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Promoting integrity in governance to tackle political corruption

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Vusal HUSEYNOV, Azerbaijan, Group of the European People's Party

A. Conclusions of the committee

1. The Committee on Legal Affairs and Human Rights congratulates the rapporteur of the Committee on Political Affairs and Democracy, Mr Michele Nicoletti (Italy, SOC), on his comprehensive report, and supports the proposed recommendations. The committee points out that it has dealt with similar issues in, *inter alia*, its reports on “Corruption as a threat to the rule of law”,² “Improving the protection of whistle-blowers”,³ “Judicial corruption: urgent need to implement the Assembly’s proposals”⁴ and “Transparency and openness in European institutions”.⁵

2. Corruption threatens the rule of law, democracy and human rights, undermines public trust and endangers the stability of public institutions. The committee agrees with the report’s conclusion that the fight against corruption cannot be addressed through legislation alone; corruption embedded in social and cultural attitudes must also be considered and eradicated.

3. The committee proposes some amendments to further strengthen the draft resolution regarding some legal and human rights aspects.

B. Proposed amendments

Amendment A (to the draft resolution)

At the end of paragraph 1, after the word “democracy” add “and essential in ensuring the protection of human rights”.

Amendment B (to the draft resolution)

In paragraph 2, replace the words “many European democracies” with “all European democracies”.

Amendment C (to the draft resolution)

In paragraph 5, after the first sentence, insert the following sentence:

1. Reference to committee: [Doc. 13551](#), Reference 4063 of 29 September 2014. Reporting committee: Committee on Political Affairs and Democracy. See [Doc. 14344](#). Opinion approved by the committee on 26 June 2017.

2. [Doc. 13228](#); see also Assembly [Resolution 1943 \(2013\)](#) and [Recommendation 2019 \(2013\)](#).

3. [Doc. 13791](#); see also Assembly [Resolution 2060 \(2015\)](#) and [Recommendation 2073 \(2015\)](#).

4. [Doc. 13824](#); see also Assembly [Resolution 2098 \(2016\)](#) and [Recommendation 2087 \(2016\)](#).

5. [Doc. 14075](#); see also Assembly [Resolution 2125 \(2016\)](#) and [Recommendation 2094 \(2016\)](#).



“The Assembly reiterates its invitation to all member States to review and strengthen their legislation concerning the fight against corruption, ensuring that all acts of corruption are incriminated in accordance with the standards developed by relevant international instruments and monitoring bodies.”

Amendment D (to the draft resolution)

In paragraph 5, after the words “Resolution 97 (24) on the twenty guiding principles for the fight against corruption” add “, recommendations of the Council of Europe’s Group of States against Corruption (GRECO)”.

Amendment E (to the draft resolution)

After paragraph 6.1, insert the following paragraph:

“signing or ratifying without delay, if they have not yet done so, the Criminal Law Convention on Corruption (ETS No. 173), its additional protocol (ETS No. 191) and the Civil Law Convention on Corruption (ETS No. 174);”

Amendment F (to the draft resolution)

At the end of paragraph 6.2, add the following words:

“without further delay, especially those emanating from GRECO’s Fourth Evaluation Round, which focused, inter alia, on the prevention of corruption in respect of members of parliament, judges and prosecutors”

Amendment G (to the draft resolution)

After paragraph 6.4, insert the following paragraph:

“continuing to improve the protection of whistle-blowers in law and practice;”

Amendment H (to the draft resolution)

At the end of paragraph 8.1, add the following words:

“, in line with Recommendation No. R (2000) 10 of the Committee of Ministers on codes of conduct for public officials”

Amendment I (to the draft resolution)

At the beginning of paragraph 11, insert the following sentences:

“The Assembly welcomes the inclusion of the fight against corruption, including its intention to participate in GRECO in the long term, amongst the European Union’s priorities for co-operation with the Council of Europe in 2016-2017. The Assembly further welcomes the publication by the European Ombudsman of practical recommendations for public officials’ interaction with interest representatives (representatives of interest groups), as well as the European Parliament resolution of 16 May 2017 (2016/2097(INI)), which called for the European Union to advance its application for membership of GRECO as soon as possible.”

Amendment J (to the draft recommendation)

After paragraph 4, add the following paragraph:

“The Assembly reiterates its call on the Committee of Ministers to further improve the protection of whistle-blowers by launching the process of negotiating a binding legal instrument in the form of a framework convention on whistle-blower protection on the basis of its Recommendation CM/Rec(2014)7, taking into account recent developments.”

C. Explanatory memorandum by Mr Vusal Huseynov, rapporteur for opinion

I can only congratulate Mr Nicoletti on his report, which, focusing primarily on political corruption, analyses how corruption affects democracy and suggests tools and strategies to promote a culture of integrity, transparency and accountability in the fight against corruption.

I should like, however, to propose a few amendments to the draft resolution and draft recommendation, with a view to completing them, mainly with regard to some legal aspects.

Explanation of amendments

1. Amendment A

This amendment aims to point out that corruption, especially judicial corruption, severely impedes the protection of human rights and undermines the rule of law and democracy.

2. Amendment B

This amendment aims to highlight that corruption “has spared no country, organisation or sector of activity”⁶ and the fight against corruption should therefore be a priority for all European democracies, including European institutions.

3. Amendment C

is self-explanatory.

4. Amendment D

is self-explanatory.

5. Amendment E

is self-explanatory. This call was already made on several occasions, including recently in Assembly [Resolution 2098 \(2016\)](#).

6. Amendment F

This amendment aims to emphasise the need to implement recommendations from GRECO’s Fourth Evaluation Round, the implementation of which is slowing down.⁷ Strong political consensus is often needed to implement the complex recommendations.

7. Amendment G

This amendment aims to add a new sub-paragraph, which reiterates the importance of whistle-blowing in the fight against corruption and ensuring that the appropriate protections are afforded to whistle-blowers, not only in law but also in actual practice.

8. Amendment H

is self-explanatory.

9. Amendment I

This amendment aims to refer to the co-operation between the Council of Europe and the European Union in the fight against corruption. The European Ombudsman’s office recently published its practical guidelines for public officials when interacting with interest representatives, to which GRECO contributed. The European Parliament recently called on the European Union to advance its application for membership of GRECO as soon as possible.

6. GRECO, “Anti-corruption trends, challenges and good practices in Europe & the United States of America”, [Seventeenth General Activity Report \(2016\)](#), adopted on 20-24 March 2017, p. 5.

7. *Ibid.*, p. 7.

10. Amendment J

This amendment reiterates the Assembly's call for a binding legal instrument (convention) on whistle-blower protection, as already stated in Assembly [Resolution 2060 \(2015\)](#).