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Committee on Legal Affairs and Human Rights

Judicial Corruption: urgent need to implement the Assembly's proposals

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Addendum to the background document prepared by the European Human Rights Association: Judicial corruption in Europe. Extent and impact

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¹ Citations used:

BAC – Business Anti-corruption portal

EC – European Commission

EU – European Union

GI – Global Integrity

GRECO – Group of States against Corruption

OECD – Organisation for Economic Co-operation and Development

TI – Transparency International

UNCAC – United Nations Convention against Corruption

I. Legal framework

1. Incriminations

	Legal Framework
Country	Incriminations
ALB	bribery (active and passive) in public and private sectors, unlawful influence, fraud, abuse of power, trading in influence (active and passive), no provision on undue advantage; no regulation on nepotism
AND	bribery/corruption (active and passive), trading in influence (active and passive), abuse of office
ARM	bribery (active and passive), trading in influence
AUT	bribery (active and passive), breach of trust, abuse of power, illicit intervention (equivalent to trading in influence)
AZE	bribery (active and passive), pressure and blackmailing, abuse of power, influence peddling
BEL	bribery (active and passive)
BGR	bribery (active and passive), trading in influence (active and passive), mediation in the commission of trading
BIH	bribery, abuse of power, embezzlement, fraud, trading in influence
CRO	abuse of power, passive and active bribery, influence peddling, giving bribe for influence peddling
CYP	bribery (active and passive), trading in influence (active and passive), money laundering of proceeds from corruption offences
CZE	bribery (active and passive), trading in influence (active and passive); attempted corruption, extortion, indirect bribery
DNK	bribery (active and passive), various forms of abuse of public office, embezzlement, fraud, breach of trust (trading in influence is not included as such in the legal framework)
ESP	bribery (active and passive), trading in influence (active and passive)
EST	bribery (active and passive), fraud, embezzlement, trading in influence (passive only), facilitation
FIN	public and private bribery (active and passive), abuse of office, breach of trust, abuse of inside information, (trading in influence is not criminalised)
FRA	corruption of judicial staff, active and passive corruption, trading in influence, illicit enrichment, favouritism
GEO	bribery (active and passive), of public and private sector, abuse of official authority, fraud, embezzlement, trading in influence, money laundering, attempted corruption,
GER	bribery (active and passive) in public and private sectors, fraud, breach of trust
GRC	bribery (active and passive), in public and private sector, fraud, embezzlement, trading in influence
HUN	bribery (active and passive), passive trading in influence (the active part being regulated under active bribery)
IRL	attempted corruption, extortion; bribery (active and passive), bribing a foreign official, using public resources for private gain, presumption of corruption, using confidential state information for private gain, money laundering, conspiracy to commit a crime (i.e. organized crime)
ISL	bribery (active and passive) in public and private sector, fraud, abuse of power, embezzlement, trading in influence (active and passive)
ITA	bribery (active and passive), incitement to corruption, <i>concussione</i> (abuse of power or position, by an official, in order to influence the individual in such a way as to compel or induce him to fulfil an undue act), fraud, trading in influence (active or passive), embezzlement; corruption in judicial proceedings
LIT	bribery (active and passive) public and private, abuse of office, fraud, embezzlement, passive trading in influence, facilitation, pressure
LUX	bribery (active and passive), misappropriation of public or private funds, fraud, embezzlement, abuse of power, passive trading in influence, unlawful receipt or acceptance

Legal Framework	
Country	Incriminations
	of an interest, corruption of a 'magistrat' (active and passive)
LVA	bribery (active and passive) of public and private sector, intermediary in bribery, trading in influence (active and passive), extortion, attempted corruption
MCO	bribery (active and passive) in public and private sectors, trading in influence
MDA	bribery (active and passive) public or private, abuse of power, abuse of official position, abuse of authority, exceeding official powers, trading in influence (passive form only)
MKD	abuse of power, passive and active bribery, influence peddling, illicit enrichment, concealment
MLT	bribery (active and passive) public and private (also attempted bribery), trading in influence (active and passive)
MON	bribery (active and passive) in public or private sectors, embezzlement, abuse of office, trading in influence (active and passive)
NLD	bribery (active and passive) of public and private sector, abuse of office, malfeasance in office (embezzlement)
NOR	bribery (active and passive) in public and private sector, aggravated corruption ("gross corruption"), embezzlement, fraud, breach of trust, trading in influence
POL	bribery (active and passive) in public and private sectors, fraud, embezzlement, abuse of power, trading in influence (active and passive)
PRT	bribery (active and passive) in public and private sector, fraud, embezzlement, misappropriation of money or property by a public official, trading in influence (active and passive)
ROM	bribery (active and passive) in public and private sectors, trading in influence (active or passive), embezzlement, abuse of office against public interests
RUS	bribery (active and passive), abuse of office, intermediation, provocation of bribery, abuse of authority etc.
SER	bribery (active and passive), influence peddling, abuse of power (by judiciary, in the form of fraud in service, revealing an official secret, misfeasance in public procurement)
SUI	bribery (active and passive), in public and private sectors, granting/accepting advantage, breach of official duty, misuse of authority, dishonest management of public interests, falsity of title committed in the exercise of public duties
SVK	bribery (active and passive) in public and private sectors, embezzlement, fraud, trading in influence
SVN	bribery (active or passive) in public and private sectors, fraud, embezzlement, abuse of position, trading in influence (active and passive)
SWE	bribery (active or passive) in public and private sectors
TUR	bribery (active and passive) in public and private sectors, extortion, misuse of public duty, insult, attempted bribery, voluntary abandonment, passive trading in influence
UK	bribery (active and passive), trading in influence, laundering of proceeds of crime, concealment, embezzlement, abus of functions, illicit enrichment, obstruction of justice
UKR	bribery (active and passive), attempted corruption, extortion, abuse of office, trading in influence, illicit enrichment
	Main sources: http://www.business-anti-corruption.com/ ; http://www.cms-cmck.com/Hubbard.FileSystem/files/Publication/e3ca4c34-f31c-4e69-9ca9-01000b628b26/Presentation/PublicationAttachment/2e7a1cc4-22b6-4327-b4c0-0434b2ea7417/Anti-bribery%20and%20corruption%20laws%20guide.pdf ; http://www.legislationline.org/documents/section/criminal-codes; http://www.coe.int/t/dghl/monitoring

2. Criminal sanctions

	Legal Framework
Country	Criminal sanctions
ALB	imprisonment, fines
AND	fines (proportional to the benefit), prison, suspension or exclusion from public office
ARM	prison, fines, deprivation of the right to hold certain positions for fix terms
AUT	imprisonment or fines
AZE	imprisonment, fines, temporary deprivation of the right to hold the certain posts or to engage in certain activities
BEL	imprisonment, fine
BGR	imprisonment, fines, deprivation of rights to take official positions, confiscation of property
BIH	detention, fine (depending on legality of act)
CRO	imprisonment, fines
CYP	imprisonment, fines, disciplinary sanctions
CZE	imprisonment, confiscation of property, fines, disqualification, removal from office.
DNK	imprisonment, no suspension of civil right in any case (main criminal principle in Danish law), ban from certain activities, fine
ESP	imprisonment, fines, removal from office (temporary)
EST	imprisonment, fines, deprivation of rights to take official positions,
FIN	imprisonment, fines, dismissal from office in case of aggravated passive bribery.
FRA	imprisonment, fines
GEO	imprisonment, restriction of liberty (in a corrective institution - up to 2 years), corrective labour, fines
GER	imprisonment, fines, prohibition to exercise an occupation
GRC	imprisonment, confiscation, deprivation of civil rights, disqualification from exercising certain functions, expulsion from public office
HUN	community service work; financial penalty; prohibition from exercising a profession (disqualification); ancillary punishments are: deprivation of certain civil rights and banishment.
IRL	imprisonment, penalties
ISL	imprisonment
ITA	imprisonment, disqualification from public office or the exercise of a profession, fines,
LIT	restriction of liberty (of movement), fine, imprisonment, deprivation of the right to work in certain positions
LUX	imprisonment, fines, loss of public posts,
LVA	imprisonment, confiscation of property, fine, community service, limitation of rights (to hold certain public mandates)
MCO	imprisonment, ineligibility from public office, loss of rights (disqualification from exercising civic, civil and family rights)
MDA	imprisonment, fines, disqualification from holding office or from engaging in certain activities,
MKD	imprisonment, fines, security measures
MLT	imprisonment only (no fines), disqualification from holding public office
MON	imprisonment, security measures, barred from holding certain positions or exercising certain functions
NLD	imprisonment, deprivation of certain rights (holding of public office, armed forces, trustee), fines
NOR	imprisonment, fines, deprivation of rights

	Legal Framework
Country	Criminal sanctions
POL	imprisonment, fines, restriction of liberty, deprivation of public rights, forfeiture, prohibition from occupying specific posts, from exercising specific professions or engaging in specific economic activities
PRT	imprisonment, fines
ROM	imprisonment, interdiction of certain rights
RUS	fines (proportional to the bribe or to the salary), imprisonment, corrective labour, deprivation from the right to occupy certain positions
SER	imprisonment
SUI	imprisonment, penalties
SVK	imprisonment, fines, forfeiture of property
SVN	imprisonment, fines, security measures, barred from holding certain positions or exercising certain functions
SWE	imprisonment, fines, business prohibition, dismissal
TUR	imprisonment, deprivation of exercising certain rights
UK	imprisonment, fines
UKR	imprisonment, restriction of liberty, fines, disciplinary liability for minor offences
	Main sources: http://www.business-anti-corruption.com/ ; http://www.cms-cmck.com/Hubbard.FileSystem/files/Publication/e3ca4c34-f31c-4e69-9ca9-0100b628b26/Presentation/PublicationAttachment/2e7a1cc4-22b6-4327-b4c0-0434b2ea7417/Anti-bribery%20and%20corruption%20laws%20guide.pdf ; http://www.legislationline.org/documents/section/criminal-codes ; http://www.coe.int/t/dghl/monitoring ; http://www.mwe.com/files/Uploads/Documents/Pubs/Anti-Bribery%20Client%20Guide.pdf

3. Confiscation of benefits

	Legal Framework
Country	Confiscation of benefits (bribe)
ALB	yes (once convicted)
AND	yes, once convicted but no confiscation in equivalent
ARM	yes (certain cases)
AUT	yes (though rarely applied)
BEL	yes
BIH	yes
CRO	yes
CYP	yes
DNK	yes
ESP	yes (also in equivalent)
EST	yes
FIN	yes
GEO	yes (as sanction), unless benefit considered lawful
GRC	yes
IRL	yes
MCO	yes

	Legal Framework
Country	Confiscation of benefits (bribe)
MKD	yes
ROM	yes, mandatory
SER	yes
UKR	yes
	Main sources: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp

