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## **Fifth Evaluation Round**

### **Questionnaire**

Preventing corruption and promoting integrity in central governments  
(top executive functions) and law enforcement agencies

Adopted by GRECO  
at its 73<sup>rd</sup> Plenary Meeting  
(Strasbourg, 17-21 October 2016)

## Introduction

Having assessed in the 4<sup>th</sup> Evaluation Round member states' efforts to prevent corruption within national parliaments and the judiciary, GRECO will in this new round again break new ground by extending its monitoring to two pillars of the executive branch of state power. Directing its attention to central government (top executive functions) constitutes a logical extension to the 4th Round with its implications for shaping citizens' attitudes vis-à-vis their political institutions and democracy in general. Furthermore, while law enforcement authorities form a cornerstone of the fight against corruption and their integrity is therefore fundamental, experience shows that the specific risk factors involved in the work of law enforcement agencies warrant careful consideration.

For the purpose of the 5<sup>th</sup> Evaluation Round, the term 'central governments' includes persons who are entrusted with top executive functions at national level (hereafter referred to as PTEF). Bearing in mind each country's constitutional set-up,<sup>1</sup> these functions might include those of heads of state, heads of central government, members of central government (e.g. ministers), as well as other political appointees who exercise top executive functions such as deputy ministers, state secretaries, heads/members of a minister's private office (*'cabinet ministériel'*) and senior political officials. This might include political advisors, depending on the system of the country. Where political advisors are not evaluated in their own right, information about their interactions with PTEF is to be included under section two of the Questionnaire. Prior to the evaluation, the member state concerned is requested to submit a comprehensive and precise list of the "top executive functions" exercised by the head of state and by the head of the central government.

Concerning law enforcement agencies (their officials are hereafter referred to as LEO), in the interests of providing a streamlined, in-depth assessment, the evaluation focuses on officials of selected bodies performing core law enforcement functions who are subject to national laws and regulations – namely police services at national level which may include agencies responsible for border control.<sup>2</sup> If a country has multiple police services at national level, the evaluation will be limited to two or three main services. In the case of multiple police services at the national level, prior to the evaluation, on the basis of a reasoned proposal by the member state concerned, GRECO will determine which two or three main services are to be selected.

In terms of the methodology and structure of evaluation reports, GRECO will adopt a similar approach to that developed in the 4<sup>th</sup> Round. The questionnaire is divided into two parts: part A dealing with central governments (top executive functions) and part B dealing with selected law enforcement agencies. Both parts follow a similar structure with targeted questions under specific headings. The first section of each part serves the purpose of generating fundamental input for obtaining an overall understanding of the system in each country. The following sections, most of which are common to both parts, contain precise questions aimed at collating focused and detailed information.

Finally, it needs to be stressed that much emphasis is put on the effective implementation of existing regulations. It is clear that effective corruption prevention relies to a large extent on the realisation of tangible achievements, and it is therefore crucial for GRECO evaluation teams to receive a maximum of information on practical and organisational arrangements, specific examples and statistics on the application of the law, training, awareness-raising and other initiatives.

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<sup>1</sup> In this context, the term "constitutional set-up" is to be understood as meaning a country's constitution, practice and specificities.

<sup>2</sup> Administrative customs services and tax authorities are excluded from this evaluation.

The questionnaire is fairly detailed and requires precise answers, the purpose being to generate reliable information in preparation for evaluation visits. However, as was the case in the 4<sup>th</sup> Evaluation Round, the questions asked do not presume or require later conclusions to be formulated by GRECO. The absence, in a given country, of a feature referred to in the questionnaire (e.g., a specific body entrusted with the verification of declarations of interest) will not necessarily lead to a recommendation to fill that “gap.” Such situations will need to be assessed in light of the structure of the system as a whole and the particular problems and needs occurring in the evaluated country.

## **A. Preventing corruption and promoting integrity in central governments (top executive functions)**

[Please provide answers for each of the categories of PTEF defined above, if applicable.]

