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First Evaluation Round

Compliance Report on the Czech Republic

Adopted by GRECO
at its 22nd Plenary Meeting
(Strasbourg, 14-18 March 2005)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on the Czech Republic at its 13th Plenary Meeting (24-28 March 2003). This Report (Greco Eval I Rep (2002) 11E) was made public by GRECO, following authorisation by the authorities of the Czech Republic, on 22 April 2003.
2. In accordance with Rule 30.2 of GRECO's Rules of Procedure, the authorities of the Czech Republic submitted their Situation Report (RS-report) on the measures taken to follow the recommendations on 30 September 2004.
3. At its 13th Plenary Meeting (24-28 March 2003), GRECO selected, in accordance with Rule 31.1 of its Rules of Procedure, Belgium and Hungary to provide Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Isabelle VAN HEERS on behalf of Belgium and Mr Sandor DUSIK on behalf of Hungary. The Rapporteurs were assisted by the GRECO Secretariat in drafting the Compliance Report (RC-Report).
4. The RC-Report was adopted by GRECO, following examination and debate pursuant to Rule 31.7 of the Rules of Procedure, at its 22nd Plenary Meeting (14-18 March 2005).
5. Under Article 15 para. 6 of the GRECO Statute and Rule 30.2 of the Rules of Procedure, the objective of the RC-Report is to assess the measures taken by the authorities of the Czech Republic and, wherever possible, their effectiveness in order to comply with the recommendations contained in the Evaluation Report.

II. ANALYSIS

6. It was recalled that GRECO in its Evaluation Report addressed 9 recommendations to the Czech Republic. Compliance with these recommendations is dealt with below.

Recommendation i.

7. *GRECO recommended to combat not only the actuality of corruption but also to raise the awareness of the population on the dangers of corruption which may undermine the economic, social and political foundations of Czech society and give high priority to objective research on corruption in the country.*
8. The authorities of the Czech Republic have reported that awareness raising concerning corruption is carried out by the Ministry of the Interior, mainly through public relations tools. The internet sites of the Ministry of the Interior contain the Government programme on the fight against corruption, various reports concerning corruption, codes of ethics, anti-corruption contracts and information on anti-corruption activities abroad. Moreover, the Information Service of the Ministry of the Interior provides information concerning corruption. In 2003 a series of films were produced on the topic of corruption, Radio programmes have been broadcast at national as well as regional levels on corruption, its imminent consequences, etc, and the public has been made aware of the "anticorruption telephone line" (974 832 222) and the e-mail address: (stiznosti@mvcz.cz) available for reporting of suspicions of corruption by the public. Also the web pages of the Courts and the Prosecution Service provide internet links with regard to corruption and measures to be taken when a bribe is requested by a state official.

9. The authorities have also reported that every Ministry has established internal anti-corruption programmes, which are being regularly evaluated and updated. Some departments, such as the Customs and the Prison Service, where risks of corruption are considered critical, have established particular anti-corruption schemes. Most Ministries (Ministry of the Interior, Ministry of Justice, Ministry of Agriculture, Ministry of Environment, Ministry of Transport, Ministry of Finance, Ministry of Industry and Ministry of Labour and Social Affairs) have established their own systems for reporting corruption (telephone hot-lines or e-mail addresses) available to the public.
10. The authorities have, moreover, reported that, in February 2005, the Ministry of the Interior launched two initiatives. Firstly, a "Central Internet Anti-Corruption Web Page" became fully operational. This centralised web page enables the public to file and process reports on suspected corruption by offering relevant links to responsible state authorities and by providing descriptions of criminal offences of corruption and advice on which law enforcement authority to approach. The launch of the web-site was accompanied by the publication of brochures and leaflets with the same content. Secondly, within the framework of the programme "Prevention of Corruptive Behaviour," a number of grants were made available to support civic activities aimed at informing the public about the phenomenon of corruption, establishing infrastructure for providing consultancy services and carrying out research. The grants shall be awarded to successful candidates on the basis of a competitive tender.
11. Finally, the authorities have referred to the Contact Information Centre of Victims of Corruption which *inter alia* aims to support scientific research on corruption and research carried out by an independent agency "CVVM", which in February 2005 presented public perception research indicating that corruption was viewed as the second most serious problem (after unemployment) in the Czech Republic.
12. GRECO took note of the measures reported with regard to public awareness raising. The use of different forms of communication tools in order to increase public knowledge of corruption, its dangers and how to report suspicions thereof is commendable; consequently, this part of the recommendation has been complied with. GRECO considers that some importance has been attached to research on corruption, however, more could be done in this respect.
13. GRECO concludes that recommendation i has been partly implemented.

