries and European External Action Service progress reports on the implementation of the European Neighbourhood Policy Action Plans.

Cooperation with the OSCE

33. Inter-secretariat cooperation has also been developed recently with the **Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR)**, notably in the area of political financing, in connection with the growing interest of the OSCE/ODIHR in anti-corruption policies and practices. Moreover, some consideration was given to the contribution that could be made to the 20th OSCE Economic and Environmental Forum process for 2012 under the theme “Promoting Security and Stability through Good Governance”.

INTERNAL PARTNERS

34. The results of GRECO’s monitoring are used to provide input to the work of other sectors of the Council of Europe. More particularly, they serve to signal priority areas to be included in the design of **technical cooperation** programmes implemented by the Action against Crime Department, which provide valuable support for translating the results of GRECO monitoring into practical achievements. Representatives in GRECO of countries that have been programme beneficiaries or donors have highlighted the quality of the work carried out and the concrete results achieved. One example from 2011 is the European Union funded Eastern Partnership – Council of Europe Facility on Good Governance and Fight against Corruption in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine (further details: www.coe.int/corruption.)

35. Furthermore, GRECO’s work fed into the action of the European Commission for Democracy through Law (**Venice Commission**) and to the identification of **Council of Europe neighbourhood cooperation** priorities for Morocco and Tunisia as well as for Kazakhstan.

36. Throughout the preparations for the launch of the Fourth Evaluation Round, GRECO was made aware of the significant body of expertise within the Council of Europe upon which it could draw. Of particular relevance is the work of the **Consultative Council of European Judges** (CCJE) and the **Consultative Council of European Prosecutors** (CCPE). To draw on the richness of this experience, GRECO invited Mr Cédric VISART DE BOCARMÉ, member of the Bureau of the CCPE for an exchange of views with the GRECO plenary in October 2011. Work underway within the Committee on Rules of Procedure, Immunities and Institutional Affairs of the **Parliamentary Assembly of the Council of Europe** (PACE) on the theme “code of conduct of members of the Assembly: good practice or a core duty?” was also usefully considered by GRECO. GRECO is also mindful of the need to mobilise support for its reform initiatives beyond government spheres, particularly through its contacts with PACE whose members might wish to carry messages of support for GRECO’s endeavours back to their national parliaments.

37. The President of GRECO participated in consultations involving representatives of sports ministries, sports organisations and betting operators, organised by the **Enlarged Partial Agreement on Sport** (EPAS) on a text which led to the adoption by the Committee of Ministers of the Council of Europe of a Recommendation on promotion of the integrity of sport against manipulation of results, notably match-fixing (CM/Rec(2011)10). The recommendation includes a general invitation to EPAS to consider monitoring and/or other follow-up activities in cooperation with the competent units of the secretariat. A feasibility study is also to be conducted to establish whether it would be appropriate to draw up a convention focusing possibly on match-fixing. The secretariat had previously participated in talks with Ms Chantal Jouanno, Sports Minister, France who, along with the Deputy Secretary General of the Council of Europe had backed this Council of Europe initiative.

38. A list of events attended and other meetings of relevance to GRECO’s international role and in relation to national efforts to detect, deter and penalise corruption is available in Appendix III.

FUTURE FOCUS**FOURTH EVALUATION ROUND**

39. In 2011, GRECO completed preparations for its **Fourth Evaluation Round – Corruption prevention in respect of members of parliament, judges and prosecutors.**

40. A training workshop for GRECO delegations, evaluators and the secretariat was held in Andorra la Vella on 9 November 2011. It was organised with highly appreciated financial and logistical support from the authorities of Andorra in the lead up to the country's chairmanship of the Committee of Ministers of the Council of Europe (November 2012 – May 2013).

41. The programme of the workshop – see outline below - was designed to provide expert input on the various facets and intricacies of some of the issues that would be under scrutiny in the new round, and tied in with the Evaluation Questionnaire adopted by GRECO at its 50th Plenary Meeting.

Institutional and material guarantees to prevent corruption

Transparency of the legislative process (including from the perspective of judges/prosecutors)

Transparency of the judicial system (including the role of judicial councils in the management of careers of judges/prosecutors, assignment of cases, interference by the executive and/or legislative powers)

Ethical principles and rules of conduct

Panellists : Rainer Hornung, German Judicial Academy; Oliver Stolpe, United Nations Office on Drugs and Crime (UNODC); Cédric Visart de Bocarmé, Consultative Council of European Prosecutors (CCPE); Nina Betetto, Consultative Council of European Judges (CCJE); Oliver Heald, Parliamentary Assembly of the Council of Europe (PACE)

Prevention and resolution of conflicts of interest

Defining conflicts of interest

Prohibition or restriction of certain activities

Declarations of assets, income, liability and interests

Panellists: Elaine Byrne, Trinity College Dublin; Stuart Gilman, Global Integrity Group, Washington DC; Zorana Markovic, Serbian Anti-Corruption Agency; Ghassan E. Moukheiber, Global Task Force on Parliamentary Ethics and Conduct, Global Organisation of Parliamentarians against Corruption (GOPAC); Nadia Alís Cirera, Public Prosecutor, Andorra; Alexandra Cornella Solà, Public Prosecutor, Andorra

Enforcement and awareness

Sanctions and enforcement mechanisms

Awareness-raising, training and advice, information and relations with the public, including the media

Panellists: Elaine Byrne, Trinity College Dublin; Zorana Markovic, Serbian Anti-Corruption Agency; Cédric Visart de Bocarmé, Consultative Council of European Prosecutors (CCPE)

42. Finally, GRECO delegations nominated national experts with appropriate profiles to constitute the pool of evaluators and composed the evaluation teams that would be responsible for the first Fourth Round evaluations to be held in 2012 (Estonia, Finland, Latvia, Poland, Slovenia and the United Kingdom).

