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Fighting corruption – General principles of political responsibility

Committee Opinion¹

Committee on Political Affairs and Democracy

Rapporteur: Ms Marietta KARAMANLI, France, Socialists, Democrats and Greens Group

A. Conclusions of the committee

1. The Committee on Political Affairs and Democracy welcomes the work of the rapporteur of the Committee on Legal Affairs and Human Rights and supports the general thrust of the report's conclusions and proposals.
2. Corruption is a major societal problem, the manifestations of which are varied both in nature and severity. Corruption affects the ability of governments to govern in the public interest and for the benefit of the greatest number. It affects both the public and private sectors.
3. Moreover, political corruption seriously undermines the credibility of political and public figures, as well as that of democratic institutions. It contributes to the disengagement of citizens from democratic processes and provides fertile ground for populism. It thus undermines public confidence in the system of democratic governance that forms the foundation of any true democracy.
4. Corruption is therefore a serious threat to the preservation and promotion of the fundamental values of democracy, human rights and the rule of law in Europe.
5. In many States, public opinion feels that governments are not doing enough to fight this scourge. In this regard, the committee reiterates that “the fight against corruption remains not only a cornerstone of the rule of law but also a key component of a genuine democracy and an essential element in ensuring the protection of human rights”.²
6. The committee believes that it is more essential than ever for policy makers to address this issue and take the necessary dissuasive measures to prevent corruption, to combat it, to detect it and to sanction it effectively. Understanding corruption is also the means to better fight against this dangerous phenomenon.
7. The recent revelations of tax evasion and aggressive tax avoidance or optimisation via politicians' offshore companies, whether legal or not, undermine public confidence in democratic institutions and are at the very least ethically reprehensible.
8. The committee believes that the Assembly should continue to exert pressure and concerted action to strengthen public ethics, including in political circles, in line with its past work.
9. In this context, the committee refers to the Guidelines of the Committee of Ministers of the Council of Europe on public ethics³ and stresses that “... public ethics are a fundamental element of a properly functioning and effective democracy, which is an objective that is common to all Council of Europe member

1. Reference to committee: Doc 14639, Reference 4412 of 23 November 2018. Reporting committee: Committee on Legal Affairs and Human Rights. See [Doc. 15403](#). Opinion approved by the committee on 3 November 2021.

2. [Resolution 2170 \(2017\)](#) “Promoting integrity in governance to tackle political corruption”.



States". Furthermore, "... the integrity, legality, objectivity, transparency, honesty, leadership and accountability of persons exercising public responsibilities, as well as their compliance with the law and legal standards in their own behaviour, are decisive in guaranteeing good governance and the respect for the rule of law".

10. The committee also believes that the Assembly should support and promote the work of the Council of Europe, which advocates a multidisciplinary approach to the fight against corruption and urge member States to fully implement the recommendations of the relevant Council of Europe bodies, foremost among them the Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

11. The Assembly should also call on those member States which have not yet done so to set up competent independent authorities at national level in order to ensure greater transparency in public life. It should encourage the relevant national bodies to intensify their exchanges of views to promote, develop and strengthen this culture of integrity.

12. The Assembly should call on member States to guarantee in law and in practice the protection of whistleblowers, who play a key role in the revelation of corruption scandals, against any form of reprisal.

13. Lastly the Assembly should call on member States to implement measures to raise awareness of the harms of corruption, through training, online workshops and other information and education measures with civil society.

B. Explanatory memorandum by Ms Marietta Karamanli, rapporteur for opinion

1. As rapporteur for opinion I would like to thank Mr Sergiy Vlasenko for his work. I support the general thrust of the report's conclusions and proposals and wish to make the following comments, in light of my experience as a French politician, I would like to make a couple of points that I hope will help to provide input for discussions on this subject

1. A time which is conducive for large-scale corruption

2. Corruption, including political corruption, is an extremely serious societal phenomenon that undermines democracy.

3. However, the global pandemic of Covid-19 has created a situation where governments may have been exposed to corruption to a greater extent than usual. Procurement of scarce medical equipment and commodities was necessary; the emergency created exceptions to the usual rules and provided an opportunity to sell defective goods and services to the highest bidders against payment of individuals and intermediaries, to bypass normal bidding procedures, to award contracts to individuals close to decision-makers, to voluntarily deliver late, etc.

4. More recently, the "Pandora Papers" have served as a further reminder that large-scale money laundering and abuse of public office for personal gain are not a thing of the past but continue to take place, despite the angry reactions they provoke. These revelations also reflect a period in which financial globalisation, the still recent lack of co-operation by States to regulate it, and the creation of a tax optimisation consulting industry play into this corruption and the resulting tax injustice.

5. These phenomena are systemic in nature, have a direct impact on the state of public finances and the quality of public services, and undermine the trust that citizens place in democratic institutions. They require an urgent response from our societies.