### **1 System of government and top executive functions**

1.1 Please briefly describe your system of government, providing the text of any legal provisions that may be helpful in describing that system in English or French (e.g. the Constitution and comparable laws or internal rules establishing the central executive function of the government) and paying attention to the following issues:

- a) the constitutional form of government of the state (e.g. presidential or parliamentary republic, constitutional monarchy);
- b) the structure of the central executive power of the government (including the current number of male/female government members and portfolio allocation to men and women);
- c) competences and responsibilities of the central executive power of the government as a whole and of individual members exercising top executive functions, indicating *inter alia*:
  - whether executive actions or legislation are decided by the government collectively or also by government members/ministers individually;
  - what kind of decisions can be taken (including with respect to Ministries and other services/subordinate agencies) by the head of government, by the government as a whole and by government members/ministers;
  - the level of discretionary power for such actions or decisions;
  - whether such actions or decisions can be appealed and if so, to which body;
- d) to whom/what body(ies) and to what extent the head of government, other PTEF and the government as a whole are legally accountable, and how that is ensured in practice;
- e) the role and status of persons appointed to act in an advisory capacity or using authority delegated by the PTEF.

1.2 Please provide information on the status and remuneration of PTEF, providing the text of the relevant rules in English or French and paying attention to the following issues:

- a) the method of election or appointment, or of otherwise taking office (head of state, head of government and other PTEF);
- b) whether they can simultaneously hold a parliamentary mandate, and what is the situation in practice;
- c) removal from office – why and how (see also section 7);
- d) the level of remuneration and information on the average gross annual salary in your country;
- e) additional allowances (e.g. special taxation regime, housing allowance, etc.) provided to PTEF by the state. Indicate in particular the financial value of the allowances; whether information about them (nature, allocation) is disclosed to the public; whether entitlement to the allowances continues after removal from/leaving office; and how the use of allowances is monitored/verified.

## **2 Anticorruption and integrity policy, regulatory and institutional framework**

- 2.1 Is there a dedicated policy for the prevention of corruption and promotion of integrity among PTEF, including integrity checks/vetting (e.g. background checks, financial disclosure, integrity testing, post-employment restrictions, codes of conduct, on-going education and counselling)? If so, please provide details.
- 2.2 Please provide information on any analysis made of major corruption risk factors and on risk management mechanisms applied to PTEF. How is the risk assessment carried out, how often it is updated, how it is implemented? How is the effectiveness of such tools assessed?
- 2.3 If PTEF can use or rely upon persons appointed by them and not serving in the chain of command of the PTEF to aid in decision-making (e.g. political advisors, "shadow cabinet", experts, and high-ranking officials who are not themselves considered PTEF for the purpose of the present evaluation), please describe:
- how they are selected;
  - if they are under the general supervision of PTEF who selected them (where applicable);
  - if they can direct the actions of any PTEF or other public official;
  - any rules of conduct regulating relations of such persons with PTEF and any measures in place to ensure transparency.
- 2.4 Are there dedicated entities competent for promoting integrity and preventing corruption, including with respect to PTEF? If so, please describe their functions and powers, composition, financial and personnel resources, as well as to whom/which body they are accountable.
- 2.5 What laws or legal frameworks regulate ethical standards, rules of conduct, conflicts of interest and related matters with respect to PTEF? What measures are in place, if any, to prevent undue influence on PTEF by individuals or entities (e.g. businesses, interest groups, politicians without an official function, etc.)? Please provide the full text in English or French, of the relevant provisions.
- 2.6 Please provide the full text of any codes of conduct/ethics applicable to PTEF, in English or French. Since when have they been in place, who drafted and adopted them? What is their legal status, are they binding and enforceable? Are they applied in practice? If they are enforceable, please provide examples and statistics on the last five years on breaches of the codes, the sanctions applied, the types of PTEF concerned.
- 2.7 Please indicate what information on the above-mentioned rules and on the conduct expected of PTEF is made available to the general public and how.
- 2.8 Please provide a picture of any known or proven instances of corruption or related misconduct by PTEF in the last five years and of sanctions issued, by gender if possible (see also section 7). Are there any studies available on such occurrences, and what measures, if any, have been taken in light of the experiences cited?