43. A full set of reference and working materials related to the Fourth Evaluation Round is available at: www.coe.int/greco.

GOVERNING STRUCTURES AND MANAGEMENT

44. The permanent, specific bodies constituting GRECO are GRECO sitting in plenary (the plenary), the Bureau and the Statutory Committee. The Statute also provides for *ad hoc* bodies, principally evaluation teams but also working parties.

45. The **plenary** is composed of representatives of member states appointed on a "permanent" basis (Rule 3 of the Rules of Procedure). The intention is to allow for consistency in GRECO's monitoring work - representatives are directly involved in the peer review process during the examination and adoption of evaluation and compliance reports - and to facilitate respect of confidentiality rules. The main part of plenary meetings is devoted to GRECO's monitoring work and the multidisciplinary nature of that work requires the representation within country delegations of a range of expertise.

46. The **Bureau**, is composed of the President, Vice-President and its elected members. It prepares the draft agendas for meetings of the plenary, and makes proposals to the plenary regarding policy and planning.

47. GRECO elects a new President, Vice-President and Bureau for each new evaluation round. Following elections for the Fourth Evaluation Round, held during the December Plenary meeting:

- Mr Marin MRČELA (Croatia) was elected **President**
- Mr Christian MANQUET (Austria) was elected **Vice-President**

and the following were elected members of the **Bureau**:

- Mr Edmond DUNGA (Albania)
- Ms Helena LIŠUCHOVÁ (Czech Republic)
- Ms Aslan YUSUFOV (Russian Federation)
- Mr Ernst GNAEGI (Switzerland)
- Ms Slagjana TASEVA ("the former Yugoslav Republic of Macedonia").

PROGRAMME AND BUDGET

48. The **Statutory Committee**, is composed of the Permanent Representatives to the Council of Europe of GRECO member States, its principle task is to adopt GRECO's budget. In 2011, budgetary proposals for 2012 were prepared along the new lines of the biennial programme and budget method implemented by the Organisation. GRECO's 2012 budget as adopted by the Statutory Committee, chaired by Ambassador Petter WILLE, Permanent Representative of Norway to the Council of Europe, was designed to allow for the proper implementation of the Programme of Activities as adopted by the plenary.

49. The fact that GRECO can rely on the support of its member states in providing the expertise of evaluators and plenary representatives whose work is un-remunerated is key in this context. The Secretariat's effective management of the budget and programme and its analytical and technical input are also a valuable asset. GRECO's Programme of Activities for 2011 was implemented to the full satisfaction of the plenary.

50. GRECO's Programme of Activities for 2012 takes due account both of the need to ensure a smooth transition from the Third to the Fourth Evaluation Round and, notably, to provide sufficient time for careful consideration of the first draft fourth round evaluation reports which are likely to raise a number of challenging issues.

SECRETARIAT

51. Following extensive restructuring of the Council of Europe, GRECO's Secretariat was placed within the Information Society and Action against Crime Directorate in Directorate General I - Human Rights and Rule of Law. Anti-crime and related operations were brought together, creating a cluster of expertise amongst both the secretariat and the government representatives and experts involved in Council of Europe work in order to create the synergies that the Secretary General and the Committee of Ministers expected (chart showing the responsibilities within GRECO's secretariat and the structure of Directorate General I – Human Rights and Rule of Law - Appendix V).

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THEMATIC ARTICLE**CORRUPTION ERODES HUMAN RIGHTS PROTECTION**

Thomas Hammarberg - *Council of Europe Commissioner for Human Rights*

During my service as Commissioner for Human Rights I have visited all 47 member states of the Council of Europe – and repeatedly witnessed the devastating effect that corruption has on human rights. I have often heard complaints on how corruption has affected key components of the justice system: the judiciary, the police and prisons.

There is indeed a widespread belief in several European countries that the judiciary is corrupt and that the courts tend to favour influential people having financial means and contacts. Although this perception may sometimes be exaggerated, *people's suspicions are in many cases well justified*. Factors conducive to corruption in the judiciary include insufficient legislative and implementing measures, a lack of determination on the part of the authorities, as well as undue interference in the work of judicial institutions.

Corruption is also present in the police and in the prison system. *Policemen* are badly paid in several countries and some of them try to add to their income by asking for bribes. The result is that people without money are treated less favourably than others. I have also met prisoners who have had no family visits because their relatives could not pay the unofficial "fee".

There are also cases of *court officials* whose influence has been bought – either with money under the table, or with other less obvious favours such as a promise of career advancement. This is one revealing explanation of why some trials are being excessively drawn out whereas others are resolved rapidly.