4. Investigating and/or prosecuting authorities

	Legal Framework
Country	Investigating and/or Prosecuting authority
ALB	Joint Investigative Unit to Fight Economic Crime and Corruption (JIU) - formed by memorandum of MIJ, PG and other public institution
AND	criminal court for laying charges
ARM	special Department for the Fight Against Corruption within the Prosecutor General Office
AUT	specialised institutions including the WKStA(Public Prosecution Service for White-Collar Crime and Corruption) and the BAK (Federal Bureau of Anti-Corruption). Austrian Federal Investigation Bureau (Bundeskriminalamt) and its regional offices also conduct investigations (white-collar crime and asset forfeiture).
AZE	Prosecutor General
BEL	Central Office for the Repression of Corruption within the Federal Police which works in cooperation with the 27 federal police offices.
BGR	The Ministry of the Interior is empowered to investigate 97 per cent of the criminal offences under the Criminal Code. Prosecutor's Office responsible for maintaining accusations.
CRO	The office for the Suppression of Corruption and Organized Crime (USKOK) - specialized department of the State Attorney's Office of Croatia: mandate to investigate and prosecute corruption
CYP	There is currently no institutional body in Cyprus dealing solely with corruption detection, investigation, prosecution and prevention.
CZE	PG, special units involved only in foreign bribery and large sums of money
DNK	Prosecutor's Office, Public Prosecutor for serious economic and international crime
ESP	The Special Prosecutor's Office against Corruption and Organised Crime(. Within the National Police Corps: two units are mainly in charge of investigating corruption: The Commissioner General of the judicial police and the Central Unit of Fiscal and Economic Crime (UDEF). All units of the police are authorized to investigate corruption.
EST	Specialized prosecutors in prosecutor's offices, Internal Security Service and Corruption Crimes Office at the Central Criminal Police in the Police and Border Guard Board (Estonian anti-corruption strategy 2013)
FIN	Chancellor of Justice/Parliamentary Ombudsman to bring criminal charges, a State Prosecutor will as a main rule take care of the prosecution at court
FRA	Central Brigade for the Fight against Corruption (BCLC), eight inter-regional specialised courts (JIRS) consisting of prosecutors and investigating judges.
GEO	several units within various ministries
GER	eight out of sixteen Länder have specialised anti-corruption units in their prosecution offices.
GRC	General Prosecutor's office, two specialised prosecution services: the prosecution service in charge of economic crimes and the prosecution service in charge of corruption offences. As of 2013 additional specialised offices of the public prosecutor against corruption were established in Athens and Thessaloniki.

	Legal Framework
Country	Investigating and/or Prosecuting authority
HUN	anti-corruption unit established within the Chief Prosecutor's Office
IRL	Director of Public Prosecution, but the competence to investigate and prosecute corruption is spread across a number of agencies: tribunals of inquiry, commissions of inquiry, high court inspectors, the Standards in Public Office Commission (SIPO), the Ombudsman, the Garda Bureau of Fraud Investigation within the police, the Criminal Assets Bureau (CAB), the Office of the Director of Corporate Enforcement (ODCE)
ITA	Public Prosecutor; a number of police forces carry out investigation of corruption offences. Competent prosecutor chooses which police force to use for the investigation. To this effect, special judicial police sections are set up in each Public Prosecution Office (PPO).
LIT	Prosecutor General; the Special Investigation Service (STT) is in charge of prosecuting and preventing corruption
LUX	Public Prosecutor
LVA	Prosecutor General; the Corruption Prevention and Combating Bureau (KNAB) working in cooperation with Public Prosecutor's Office, Finance Police, State Border Guard and other institutions
MKD	special unit within the Office of the Public Prosecutor
MON	new specialised office will be created to deal with high-level corruption cases and organised crime within the prosecution service by the end of 2014 (BAC)
NLD	specialised investigation service (National Police Internal Investigations Department). It reports to the Board of Procurators-General. It is responsible for investigating cases of corruption involving police officials, members of the judiciary and prominent public office-holders
POL	The Central Anti-Corruption Bureau (CBA), a separate agency, carries the main responsibility for combating corruption. Specialised departments within appellate prosecutor's offices as well as the Supreme Audit Office (NIK) and the Ombudsman (RPO) also play a role
PRT	Specialised agencies within the prosecution service (the Central Department of Investigation and Penal Action – DCIAP) and the police (the National Unit for Combating Corruption) have been designated to investigate corruption cases. The Court of Auditors also takes a leading role in fighting corruption
ROM	Special Unit within the Prosecutor General's Office (National Anticorruption Directorate)
RUS	The Investigative Committee of the Russian Federation
SER	Prosecution for Organised Crime (support of special department within Ministry of Interior for investigations)
SUI	cantonal/federal prosecutor
SVK	Office of the Special Prosecutor
SVN	The Commission for Prevention of Corruption (KPK), criminal investigation powers are vested in the criminal police, the National Bureau of Investigations and the prosecution services, specialised law enforcement teams focusing on corruption and economic crime have also been set up
SWE	The National Anti-Corruption Unit of the Office of the Prosecutor General, the National Anti-Corruption Police Unit created to support the National Anti-Corruption Unit in corruption investigations; Legal proceedings against justices of the Supreme Court or Administrative Supreme Court may only be initiated by the Parliamentary Ombudsmen or the Chancellor of Justice. Only these institutions are competent for prosecuting justices (GRECO).
UK	Crown Prosecution Office and Serious Fraud Office
UKR	Prosecutor General (public prosecutor)
	Main sources: http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx ; https://www.acauthorities.org/ ; national websites

5. Jurisdiction

	Legal Framework
Country	Jurisdiction
AND	high court in special composition
AZE	common courts according to the nature of the act
CRO	specialised units in four county courts, known as USKOK courts or units (judges sitting have to pass security clearance)
EST	county court other than the of place of employment
FIN	general courts in special compositions in certain cases
FRA	special taskforces within the 'tribunals d'instance' in charge of judging cases of judicial corruption
ITA	ordinary courts, competence based on the nature of the penalty incurred
LIT	regional court as first instance in panel of three judges
MKD	specialised panels in the Skopje Court of First Instance (for all the territory)
ROM	Court of Appeal or High Court, depending on status
RUS	certain corruption-related cases with the maximum envisaged sentence not exceeding 3 years' imprisonment are examined by justices of the peace. The majority of corruption-related offences are examined by district courts. Upon application by judges, their cases can be examined by supreme court of the republic, regional court, the court of the city of federal status, the court of autonomous region, the court of autonomous region, the regional military court.
SER	jurisdiction divided between primary and high courts, as well as the Special Department of the Superior Court for Organised Crime
SUI	cantonal/federal courts
SVK	a specialised criminal court (SCC) with exclusive jurisdiction to hear corruption cases
SWE	Courts of Appeal as first instance courts, or Supreme Court, if judges in question are from the Cts of Appeal
	Main sources: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round1/reports(round1)_en.asp ; national websites

6. Immunities

	Legal Framework
Country	Immunities (arrest/investigation/prosecution)
ALB	reform of 2012 restricting the existent immunities - prior consent of High Council of Justice lifted; judges enjoy immunity by Constitution;
AND	yes (from arrest)
ARM	yes (consent of President of Republic upon recommendation of Council of Justice)
AUT	no
AZE	yes, lifted by Judicial Legal Council
CRO	yes, approval of the Judicial Council needed for crimes punished by imprisonment of up to 5 years; Constitutional Court judges cannot be detained without prior approval of the CC itself
DNK	no immunity in place
ESP	no immunity in place

	Legal Framework
Country	Immunities (arrest/investigation/prosecution)
EST	special criminal procedure applies: proposition by Supreme Court with consent of the President of the Republic; preventive measure upon request by Chief Public Prosecutor with consent of the President of the Republic (for Chief Justice - proposition by Chancellor of Justice with consent of parliament and preventive measures taken upon request by Chief Public Prosecutor with consent of Chancellor of Justice); for lay judges: consent of court president; exception: flagrante delicto
FIN	no immunity, but obligation to inform Chancellor of Justice/Parliamentary Ombudsman for initiation of investigations
FRA	no immunity in place
GEO	judges enjoy immunity from criminal prosecution under the Constitution and can only be arrested if caught on the spot of a crime (TI).
HUN	yes, lifted by President of the Republic on the initiative of the President of the National Council of Justice, or by Parliament in the case specifically of the President of the Supreme Court
ISL	no immunity in place
ITA	no immunity in place
LIT	agreement of the Parliament (President of the Republic during parliamentary break) necessary for any act taken in respect of judges, unless caught in the act
LVA	consent of the Saeima needed for arrest and prosecution of judges upon decision by a Supreme Court judge; exception if caught in the act; in practice Saeima regularly lifts immunities (GRECO)
MDA	judicial immunity in non-criminal cases removed by recent reform
MKD	yes, approval of Judicial Council needed (Constitutional Court for its judges); exception: flagrante delicto for crimes punishable with more than 5 years imprisonment
NLD	no immunity in place
POL	yes, lifted by disciplinary courts
ROM	agreement of CSM for arrest, otherwise ordinary procedure
RUS	consent of the relevant qualification board of judges gives for institution of criminal proceedings
SER	detained only upon approval by High Judicial Council, Constitutional Court judges can be detained or subjected to criminal proceedings only upon approval by Constitutional Court
SUI	authorisation of the Parliament needed for proceedings against judges
SWE	no immunity in place
UK	no immunity provisions
UKR	Immunity from prosecution is granted to judges by the Constitution (UNCAC Coalition).
	Main sources: http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx ; national sources

7. Protection of whistle-blowing and provisions on defences

	Legal Framework
Country	Protection of whistle-blowing/provisions on defences (repentance, effective regret)
ALB	provisions in place for whistleblowers but in practice many suffer consequences/ special provision on repentance for active bribery in public and private sector
AND	exemption of sanction if repentance before having knowledge of an enquiry, no provision on whistle-blowers.

