



**Resolution 1943 (2013)<sup>1</sup>**  
Provisional version

## Corruption as a threat to the rule of law

Parliamentary Assembly

1. The Parliamentary Assembly recognises that corruption remains a major problem in Europe, which poses a serious threat to the rule of law.
2. Corruption jeopardises the good functioning of public institutions and diverts public action from its purpose, which is to serve the public interest. It disrupts the legislative process, affects the principles of legality and legal certainty, introduces a degree of arbitrariness in the decision-making process and has a devastating effect on human rights. Furthermore, corruption undermines citizens' trust in the institutions.
3. The Council of Europe, its Parliamentary Assembly and its member States must remain at the forefront of the fight against corruption.
4. The Assembly, recalling, *inter alia*, its recommendations and resolutions on fighting corruption ([Resolution 1214 \(2000\)](#)), good practice in electoral matters and concerning political parties ([Resolution 1264 \(2001\)](#) and [Resolution 1546 \(2007\)](#)), conflict of interest ([Resolution 1554 \(2007\)](#)), the state of democracy and human rights in Europe ([Resolution 1547 \(2007\)](#) and [Recommendation 1791 \(2007\)](#)) and lobbying in a democratic society (European code of good conduct on lobbying) ([Recommendation 1908 \(2010\)](#)), welcomes the Council of Europe's efforts in this field. In particular, it welcomes the intensified implementation of 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). It calls on Council of Europe member States which have not yet signed or ratified these legal instruments to do so without delay.
5. The Assembly welcomes the decision of the Secretary General of the Council of Europe to make the fight against corruption one of the priority activities of the Council of Europe for 2014-2015, also as part of a broader effort to restore public confidence in the efficiency of democratic institutions.
6. The Assembly also welcomes the work carried out by 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) and urges the Council of Europe member States to implement their recommendations and to encourage non-member States and other relevant institutions to do likewise. The Assembly further calls on parliaments to contribute to the implementation of these recommendations by setting up specific parliamentary scrutiny procedures, with special emphasis on the implementation of recommendations emanating from GRECO's Fourth Evaluation Round focusing on corruption prevention in respect of members of parliament, judges and prosecutors. The Assembly welcomes GRECO's intention to address the gender dimension of corruption and to mainstream gender equality into its anti-corruption monitoring activities, as a part of the overall effort to strengthen democracy, the rule of law and human rights for the benefit of all.

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1. *Assembly debate on 26 June 2013 (23rd Sitting)* (see [Doc. 13228](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Reps; and [Doc.13247](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Díaz Tejera). *Text adopted by the Assembly on 26 June 2013 (23rd Sitting)*.

See also [Recommendation 2019 \(2013\)](#).

7. The Assembly invites all Council of Europe member States to step up international co-operation in the fight against corruption, including by:
  - 7.1. co-operating more efficiently in following the “money trail” left by electronic transfers of funds, with a view to helping each other recuperate funds generated by corrupt practices;
  - 7.2. taking vigorous action against banks, which still aid and abet corrupt practices by assisting perpetrators in hiding and laundering their illegal profits;
  - 7.3. take vigorous action against the accrual of illegal gains.
8. The Assembly also invites all member States to review their legislation concerning the fight against corruption, keeping in mind the following guiding principles:
  - 8.1. All acts of active and passive corruption shall be incriminated. Offences relating to corruption shall be clearly defined and distinguished from other offences, such as abuse of power or abuse of authority.
  - 8.2. The legislation shall ensure the independence of the judiciary through transparent appointment and promotion procedures and, if need be, the use of appropriate disciplinary measures, applied by bodies free from political interference and other undue influence.
  - 8.3. The legislation shall ensure a maximum of transparency in political, administrative and economic life, through:
    - 8.3.1. the publication of information on the identity of owners and managers of legal persons, or similar structures, and on transfers of funds abroad, in particular to notorious tax havens;
    - 8.3.2. strengthening the information rights of minority shareholders in private companies and the democratic accountability for the management of publicly owned companies;
    - 8.3.3. a determined crackdown on insider trading and other forms of abuse of inside knowledge obtained by politicians, civil servants and members of supervisory bodies;
    - 8.3.4. the adoption and general implementation of sound rules on the declaration of assets, income and financial and other interests by members of government and parliament, by leaders of political parties and political movements and by civil servants, judges and prosecutors, and the setting up of independent supervisory bodies and the regulation of lobbying activities;
    - 8.3.5. facilitating the confiscation of assets of natural or legal persons or similar structures who are unable to establish, on a legally sound basis, that they were obtained legally.
9. The Assembly stresses that the necessary legislative improvements must be accompanied by an evolution of the general cultural attitude towards corruption, which must be clearly recognised as an intolerable practice and a major threat to the rule of law. It is committed to continuing to detect new trends regarding transparency and corruption risks in parliaments, in partnership with non-governmental organisations (NGOs) and civil society, and to providing national parliaments with suitable safeguards.
10. The Assembly, recalling its [Resolution 1214 \(2000\)](#), asks once again its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to assess the progress made in the fight against corruption, considering corruption’s negative impact on the upholding of the Council of Europe’s standards by its member States.
11. It recognises the important role of the media and non-governmental organisations in contributing to the evolution of the general attitude towards corruption and in tracking and denouncing this phenomenon.
12. In order to set a good example, the Assembly resolves to pay special attention to the effective implementation of its own code of conduct.
13. The Assembly resolves to strengthen the interparliamentary dimension of the fight against corruption, by promoting a co-operation platform with the aim of:
  - 13.1. promoting the ratification and implementation of Council of Europe conventions and recommendations on the fight against corruption, in particular GRECO recommendations, among national parliaments;
  - 13.2. taking stock of national anti-corruption initiatives, sharing good practices and brainstorming together on new working methods and approaches to tackling corruption effectively;

13.3. collecting information about the ongoing activities of the Council of Europe anti-corruption bodies, the initiatives of other key international players in the anti-corruption field, and statistical and correlation data from NGOs and civil society related to a given country or corruption trends in specific areas.