Corruption is costly for the general public. Huge amounts of money are spent on bribes and lost in unpaid taxes, thereby also reducing the capacity of a State to invest in the infrastructures and policies necessary to ensure decent living conditions and equal opportunities for its population.

In the *health system* these costs are transferred to the health and very lives of people. Serious hindrances in accessing quality health care persist in Europe, where in some countries bribing is the only way to shorten the waiting time and obtain proper medical treatment.

Hiding corruptive practices

There are also cases in which public authorities or tycoons exert undue *control over the media* in order to prevent inconvenient truths from being disclosed. The result is that corruption crimes are concealed, thus limiting the right of the public to be informed. The imposition of this veil of secrecy, both at national and local level, is indeed a fertile ground for further corruption practices. The control of information and weak public oversight make it easier for corrupt people to escape sanctions and public censure.

This imposed secrecy makes *the situation of whistleblowers* more difficult. Those who report their suspicions in good faith internally or externally are often not protected. They have too often been hit by retaliation – dismissals or worse – which has in turn generated a self-censorship in others who could have had grounds on which to report misconduct. Even if overt sanctions against whistleblowers are prevented, more subtle forms of retaliation can occur, for instance non-promotion or marginalisation.

Corruption also feeds patterns of discrimination. Projects to promote the social inclusion of marginalised groups of people, such as Roma, have been funded with millions of Euros, often with great accompanying publicity. However, less publicity has been given to the *management of the funds* and to the real reasons behind the failure of the projects they were supposed to sustain. The result is that in some cases no money reached the target beneficiaries, who not only could not improve their situation, but as a consequence of the lack of public information, were also accused of having wasted public money for personal interests.

Another form of corruption is *nepotism*. The practice of allocating favours to friends or relatives regardless of qualifications or merit is still a widespread phenomenon. This causes social stagnation and a generalised feeling of injustice among the population at large. Young people - including those with good qualifications - seeking work can be particularly affected. They may leave their country seeking opportunities elsewhere, thereby weakening their own country's capacity for recovery and growth.

It has also been proven that the slow or ineffective implementation of certain *emergency and recovery plans* following natural disasters, such as floods, earthquakes and drought, was directly linked to corruption. Indeed, much of the money allocated in those cases ended up in the wrong hands and never fully achieved the expected result. Those responsible are rarely tried or punished, and are sometimes shielded by some sort of immunity. They may even continue to occupy posts of high responsibility.

The situation is further complicated by the *current economic crisis*. Austerity measures could actually render our societies more vulnerable to corruption. Excessive cuts to public spending may have an immediate effect in stabilising markets, but political leaders should also bear in mind the short and long term effects of such measures on society. They should make sure that the public sector remains able to deliver quality services and treat all groups of people on an equal footing.

If we do not strengthen our efforts against corruption, making them a common international goal, *public trust* in politics and decision-making will continue to decline. The effect would be extremely negative for our democratic systems. People would eventually resign themselves to playing according to the rules dictated by clan principles. If we allow corruption to flourish with impunity, dishonest behaviour will tend to become the norm and decades of social progress will be sacrificed.

Needed: energetic, co-ordinated action

We have to act energetically. If we want to make human rights genuinely effective for all, we have to stamp out corruption.

A single solution to eradicate corruption does not exist. Each country has its peculiarities and has to find the best means to overcome its system's weaknesses. However, this does not mean that countries are alone in facing this challenge. National and international actors should team up to enhance the strength of local responses.

The means at our disposal include anti-corruption standards, monitoring mechanisms, and judicial co-operation, as well as important international treaties, including the Council of Europe Criminal and Civil Law Conventions on Corruption and the United Nations Convention against Corruption. In addition to providing precise guidelines to governments, these Conventions also increase the accountability of those in power and set a clear framework for political action.

However, a fundamental ingredient to make national and international anti-corruption systems function properly is *political will*.

I think that political leaders and decision makers, as well as people at large, are increasingly aware of the importance of fighting against corruption. However, more efforts should be undertaken in this direction.

What is needed are comprehensive programmes to reinforce the impartiality of public services at all levels and in all institutions. There is also a need to react decisively to corrupt practices in private business, the consequences of which tend to spill over into the public sphere.

It is crucial to ensure that the system of justice is shielded from corruption; in addition, there must be a fire-wall between party politics and the judiciary. Clear procedures for the recruitment, promotion and tenure of judges and prosecutors are a must. The process of appointing judges should be transparent, fair and based on merit. Requirements concerning the integrity of judges should be part of their training and defined clearly and early in the recruitment process.

Codes of conduct can serve as useful tools to enhance the integrity and accountability of the judiciary. The standards should regulate behaviour in office, but should also concern outside activities and their remuneration. Independent disciplinary mechanisms should be established to deal with complaints against court officials. These independent mechanisms should be able to receive and investigate complaints, protect the complainants against retaliation and provide for effective sanctions.

Transparency as a measure to fight corruption

Access to information and transparency should be strengthened as they foster fair and equal treatment and efficiency in public administration. Many corruption scandals have been exposed by the media and citizens. Therefore, public reporting and freedom of expression must be protected. For “public watchdogs” to be able to play their vital role against any abuse of power, they must have access to information about what those in power do and decide, and be able to find the documents they need to read.