Legal Framework	
Country	Protection of whistle-blowing/provisions on defences (repentance, effective regret)
ARM	no provisions of whistle-blowing protection -protection under general provisions considered very weak (GI); provisions on repentance ("effective regret")
AUT	mechanism of effective regret is applicable in connection (only) with the public sector bribery offences
AZE	provisions on defences (automatic application)
BEL	yes, but procedure considered complicated for whistle-blowers (TI)
BGR	no mention of whistle-blower provisions / provision on repentance for active bribery only, at restrictive conditions (ie if the culprit was blackmailed)
BIH	no whistle blowing legislation in place; criminal liability waived in case of effective regret
CRO	protection for whistle-blowers, though legislation vaguely formulated/provisions on remit of sanction if offence reported before discovered (for active offender)
CYP	no provision for whistleblowing / no provision on defence or repentance
CZE	no special provision on repentance (since the new criminal code - 2010), no provision on whistle-blowers
DNK	provisions for whistleblowing / no specific provision on repentance; adequate whistleblowing protection mechanism necessary (TI)
ESP	provisions for whistleblowing, but not sufficiently regulated / provision on repentance at the condition of the report being made within 10 days after the commission of the facts
EST	provision on whistle-blowers considered ineffective (TI), no provisions on repentance
FIN	no provisions for whistleblowing / no provisions for repentance
FRA	provisions for whistleblowing
GEO	provisions for whistleblowing, but esteemed very weak (TI)/ automatic exemption of punishment: effective regret for active part of bribery and of trading in influence: active part can never be held liable if they voluntarily report the offence before it's discovered and if it is sufficient to bring a prima facie case.
GER	protection for whistle-blowers only for public sector employees, recommendation to establish a hotline and to extend the protection to the private-sector actors (OECD, GRECO, TI) / no provision on repentance
GRC	no mention of provision on whistle-blowers, some protection offered by legislation but problems in implementation by the courts (TI) / provision on repentance for active bribery of public actor or judges.
HUN	no provisions for whistleblowing / provisions on repentance
IRL	provisions for whistleblowing
ISL	provisions on whistle-blowing only for public sector employees / no provision on repentance
ITA	no provision on whistle-blower or repentance; The few laws that can be applied are fragmented between the Criminal Code and labour laws. Reporting channels for whistleblowers are also inadequate, with few public sector bodies providing internal reporting mechanisms. As a result, there is little reporting of illegal activities (TI) and the provisions lack implementation (OECD)
LIT	no provision on whistle-blowers / provisions on effective regret
LUX	limited provisions on whistle-blowers / no provision on repentance
LVA	partial protection of whistle-blowers / provisions on effective regret
MDA	weak protection for whistle-blowers, recommendation to create special measures (GI) / special defence for active bribery in the public sector only: mandatorily total exemption of sanction in case of effective regret
MKD	provisions for effective regret (exemption from punishment and with the bribe being returned to the briber)
MLT	no special defences for corruption offences
MON	provisions on whistle-blowers but a more effective protection in practice needed (EC) / provision on repentance ("effective regret")

	Legal Framework
Country	Protection of whistle-blowing/provisions on defences (repentance, effective regret)
NLD	protections for whistle-blowing only for public sector employees - recommendation to extend to private sector too (TI) / no special defences for corruption offences
NOR	protection of whistle-blowers / no special defences for corruption offences
POL	no specific regulations for whistleblowing / special provisions on repentance regarding active bribery and active trading in influence
PRT	partial protection for whistle-blowers (OECD), no protection for private sector / special provisions for repentance regarding all corruption offences
ROM	Whistle-blowing: regulations in place but have yet to be proved effective, retaliation often seen in practice (EC); Defences: 1) in case where the bribe-giver was constrained to commit the act; 2) in case the bribe-giver denounces him/herself before the investigation body is notified about the offence; 3) in case the offender assists the National Anti-Corruption Directorate in elucidating the crime;
RUS	repentance before/after committing the crime waives responsibility if the person collaborates with the authorities
SER	no legal and practical basis for protection of whistle-blowers in spite of new developments in the relevant legislation/ provisions for effective regret (with possibility to return the confiscated bribe to the briber)
SUI	protection on whistle-blowers considered broad (KPMG) / no specific provision on repentance
SVK	limited protection for whistle-blowers / provision on repentance in case of active bribery or active trading in influence
SVN	protection for whistle-blowers / provision on repentance in case of active bribery or active trading in influence
SWE	protection for whistle-blowers only for public sector employees. Recommendation to extend the protection to private-sector employees (TI) and to make confidential counselling available to victims and witnesses (GRECO) / no special defences for corruption offences
TUR	defence of effective regret applicable to aggravated active and passive bribery offences / while several laws cover whistle-blowing protection, there is no culture of whistle blowing and that in practice, cultural factors, social control, as well as insufficient legal protection for whistle-blowers constitute major obstacles (TI).
UK	protection for whistle-blowers / no defence or repentance regulations
UKR	yes, both (provisions on repentance are applied automatically)
	Main sources: http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp ; http://www.cms-cmck.com/Hubbard.FileSystem/files/Publication/e3ca4c34-f31c-4e69-9ca9-01000b628b26/Presentation/PublicationAttachment/2e7a1cc4-22b6-4327-b4c0-0434b2ea7417/Anti-bribery%20and%20corruption%20laws%20guide.pdf ; www.business-anti-corruption.com ; http://issuu.com/transparencyinternational/docs/2013_whistleblowingineurope_en ;

8. Disciplinary action

	Legal Framework	
Country	Disciplinary authority	Career related sanctions (during/after criminal proceedings)
ALB	High Council of Justice	removed from office if found guilty, suspended during trial, cannot re-enter profession as long as they have a criminal record

Legal Framework		
Country	Disciplinary authority	Career related sanctions (during/after criminal proceedings)
AND	not researched	Statistics regarding disciplinary sanctions against judges were published for the first time in the 2011 Annual Report of the Judiciary: - 1 written warning for neglecting the dignity of the office and for violation of the prohibition to consort with parties or their lawyers, - 1 written warning for violation of the confidentiality - 1 dismissal upon request (early retirement) for a work-related integrity issue (GRECO).
AZE	Judicial Legal Council	suspended from office during trial, removed once found guilty, incompatible to ever sit as a judges as criminal conviction and prior dismissal from the office are among the incompatibility reasons; reprimands and downgrading can be applied by the Judicial Legal Council, further to 2 consecutive disciplinary sanctions in one calendar year, the Council decides to terminate the judge's contract
CRO	not researched	suspended during trial by decision of court president (mandatory only for crimes punishable by more than 5 years); prohibited from performing judicial functions for 5 years if found guilty
DNK	Special Court of Indictment and Revision	not researched
ESP	General Council of the Judicial Power (GCJP)	not researched
EST	Disciplinary Chamber of the Supreme Court	suspended during trial, removal from office once found guilty (automatic), cannot reenter if there is a conviction record or have been removed from office previously
FIN	no separate judicial disciplinary or equivalent body to systematically supervise the conduct of judges	dismissed if found guilty and sentenced to jail, for entering profession no mention of criminal record, but must be 'righteous'
FRA	National Magistrates Council (CSM)	not always suspended, depends on the gravity of the offence, at the discretion of the magistrates' council; not necessarily removed from office once convicted; no disciplinary proceedings in the past years for non-compliance with the rules on conflicts of interest, incompatibilities, confidentiality of information, gifts or other mechanisms (GRECO)
GEO	Disciplinary Panel of Georgian General Courts judges	Website of the High Council of Justice carries out disciplinary statistics (TI).
IRL	no disciplinary authority, no regulation on disciplinary proceedings, but Chief Justice can launch inquiries for misconduct and forward findings to the Parliament for initiating impeachment proceedings	removed from office for stated misbehaviour or incapacity (Supreme Court Judges - via special procedure before the legislative body, but never occurred in practice)
ISL	Committee on Judicial Functions	disciplinary sanctions include admonition and temporary removal. Judges can be dismissed only by a judgment of the District Court of Reykjavik. (GRECO)
ITA	National Council of Magistrates	exclusion from profession (when stipulated in the Criminal Code)
LIT	not researched	suspended from office during criminal proceedings, removed from office once found guilty (by Parliament), cannot re-enter profession as unblemished reputation is needed, thus lack of criminal record
LUX	not researched	suspended during trial (mandatory if detained)

	Legal Framework	
Country	Disciplinary authority	Career related sanctions (during/after criminal proceedings)
LVA	not researched	suspended during investigation and trial, removed from office once found guilty; cannot in principle re-enter profession as perfect reputation needed (so no criminal convictions)
MDA	no information found	the disciplinary liability of members of the judicial system has been increased with the recent reform
MKD	Judicial Council - concerns over membership of Minister of Justice in the Judicial Council (GRECO)	suspended during trial (if charged with crimes punishable with more than 5 years imprisonment), may be suspended during disciplinary proceedings, removed from office if found guilty (convictions of over 6 months imprisonment), other sanctions for e.g. partial conduct of proceedings, deliberate violation of trial principles; incompatible to perform duties for 5 years after the final conviction; concerns over qualification of disciplinary offences and the disciplinary proceedings (GRECO); numerous disciplinary proceedings against judges for misdemeanour, non declaration of assets/interests (GRECO)
NLD	Supreme Court	not researched
POL	not researched	suspended pending criminal trial if reasonable suspicion to have committed the offence
ROM	Superior Council of Magistrature	removal by Superior Council of Magistrature, possibility to suspend during disciplinary proceedings too
RUS	relevant qualification board of judges	removed from office if found guilty; cannot (re)access to profession once they have criminal record, only in case the prosecution has been terminated on exonerative grounds can the person become a candidate for the position of judge
SER	disciplinary commissions within the Judicial Council	disciplinary proceedings barred after one year from commissions of the offence; suspended if detained or during disciplinary proceedings for dismissal by court president (if obligatory) and by Supreme Court of Cassation if not obligatory measure
SUI	not researched	possibility of suspension during proceedings (by Parliament)
SVN	Disciplinary Court	Formal proposal for disciplinary sanctioning has to be lodged and presented by the disciplinary prosecutor, who is a judge of the Supreme Court. Cases are decided upon by the Disciplinary Court of First Instance and the Disciplinary Court of Second Instance (GRECO). Disciplinary proceedings may be introduced against a judge who is finally convicted for a criminal offence, within three months of the judgment becoming final (GRECO). Suspension must be pronounced in case of the suspicion of the commission of a criminal offence through abuse of judicial office (GRECO).
SWE	National Disciplinary Offence Board	The board decides on removal from office of a judge, if s/he through a criminal act or through gross or repeated neglect of official duties has shown her/himself to be manifestly unfit to hold office. Special rules apply when a judge is reasonably suspected of having committed a criminal offence in her/his employment. The National Disciplinary Offence Board can propose that a judge be prosecuted (GRECO) On average the National Disciplinary Offence Board has to decide three to five cases concerning judges or prosecutors per year. Typical case would involve a decision on a coercive measure which has been taken negligently without sufficient legal basis. These typically result in a warning being issued to the handling judge. (GRECO).
TUR	High Council of Judges and Prosecutors	not researched

Legal Framework		
Country	Disciplinary authority	Career related sanctions (during/after criminal proceedings)
UK.	Lord Chancellor and Lord Chief Justice have joint responsibility for considering and determining complaints on conduct of judges	once found guilty, Office for Judicial Complaints decides on disciplinary sanctions needed; very few complaints filed against judges generally, concerning conflict of interests
Main sources: http://www.transparency.org/country ; http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx ; http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp ; https://www.acauthorities.org/ ; http://www.coe.int/t/dghl/monitoring/greco/default_en.asp ; national websites		

