Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1896 (2010)[1]
Final version

Judicial corruption

Parliamentary Assembly

1. The Parliamentary Assembly, recalling its Resolution 1703 (2010) on judicial corruption, regards the eradication of judicial corruption as a priority for the action of the Council of Europe, in that it threatens the rule of law, which is the backbone of a pluralistic democracy, and favours impunity.

2. It congratulates the Committees of Ministers for having issued terms of reference to a Group of Specialists on the Judiciary (CJ-S-JUD) to revise Committee of Ministers Recommendation No. R (94) 12 on the independence, efficiency and role of judges, focusing on national courts. It suggests that the group of specialists take into account the conclusions of the Assembly's Resolutions 1703 (2010) on judicial corruption and 1685 (2009) on allegations of politically motivated abuses of the criminal justice system in Council of Europe member states, and make explicit reference to the fight against corruption of judges in the explanatory report to the revised draft recommendation.

3. It encourages the Consultative Committee of European Prosecutors (CCPE) to persevere in its role as guardian of the due application of Committee of Ministers Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system, bearing in mind particularly the independence of prosecutors and having regard to the reforms which have taken place in the member states since the recommendation was adopted. The Assembly encourages the CCPE to review this recommendation in a similar way to the current revision of Recommendation No. R (94) 12.

4. The Assembly invites the Committee of Ministers to draw up a model code of conduct directed at judicial officials, along the lines of the model code of conduct for public officials appended to Committee of Ministers Recommendation No. R (2000) 10 on codes of conduct for public officials. In this context, it would be expedient to refer to Opinion No. 3 (2002) of the Consultative Council of European Judges of Europe (CCJE) on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality.

5. Noting that the Communication from the European Commission to the European Parliament and the Council of the European Union of 10 June 2009 concerning the Stockholm Programme advocates periodical evaluation of the efforts made by the European Union and the member states to combat corruption, and considering that such an initiative is liable to duplicate the work of the Group of States against Corruption (GRECO), the Assembly invites the Committee of Ministers to strive for closer co-operation between GRECO and the relevant institutions of the European Union, *inter alia,* through European Union participation in GRECO, as foreseen by the GRECO statute, in order to guard against duplications and promote synergies.

6. The Assembly invites the Committee of Ministers to gather figure-supported information on prosecutions and convictions of judicial officials in the Council of Europe member states. To guarantee its usefulness, a study of this kind should be updated regularly.

7. Lastly, the Assembly invites the Committee of Ministers to give the European Charter on the Status of Judges wider publicity which, although it is of a purely declarative character, should be a de facto reference for the member states.

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1. *Assembly debate* on 27 January 2010 (5th Sitting) (see Doc. 12058, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Sasi). *Text adopted by the Assembly* on 27 January 2010 (5th Sitting).