It is important to make public budgets transparent, accessible and easy to understand in order to increase the accountability of public authorities, including at local levels. Indeed, sound democracies can only thrive through transparency and openness.

There may well be situations where it is justified to keep certain information confidential, for instance to protect national security or the personal integrity of ordinary citizens. To avoid the misuse of such arguments, there is a need for clear regulations on how decisions about confidentiality can be taken and how representatives of the public can challenge such decisions.

Stronger action and international co-operation should be developed on fiscal matters. Tax evasion patterns are often close to those of corruption. Tighter controls and stricter punishment of tax evasion would help strengthen not only the public sector, but also social justice.

More regulation is needed to define the limits of the work of lobbying groups. Several human rights actors, including the Parliamentary Assembly of the Council of Europe, have highlighted the risk that unregulated, secret lobbying can have on democracy and good governance. Regrettably, only a few Council of Europe member states have adopted legislation in this field. The risk of corruption is high when these groups are free to operate without being subject to any public scrutiny. It is therefore imperative that lobbying activities be strictly regulated and transparent, both at national and international level.

Participatory budgeting and planning represent an effective method to keep corruption out of play. When feeling integrated in a society, people indeed care more about public goods and the effectiveness of vital services. Independent auditing of public spending would also help build and reinforce people's confidence in the management of public affairs.

Comprehensive strategy

These measures are not exhaustive and will not yield any concrete, lasting results if they are not jointly applied as part of a *comprehensive strategy*. This effort concerns us all: governments, parliaments, independent state bodies, media professionals, civil society groups, international organisations.

Political leaders have a particularly important responsibility in this endeavour. Their own behaviour has a great influence in shaping the attitude of the population. If they make responsible use of the power delegated to them and are accountable, their example can transform the present deep distrust of public institutions and the political class and reduce the acceptance of corruption in society.

They should certainly set a *good ethical example* themselves and openly declare their income and capital assets, as well as all relevant ancillary activities, connections and interests. Furthermore, they could act as watchdogs of corruption within the public sector and ensure that legislation and oversight procedures function properly. Political leaders should also be louder in condemning cases of corruption in order to avoid that people accept them as normal. They should make it clear that any act of corruption is a crime against the public interest.

Independent state bodies, such as judges, ombudspersons and other *national human rights structures* can also work effectively against undue influence and other corrupt practices. Their contribution is particularly important in the field of good governance and the protection of poor and destitute people from the damaging effects of corruption.

Media professionals and civil society groups are also key actors. They are instrumental in promoting transparency, vetting public and private activities and exposing systemic and individual cases of corruption, including abuse of power, bribery and extortion. At the same time, they should lead through example in their own activities, as their credibility also depends on their own ability to observe the values they defend.

Finally, international organisations, and the *Council of Europe* as a leader in this field, have the duty to secure the effective functioning of their anti-corruption mechanisms to continue helping their member states in identifying shortcomings, sharing effective practices and inspiring concrete policies to eliminate corruption. In this context, GRECO represents an innovative international tool which provides an invaluable contribution to promoting specific practices against corruption. Governments should act more promptly upon its recommendations.

A matter of political will

For our democracies, corruption is a devastating phenomenon with deep, harmful effects on human rights, in particular the rule of law, liberty and equality. However, it is not inevitable. It can be eradicated by adopting well-defined and comprehensive approaches in the field of politics, private business and public governance. This requires a combination of *strong political will, strategic long-term planning and systematic awareness-raising*. One of the most difficult goals to achieve in the fight against corruption is indeed that of changing people's attitudes towards corruption, rendering it highly reprehensible in our societies.

Efforts should be made in promoting anti-corruption behaviour and attitudes among the population, and young people in particular. *Human rights education* at all levels should be strengthened in order to help an anti-corruption culture to take deep root in society.

To get there, responsible leadership is needed, from us all: governments, parliament, the private sector, civil servants, NGOs, the media.

We all are concerned: ***eradicating corruption means improving our quality of life.***

APPENDICES**APPENDIX I - Composition****Members**

Currently 49: Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Lithuania, Luxembourg, Romania, Slovak Republic, Slovenia, Spain and Sweden (founding states – 1 May 1999), Poland (date of accession: 20 May 1999), Hungary (9 July 1999), Georgia (16 September 1999), the United Kingdom (18 September 1999), Bosnia and Herzegovina (25 February 2000), Latvia (27 July 2000), Denmark (3 August 2000), the United States of America (20 September 2000), “the former Yugoslav Republic of Macedonia” (7 October 2000), Croatia (2 December 2000), Norway (6 January 2001), Albania (27 April 2001), Malta (11 May 2001), the Republic of Moldova (28 June 2001), the Netherlands (18 December 2001), Portugal (1 January 2002), the Czech Republic (9 February 2002), Serbia (1 April 2003), Turkey (1 January 2004), Armenia (20 January 2004), Azerbaijan (1 June 2004), Andorra (28 January 2005), Ukraine (1 January 2006), Montenegro (6 June 2006)¹⁰, Switzerland (1 July 2006), Austria (1 December 2006), the Russian Federation (1 February 2007), Italy (30 June 2007), Monaco (1 July 2007), Liechtenstein (1 January 2010), San Marino (13 August 2010) and Belarus (1 July 2006 – effective participation as of 13 January 2011).