9. Remedies

Legal Framework		
Country	Remedies (finalised cases)	Remedies (ongoing cases)
AZE	possibility to reopen the case on the basis of the newly discovered facts upon final conviction	possibility to challenge a judge for lack of impartiality
CRO	possibility to reopen case following final decision concerning corruption	possibility to challenge in ongoing cases once reasons for lack of impartiality
DNK	not researched	possibility to recuse if there is doubt regarding impartiality
ESP	recusal	Judges are required to abstain if a conflict of interest arises and in the event of not doing so an objection may be filed by the injured party. It is possible to review the judicial decision issued by a biased judge in the form of an application of annulment on grounds of illegality of the decision and breach of due process for lack of impartiality of the responsible judge (GRECO); A judge can be removed from hearing a case only if there are grounds for her/his disqualification (e.g. disciplinary reasons) (GRECO).
EST	possibility to review if judges has been convicted of a criminal offence related to the case	possibility to challenge if esteemed lacking partiality
FIN	not researched	possibility to challenge for esteemed lack of impartiality; there is no express provision in the law on removal of a judge from a case. The authorities state that in practice, the Chief Judge as part of his/her management duties may remove a judge from a case in the event of unacceptable delay in the consideration of a case (GRECO).
FRA	possibility to reopen if the judge was found lacking impartiality	possibility to recuse the judge in ongoing trials if there are doubts as to the impartiality
ISL	not researched	possibility to recuse a judge for esteemed impartiality
LIT	reopening of the case possible on the ground of corruption conviction of the judge	possibility to challenge judges esteemed to be lacking impartiality

	Legal Framework	
Country	Remedies (finalised cases)	Remedies (ongoing cases)
MKD	possibility to reopen cases in which the judgment was delivered following a criminal act of a judge (final conviction)	possibility to recuse a judge in ongoing cases if there are doubts concerning impartiality
ROM	right to review decisions of sanctioned judges, but rarely happens in practice	possibility to challenge a judge for lack of impartiality
RUS	finalised cases can be reopened on grounds of criminal actions of the judge committed in the course of examination of the case established by the court judgment which entered into force	for ongoing cases, judges can be challenged for lack of impartiality
SER	possibility to reopen the case if the judgment has been delivered as a consequence of a criminal act by a judge (final conviction)	recusal in ongoing cases if doubts as to the impartiality
SUI	possibility to reopen a case if proceedings were unduly influenced by a criminal act	not researched
SVN	not researched	exclusion of a judge or a lay judge from a case is decided upon by the president of the court, at the request of the judge him/herself or of the parties to the case. The grounds for exclusion, which aim at avoiding conflicts of interest or other circumstances in which the judge's impartiality may be doubtful, are specified in the Civil Procedure Act and the Criminal Procedure Act (GRECO).
UK	possibility of retrial	possibility of recusal for bias, but in practice actual cases are highly unusual (GRECO)
	Main sources: http://www.coe.int/t/dghl/monitoring/greco/default_en.asp ; national websites	

10. Conflict of interest regulations

	Legal Framework	
Country	Declaration of assets/interests/income	Acceptance of gifts
ALB	yes	low-value accepted (symbolic nature)
AND	no regulation	no
ARM	yes, but no sanction for non-conformity (BAC)	not researched
AUT	yes	low-value accepted
AZE	yes	not researched
CRO	yes	not researched
CZE	yes	not researched
DNK	No specific obligations, duties or regulations requiring judges and their relatives to submit asset declarations	general ban on undue gifts; judges are in general not allowed to receive gifts or other advantages (e.g. invitations, hospitality) as part of their job – except under special circumstances, in cases where it may seem rude to return or reject the gift, in cases of small gifts e.g. from foreign guests on official business (host gifts), but no detailed rules in place (GRECO)

	Legal Framework	
Country	Declaration of assets/interests/income	Acceptance of gifts
ESP	no regulation in place	not permitted
EST	yes, made public (edited), non-conformity sanctioned by fines	no detailed regulations on the acceptance of gifts specifically by judges, but prohibition of gifts included in the Code of Ethics of the Estonian Judges
FIN	yes	no regulation, general one of not accepting advantages diminishing credibility apply
FRA	no specific obligation but obligation included in new draft law	no detailed regulations, but prohibition to accept gifts is stipulated in the provisions of the Judicial Ethical Obligations; symbolic gifts accepted in certain circumstances
GEO	yes; judges submit asset declaration as required by the law and they can be assessed through a special website established by the Civil Service Bureau (TI)	not researched
HUN	yes (but no evaluation ever initiated in practice)	banned (considered undue advantage)
IRL	no provision, but judges must file a tax clearance before entering office	not researched
ISL	There is no legal requirement to regularly declare their assets, income and liabilities (GRECO).	There are no detailed rules on the acceptance of gifts. The relevant provisions of the General Penal Code concerning bribery (Article 128) and related offences apply. These provisions make it a criminal offence for a public official to demand or accept, or on any other person to give, promise or offer a public official, a gift or any other undue advantage in connection with the public official acting or refraining from acting in his or her official capacity. The punishment for such an offence is up to 6 years imprisonment for public officials and 4 years for a private individual. As explained for judges, the practice of gift giving to a public official is not tolerated in Iceland (GRECO).
LIT	yes, mandatory	not researched
LUX	no specific regulation in place	not researched
LVA	yes, annually	not researched
MKD	yes, at entry and termination of office, non-conformity sanctioned criminally	prohibited from accepting gifts except for those under EUR 200 of value in certain situations
NLD	Since the beginning of 2013, judges have to notify the board of the court of the yearly amount of compensation received for any accessory activity exercised (GRECO).	A prohibition on accepting gifts by judges has been laid down in article 364 of the Criminal Code as an offence involving the abuse of office, entailing the highest of the penalties for corruption offences (GRECO).
POL	yes	not researched
ROM	yes	not researched
RUS	yes	not researched
SER	yes (failure to submit or false data is criminalised), Anti-Corruption Agency has the authority to check the accuracy of data	not permitted, except for protocol or commemorative gifts, which need to be reported

	Legal Framework	
Country	Declaration of assets/interests/income	Acceptance of gifts
SVN	Professional judges have been subject to a duty to report their assets since 1992, under a succession of different laws. The current declaration system applies to all public officials, including judges (GRECO).	The Judicial Service Act (Art. 39) contains a specific prohibition on judges and members of their family and household, from accepting any gifts, whatever their value (GRECO).
SWE	There are no specific requirements, duties or regulations in place for judges and their relatives to submit asset declarations (GRECO).	There are no detailed rules on the acceptance of gifts specifically by judges. The authorities refer in this respect to the bribery offences under Chapter 10 of the Penal Code. It follows from the principle of independence and impartiality of judges that a judge may not accept any gift in relation to anything done or to be done or omitted to be done in connection with the performance of her/his judicial duties. There is zero-tolerance of giving gifts to judges and a consistent message that it is not a practice in Sweden (GRECO).
UK	declaration of interest; recommendation to expand it to a system of assets declarations (UNCAC); no specific requirement, except for when bankrupt, no need for recommending introduction of asset declarations (GRECO)	no express prohibition, but distinction made between private and public gifts
UKR	yes; 2011 Anti-corruption law introduced an obligation on the part of public officials to declare not only their incomes but the incomes of their close relatives (UNCAC Coalition).	not researched
Main sources: http://www.coe.int/t/dghl/monitoring/greco/default_en.asp ; http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx ; national sources		

11. Case-assignment

	Legal Framework
Country	Case-assignment
ALB	by lottery according to procedure
AZE	manual, following a coding system for each judge, supervised by the chairman (in practice, not always respected); new Decree of Feb 2014 to implement an electronic assignment system
CRO	the court or a president of court unit is assigning the cases on the docket of judges; new electronic case-assignment system introduced gradually
DNK	The president of the court after consultation with the judges decides on the allocation of the cases between them and on the administrative handling of the cases. The everyday allocation of cases is normally done randomly (GRECO).
EST	pursuant to 'division of tasks plan', computer based but taking into account individual workload
FIN	in turn, on a random basis
FRA	allocation by consensus (workload, competence, experience); assignment by court presidents

	Legal Framework
Country	Case-assignment
IRL	distribution by presidents of courts
ISL	The district court chief judge is responsible for the day-to-day management of the court, including with respect to the assignment of cases (GRECO).
LIT	Electronically, in general, based on workload; certain situations allow for manual assignment
LUX	presidents of courts responsible for management, assignment, removal from cases
LVA	electronically, according to yearly plan considering workload; for Supreme Court: assignment by 'raffle' or alphabetically
MKD	assignment (and also reassignment in case of withdrawals etc.) by Automatic Court Case Management Information System
NLD	Policy concerning the allocation of cases is formulated at the level of each court. In practice, cases are classified by the board of the court according to the legal field, level of complexity and knowledge and experience required for the handling and decision of the case. The case is then allocated to a single or three-judge section (GRECO).
POL	according to the sequence of incoming cases, the (alphabetic) order of judges in a division/court, the specialisation and the scope of the duties of a judge, the even distribution of work and the immutability of the adjudicating panel
ROM	electronic system
RUS	traditionally, presidents of courts and court divisions distributed cases, since 2011 - automatic system, now they run in parallel
SER	provisions for random allocation of cases, but electronic system not yet set up
SUI	depends on each court
SVN	Art. 15 of Courts Act provides the general principle of case assignment, whereby cases are assigned to individual judges, depending on the legal field to which they have been assigned to work in the court, according to the daily succession of filed initial procedural acts, taking into account the alphabetical order of initial letters of the judges' surname (GRECO).
SWE	Cases are randomly assigned by lot to organisational units in the District Courts, Courts of Appeal, Administrative Courts and Administrative Courts of Appeal (GRECO)
UK	Lord Chief Justice by delegation, depending on specialisation criteria; 'ticketing' system often used
	Main sources: http://www.coe.int/t/dghl/monitoring/greco/default_en.asp ; national websites

II. Implementation

1. Case-tracking

	Implementation
Country	Case-tracking
ALB	no database found, access to case-law open by law but restricted in practice
AUT	general statistic on corruption and information on the BAK website, no specific database
AZE	no specific database, some administrative sanctions can be found on the JLC website
BEL	general case-law database available, but no specific information on cases of judicial corruption cases
BGR	no unified or comprehensive database with statistics on corruption-related cases that is