6. It is now essential for policymakers to address this issue and take the necessary dissuasive measures to prevent corruption, to combat it, to detect it and to sanction it effectively and thus ensure the greatest possible transparency in public life, in particular in high-risk areas such as lobbying, public procurement and political financing. This includes the full implementation of the recommendations of the relevant Council of Europe bodies, such as GRECO and MONEYVAL.

2. Promoting a culture of “public” individual responsibility

7. I believe it is useful to draw a distinction between, on the one hand, the individual political responsibility of the person who stands accused and, on the other hand, collective political responsibility, which must enable an *ex post facto* response to be made to failings identified.

8. Firstly, with regard to individual political accountability, it is imperative that pressure continues to be exerted to introduce more ethical conduct in political circles. The practice should be to allow politicians against whom the justice system has gathered serious and consistent evidence to withdraw from political life and public action while a judicial decision is made.

9. Secondly, with regard to collective political responsibility, we must draw conclusions from every corruption scandal after the event and take the necessary steps to put an end to the failings identified.

10. For example, ensuring the transparency of politicians' tax affairs and assets is one of the most effective ways of identifying not only the risks of tax avoidance and evasion but also aggressive tax optimisation practices through offshore companies.

11. Transparency is a means of ensuring the traceability of a decision and of the use of public funds, especially in areas that may be subject to intense lobbying or in the context of the award of public contracts. In short, it is a crucial step in restoring confidence in our institutions.

3. Put into place authorities responsible for transparency

12. The promotion of this form of public integrity should be a public policy in its own right. In my view, it should be entrusted to a fully independent and properly resourced authority that is able to exercise greater public control and strengthen accountability in the event of non-compliance.

13. In France, this work has been carried out since January 2014 by the High Authority for Transparency in Public Life (*Haute Autorité pour la transparence de la vie publique* – HATVP), an independent administrative body responsible for promoting the probity and exemplary conduct of public officials. It has broad statutory powers and its independence is also guaranteed by the way it operates and by its administrative and financial autonomy.

14. It was set up after the French Parliament's adoption of the laws on transparency in public life in 2013, in response to the Cahuzac Affair, named after the former French budget minister who has since been convicted of tax evasion and money laundering.

15. Fortunately, the HATVP is not unique, and several European countries have set up institutions that cover its area of responsibility, in accordance with the Assembly [Resolution 2170 \(2017\)](#).

16. Such authorities must be able to control the declarations of assets and interests, not only of elected officials, executive authorities and civil servants in charge, but also of all private persons responsible for delegating public service missions.

17. Some of these institutions now hold discussions and meetings to compare their positions, share good practices and measure the progress that has been and still needs to be made. This co-operation sometimes takes place through networks, such as the Integrity Network and the European Lobbying Registrars' Network. In many countries, however, the responsibilities of monitoring and promoting public integrity are still shared between different government departments.

18. In this connection, the Assembly should invite those member States that have not set up such authorities to begin considering this possibility. The Assembly should invite the relevant national bodies to intensify their exchanges to promote, develop and strengthen a new culture of integrity.

19. The Assembly should urge member States to fully implement the recommendations of the relevant Council of Europe bodies, especially GRECO and MONEYVAL.

20. I would also like to refer to the Guidelines of the Committee of Ministers of the Council of Europe on public ethics adopted on 11 March 2020. The guidelines aim to help Council of Europe member States to establish a comprehensive and effective public ethics framework, in order to promote an ethical culture in public organisations and sustain the confidence and trust of citizens in the public officials and institutions. The guidelines have a broad personal and substantive scope, covering all categories of public officials – whether elected, appointed or employed – and address pressing challenges such as whistleblower protection, the use of social media and the prevention of sexism, hate speech and discrimination.

4. Ensuring the protection of whistleblowers

21. In the same vein, our Assembly must call on States to guarantee the protection of whistleblowers insofar as their words and their work are likely to identify risky situations or those that have already given rise to acts of corruption, without them having any reason to fear for themselves or their loved ones.

22. I would like to draw your attention to one point: sometimes this protection is limited by the fact that whistleblowing itself constitutes an offence, for example, the disclosure of business secrets. We must therefore find the right balance.

5. Develop education, partnership action against corruption, evaluate the sectors and mechanisms most at risk

23. Education, or rather the information given to citizens on what corruption represents in terms of prejudice, on its mechanisms, on the unacceptable situations they have to deal with, on the need to speak out responsibly and to be punished in case of bad faith, must be reinforced and developed.

24. Non-governmental organisations already offer online training and workshops on such topics, which should be promoted.

25. At the same time, the place and role of collective action must be promoted. Partnerships could be envisaged between the authorities and civil society to identify sensitive sectors, illegal or problematic practices, and financial issues, and to determine through experimentation the most effective transparency and prevention practices.