



Opinion 241 (2002)¹

Draft additional protocol to the Criminal Law Convention on Corruption

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Opinion No. 207 \(1998\)](#) on the draft criminal law convention on corruption, in which it welcomed the adoption of this convention that covered a very wide range of cases of corruption, thereby helping to combat the threat posed to democracy by corruption.
2. However, it regrets the fact that, almost four years after the Criminal Law Convention on Corruption (ETS No. 173) was opened for signature by member states and by the European Community, it has been ratified by only eighteen member states, in spite of the large number of reservations possible.
3. The Assembly welcomes the new advance represented by the draft additional protocol to the Criminal Law Convention on Corruption, which adds two new categories of people, namely arbitrators and jurors.
4. The choice of these two new categories seems wise, as both may in certain cases be targets for corruption: arbitrators because of the significant economic and financial consequences of their decisions in the commercial sector and jurors because they are not covered by the same guarantees of independence and impartiality as persons performing similar functions, such as judges.
5. The Assembly notes, however, that the definition of the term “arbitrator” given in Article 1 of the draft protocol does not indicate the area in which the individuals concerned operate. It believes that it would be wise for referees and other sports officials with similar functions to be covered by the draft protocol, in view of the financial or other implications that their decisions can have, as demonstrated by recent events.
6. The Assembly therefore recommends that:
the Committee of Ministers:
 - a. *open the additional protocol to the Criminal Law Convention on Corruption for signature as quickly as possible;*
 - b. *indicate that the text also applies to domestic and foreign referees and other sports officials with similar functions;*

Council of Europe member states that have not yet done so, and the European Community, ratify the Criminal Law Convention on Corruption.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 November 2002 (see [Doc. 9611](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Hunault).