	Implementation
Country	Case-tracking
	available to the public
CRO	no specific database available, some specialised courts published information on high-count cases
CYP	no specific database available
ESP	no database, but information available on the website of the Prosecutor's Office in the annual reports of the special unit against corruption (difficult to track, however, as all cases are mentioned together)
EST	no specific database available
FRA	no specific database, all case-law is publicly available on the general national database, little information available as to the corruption cases, but only few cases are known to have been related to judicial corruption (less than a dozen to date - cf GRECO)
GER	Germany publishes comprehensive statistics on cases reported to the police and criminal investigations launched, compiled annually by the Federal Criminal Police (BKA)
GRC	no specific database
HUN	national database not easily accessible, media exposes certain cases, but rare proceedings (TI)
IRL	no specific database, general statistics available on the website of the Director of Public Prosecution; information related to corruption cases in general can be found in various reports, but no mention as to how many of these cases relate to judicial corruption
LIT	no specific database, announcements made in news sections of national court administration website, national anti-corruption authorities
LUX	nonational database (project underway); no centralised database on disciplinary proceedings either (data can be found with various courts); no case-law on corruption to date, some disciplinary proceedings but unrelated to corruption acts (GRECO)
LVA	specific portal run by NGO (Centre for Public Policy Providus) on offences in the public office, highlighting the amount of the bribes in relation to the criminal cases; some information can be found at the web-site of KNAB
MKD	no specific database, but a general track-record of criminal investigations, prosecutions and convictions is being developed; judgments are published on court websites (anonymised) but limited search options
MON	Data made available due to a report of MANS based on information on corruption cases obtained from the national courts
POL	no specific database, but information on investigations available
PRT	Statistics regarding the number of criminal proceedings connected with a certain kind of offence are available at the official justice statistics website. However, these are not sufficiently detailed regarding what sanctions were levied and the number of defendants involved; and there is also a lack of information on proceedings that do not reach the court phase. Detailed information on corruption-related proceedings is scattered and its collection and analysis is still poor. Although there is only one official statistical authority for justice matters (the DGJP), relevant information collected among various institutions for different purposes is sometimes not compiled or analysed (as is the case with data gathered by the CPC). For example, the Central Department for Criminal Investigation and Prosecution (DCIAP) collects information on all corruption-related proceedings in Portugal (the prosecutor's services are required to report these proceedings to the DCIAP). This information, which consists of extracts from the various phases of the proceedings, is not currently being analysed (mostly due to the lack of an intelligence-gathering unit at the DCIAP). Previously, this information was analysed through a partnership with university research units but this project was discontinued due to lack of financing.(UNCAC SocCiv)
ROM	Information on cases available on National Anticorruption Directorate website; Media monitoring project co-financed by the EU which follows all stages of criminal proceedings in a number of high-level corruption cases and keeps public records thereof
RUS	no specific database, the existent ones refer to corruption related cases in general (on the Prosecutor General's Office website)

	Implementation
Country	Case-tracking
SER	no specific database, courts have their own general databases but no thematic research can be made
SUI	no specific database, some cases can be tracked on the federal courts database, but not easily detectable; statistics available show a fluctuation of 10-20 cases of corruption (generally, not just judicial) per year
SVN	Certain general statistics is available at the web-site of the KPK
SWE	some general statistics is available at the web-site of the Swedish National Council for Crime Prevention
UK.	data collection is burdensome due to complex framework, contributes to lack of information on corruption risks (GRECO); data available on number of disciplinary proceedings
UKR	Statistical data on corruption offences is compiled by different state institutions and is not always accurate (UNCAC Coalition). Amendments Law (Article 21) states that information about individuals found liable for corruption offences shall be included in the Unified State Registry of Individuals who have Committed Corruption Offenses. This registry is to be created and maintained by the Ministry of Justice (UNCAC Coalition).
	Main sources: http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx ; http://www.transparency.org/country ; http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/index_en.htm ; http://www.coe.int/t/dghl/monitoring/greco/default_en.asp ; national websites

2. Typology of corruption cases and practices

	Implementation		
Country	Types of career-related corruption	Types of case-related corruption	Most common practices
ALB	related to appointment and advancement (but no information on such cases brought to justice) (BAC)	No information found	bribery, favours among judges, political influence (BAC)
ARM	No information found	No information found	ongoing investigations in which judges are suspected of accepting bribes (Freedom House), nepotism (BAC)
AZE	corruption and patronage, especially related to selection of judges (FreedomHouse)	rulings influenced by outside orders (Global Integrity)	favouring the highest bidder or political considerations for passing judgments (TI); bribery, nepotism, cronyism (media, Global Integrity)
BEL	No information found	violation of professional secret (Belgian media)	
CRO	No information found	No information found	reports of speeding up proceedings at times by bribing a judge or other personnel in the judicial sector (Freedom House)
CZE	No information found	bankruptcy, financial crimes (US State Report)	bribes in exchange for information, alteration of the outcome of cases (sophisticated structure, as reported by Freedom

	Implementation		
Country	Types of career-related corruption	Types of case-related corruption	Most common practices
			House)
DNK	No information found	No information found	no recent criminal offences by judges which would fall under the above-mentioned criminal law provisions; no knowledge of recent violations of the rules which would have led to disciplinary actions (GRECO)
EST		5 convictions for bribery and gratuity offences between 2007 and 2012; many disciplinary proceedings for professional inadequacy and breach of ethics (although many terminated following resignation) for swaying decisions or releasing sensitive information in exchange for money; reports on artificial delaying of cases (GRECO)	bribery
FIN	No information found	No information found	no reports on recent criminal offences
FRA	No information found	in criminal cases (apparently)	not found
GRC	No information found	No information found	petty corruption (TI)
HUN	No information found	allegations in cases of arrest in criminal cases, and in the liquidation processes in civil cases (TI)	prosecution extremely rare, only one known case in the recent past (TI)
IRL	No information found	No information found	the number of indictments and convictions in such cases is rather low and dissuasive sanctions are rare. Statistics show that convictions for white-collar crime fell substantially between 2003 and 2010, even though the number of cases increased (EC)
ISL	No information found	No information found	no criminal proceedings instituted for a corruption-related offence involving a judge; no disciplinary proceedings initiated against a judge for failure to comply with ethical/conflicts of interest rules (GRECO)
ITA	No information found	in 2012, 16 judges charged with bribery for their connections to the vast crime organisation for passing	No information found

	Implementation		
Country	Types of career-related corruption	Types of case-related corruption	Most common practices
		favourable ruling in exchange for bribes and assets (BAC)	
LIT	No information found	mostly in criminal matters; one case of bribery in 2011 (conviction by first instance court to date); another suspicion of involvement of a judge in a bribery case of 2014	bribery, including pressure
LVA	No information found	4 cases since 2004 - out of which one case was dismissed; one case of unethical phone conversation between judges and a senior lawyer secretly taped, leading to resignation, but no charges pressed; in 2006 bribe-taking by two judges including the president of a district court were detected, the court handed down lengthy prison sentences to both of the accused judges (EC)	bribery, abuse of office
MDA	judges allegedly sometimes selected based on connections with government officials, rather than on objective professional qualifications (TI)	reported cases of judges who occasionally ask for bribes in return for reducing charges or sentences (US State Dept)	reports of informal payments often necessary when trying to 'solve' problems in the courts (TI)
MLT	No information found	One judge reportedly detained on charges of bribery, influence peddling and corruption. In this case, it is alleged that, under pressure by a rival gang of drug criminal, the judge attempted to influence the sentencing by another judge to ensure a harsh punishment (BAC, media); A high-profile case in 2002: former Chief Justice and another former judge sitting in the same Court of Appeal were found guilty of receiving bribes in return for lowering a sentence of a convicted drug-trafficker. Both received a prison sentence (EC)	bribery, trading in influence
MON	No information found	One case concerning state administration, in which a judge had been convicted (MANS)	No information found
NOR	No information found	No information found	to date no reported incidents of bribery in the court system (TI)

	Implementation		
Country	Types of career-related corruption	Types of case-related corruption	Most common practices
POL	No information found	<p>2009-2011 a request to hold a judge criminally liable was refused (statements of a single witness deemed not reliable by the court); in two cases the institution of proceedings was refused (visit to a foreign country financed by a party to proceedings); one disciplinary proceeding discontinued due to change of legal provisions on disciplinary liability of junior judges (assessors) who are no longer subject to disciplinary courts' jurisdiction (money laundering where a junior assessor was held criminally liable based on the general rules and his service was terminated as per decision of the Minister of Justice); Poland's Internal Security Agency (ABW) is investigating whether judges in southern Polish bankruptcy courts manipulate proceedings to achieve favourable decisions for clients (media report)</p>	<p>Bribery; re disciplinary proceedings: pending (family relationship with a defence lawyer, personal relationship with a bankruptcy trustee, providing an unauthorised person with access to a case file, exerting influence on a judge in order to settle a case involving a relative); refused (failure to notify additional employment, family relationship with the accused, personal contacts with a perpetrator); in one case the penalty of dismissal from office was imposed (for failure to inform the president of court about business activities in a cooperative and making entries in a land and mortgage register for the benefit of this cooperative), in one case the penalty of admonition was enforced (for the provision of legal advice while concluding a notary contract and requesting the notary to make an untrue declaration).</p>
ROM	<p>accusations of fraud and corruption during recruitment/promotion competition for prosecutors, those involved were removed from office and brought to justice (mostly in the past) but allegations of very few being removed from office (TI)</p>	<p>corruption cases of high-rank judges; DNA indicted 23 judges (2006 - 2012). Final convictions on corruption charges were rendered in the same reference period for 12 judges. In recent years, six cases concerned judges of the High Court, including heads of sections, charged with bribery, trading in influence and complicity to other criminal offences. Two members of the Superior Council of Magistracy were indicted on corruption charges. The most recent cases concerned various levels of the judiciary and revealed networks involving judges, attorneys and defendants trading in influence to secure favourable court decisions. In one case the alleged level of the bribes was as high as EUR 1 million. In another case, two prosecutors,</p>	

	Implementation		
Country	Types of career-related corruption	Types of case-related corruption	Most common practices
		one judge and one police officer were indicted on charges of being complicit to, instigating and participating in the unauthorised use of classified information belonging to the police intelligence service in exchange for money, services and other undue advantages related to leading positions in the DNA and the Prosecutor-General's Office.	
RUS	No information found	No information found	in 2012, 3 cases of convicted judges out of 889 concerning civil servants; however, the information of the Investigative Committee indicates that 14 cases concerning judges and other representatives of judicial bodies were investigated and transferred to courts that year.
SER	No information found	No information found	in 2010-2011, 11% of criminal complaints for abuse of authority related to judges/prosecutors, with bribery accounting for 1% (TI)
SVN	No information found	No information found	a judge and a prosecutor recently arrested for suspected bribery, for the first time in the modern Slovenia's history (US State Dept)
SWE	No information found	No information found	no cases in recent year giving rise to corruption suspicions (GRECO)
TUR	No information found	2 former members of the Supreme Court of Appeals and 13 lawyers were detained in October 2010 as part of an operation targeting officials suspected of bribery. The detained Supreme Court of Appeals officials are suspected of resolving cases in exchange for bribes (BAC, Turkish media)	cases of corruption within the judiciary are not uncommon (Bertelsmann)
UKR	No information found	investment disputes (BAC, US State Dept)	No information found