Recommendations ii. and vi.

14. *GRECO recommended adequate training and guidance to the officials applying special investigative techniques on the rules and conditions governing their use and ensure that special investigative techniques can be applied in the detection and investigation of serious corruption offences (recommendation ii).*
15. *GRECO recommended training in investigation for police forces engaged in the fight against corruption should be provided in early course (recommendation vi).*
16. The authorities of the Czech Republic have reported that the content of these recommendations was included in the Government Programme on the Fight against Corruption. As a consequence, several educational/training activities have been implemented. The authorities have in particular referred to the *Special Course of Operative Investigative Activity* carried out by the Ministry of the Interior. This course contains theoretical and practical elements, it totals 304 hours, carried out through weekly sessions, lessons and correspondence studies. Topics, such as

operational/investigative activity, law and criminal science are covered. This obligatory course is - since September 2002 - open to police officers employed at the Department for Detection of Corruption and Financial Crime ("UOKFK") of the Criminal Police. The graduates of the course should be able to carry out highly qualified and sophisticated police activity connected with operational-investigative activity while detecting, verifying and investigating serious financial crimes, mainly corruption, in a secret manner while using the provisions of Section 158b of the Criminal Procedure Act (operational investigative means and conditions for their application) and Section 23a of the Police Act (permission to use supportive operational investigative means). The course is held once a year and since 2002, some 75 police officers have participated.

17. The authorities have furthermore reported that the Ministry of the Interior has carried out training in co-operation with international organisations and other states in 2003: on the principles of integrity and Police ethics, which resulted in study materials of middle level police schools; on corruption in state administration, in which 45 officials of the Police, the Security Information Service and the Public Prosecution Service participated and, on Police ethics and the multicultural society in which 25 officials of the Police participated.
18. The authorities have also reported that the Office of the Prosecutor General is currently engaged in the preparation of an instruction of a general nature (under Section 12 of Public Prosecutor's Office Act) covering details for the use of operational/investigative means in relation to the investigation of offences relating to corruption, drug trafficking, counterfeiting, etc. The instruction was due to be finalised by the end of 2005. This Office also intends to take measures for the involvement of public prosecutors in the training of police officers concerning criminal proceedings with regard to relevant international treaties relating to corruption.
19. GRECO welcomed the progress reported with regard to training of law enforcement staff engaged in the investigation of corruption offences. The introduction of obligatory training for such staff is particularly commendable. GRECO was pleased to learn that this training is repeated every year. It also welcomed the reported drafting of instructions by the Office of the Prosecutor General.
20. GRECO concludes that recommendations ii and vi have been implemented satisfactorily.

Recommendation iii.

21. *GRECO recommended that the Government Programme for Combating Corruption in the Czech Republic should be revised thoroughly so that (i) the body/ies in charge of its implementation and co-ordination with other relevant authorities are clearly identified, (ii) a series of very specific and measurable objectives and the detailed steps required to achieve them are indicated and (iii) awareness of this Programme is increased both throughout Czech public institutions (particularly those concerned with its implementation) and the public at large.*
22. The authorities of the Czech Republic have reported that the Minister of the Interior has been given the overall responsibility to co-ordinate the Government's anti-corruption measures and to report annually on the progress made (Decree of the Government of the Czech Republic No. 473 of 19 May 2003). In performing this task the Ministry of the Interior has established an interdepartmental co-ordination commission for the fight against corruption, consisting of representatives of every Ministry, all departmental anti-corruption co-ordinators, the Security Information Service, the Office of the Government, the Office of the Prosecutor General, the Supreme Audit Authority, the Office for Protection of Competitions, the Office for Surveying,

Mapping and Cadastre and representatives of Transparency International. The Committee, which meets regularly (one to three times per year), has the overall objective to define the priorities of the anti-corruption policy of the Government and to report on the measures implemented in the fight against corruption.