Observers

International Anti-Corruption Academy (IACA)
Organisation for Economic Co-operation and Development (OECD)
Organization of American States (OAS)
United Nations, represented by the United Nations Office for Drugs and Crime (UNODC)

Council of Europe bodies represented

Parliamentary Assembly of the Council of Europe (PACE)
European Committee on Legal Co-operation (CDCJ)
European Committee on Crime Problems (CDPC)
Council of Europe Development Bank (CEB)

¹⁰ Following independence, Montenegro succeeded to all treaties to which the State Union of Serbia and Montenegro was a party, including the Criminal Law Convention on Corruption (ETS No. 173) making it *ipso facto* a member of GRECO.

APPENDIX II – Representatives in GRECO

08.12.2011

ALBANIA / ALBANIE

Mr Ivi KASO (Head of delegation)
Director
Department of Internal Administrative Control
and Anti-Corruption (DIACA)
Council of Ministers

Substitute:

Mrs Helena PAPA
Inspector/Coordinator
Department of Internal Administrative Control
and Anti-Corruption (DIACA)
Council of Ministers

M. Edmond DUNGA
Membre du Bureau – Bureau Member
Head of the Office in the Anticorruption
Secretariat
Regional Anti-Corruption Initiative (RAI)
Secretariat

ANDORRA / ANDORRE

M. Sergi ALIS SOULIE (Chef de délégation)
Unité de Prévention et Lutte contre la Corruption
Présidence du gouvernement

Substitute:

M. Gérard ALIS EROLES
Avocat
Unité de Prévention et Lutte contre la Corruption
Présidence du gouvernement

Mrs Clàudia CORNELLA DURANY
Head of International Relations
Ministry of Finance

ARMENIA / ARMENIE

Mr Artur OSIKYAN (Head of delegation)
Deputy Head of Police

Substitutes:

Mr Karen GEVORGYAN
Deputy Dean of International Relations
Faculty of Law
Yerevan State University

Mr Gevorg KOSTANYAN
Assistant
Office of the President of the Republic

Ms Anna MARGARYAN
Chair of Criminal Law and Criminology, lecturer
Yerevan State University
Faculty of Law

AUSTRIA / AUTRICHE

Mr Christian MANQUET (Head of delegation)
Head of Department
Directorate for Penal Legislation
Ministry of Justice

Substitutes:

Ms Teute KRASNIQI
Legal Adviser
Bureau of Anti-Corruption
Ministry of the Interior

Mr Christian EISNER
Chancellery

Mr Hermann FALLY
Head of Department 4
International Cooperation
Bureau of Anti-Corruption
Ministry of the Interior

AZERBAIJAN / AZERBAIDJAN

Mr Inam KARIMOV (Head of delegation)
Chief Adviser
Law Enforcement Coordination Department
Administration of the President of the Republic
Secretary of the Commission for Combating
Corruption

Substitutes:

Mr Vusal HUSEYNOV
Senior Advisor
Commission for Combating Corruption

Mr Kamran ALIYEV
Director
Anti-Corruption Department
General Prosecutor's Office

Mr Elnur MUSAYEV
Senior Prosecutor
Anticorruption Department
General Prosecutor's Office

BELARUS

Mr Pavel SASCHEKO (Head of delegation)
Head of criminological forecasting Division of
key trends, dynamics and structure of organized
crime and corruption of Scientific and Practical
center of problems of the rule of law and order
to the General Prosecutor

Mr Dmitry RUDCHENKO
Deputy Head of the Department of non-
commercial Organisations issues
Ministry of Justice

Substitute:

Mr Zmicier BRYLOU
Public prosecutor
International Legal Department
Prosecutor General's Office

BELGIUM / BELGIQUE

M. Frederik DECRUYENAERE (Chef de
délégation)
Attaché au Service du droit pénal spécial
Service Public Fédéral Justice (SPF Justice)

M. Guido HOSTYN
Premier conseiller de direction
Secrétaire de la Commission de contrôle des
dépenses électorales
Sénat

Substituts:

Mlle Claire HUBERTS
Attachée au service des principes de droit pénal
et de procédure pénale
Direction Générale des Droits et Libertés
fondamentales
Service public fédéral Justice (SPF Justice)

M. Paul MULS
Premier conseiller de direction
Secrétaire de la commission de contrôle des
dépenses électorales
Chambre des représentants

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Vjekoslav VUKOVIC (Head of delegation)
Assistant Minister of Security
Council of Ministers
Ministry of Security

Mr Sead TEMIM
Prosecutor
Federal Prosecutor's Office

Substitute:

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National Public Administration Reform (PAR)
Coordinator
Office of the Chairman
Council of Ministers

BULGARIA / BULGARIE

Mr Georgi RUPCHEV (Head of delegation)
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State Expert
Directorate of International Cooperation and
European Affairs
Ministry of Justice

Mr Petar PETKOV
Public Prosecutor
Supreme Prosecutor's Office

Substitute:

Ms Irena BORISOVA
Head of Department of International
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Matters
Directorate of International Cooperation and
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Ministry of Justice