III. Perception and private initiatives

	Perception of judicial corruption (rank vis-à-vis other national institutions)	Civil society
ALB	most corrupt institution (GRECO, TI, Bertelsman)	media not free to publish on the matter
ARM	among most corrupt (2nd place)	neutral media involved but journalists take personal risk when reporting corruption; civil society considered relatively well-developed (Freedom House)
AUT	among least corrupt (8th place)	media involved but public officials reportedly use libel and defamation laws against journalists (Freedom House); civil society developed and influential
AZE	among most corrupt (4th place)	media not free to publish on the matter; lawyers report cases to media
BEL		media involved but commercial pressure exercised on media noted; civil society active
BGR	most corrupt (1st place)	self-censorship within media (US State Department), investigative journalism is often abused as a tool to discredit business and political rivals (TI)
BIH	moderately corrupt (6th place)	superficial coverage by media which is politically influenced (Freedom House), civil society considered weak (BTI)
CRO	most corrupt (1st place)	media coverage present but doubts as to their independence and impartiality, civil society active but have to face challenges (TI); activities: reports, legal advice, interaction with public stakeholders
CYP	not found	media environment considered free but journalists are essentially politically influenced; civil society is essentially free (TI)
CZE	split perception, although very few reports of the need to bribe (TI); among most corrupt (4th place)	media less restricted on exposing names after reform
DNK	least corrupt (11th place)	involved mostly in awareness raising and protection of whistle-blowers
ESP	moderately corrupt (6th place)	media coverage present; some civil society involvement but considered weak and uninfluential (TI)
EST	moderately corrupt (5 th place)	media coverage present, some civil society involvement but considered modest (TI)
FIN	among least corrupt (10th place)	media coverage present, some civil society involvement but considered weak and uninfluential (TI)
FRA	moderately corrupt (6th place)	very active media coverage; NGOs are active but their impact is moderate
GEO	most corrupt (1st place), though bribery esteemed eradicated (US State Dept)	media's efforts to expose corruption are often undermined, civil society's access to public information is hindered (TI), initiatives to report corruption have so far brought complaints regarding judiciary (G-ALAC)
GER	among least corrupt (8th place)	important media involvement, Civil society active but with limited influence (TI)

	Perception of judicial corruption (rank vis-à-vis other national institutions)	Civil society
GRC	moderately corrupt (5th place)	self-censorship within the media, civil society relatively active but uninfluential (TI)
HUN	among least corrupt (7th place)	media's ability to report corruption esteemed average and new developments in the legislation deteriorating (GI), civil society considered weak
IRL	among least corrupt (8th place)	NGOs active
ISL	among least corrupt (7th place)	very active media coverage; no NGO working directly on corruption and no collaboration between state bodies and NGOs
ITA	moderately corrupt (5th place)	media involved but lack of protection for journalists, NGOs' role is considered important (GI) and they are fully protected
LIT	among most corrupt (3rd place)	media coverage present but doubts as to their independence (TI)
LUX	moderately corrupt (6th place)	media free and involved, NGOs actively involved
LVA	moderately corrupt (5th place)	media coverage present, civil society considered weak (Bertelsmann Foundation)
MDA	among most corrupt (2nd place)	self-censorship within the media; civil society considered "strong" (Bertelsmann Foundation)
MKD	most corrupt (1st place)	self-censorship within media, civil society uninfluential and underdeveloped in rural areas, mostly involved in monitoring, reporting
MLT	not found	
MON	not found	media coverage present; NGOs active, cooperation with public bodies reportedly improving
NLD	among least corrupt (7th place)	active media and civil society, but no cooperation between NGOs and public bodies
NOR	least corrupt (11th place)	active media and civil society
POL	moderately corrupt (5th place)	active media and civil society, but reported defamation proceedings against journalists exposing corruption
PRT	among most corrupt (4th place)	media active in corruption coverage; NGOs not particularly active
ROM	among most corrupt (3rd place)	media involved, but reported pressure against journalists; civil society weak; media reported to exert pressure on judiciary concerning anticorruption cases (EC)
RUS	among most corrupt (4th place)	civil society moderately involved
SER	among most corrupt (2nd place)	self-censorship within the media; few developments to strengthen its role, the role of the civil society is limited to awareness-raising and some monitoring
SUI	among least corrupt (7th place)	media and civil society involved; Swiss civil society makes an important contribution to the fight against corruption in this country (TI).
SVK	most corrupt (1st place)	important media coverage; increasing activities of the civil society, their vital role in shaping the anti-corruption measures (TI)
SVN	moderately corrupt (5th place)	significant role of the media, relatively strong role of the civil society

	Perception of judicial corruption (rank vis-à-vis other national institutions)	Civil society
SWE	Sweden has traditionally been considered one of the least corrupt countries in Europe (GRECO).	important media coverage; increasing activities of the civil society
TUR	moderately corrupt (5th place)	self-censorship within the media, Internet censorship, civil society's role increasing but financial and bureaucratic difficulties
UK	among least corrupt (9th place)	media plays a key role in reporting corruption; civil society very active and influential
UKR	most corrupt (1st place)	self-censorship within media (TI)
	Main sources: http://www.transparency.org/country ; http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx	

IV. Challenges

	Challenges
ALB	political pressure; politicised appointments of high-rank judges; poor rate of enforcement of decisions; high judicial fees (BAC)
ARM	low income; political pressure (TI); impunity of judges accepting bribes from oligarchs (BAC); prosecution authority esteemed prone to influence (TI)
AUT	involvement in political activities and occasionally taking advantage of the political support (TI)
AZE	high outside pressure (private and political); ineffective implementation of the legislation and investigation of complaints of corruption (BAC)
BEL	whistleblower protection (BAC); judgments may be affected by media and public and occasional political interference was noted (TI)
BGR	political and economic pressure on the judiciary (EU)
BIH	no effective application of legislation; general impression that perpetrators of corruption offences often go unpunished (GRECO)
CRO	backlog of cases (TI); certain degree of political pressure; poor ration between prosecuted and sentenced cases (BAC, Bertelsmann)
CYP	no clear provisions in legislation that provide for the protection of whistleblowers (BAC); significant lack of staff and resources in courts (TI); significant concerns on legal certainty and the unnecessarily complex legal provisions (GRECO);
CZE	lack of sanctions for conflict of interest matters; protection of whistle-blowers (TI); most cases involving petty corruption and high profile cases rarely reach courts (GRECO)
DNK	legislation ambiguous and prone to various interpretations (GRECO,OECD); serious doubts whether sanctions are sufficiently effective, proportionate and dissuasive as required by the Convention and its Protocol (GRECO)
ESP	lack of resources, a high workload of courts; appointment and judicial control systems not entirely independent from political influence; concerns about the politicisation of the judiciary because members of the higher courts are appointed with political influence. The same study has also shown that the courts are challenged by a lack of sufficient resources to cope with their high workload (TI)
EST	insufficient application of conflict of interest regulations, vague understanding of ethical

	Challenges
	behaviour and code of conduct (GRECO, TI)
FIN	appointment of lay judges, concern over arbitration as ancillary activities (GRECO)
FRA	judiciary lacks investigative authority, independence and resources. Judges face difficulties accessing classified documents to investigate cases. Judicial independence is also undermined by the executive's political interference (TI)
GEO	political influence (Heritage Foundation, US State Dept), especially Government interference in the outcome of cases; little transparency in appointments, transfers, disciplinary procedures; difficult access to information about cases (TI); high-level corruption still present; the judiciary suffers from undue influence exerted by the Prosecutor's office and the executive authority in the adjudication of criminal cases (TI); process of judicial appointments is not transparent (TI)
GER	appointment and promotion of judges are subject to some political interference (TI)
GRC	resource pressure; complex anti-corruption framework (EU)
HUN	political influence on the judiciary for appointment, remuneration, promulgation (TI); unclear framework for adequate management of courts and the profession (TI); lack of control over the President of the National Office of Judiciary; uneven distribution and/or lack of resources; poor transparency of court decisions and the functioning of the judiciary; poor evaluation and promotion system; lack of proper codes of ethics and whistleblower system; Chief judge can be re-elected (TI); new regulations of 2011 have weakened the judiciary's independence and failed to prevent political interference (TI)
IRL	high evidential burden impeding enforcement of anti-corruption laws; setting up of tribunals of inquiry with no outcome as to accountability, which is low (TI, EC); potential for political interference in appointments; absence of training; no ethical disciplinary framework (no specialised body and procedure) (TI)
ISL	professional relationship networks (GRECO)
ITA	Links between politicians, the judiciary and organised crime (BAC, media); restrictive regime of the statute of limitations to the adjudication of corruption cases (EC)
LIT	no legislation on protection of whistleblowers (BAC); some political interference (Freedom House)
LUX	lack of a legal framework for the disclosure of assets for public officials; lack of comprehensive legislation that applies to the protection of whistleblowers (BAC)
LVA	politisation (Freedom House), especially with regard to appointments (GRECO); political interference; lack of proper resourcing of the Judicial Qualification Board and other self-governing judicial bodies created with the view to ensure independence (EC); disciplinary cases are decided before statutes of limitations come into place (GRECO)
MDA	political and official pressure (TI, BAC)
MKD	high political pressure; selective justice; insufficient implementation of laws (TI, EC); ineffective efforts for combatting corruption (Freedom House); doubts as to the efficiency and credibility of the review system of asset declarations and interest statements (GRECO), no mechanism in place for tracking changes in assets over time (TI)
MLT	The government did not adopt legislation regulating political parties and increasing the penalties for influence peddling and bribery of judges, which were proposed in 2011 (BAC); concerns about judicial independence in connection with proposals to reform the procedure of appointment and removal of judges (EC)
MON	enforcement and implementation of existing regulations remains weak (BAC); political interference (Heritage Foundation)
NLD	protection of whistleblowers needing improvement (BAC)
NOR	extensive use of temporary judges could potentially undermine judicial independence (TI)
POL	low income; political pressure (BAC)
PRT	The complexity of the judicial system and delays in case handling (BAC); The delays and relatively small proportion of dissuasive sentences imposed have led to concerns about the capacity of the judicial system to pursue cases effectively; resource pressure (EC)
ROM	political influence; media pressure (TI)
RUS	political interference in the selection of judges for individual cases (BAC); outside pressure by the executive branch (TI)

