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Judicial corruption: urgent need to implement the Assembly's proposals

Reply to Recommendation¹: Recommendation 2087 (2016)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2087 \(2016\)](#) on “Judicial corruption: urgent need to implement the Assembly’s proposals” and has forwarded it to the relevant committees and bodies for information and comments.²

2. The Committee of Ministers shares the Assembly’s opinion regarding the importance of fighting judicial corruption through the promotion of judicial ethics and conduct. This priority concern has been and continues to be the subject of extensive activity by relevant Council of Europe bodies such as the GRECO – in particular through its monitoring reports and resulting recommendations to member States – or the CDCJ, through legal instruments or other texts relating, in particular, to strengthening judicial independence and impartiality or setting out standards of conduct for judges. The Committee of Ministers would also recall the Council of Europe Plan of Action on “Strengthening Judicial Independence and Impartiality” ([CM\(2016\)36-final](#)) which allows, *inter alia*, for various Council of Europe bodies to assist member States in their fight against corruption.

3. In paragraph 3.1 of its recommendation, the Assembly calls on the Committee to elaborate 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 [Rec\(2000\)10](#) on codes of conduct for public officials. The Committee of Ministers notes that whilst various forms of ethical standards already exist in most member States, there are still widespread concerns across many member States regarding judicial ethics and conduct, possibly due to an inadequate or non-implementation of such standards. In this respect, the Committee of Ministers considers that a model code of conduct may be an effective tool for member States, particularly if such a code of conduct is complemented by explanatory comments and/or practical examples and concrete guidance for resolving ethical dilemmas with which judges are not always well acquainted. Practice-oriented training and confidential counseling could further assist in strengthening the implementation of a code of conduct. The Committee of Ministers would therefore invite the CDCJ, in consultation with the GRECO and the CCJE, to examine in further detail the feasibility and potential added value of possibly preparing a model code of conduct (in its programme for the biennium 2018-2019) along these lines.

4. Finally, the Committee of Ministers has also noted with interest the proposal from the Assembly on gathering and updating information on prosecutions and convictions of judges for corrupt conduct in member States. The CDCJ will be able to examine this suggestion in the course of its work on the above-mentioned feasibility study.

1. Adopted at the 1266th meeting of the Ministers’ Deputies (28 September 2016).

2. To the Group of States against Corruption (GRECO), to the European Committee on Crime Problems (CDPC), to the European Committee on Legal Co-operation (CDCJ), to the Consultative Council of European Judges (CCJE) and to the Consultative Council of European Prosecutors (CCPE).