CROATIA / CROATIE

Mr Marin MRČELA (Head of delegation)
**Vice-Président du GRECO – Vice-President
of GRECO**
Justice of the Supreme Court

Mr Kršimir SIKAVICA
Department for the Fight against Economic
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General Police Directorate
Division for Criminal Investigation
Ministry of the Interior

Substitutes:

Mr Dražen JELENIĆ
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Mr Philippos KOMODROMOS (Head of delegation)
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State Prosecutor for Serious Economic Crime

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Office of the Director of Public Prosecutions

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Mr Kaarle J. LEHMUS (Head of delegation)
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Crime Policy Department

FRANCE

M. Michel GAUTHIER

Président d'Honneur du GRECO / Honorary President of GRECO

Avocat Général auprès de la Cour d'Appel de Paris

M. Paul HIERNARD (Chef de délégation)
Magistrat, Chargé de mission auprès du
Directeur des affaires juridiques
Ministère des Affaires étrangères et
européennes

M. François BADIE
Chef du Service Central de Prévention de la
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Direction des Affaires Criminelles et des Grâces
Ministère de la Justice

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Direction des Affaires Criminelles et des Grâces
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Deputy Head of the Anti-corruption Council
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Mme Sophie HOFFMANN
Attaché au
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MALTA / MALTE

Head of delegation/Chef de délégation

Mrs Lara LANFRANCO
Criminal Prosecutor before the Superior Courts
Office of the Attorney General

Nomination pending/nomination en cours

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Mme Cornelia VICLEANSCHI (Chef de délégation)
Procureur
Chef de la Section Générale
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Commissaire Principal
Direction de la Sûreté Publique

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Mr Dušan DRAKIC
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Nomination will follow under Eval IV /
nomination suivra sous Eval IV

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Premier Secrétaire
Ministère des affaires Etrangères

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Former Chief Commissioner of the Commission
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Prime Ministry Inspection Board

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Directorate General for International Law and
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Ministry of Justice

Mr Harun MERT
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Directorate General for International Law and
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Ministry of Justice

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Ms Jane LEY (Head of delegation)
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**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE
PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

Mr Kimmo SASI (Finland)
Member of the Committee on Legal Affairs and
Human Rights

Substitute:
Mrs Lolita ČIGĀNE (Latvia)
Member of the Committee on Legal Affairs and
Human Rights

REPRESENTATIVE OF THE CDCJ TO GRECO / REPRÉSENTANT DU CDCJ AU GRECO

Mr Petar RASHKOV
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Permanent Representation of Bulgaria to the EU

Substitute:
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First Secretary
International Legal Department
Ministry of Foreign Affairs

REPRESENTATIVE OF THE CDPC / REPRÉSENTANT DU CDPC

Nomination pending/*en cours*

**PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ
STATUTAIRE DU GRECO**

Mr Hans-Dieter HEUMANN
Ambassador Extraordinary and Plenipotentiary Permanent Representative
Permanent Representation of Germany to the Council of Europe

**COUNCIL OF EUROPE DEVELOPMENT BANK (CEB) / BANQUE DE DEVELOPPEMENT DU
CONSEIL DE L'EUROPE (CEB)**

Mr Jan DE BEL
Chief Compliance Officer a.i
Council of Europe Development Bank

OBSERVERS / OBSERVATEURS

OECD / OCDE

M. Patrick MOULETTE
Division de Lutte contre la Corruption
Direction des Affaires Financières, Fiscales et
des Entreprises
Organisation de Coopération et de
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Ms Olga SAVRAN
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Organisation for Economic Co-operation and
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Ms Inese GAIKA
Anti-Corruption Division
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**UNITED NATIONS, represented by the UN Office on Drugs and Crime (UNODC) /
NATIONS UNIES, représentées par l'Office des Nations Unies contre la Drogue et le Crime
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Ms Brigitte STROBEL-SHAW
Crime Prevention and Criminal Justice Officer
Corruption & Economic Crime Section
Treaty and Legal Assistance Branch
United Nations Office on Drugs and Crime

Mr Dimitri VLASSIS
Chief of the Crime Conventions Section
United Nations Office on Drugs and Crime
Division for Treaty Affairs

Ms Annika WYTHES
United Nations Office on Drugs and Crime

INTERNATIONAL ANTI-CORRUPTION ACADEMY (IACA) / ACADÉMIE INTERNATIONALE DE LUTTE CONTRE LA CORRUPTION (IACA)

Nomination pending/*en cours*

ORGANISATION OF AMERICAN STATES (OAS) / ORGANISATION DES ETATS AMÉRICAINS (OEA)

Nomination pending/*en cours*

APPENDIX III - Meetings

BODIES CONSTITUTING GRECO

Plenary Meetings

GRECO 50 (28 March -1 April)
GRECO 51 (23 - 27 May)
GRECO 52 (17 – 21 October)
GRECO 53 (5 – 9 December)

Bureau Meetings

Bureau 56 (18 March)
Bureau 57 (9 September)

Statutory Committee

16th Meeting – Adoption budget 2012 and, provisionally, 2013 (22 November)

EXTERNAL PARTNERS

GRECO –represented by the Secretariat, the President or his representative –provided input at the following meetings with:

Organisation for Economic Co-operation and Development (OECD) – Observer in GRECO

- French Presidency of the G20 and OECD – joining forces against corruption: G20 business and government (Paris, 26 – 27 April) - secretariat
- Working group on bribery in international business transactions (Paris, 23 – 24 June) - secretariat
- OECD/Anti-corruption committee of the International Bar Association - 9th annual anti-corruption conference (Paris, 23-24 June) - President
- Anti-Corruption Network for Eastern Europe and Central Asia (ACN) – 12th Steering Group (Paris, 28 – 30 September) - secretariat

United Nations Office on Drugs and Crime (UNODC) – Observer in GRECO

- UN Commission on Crime Prevention and Criminal Justice – twentieth session (Vienna, 13 April) - secretariat
- Open-ended intergovernmental working group on the prevention of corruption (Vienna, 22 – 24 August) - secretariat
- Conference of the States Parties to the United Nations Convention against Corruption – Fourth Session (Marrakech, 24 – 28 October) - secretariat

European Union

- Consultations with the European Commission (DG External Relations) on EU progress reports on the implementation of European Neighbourhood Policy (ENP) Action Plans in the countries concerned that are GRECO member states (Strasbourg, 13 – 14 January; 12 – 13 December) - secretariat
- European Commission, DG Enlargement – workshop on judicial reform in Montenegro (Danilovgrad, 20 January) – Vice-President
- Consultations with the European Commission on DG Enlargement Opinions on candidate and potential candidate countries for EU membership (3 February; 16 – 17 May) – secretariat
- Consultations with the European Union’s External Action Service (EEAS) on cooperation in Central Asia (Strasbourg, 17 March) - secretariat

- European Partners against Corruption (EPAC)/The European contact-point network against corruption (EACN) – project conference on European standards for EPAC/EAACN members (Budapest, 13 – 14 April) – Edmond Dunga, Bureau member
- European Anti-Fraud Office (OLAF) and Institute of Advanced Legal Studies, University of London – conference on rapprochement between the Council of Europe and the European Union through accession to the European Convention on Human Rights and GRECO and through the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism – MONEYVAL (London, 16 May) - secretariat
- Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the member States of the European Union (The Hague, 23 June) – secretariat
- European Partners against Corruption (EPAC)/The European contact-point network against corruption (EACN) – annual professional conference on standards in integrity (Laxenburg, Austria, 22 – 25 November) – Vice-President

Others

- Agency on Fighting Economic and Corruption Crime, Kazakhstan – conference on joining forces for asset recovery and counteracting international corruption (Almaty, 9 – 11 March) – Edmond Dunga, Bureau member
- University of Cuenca, Spain – seminar on justice, corruption and rule of law (Cuenca, 6 – 7 April) - secretariat
- *Ecole Nationale de l'Administration* (ENA), France – conference on corruption: economic reality and counter measures (Paris, 28 June) – secretariat
- European Free Trade Association (EFTA), Financial Mechanism Office – conference on addressing corruption risks in grant management (Prague, 6 September) - Edmond Dunga, Bureau member
- Federal Ministry of the Interior, Austria – European anti-corruption training, kick-off conference (Vienna, 19 – 23 September) - secretariat
- Financial Action Task Force (FATF) – expert meeting on corruption (Paris, 27 February; Paris, 25 October) – secretariat
- Professional training – *Ecole Nationale de la Magistrature*, France (Paris, 30 September) - secretariat
- Professional training on the preparation of legislation in Switzerland (Berne, 1 November) - secretariat
- National Assembly of Serbia and OSCE Mission to Serbia – conference on codes of conduct/ethics for members of parliament (Belgrade, 24-25 November) - secretariat
- Organization of the Black Sea Economic Cooperation (BSEC) – working group on combating crime, in particular its organised forms (Istanbul, 29 – 30 November) – secretariat
- Friends of Europe – High-level European Policy Summit “Balkans scorecard: assessing the region’s key pointers” (Brussels, 30 November) - President
- World Legal Forum expert meeting (The Hague, 7 December) – Nora Kaiser, GRECO Representative
- International Criminal Law Network – 10th annual conference on the prevention of international fraud and corruption (The Hague, 8 December) – Nora Kaiser, GRECO Representative

INTERNAL COUNCIL OF EUROPE PARTNERS

GRECO – represented by the Secretariat, the President or his representative - provided input at the following meetings with:

- Enlarged Partial Agreement on Sport (EPAS) - consultation meeting on the draft recommendation on promotion of the integrity of sport against the manipulation of results (Paris, 3 May) - President

- Meeting of the Presidents of monitoring bodies within the Directorate General of Human Rights and Legal Affairs (Paris, 13 May) – secretariat
- Directorate General of Democracy and Political Affairs - 6th Summer University for Democracy (Strasbourg, 27-29, April) - President
- Congress of Local and Regional Authorities of the Council of Europe and Committee of the Regions of the European Union – expert meeting on measures at local and regional level for counteracting corruption and promoting public ethics (Brussels, 29 November) – secretariat
- Parliamentary Assembly of the Council of Europe – Parliamentary assistance programme seminar on the activities of the Council of Europe in the field of the Rule of Law and Democracy (Strasbourg, 8-9 December 2011) - secretariat