	Challenges
SER	high pressure from executive and political (TI); system vulnerable to political pressure (Freedom House); low implementation of disciplinary rules, especially in the light of high number of allegations of corruption (EC); political interference with regard to appointment and dismissal (EC); issues similar to other neighbouring countries for which GRECO has pointed out problems (membership of the Minister of Justice in the Judicial Council)
SUI	inadequate independence of judges (due also to the elective system); lack of clear regulation regarding vested interests and impartiality (EC); low number of investigated cases referred to courts (TI); secondary employment performed by judges may lead to conflicts of interest. Lawyers can procure an advantage for themselves on the basis of their activities as judges which may be of benefit to them in the context of their activities as lawyers, for example access to unpublished verdicts. This can result not only in the distortion of competition, but can also jeopardise judicial integrity and independence; no standard rules on vested interests (TI).
SVK	excessive political interference and an overload of court cases inherited from Slovakia's transition to democracy (TI); politicisation and limited independence of the Slovak judiciary; misuse of disciplinary actions against judges (EC)
SVN	system is inefficient and vulnerable to political interference (BAC)
SWE	status and resources of some relevant institutions (e.g. Chancellor of Justice) (GRECO)
TUR	The government can still influence judges by means of appointments, promotions and financing; concerns have been raised in this regard over the recruitment, appointment, promotion and disciplinary proceedings of judges, which are not transparent, despite recent improvements to the law (TI); constitutional reform package has been approved in the September 2010 referendum and concerns have been raised that proposed judicial reforms may undermine judicial independence by giving the executive greater powers in appointing judges (BBAC, TI); weak enforcement of anti-corruption law and ineffective anti-corruption authorities (BAC); close relationship between judges and prosecutors obstructs the right to a fair trial (US State Dept); narrowly defined bribery offences, which exclude corrupt behaviour without an agreement between the parties or without a breach of duty by a public official (GRECO)
UK	lack of proper legal framework making it difficult to foresee the consequences of actions and also to collect data concerning implementation; use of fee-paid and temporary judges (only setback identified, as the judiciary enjoy a reputation of independence, impartiality and integrity, with no evidence of inappropriate influence on judges) (GRECO)
UKR	low salaries and dependence on the executive branch (BAC), non-transparent, politicised trials (EU-EC); weak enforcement of court rulings (FreedomHouse) insufficiently trained judges, low salaries and dependence on the executive branch have led to a lack of transparency in court proceedings (BAC); non-transparent and heavily politicised trials (EC)

V. Recommendations

	Recommendations (*some have been complied with)
ALB	protection of whistleblowers (GRECO)
AND	clearer criteria for renewal of terms; introduction of provisions on confiscation in equivalent (GRECO)
ARM	higher judicial independence, better training of judges, and a review of the code of criminal procedure (EU)
AUT	Introducing an effective monitoring mechanism for checking declarations of assets and interest and provide dissuasive sanctions for non-compliance (EC); improve the procedure allowing access to bank account information in cases of suspicion of corruption (EC)
AZE	revise the automatic application of defence provisions (GRECO)
BEL	Introduce an integrity policy in all administrations; increase the capacity of the justice system and law enforcement to detect and investigate corruption-related offences (EC); more efforts should be concentrated on promoting integrity policies in the judiciary (TI)
BGR	Ensure effective coordination of anti-corruption institutions, consistent checks and apply dissuasive sanctions for conflicts of interest; apply clear integrity criteria for appointing

	Recommendations (*some have been complied with)
	magistrates and evaluating their performance and ensure random assignment of cases in courts (EC)
BIH	better enforcement of legislation to avoid impunity; laws on conflict of interest need streamlining (TI)
CRO	State Judicial Councils has to increase its transparency and demonstrate accountability in carrying out its tasks; further reforms should include a mechanism for judicial review of decisions, public sessions and an extended obligation to provide reasoned decisions (EC)
CYP	strengthen the enforcement system and implement transparency and integrity safeguards facilitating detection and collection of evidence (EC)
CZE	Strengthen the ability of prosecutors to handle corruption cases in an independent manner by reviewing the criteria for nomination of prosecutors, and by pursuing reforms regarding instructions by the executive in individual cases (EC)
DNK	recommendation to lift the reservation on trading in influence (GRECO); A set of clear ethical standards/code of professional conduct should be made applicable to all judges and be made easily accessible to the public, and it should be complemented by practical measures for its implementation, including dedicated training for professional judges (GRECO); improve the whistleblowing regime for employees in the public and private sector (EC)
ESP	To improve integrity in the judiciary; de-politicisation of the supreme bodies of the judicial power and the Constitutional Court; legal framework for protection of whistle-blowers both in private and public sector; improve accountability of judges (TI); legislative reforms to improve the efficiency of court proceedings (EC)
EST	criminalise active trading in influence as a principal offence (GRECO); strengthen the conflict of interest regulations; consolidate career related procedures on appointment and promotion (GRECO); develop guides of conduct to prevent conflict of interests and corruption risks; increase the analytical capability in investigating corruption crimes (Estonian anti-corruption strategy)
FIN	clarify conflict of interest issue (GRECO); set in place whistle-blowing protection (OECD); ethic principles to be communicated to lay judges more effectively (GRECO); criminalise trading in influence, raise the sanctions for private bribery (GRECO); further develop rules on accessory activities of judges, so as to enhance transparency and to introduce uniform procedures, criteria for granting permission to engage in such activities (GRECO).
FRA	More judicial independence is needed to steer clear of political interference. The establishment of a prosecutor general is also recommended to deter corruption in the judiciary (TI); pursue the ongoing reforms on asset disclosure and conflicts of interest concerning public officials; monitor the implementation of legislation seeking to protect the operational independence of prosecutors (EC); criteria for the awarding of official honorary decorations and distinctions of judges be reviewed in order to reduce any perceived risks for their independence and impartiality (GRECO)
GEO	Reforms in the judiciary needed to reduce corruption risks; nominations for the judiciary's representatives in the High Council of Justice should not be the exclusive decision of the Supreme Court's Chairperson, members of the Conference of Judges should have the right to nominate; judicial appointments in the High Council of Justice should also no longer require presidential and parliamentary consent; need to increase transparency and accountability in the judiciary by posting judicial decisions online (TI); seek ways to involve the judiciary in the appointment of lay judges (GRECO)
GER	broaden the incrimination of bribery; criminalise trading in influence (GRECO)
GRC	enable the national anti-corruption coordinator to implement anti-corruption policies; ensure an independent verification mechanism for asset declarations; strengthen cooperation between internal control mechanisms and law enforcement bodies; simplify the procedure for lifting immunities and reform the statute of limitations rules for high-level officials; develop effective mechanisms of prevention, detection and removal of conflicts of interest for all public officials (EC).
HUN	reduce political pressure; enhance whistle-blower protection; effective system of declaration of assets to be created (TI); ensuring that active trading in influence complies with provisions of the Convention (GRECO)

	Recommendations (*some have been complied with)
IRL	setting up of an independent Judicial Council and clear disciplinary procedures to regulate judicial conduct and ethics (TI); improve the track record of successful prosecutions and dissuasive sanctions in corruption cases of the Standards in Public Office Commission, the Office of the Director of Corporate Enforcement and the police; enhance the power of investigating authorities to start inquiries on their own and extend their remit with regard to the enforcement of conflict of interest provisions to the regional and local levels; consolidate the legal framework of the tribunals of inquiry so as to ensure speedier proceedings and effective follow-up (EC)
ISL	increase the penalties for bribery offences in the private sector and consider increasing the penalties for active bribery in the public sector; necessary capacity building of the authorities (GRECO); a set of standards of professional conduct, accompanied by explanatory comments and/or practical examples, should be adopted for the judiciary and be made public; judges should be provided with appropriate training and counselling services on ethics, integrity and the prevention of conflicts of interest (GRECO); improve coordination between its law enforcement authorities (OECD)
ITA	enlarge the scope of application of the legislation concerning active and passive bribery to all foreign public officials; criminalise active and passive trading in influence; ensure that the applicable provisions for bribery and trading in influence offences are actively enforced in practice and facilitate an effective, proportionate and dissuasive sanctioning regime for corruption offenders (GRECO); Whistleblower legislation is needed to ensure confidential reporting mechanisms and adequate protection from reprisals; the statutes of limitation for corruption offences need to be revised so that investigations can be pursued in a reasonable amount of time (TI); address the deficiencies of the statute of limitation regime, ensure prioritisation of cases that are running risks of becoming time-barred. Reinforce the powers and capacity of the national anti-corruption agency; ensure a uniform framework for internal controls and use of external independent audits at regional and local levels with regard to public spending. Ensuring a uniform, independent and systemic verification of conflicts of interest and asset declarations of public officials and a corresponding sanctioning system (EC)
LIT	need for more statistics on implementation and concrete information on how the anti-corruption bodies cooperate in practice (UNCAC); analyse the effectiveness of the Special Investigation Service (STT) focusing on the number of indictments and seriousness of cases, to identify potential areas for improvement including coordination with other institutions and proactivity in the investigation of high-level corruption; strengthen the Chief Official Ethics Commission, improving the methodology for checking declarations of conflict of interest by elected and appointed officials, monitoring violations, and enforcing dissuasive sanctions (EC)
LUX	improve promotion procedures; ensure uniform application of recusal rules; clarify rules on incompatibilities; improve accessibility of data; Ensure verification by an independent mechanism of conflicts of interest of officials and civil servants; adopt legislation on access to public information establishing the obligation of the public authorities to provide access to information and documents of public interest; increase the resources used to combat financial and economic crime, including those within the judiciary and the police; take measures to facilitate access to bank and tax information by law enforcement authorities (EC)
LVA	strengthening the decisive influence of the self-governing judicial bodies in career related matters; to abolish the system of administrative immunities; maintain KNAB's achievements by strengthening its independence and protecting it from potential political interference, strengthen the ability of the judiciary to handle corruption cases in an independent manner by reinforcing the role of self-governing judicial bodies in relation to appointments and career progression, by taking further measures to uphold due process in disciplinary proceedings, and by restricting Parliament's powers to the confirmation of judicial appointments (EC)
MCO	
MDA	criminalise active bribery as a principal offence, revise the automatic – and mandatorily total – exemption from punishment granted to perpetrators of active bribery (GRECO)