23. The authorities have submitted the up-dated Government Programme on the Fight against Corruption which includes a series of very specific and measurable objectives as well as detailed steps required to achieve the objectives; Section A deals with legislation, Section B with organisational measures and Section C with the area of international co-operation. Each part of the programme includes the formulation of an objective, the authority in charge of the implementation and the deadline for the implementation.
24. GRECO took note of the information provided. It was of the opinion that the first part of recommendation (i) has been implemented as the overall authority of the Anti-corruption programme has been given to the Ministry of the Interior and that various bodies in charge of the implementation have been identified. Furthermore, the second part of recommendation (ii) has been implemented as specific and measurable objectives as well as the detailed steps required to achieve these objectives have been indicated in the updated programme. With regard to the awareness of the Programme (iii), GRECO was satisfied with the authorities' reply as detailed under Recommendation i.
25. GRECO concludes that recommendation iii has been implemented satisfactorily

Recommendation iv.

26. *GRECO recommended to facilitate the reporting of suspicions of corruption cases by individuals, and the setting up of appropriate and effective victim and witness protection programmes.*
27. The authorities of the Czech Republic have reported that most of the Departments (Ministry of Interior, Ministry of Justice, Ministry of Agriculture, Ministry of Environment, Ministry of Transportation, Ministry of Finance, Ministry of Industry and Ministry of Labour and Social Affairs) have established special telephone "hotlines" or e-mail addresses where citizens can contact the authorities in cases of suspicion of corruption.
28. In order to further strengthen the fight against corruption, the Ministry of the Interior (through the instruction of the Director of Security Policy Department No. 16 of 24 June 2003) has established the *Contact Information Centre for Victims of Corruption*. The objectives of the Centre are to offer consultations via contact telephone line and e-mail, to monitor and support the scientific research on corruption, to monitor and support activities of NGO's engaged in the fight against corruption, to co-operate actively with the Department of Internal Audit and Supervision and the Department of Press and Public Relations of the Ministry of the Interior as well as with the Section of Submissions in the Office of the Minister of the Interior, which is the operator of the telephone line and e-mail address concerned. The Centre shall also co-operate actively with other departments of the Ministry of the Interior and relevant NGO's concerning matters such as drafting of legislation, education and training of state employees. In 2003, the Centre received more than 20 submissions concerning corruption, most of which via e-mail.
29. As far as witness protection is concerned, its standards are assured in accordance with the Law on Police (No. 283/1991) and the Law on Special Witness Protection in connection with Criminal Proceedings (No. 137/2001). Pursuant to both laws, the protection of witnesses is ensured in the

form of personal protection. In cases where the well-being of a witness or his/her close relative is endangered and where no reliable protection may be assured by other means, resort shall be had to a measure whereby the identity of a witness and his/her appearance in criminal proceedings shall be kept confidential (so-called "concealed witness"). Other possibilities to ensure witness protection include the change of a witness's identity, his/her relocation (together with household members), as well as assisted integration into a new environment. A number of amendments to the latter law are currently being prepared to allow for a relocation of a witness into a foreign country, special protection of witnesses in connection with criminal proceedings abroad and participation of witnesses in proceedings held before international tribunals or courts. The authorities of the Czech Republic have further stated that a certain amount of state funds had been allocated for special victim and witness protection programmes in 2005.

30. GRECO took note of the information provided. It was of the opinion that appropriate measures have been put in place to facilitate the reporting of potential corruption offences by individuals. GRECO was further satisfied that current legislation contains safeguards as regards witness and victim protection.

31. GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v.

32. *GRECO recommended that there should be some streamlining and rationalisation of the functions of the operational and the investigative police and early completion of the merging of the functions of the operational and the investigative police.*

33. The authorities of the Czech Republic have reported that on 1 January 2002 an amendment to the Criminal Procedure Code came into effect, and as a result, several departments of the Criminal Police were merged and became the Service of Criminal Police and Investigations (SKPV). In addition, by decision of the Minister of the Interior (15 March 2003), the Department for Detecting Corruption and Financial Crime of the Service of the Criminal Police and Investigation (ÚOKFK) was established as a new Department. The reasons for this establishment were that corruption and other serious crime, such as money laundering, organised crime and terrorism are considered as great dangers to the democratic and financial systems of the Czech Republic, which calls for good co-ordination within the police as well as particular methods and operational-investigation tools.

34. GRECO concludes that recommendation v has been implemented satisfactorily.

Recommendation vii.

35. *GRECO recommended that priority should be given to the work of the Unit for Combating Corruption and Serious Crime, increasing its human and technical resources.*

36. The authorities of the Czech Republic have reported that the organisational changes described above (cf. recommendation v.) and the creation of the Department for Detection of Illegal Proceeds and Tax Criminality, have enabled the division of competencies in combating financial crime, including corruption, as well as the specialisation of current employees of the ÚOKFK. Moreover, the authorities claim that the material resources have reached an adequate level. As a result the efficiency of the Police has been enhanced without increasing the number of staff. The statistics provided by the authorities of the Czech Republic confirm that, in 2002-2003, the

number of investigated cases of corrupt behaviour had grown by 115 percent, whereas the number of staff had slightly decreased: from 48 to 45.

37. In the light of the information provided, GRECO accepts that the organisational changes and the technical improvements could be considered as sufficient to comply with the intention of recommendation vii. It expresses a hope that the ÚOKFK shall be able to maintain the dynamics achieved over the past few years.
38. GRECO concludes that recommendation vii has been dealt with in a satisfactory manner.

Recommendation viii.

39. *GRECO recommended that the role of the Ombudsman institution should be strengthened in preventing and combating corruption and raise effectively public awareness of this role of the Ombudsman institution.*
40. The authorities of the Czech Republic have stated that the Ombudsman has an implicit mandate to fight corruption but is not systematically involved in the fight against this phenomenon. The Ombudsman has a role to contribute to the fight against corruption when examining complaints concerning mal-administration in public service. The Ombudsman increases public awareness as regards the dangers of corruption, promotes good governance and ethics in the civil service, discloses defects of internal control of state departments, contributes to transparency, opens disciplinary proceedings and reports corruption offences to the law enforcement system.
41. The authorities have added that, since 1999, the Ombudsman has come across reasonable suspicions of corruption in four cases and submitted one of these cases to the Prosecution Service.
42. The authorities have shown that the Ombudsman is very active in participating in events which contribute to the awareness of this Institution (conferences, media contacts and public debates, etc)
43. GRECO took note of the information provided, which adds some elements to the description of the role of the Ombudsman.
44. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

Recommendation ix.

45. *GRECO recommended that the system of immunities of members of Parliament be reconsidered in such a way as to provide for specific and objective criteria to be applied in determining whether procedural immunity (inviolability) should be lifted; the GET also recommended the Czech authorities to reconsider the fact that the system in place precludes prosecution after the suspect of a criminal offence ceases to be a member of Parliament.*
46. The authorities of the Czech Republic have reported that a proposal for amending the Constitution with a view to limiting the immunities of Parliamentarians (Representatives and Senators), was voted down by Parliament in January 2005.

47. GRECO noted that the limitation of Parliamentarians' immunities have been considered by Parliament. However, recommendation ix also concerns procedural aspects of the lifting of immunities, which have apparently not been dealt with.
48. GRECO concludes that recommendation ix has been partly implemented.

III. CONCLUSIONS

49. **In view of the above, GRECO concludes that the Czech Republic has implemented satisfactorily or dealt with in a satisfactory manner the vast majority of the recommendations contained in the First Round Evaluation Report.** Recommendations ii, iii, iv, v and vi have been implemented satisfactorily. Recommendations vii and viii have been dealt with in a satisfactory manner. Recommendations i and ix have been partly implemented.
50. GRECO invites the Head of the delegation of the Czech Republic to submit additional information regarding the implementation of recommendations i and ix by 30 September 2006.