THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY CZECH REPUBLIC

ARTICLE 8 UNCAC

CODES OF CONDUCT FOR PUBLIC OFFICIALS

CZECH REPUBLIC (EIGHTH MEETING)

In relation to article 8 of the Convention and measures to establish or promote codes of conduct by criminal justice institutions, States parties and signatories may wish to cite and summarize measures that:

• Establish or improve procedures, rules and regulations for the reporting, including by members of criminal justice institutions, of acts of corruption to appropriate authorities and the mechanisms for the protection of reporting persons;

There is no special legal regulation in the Czech Republic covering the whistleblowing. Thus notifiers must rely only on protection offered by the current applicable legislation. Some of public authorities have their own system for announcements of whistleblowers.

In order to ensure a transparent and anti-corruption environment The Supreme Public Prosecutor’s Office has thei own system for notifications, including anonymous, suspected corruption, both in the notification of employees and the public. The system provides a trusted space and credible instrument for announcements suspicion.

Notifier suspicion of corruption has the opportunity to make announcements through:
- telephone lines of senior executives, which are published on the website of the Supreme Public Prosecutor's Office (www.nsz.cz),
- anti-corruption e-mail addresses korupce@nsz.brn.justice.
- Mailing address:
The Supreme State Prosecutor of the Czech Republic
Department of Legal and Disciplinary Agendas, Complaints and Public Relations
Jezuitská 4, 660 55 Brno, Czech Republic

• Establish or strengthen existing disciplinary procedures and mechanisms to enforce codes of conduct or ethics, standards of professional conduct and conflict of interest legislation; and

According to section 18 APPO, public prosecutors are to take an oath of office. Furthermore, section 24 APPO stipulates public prosecutors’ obligations and rules of conduct. Inter alia, in performance of their position public prosecutors are obliged to duly perform their duties, to proceed professionally, thoroughly, duly, impartially and righteously without undue delay, and to refuse any external intervention or other influence, the result of which might be violating some of these duties. Moreover, in performance of their position, personal life and exercising their political rights, public prosecutors are obliged to avoid all that might indicate justifiable doubts about their observance of the above-mentioned duties, endanger the solemnity of the public prosecutor’s position or the Public Prosecutor’s Office or endanger
trust in the impartial and professional performance of the competence of the Public Prosecutor’s Office or the public prosecutor.

The Union of Public Prosecutors of the Czech Republic adopted a Code of Ethics of the Public Prosecutor in April 1999 and urged its members to voluntarily apply it. The code is published on the Union’s website (www.uniesz.cz). It consists of a list of 10 basic obligations. The Union of Public Prosecutors is an independent, voluntary, professional organisation which also provides training and advice (not only to its members) on ethical questions and monitors compliance of its members with the code of ethics. Violation of the rules does not give rise to disciplinary proceedings but can, ultimately, lead to exclusion of the public prosecutor concerned from the Union.

It is also important to mention, that in the area of corruption Public Prosecutor’s Offices issue the Internal Anti-corruption Programme (hereinafter only “IACP”). This is the internal document stemming from the Government Strategy to Fight Corruption for the Years 2013 and 2014, the Government Anti-Corruption Conception for the Years 2015 to 2017 and the Framework of internal anti-corruption programme and sets the control and management mechanisms in the areas with a risk of corruptive conduct. IACP contains also the codes of ethics both for public prosecutors and other employees. These code of ethics are legal binding as internal directive and it is possible to be punished in case of breaching it in disciplinary proceedings for public prosecutors or according labour law for other employees.

There is new legislation dealing with public prosecutors in the area of conflict of interests. The Act on Conflicts of Interest (No. 156/2006 Coll.) was amended by the act no. 14/2017 Coll. (entered into the force in relevant parts on 1. 9. 2017). This new legislation will mean the duty of prosecutors to notify the Personal Interests, Activities, Assets, Income, Gifts and Liabilities into the Registry of Notices. Because of security reasons this information will not be open to the public, but only for example for criminal and disciplinary proceedings.

Detect and prevent possible conflicts of interest, such as systems requiring members of criminal justice institutions to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, income, assets and substantial gifts or benefits from which a conflict of interest may result, including as they take office and regularly during the performance of their public functions.

As mentioned before, there is new legislation dealing with public prosecutors in the area of conflict of interests. The Act on Conflicts of Interest (No. 156/2006 Coll.) was amended by the act no. 14/2017 Coll. (entered into the force in relevant parts on 1. 9. 2017). This new legislation will mean the duty of prosecutors to notify the Personal Interests, Activities, Assets, Income, Gifts and Liabilities into the Registry of Notices. Because of security reasons this information will not be open to the public, but only for example for criminal and disciplinary proceedings.

Approximately 1/3 of public prosecutors (namely higher-level public prosecutors and especially those dealing with the most serious criminal cases) submit to some extent an asset declaration, as an attachment to their request for security classification levels by the National Security Authority.

The conditions for disqualification in criminal proceedings are specified in sections 30 et seqq. Code of Criminal Procedure. Public prosecutors are disqualified from a criminal case
whenever there are reasonable grounds to question their impartiality because of their relationship to the case under consideration or to persons directly involved in the proceedings, their attorneys, legal representatives and agents, or to other law enforcement authorities. Actions that were taken by excluded public prosecutors may not be the basis for decisions in the criminal proceedings.
THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY CZECH REPUBLIC

ARTICLE 8 UNCAC

CODES OF CONDUCT FOR PUBLIC OFFICIALS

CZECH REPUBLIC (THIRD SESSION)

The Code of Conduct of Public Officials was adopted by the Government as a recommendation (Government Resolution No. 270/2001). The proposal of new Code of Conduct of Public Officials has been prepared and the duty to publically publish was set. The Code will explicitly interprets the area of law, decision making, professionalism, impartiality, speed and efficiency, conflicts of interest, corruption, waste the entrusted funds, confidentiality, public information, public activities and representation.