	Recommendations (*some have been complied with)
MKD	introduction of more in-depth scrutiny for asset declarations and interest statements (GRECO); in order to strengthen the independence of the judiciary from undue political influence, the ex officio membership of the Minister of Justice in the Judicial Council should be abolished (GRECO); ; take appropriate measures with a view to strengthening the independence, impartiality and integrity of lay judges, inter alia, by introducing specific guidelines and training on questions of ethics, expected conduct, corruption prevention and conflicts of interest and related matters (GRECO); decisions of the Judicial Council on the promotion of judges should be accompanied by a statement of reasons and be subject to judicial review (GRECO); rules and guidance should be developed for judges on the acceptance of gifts, hospitality and other advantages and that compliance with these rules be properly monitored (GRECO); disciplinary infringements applicable to judges should be clearly defined and the range of sanctions should be extended to ensure better proportionality; dismissal of a judge should only be possible for the most serious cases of misconduct, ensuring, in particular, that the possibility to dismiss a judge solely in case one of his/her decisions is found to be in violation of the right to a trial within a reasonable time be abolished (GRECO)
MLT	increase the maximum penalty provided for trading in influence in order to render it effective, proportionate and dissuasive (GRECO); define clear procedures and rules on the distribution of corruption cases among the competent anti-corruption institutions; improve coordination among these institutions to optimise the collection of evidence; prioritise the effective investigation and prosecution of corruption and, should the Permanent Commission against Corruption (PCAC) be retained, widen its remit, and empower it to appoint its own specialists; strengthen the ability of the judiciary to handle corruption cases by revising the appointment and dismissal procedures for judges to ensure transparent and merit-based selection and removal (EC)
MON	measures should be taken to reinforce accountability and integrity safeguards in the judicial system (EC)
NLD	consider criminalising trading in influence (GRECO); review regulations, guidelines and policies to ensure that substitute judges have appropriate standards and guidance on conflicts of interest and other integrity-related matters (GRECO); improve whistleblower protection; a restriction on the simultaneous holding of the office of judge and that of member of either Chamber of Parliament should be laid down in law (GRECO); regulations, guidelines and policies should be reviewed to ensure that substitute judges have appropriate standards and guidance on conflicts of interest and other integrity-related matters (GRECO); focus efforts on prosecuting both natural and legal persons for corruption in international business transactions, also by increasing capacity to investigate and prosecute foreign bribery in a more proactive manner; consider broadening the range of sanctions and raising the level of fines applicable to legal persons (EC)
NOR	
POL	better consolidated regulation of provisions on conflict of interest; verification of asset declarations and introduction of liability for false declarations (GRECO); implement a coherent long-term strategy against corruption, streamlining the activities of relevant institutions as well as listing specific actions, the timeframe and resources for their implementation and those responsible; strengthen safeguards against potential politicisation of the Central Anti-Corruption Bureau (EC)
PRT	Establish an anti-corruption agency to independently investigate and prosecute corruption-related offences, either provided with the necessary specialised human and material resources to ensure effective law enforcement on corruption-related offences, or existing departments (the Public Prosecutor's Office investigation and penal action departments, and the judiciary police's national unit for combating corruption) should be provided with the necessary human and material resources to ensure the effective detection, prevention and repression of corruption (UNCAC CivSoc); set a track record of successful prosecution of corruption allegations, by ensuring that law enforcement, the prosecution and the judiciary are equipped to effectively deal with complex corruption cases and by strengthening cooperation between control mechanisms and law enforcement bodies; put in place minimum standards on conflicts of interest, revolving door practices, incompatibilities and asset disclosure for local elected and appointed officials; ensure an effective monitoring mechanism and dissuasive sanctioning in this regard (EC)
ROM	reinforce integrity standards in the judiciary, actively involving all relevant actors in the judiciary, including the Superior Council of Magistracy, the Judicial Inspection, magistrates' associations, courts and prosecutors' offices; ensure that all decisions regarding lifting of immunities are duly reasoned and taken promptly, and that no obstruction of justice is allowed (EC)

	Recommendations (*some have been complied with)
RUS	wider application of the mechanism of confiscation of property obtained as a result of corruption-related activities. The improvement shall make possible confiscation of property registered in the name of the corrupted official's relatives (head of Investigative Committee of RUS)
SER	to develop a proper merit-based career promotions system, consolidate implementation of disciplinary rules and also better enforcement of the anticorruption framework (EC); to abolish the possibility provided by the special defence of effective regret to return the bribe to the bribe-giver who has reported the offence before it is uncovered (GRECO)
SMR	
SUI	depoliticisation of the judicial elections; enactment of clearer regulations regarding vested interests and the impartiality at cantonal level (TI, OECD); introduction of adequate statutory whistleblower protection for the private sector and extension of whistleblower protection to all decentralised units of the Federal Administration (GRECO); introduce a specialist body to carry out a pre-selection procedure to ensure that the judges have the relevant specialist qualifications; essentially only people who have a licence to practice law should be appointed as judges; mandatory rules for the disclosure of vested interests and the partiality of judges should be passed at cantonal level (this concerns the problematic, secondary employment of lawyers as judges, which may jeopardise the integrity of judges as well as the independence and reputation of judicial authorities) (TI)
SVK	Further judicial reforms should be carried out. This can be done by mandating the publication of judges' performance evaluations as well as their additional incomes. (TI); strengthen the independence of the judiciary, in particular by laying down well-defined criteria for the removal from office of presidents and vice-presidents of courts; strengthen procedural guarantees in disciplinary proceedings against judges and ensure the independence of disciplinary panels (EC)
SVN	Abolish the possibility provided in the Criminal Code by the special defence of effective regret to return the bribe to the briber who has declared the offence before it is uncovered (GRECO); criteria of selection and evaluation of judges set out in the Judicial Service Act should be further developed, by any appropriate instrument, including an act of the Judicial Council, with the aim of enhancing their uniformity, predictability and transparency; revisit the procedure of appointment of judges to the Supreme Court, in order to minimise the possibilities of political influence (GRECO, EC); revisit the procedure of appointment of judges to the Supreme Court, to minimise the possibilities of political influence, develop guidelines on conflicts of interest for judges with respect to conduct outside the court, clear rules/guidelines for situations where judges move to the private sector (GRECO); ensure the preservation of independence of the Commission for Prevention of Corruption and strengthening of its powers and capacity, safeguard the independence of prosecution services, ensure fair engagement in anti-corruption responsibilities and effective cooperation by all relevant public institutions and mechanisms (EC)
SWE	consider criminalising trading in influence (GRECO); take appropriate measures with a view to ensuring the independence, impartiality and integrity of lay judges, by introducing specific background checks in the recruitment process and by organising mandatory training, including on questions of ethics, expected conduct, corruption prevention and conflicts of interest and related matters (GRECO)
TUR	better clarification on differences between a bribe and a gift; public access to information regarding investigation of foreign bribery; whistleblower protection and stronger law enforcement (TI); revise criminal law provisions, criminalise active and passive trading in influence (GRECO); analyse and accordingly revise the automatic – and mandatorily total – exemption from punishment granted to perpetrators of active and passive bribery in the public sector in cases of “effective regret”; and abolish the restitution of the bribe to the bribe-giver in such cases (GRECO)
UK	reduce number of fee-paid judges by replacement with salaried judges (TI, GRECO)
UKR	Reform judicial and enforcement systems in order to implement principles of transparency, democracy and independence; provide comprehensive training to investigation and prosecution staff and to state officials in the state bodies specialised on corruption issues, as well additional publications on this topic and feedback on its efficiency; raise awareness within civil society of mechanisms for monitoring the authorities; draft and implement legislation to provide whistleblower protection through a special anti-corruption body (UNCAC Coalition); ensure that the number of fee-paid judges is reviewed with a view to reducing it in favour of salaried judges, particularly at first in relation to the High Court and district level, in order to provide security

Recommendations (*some have been complied with)	
	tenure (GRECO)

APPENDIX: sources consulted

General international sources

European Commission http://ec.europa.eu/index_en.htm

EC report on corruption in the EU http://europa.eu/rapid/press-release_IP-14-86_it.htm

GRECO (Council of Europe Group of States against corruption)
http://www.coe.int/t/dghl/monitoring/greco/default_en.asp

CEPEJ (Council of Europe European Commission for the Efficiency of Justice)
http://www.coe.int/T/dghl/cooperation/cepej/default_en.asp

OECD <http://www.oecd.org/>

Public Anti-Corruption Initiatives <http://www.business-anti-corruption.com/country-profiles/>

European Research Centre for Anti-Corruption and State-Building <http://www.againstcorruption.eu>

European Transition Compendium <https://webgate.ec.europa.eu/>

Global Integrity reports <https://www.globalintegrity.org/>

Global Corruption Barometer 2013: <http://www.transparency.org/gcb213>

International Association of Anti-Corruption Authorities <http://www.iaaca.org/>

Freedom House www.freedomhouse.org

World Economic Forum <http://www.weforum.org/>

World Bank Group <http://www.worldbank.org/>

Transparency International – country profiles <http://www.transparency.org/country>

US Department of State <http://www.state.gov/j/drl/rls/hrrpt/>

Basic principles on the independence of the judiciary
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>

Study on the functioning of judicial systems in the EU Member States, Facts and figures from the CEPEJ 2012- 2014 evaluation exercise http://ec.europa.eu/justice/effective-justice/files/cepj_study_scoreboard_2014_en.pdf

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm

General findings on judicial corruption http://www.europe.bg/upload/docs/corruption_TI.pdf

Analysis of judicial corruption
http://assets.cambridge.org/97805217/00702/excerpt/9780521700702_excerpt.pdf

Reducing corruption in the judiciary (USAID report) http://pdf.usaid.gov/pdf_docs/PNADQ106.pdf

OSCE: Immunity in judiciary: <http://www.osce.org/eea/13771>

Corruption in the EU:

[http://www.um.edu.mt/_data/assets/pdf_file/0007/186181/Making_the_fight_against_corruption_in_the_EU_more_effective - Conference Report May 2013.pdf](http://www.um.edu.mt/_data/assets/pdf_file/0007/186181/Making_the_fight_against_corruption_in_the_EU_more_effective_-_Conference_Report_May_2013.pdf)

EU report anti-corruption in the judiciary:

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0318&language=EN>

ICJ: corruption and rule of law: <http://icj.wpengine.netdna-cdn.com/wpcontent/uploads/2013/03/Corruption-as-a-Threat-to-the-Rule-of-Law1.pdf>

OSCE seminar Strengthening judicial independence: <http://www.osce.org/odihr/70836>

Fair trial rights: OSCE report <http://www.osce.org/odihr/94214?download=true#page=52>

CCJE standards for conduct and liability of judges <https://wcd.coe.int/ViewDoc.jsp?id=1046405&Site=COE>

CEPEJ evaluation report – judicial systems

http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2012/Rapport_en.pdf

Basic principles on the independence of the judiciary

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>

GRECO evaluation reports (see Theme I – Incriminations for legal basis on corruption and the follow-up reports) http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp

Business anticorruption portal <http://www.business-anti-corruption.com/country-profiles/europe-central-asia.aspx>

Reports on EU neighbouring policy countries http://eeas.europa.eu/enp/index_en.htm

EU candidate countries reports http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_fr.htm

CoE PACE report on corruption

http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=8761&L=2

Legal databases

National and international (i.a. www.wipo.int and <http://www.legislationline.org>) legislative and case-law databases

OSCE legislation database on independence of the judiciary

<http://legislationline.org/topics/country/47/topic/9>

EU countries: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm

South East European countries:

http://www.rcc.int/download/docs/Integrity_and_Resistance_to_Corruption_of_the_Law_Enforcement_Bodies_in_South_East_European_Countries-Survey_Report.pdf/57ec31099f314d724f58863d111120a1

National sources

Lithuanian national court administration website <http://www.teismai.lt/lt/teisejai0/teiseju-atlyginimai>

Lithuanian special investigation services website <http://www.stt.lt/en/menu/corruption-prevention/>

Map of corruption by Lithuanian Special Investigation Service

http://www.stt.lt/documents/soc_tyrimai/Korupcijos_zemelapis.pdf

Lithuanian news services websites <http://www.kaunoaleja.lt/buves-teisejas-kaltas-del-kysio/>;

<http://www.delfi.lt/news/daily/law/prokurores-byloje-prekyba-poveikiu-itariamas-verslininkas-apie-teiseja-nebuvo-jokios-kalbos.d?id=64066818>

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