Systems for interest and asset disclosure: GRECO’s standards and practice

by

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Systems for interest and asset disclosure

Control questions:

- What is the objective of your system for interest and asset disclosure?
- Does the design of your system correspond to the objective/s pursued?
- Are you achieving the objectives set for your system?
- What is the role/place of the system for interest and asset disclosure in your country’s overall anti-corruption and integrity policies?
Key objectives of systems for interest and asset disclosure in GRECO member States:

- Transparency – a cross-cutting objective

I. Prevention of **conflicts of interest**
II. Monitoring of **wealth variations** and identification of illicit enrichment
III. Dual systems (I+II together) – **absolute majority**!
GRECO’s 4th Evaluation Round - Recommendations on systems for interest and asset disclosures

• Cover both periodic and ad hoc disclosure
• Principally target MPs but also judges and prosecutors
• 37% of recommendations tackle inadequate interest and asset disclosure
• Every country received at least one recommendation on ways to better address conflicts of interest
GRECO’s 4th Round Recommendations – Systems for interest and asset disclosures

Only for MPs:

*Ad hoc/case by case* declaration of interests rarely specifically regulated or implemented in practice

- **54%** of recommendations under «conflicts of interest» call for instituting *ad hoc* disclosure of private interests

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**GRECO**

Group of States against Corruption

**COUNCIL OF EUROPE**

CONSEIL DE L'EUROPE
GRECO – 4th Evaluation Round
Distribution of recommendations

Declaration of assets, income and liabilities

- MPs: 14%
- Judges: 4%
- Prosecutors: 5%
- Overall: 8%
GRECO – 4th Evaluation Round
Distribution of recommendations

Conflicts of interest

- MPs: 10%
- Judges: 2%
- Prosecutors: 3%
- Overall: 5.50%
GRECO – 4th Evaluation Round
Distribution of recommendations

Supervision and enforcement per category

- MPs: 23%
- Judges: 20%
- Prosecutors: 19%
- Overall: 21%

Group of States against Corruption
Groupe d’États contre la corruption
Council of Europe
Conseil de l’Europe
GRECO – 4th Evaluation Round Recommendations

A. The scope of disclosure

- **Material scope**
  - widening the *categories* of interests and increasing the level of detail reported on outside activities, positions, contractual relations and other business arrangements
  - declaration of benefits, hospitality, sponsorship, travel paid by third parties
  - regular disclosure of outside ties by MPs
  - *quantitative* data on income, financial assets, liabilities
  - lowering thresholds for reporting financial holdings such as stocks and shares
GRECO – 4th Evaluation Round Recommendations

A. The scope of disclosure

- **Personal scope**
  - include information on spouses/partners and dependent family members or close relatives of MPs, judges and prosecutors
GRECO – 4th Evaluation Round
Recommendations

B. Public access to declarations

- public accessibility in practice - all obstacles to be removed
- contents of declarations to be made available on an official website, in a timely manner and for an adequate period of time
C. Supervision and enforcement

- independence of oversight bodies to be strengthened
- clear mandate/powers and adequate resources to be provided for carrying out substantive checks, investigating irregularities, initiating proceedings
- effective, proportionate and dissuasive sanctions to be introduced
- national inter-institutional co-operation to be reinforced
Systems for Interest and Asset Disclosure across GRECO membership (1)

Common trends identified:

- frequent legislative changes
- expansion of the “population” of declarants
- more refined disclosure forms
- what is “personal information”? 
- e-declaration
 Systems for Interest and Asset Disclosure across GRECO membership (2)

Common trends identified:

• oversight bodies not reinforced in response to a widening of the material/personal scope of disclosure (budget/resources)

• scarce statistics on sanctions

• no systematic evaluation and impact assessment (even where the systems have existed for decades!)

• unclear impact within national anti-corruption policies

• low public trust in the system and information published
Conclusion...

(Arguably) greater transparency: objective attained!

• public officials’ interests and assets have become more visible
• reporting requirements are better targeted
• accessible and timely publication assured thanks to e-declaration
• overall efficiency of the management of the systems has improved
Conclusion...
Better prevention of conflicts of interest? More successful identification of illicit enrichment?

Way forward:

- clearly define your objectives and reconfigure the system in alignment with the objectives
- focus on functions/sectors most exposed to corruption
- prioritise in-depth verification
- further simplify and streamline the reporting process
- obtain a comprehensive overview of a public official’s interests and assets
- overcome fragmentation, avoid a silo mentality and promote holistic anti-corruption and integrity policies

(same for GRECO’s 5th Eval Round)
Questions?

Thank you

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