

**Speech: 6th Session of the Global Expert Group Meeting on
Corruption – “Better ways to protect journalists and whistle-blowers,
as well as investigators, prosecutors and judges and their
independence, by the international community”**

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- **Excellencies, ladies and gentlemen, it is a pleasure to be here today.** I thank you for your kind invitation and giving me the opportunity to speak 5 minutes on a sensitive but yet critical subject.
- I am here on behalf of one of the Council of Europe’s monitoring body, the Group of States against Corruption, better known as GRECO. GRECO is one of the four international anti-corruption monitoring bodies together with the UN, OECD and OAS one.
- Starting point: to prevent and combat corruption, it is not enough to follow a “tick-the-box” approach, create one more institution, or adopt one more law. It is a system based on respecting fundamental rights, such as freedom of expression and the independence of the judiciary, that will allow States to successfully minimize or eliminate corruption, and to uphold the Rule of Law. There can be no successful fight against corruption without respecting fundamental Human Rights.
- In Europe, this means complying with the spirit and the letter of our European Convention on Human Rights and our Civil and Criminal Law Conventions on Corruption. This threat has been clearly brought to light in the work of the Council of Europe monitoring or advisory bodies, such as GRECO, including the work of the

European Court of Human Rights and the Human Rights Commissioner.

- Let me deal with the two topics you highlight in turn. First, the protection of journalists and of whistleblowers.
- **Many journalists and whistleblowers are risking their lives giving true and honest information, exposing corruption to the world.** Yet, several of them have lost their lives doing their job. This is unacceptable. The Council of Europe standards on whistleblowers protection are very advanced and so are the ones soon to be adopted by the EU.
- Protecting whistleblowers means, among others:
 - Need for a specific law
 - apply both to the public and the private sector
 - always have the option of an “external” line
 - genuine suspicion, reasonable belief, but no evidence and no reports known to be untrue
 - Confidentiality
 - No disciplinary action for revealing confidential information
 - Obligations on employers for protective measures
 - Compensation besides protection
 - Addressing detrimental (retaliation) measures, especially disguised ones - Shifting the burden of proof?
- **The independence of the judiciary – which we have given for granted in Europe - is under attack and in some countries simply prejudiced.** High council of the judiciary controlled by the executive and/or the legislative, inconvenient judges or prosecutors removed or sanctioned, judges paying a part of their salary to be

elected, judges who can be MPs or Mayors, judges receiving huge gifts without declaring them, judges responding to political logics, rather than the logic of the law....In short, politicians want judges at their service to maintain their grip to power.

- Need to go back to basics. Independence of the judiciary is a guarantee for society, not a privilege for judges. There can be no effective fight against corruption without an independent judiciary.
- **GRECO 4th round evaluation all about preventing corruption in the judiciary. Most recommendations for judges are confined to three main areas: career life, supervision and enforcement, and judicial ethics.**
 - The majority of the recommendations dealing with judicial career call for higher transparency in recruitment processes and adequate safeguards against potential undue outside influence in the selection, transfer and promotion of judges.
 - Supervision and enforcement of existing rules is another area where significant concern was expressed.
 - Codes of conduct and the provision of guidance/advice on ethical matters.
 - The issue of incompatibilities send out early warning “lights”: 67% of the recommendations issued under this category are about incompatibilities; the move of judges to the political arena is reputed to be highly controversial for the doubts on

the real, and perceived, independence and separation of powers it may give rise to.

- A number of recommendations issued under training and awareness ask member states to introduce some sort of training on integrity matters for judges.
 - Conflicts of interest and recusal is an issue in some member states.
- I thank you all for your attention and looking forward to our discussion.