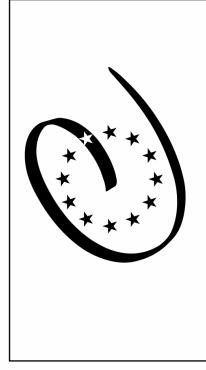


**Council of Europe:
Standards and Practices on Criminalisation and
Prevention of Corruption**



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Ardita ABDIU
Anti-corruption and Fraud Unit
Economic Crime Division/Directorate of Co-operation
DG-HL Council of Europe

Strategy against economic and organised crime

THE RATIONALE

Measures against
economic and
organised crime

in order to
promote

democracy
rule of law
human rights



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

THE APPROACH

**Setting
European
standards**

**Instruments:
Conventions/
Recommendations**

Corruption

Organised crime

Money laundering

Cyber-crime

Trafficking

**Monitoring
compliance
with European
standards**

MONEYVAL



**Strengthening
capacities
through
technical
cooperation**



Council of Europe instruments

CoE treaties on corruption:

- **Criminal Law Convention on Corruption (ETS 173)**
- **Civil Law Convention on Corruption (ETS 174)**
- **Additional Protocol to the Criminal Law Convention (ETS 191)**

CoE recommendations (soft law instruments):

- **20 Guiding Principles on the fight against corruption (1997)**
- **Rec (2003)4 on the financing of political parties and electoral campaigns**
- **Rec (2000)10 on the model code of conduct for public officials**

Other relevant treaties:

- **Convention on the Laundering, Search, Seizure and Confiscation of Proceeds from Crime (ETS 141)**
- **Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)**
- **Treaties on cooperation in criminal matters (ETS 182 et al)**

Council of Europe Standards call for:

Criminalisation:

- **establishing as criminal offences active and passive bribery of domestic and foreign officials and members of assemblies and of officials of international organisations;**
- **establishing as criminal offences, active and passive bribery of private sector employees ;**
- **requiring states to establish as offences trading in influence, money laundering and accounting offences connected with corruption offences;**
- **providing for the use of special investigative techniques and to identify trade, freeze and seize instrumentalities and proceeds of corruption.**
- **extending the prohibition to active or passive bribery of domestic arbitrators, bribery of foreign arbitrators, and bribery of domestic or foreign jurors.**

Council of Europe Standards call for:

Money laundering:

- to criminalise the laundering of the proceeds of crime;
- to confiscate instrumentalities and proceeds;
- to provide for forms of investigative assistance;
- to provide for provisional measures: freezing of bank accounts, seizure of property to prevent its removal;
- to provide measures to confiscate the proceeds of crime:

Provisions regarding private sector:

- to establish the liability of companies and to prohibit accounting practices used in order to bribe foreign public officials or to hide such bribery. Thus parties are required to prohibit the establishment of off-the-books accounts and similar practices used to conceal bribery.

Council of Europe Standards call for:

International cooperation:

- **The Convention prescribes mutual legal assistance between countries and the exchange of information. It also makes extradition easier in relation to offences governed by the Convention and provides for seizure and confiscation of the proceeds of corruption.**

Monitoring:

- **The Convention provides for monitoring by GRECO, the Group of States against Corruption, which was launched by the Council of Europe in 1999 to monitor the compliance with Council of Europe anti-corruption standards established in several instruments. Technical assistance programmes are linked to the review process.**

Council of Europe Standards call for :

Preventive and specialised body/bodies

- **(Art 20 of CoE ETS 173 & Art 7 of 20 Guiding Principles)**

Prevention anti-corruption measures in CoE recommendations

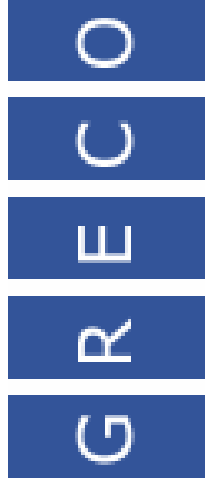
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Prevention of money laundering

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- **Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)**

CoE instruments: Monitoring

Corruption



- International monitoring mechanism
- Established in 1999
- 39 members
- Open to MS and non-MS
- Monitoring the observance of Council of Europe's international legal instruments on corruption

Money Laundering

MONEYVAL

- International Select Committee of Experts on the Evaluation of AML Measures
- Established in 1997
- 39 members
- Open to MS and non-MS
- Monitoring the effectiveness systems to counter ML/TF and their compliance with relevant international standards in these fields.

CoE's implementation of its Standards: Technical Assistance

- Designing sustainable and comprehensive anti-corruption strategies and plans which shall be implemented and monitored in continuous and coordinated way;
- Improving criminal and procedure law provisions in response to Treaty Law requirements and endorsement of new policies in Member States,
- Elaborating Anti-corruption Laws;
- Elaborating and developing preventive law provisions related to declaration of assets, conflict of interests, financing of political parties, internal administrative audit rules;
- Elaborating tools and systems for introducing institutional reforms aimed at prevention of corruption within criminal justice system;
- Establishing anti-corruption services (different types).