INDIVIDUAL MEETINGS AND STUDY VISITORS

The Secretariat held individual meetings with: Ms Natasha Wunsch, Research Fellow, German Council on Foreign Relations (25 January); Mr Vadim, Executive Secretary of the Union of Journalists of Belarus (26 January); Assistant professor Renate Kicker, Karl-Franzens-Universität, Graz (27 January); Mr René Mally, European Union Delegation to Kazakhstan (1 April) ; Ms Ana Gajzer, Researcher/Analyst with the Zagreb based civil society organisation Partnership for Social Development - PSD (12 May) ; Fund for an Open Society – Serbia (12 May) ; delegation from *Sûreté du Québec* – a national police force with jurisdiction throughout Quebec (21 September) ; Canadian parliamentarians (4 October) ; Mr Evan G. Reade, Consul General of the United States of America, Deputy Permanent Observer to the Council of Europe (11 October) ; a delegation from the Federal Council of Mexico and the Permanent Mission of Mexico to the Council of Europe (7 November) ; Mr Morten Ringheim, Assistant Director General, Norwegian Ministry of Defence and Mr Svein Eriksen, Agency for Public Management and eGovernment regarding the Building Integrity (BI) Initiative of the Euro-Atlantic Partnership Council (EAPC) (16 November); Ms Eeva Heikkilä, Council of Europe Liaison Office with the European Union (18 November); Prof. Geir Ulfstein, University of Oslo in the context of a study commissioned by the Directorate of Policy Planning (DPP) of the Council of Europe on the relations between the Council of Europe and the OSCE (2 December) ; Mr Childerik Schaapveld, Head of the Council of Europe Office in Vienna in charge of Liaison with the OSCE, United Nations Office and other international organisations in Vienna (12 December).

The Secretariat designed presentations for the following groups of study visitors: European Law Students Association, Fribourg (22 February); judges from Sweden (13 April and 7 September); journalists from Ukraine (13 April); Council of Europe trainees (6 May); judges/law officers – France (21 June and 4 October); judges – Ukraine (12 October); members of the Parliamentary Standing Committee for Legal Issues, Appointments and Immunity – Republic of Moldova (7 November)

APPENDIX IV – Further reading

In order to take stock of the outcomes of its Third Evaluation Round, GRECO commissioned horizontal studies of the results of evaluations carried out within its Third Evaluation Round (Theme I : Incriminations; Theme II: transparency of party funding).

- **Thematic Review of GRECO's Third Evaluation Round –Incriminations**, Roderick H.R. MACAULEY, Criminal Law adviser at the Ministry of Justice of the United Kingdom
- **Thematic Review of GRECO's Third Evaluation Round – Political Funding**, Yves-Marie DOUBLET, Deputy Director at the National Assembly, France

These studies, as well as all reports adopted by GRECO can be consulted at: www.coe.int/greco.

See also:

- Practical Impact of the Council of Europe monitoring mechanisms in improving respect for human rights and the rule of law in member states – publication drawn up by the Directorate General of Human Rights and Legal Affairs that provides examples of the impact that GRECO's work has had at national level among its membership.
http://www.coe.int/t/dghl/publications/index_publications_en.asp
- GRECO's General Activity Report on its work in 2010, including a feature on Sponsorship and Corruption: the German Model by Thomas Rönnau, Professor of criminal law, the law of economic offences and criminal procedure at Bucerius Law School, Hamburg and Ramona Francuski, Academic assistant in the same department.
[http://www.coe.int/t/dghl/monitoring/greco/documents/2011/Greco\(2011\)1_Act.Report2010_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/documents/2011/Greco(2011)1_Act.Report2010_EN.pdf)
- A compendium of anti-corruption instruments of the Council of Europe can be obtained from the Secretariat.

APPENDIX V – GRECO Secretariat

(within Directorate General I – Human Rights and Rule of Law, see page 38)

Wolfgang Rau, **Executive Secretary**

Björn Janson, Deputy to the Executive Secretary

Elspeth Reilly, Personal assistant

Penelope Prebensen, Administrative assistant

Central Office

Logistics of evaluation procedures

Marie-Rose Prevost Penelope Prebensen, Head Laure Pincemaille

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Yüksel Yilmaz

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**Evaluation and compliance procedures
in respect of:**

Albania
Belarus
Bosnia and Herzegovina
Croatia
Denmark
Estonia
Finland
Hungary
Iceland
Ireland
Italy
Malta
Montenegro
Poland
Russian Federation
San Marino
Serbia
Slovenia
Spain
Sweden
"the former Yugoslav Republic of Macedonia"
Turkey
Ukraine
United Kingdom
United States of America

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Michael Janssen

Liubov Samokhina

Laure Pincemaille, Assistant

**Evaluation and compliance procedures in
respect of:**

Andorra
Armenia
Austria
Azerbaijan
Belgium
Bulgaria
Cyprus
Czech Republic
France
Georgia
Germany
Greece
Latvia
Liechtenstein
Lithuania
Luxembourg
Republic of Moldova
Monaco
Netherlands
Norway
Portugal
Romania
Slovak Republic
Switzerland