## **3 Transparency and oversight of executive activities of central government**

- 3.1 Please describe the regulatory framework and measures in place as regards the transparency of executive activities of central government, providing the text of the relevant rules in English or French and/or describing the relevant procedure(s). Indicate in particular:

- a) if government documents relating to executive function decision-making are, as a rule, public or confidential; on what basis/under what circumstances can they be released?
- b) if and how the public and the media can access information on central government executive decision-making (e.g. agendas and minutes of government meetings, decisions taken, implementation of decisions) and other information/documents held by government;
- c) how – and at what stage of the executive branch actions in drafting proposed legislative acts are brought to the attention of the public (prior to their submission to Parliament);
- d) if, how and when public consultation on draft laws submitted by the executive branch of the central government is carried out;
- e) what transparency measures are in place with respect to the preparation by the executive function of central government of laws and to the preparation and adoption of by-laws, regulations, etc.;
- f) if and how direct involvement of third parties in activities of the executive – such as preparation of draft legislation and decision-making – is disclosed;
- g) if and how PTEF' contacts with third parties who may try to influence their decisions is disclosed, including discussions outside the official processes with parties such as lobbyists, interest groups, unions and NGOs;
- h) if and how PTEF' relations with lobbyists are regulated, e.g. in the form of rules of conduct for PTEF and lobbyists, oversight and enforcement of the rules;
- i) the level of transparency of the central government's budget for executive functions and of the accounts of those ministries overseen by PTEF.

3.2 Please describe the control mechanisms applicable to government decisions and policy-making, indicating in particular:

- a) the role of internal audit and inspection mechanisms, in particular to whom they report;
- b) the role of Parliament, including the importance of parliamentary enquiries in practice;
- c) the role of the public audit institution;
- d) other mechanisms.

3.3 Are there official funds available to PTEF the use of which is discretionary, and is their use by PTEF audited?

## **4 Conflicts of interest**

4.1 Please describe the general rules and procedures in place concerning the prevention and resolution of conflicts of interest of PTEF, providing the text of the relevant rules in English or French and indicating in particular:

- a) any definitions and/or typologies of conflicts of interest available;
- b) the mechanisms aimed at preventing conflicts of interest;
- c) the procedures for identifying and resolving conflicts of interest.

4.2 Please provide information on any obligation on PTEF:

- a) to declare financial or any other interests which might be thought to give rise to a conflict of interest, e.g. at the time of taking office (including information on the timing and format for declarations, to which person(s) or entity/entities they are to be submitted, oversight, publication, if applicable);

- b) to declare *ad hoc* conflicts of interest which emerge in relation to particular government activities;
  - c) to refrain from acting in a particular case/matter in which they have a private interest.
- 4.3 Please indicate if the rules and procedures described under questions 4.1 and 4.2 also apply to conflicts of interest that may arise out of the private interests or activities of others with whom PTEF have a close association (relatives, business associates, etc.).
- 4.4 Please provide information on the person(s) or entity/entities responsible for checking the declarations mentioned under section 4.2.
- 4.5 Please provide any examples and statistics on the last five years (by gender, if possible), e.g. regarding regular or *ad hoc* declaration of conflicts of interest, abstention from acting in a case/matter, etc., and regarding breaches of the rules, sanctions applied, types of PTEF concerned (see also section 7).

## 5 Prohibition or restriction of certain activities

- 5.1 Please provide the text of the rules and procedures that apply to PTEF in English or French and describe any measures in place to prohibit or restrict:
- a) accepting gifts and hospitality (including the definition of gifts, possible value thresholds per item/per donor/per year and the procedures for disposing of or returning unacceptable gifts);
  - b) holding posts/functions or engaging in outside activities<sup>3</sup> (including incompatibilities), whether in the private or public sector, whether remunerated or not;
  - c) holding financial interests<sup>4</sup>;
  - d) entering, either directly or through a business interest, into contracts with state authorities;
  - e) having contacts with third parties who may try to influence their decisions<sup>5</sup>;
  - f) the (mis)use of confidential information;
  - g) the (mis)use of public resources, e.g. in relation to embezzlement (e.g. the state paying for the maintenance of private assets, staff working for the private benefit of a PTEF), biased attribution of resources as a result of clientelism, in favour of one particular party or for campaign financing purposes (e.g. abusive use of public media);
  - h) employment in a certain position or sector after a term in office or engagement in other activities after their term in office,<sup>6</sup> indicating in particular:
    - any prohibitions on employment or other paid or unpaid activities;
    - any restrictions on representative functions in private entities;
    - any requirements to seek prior approval and/or report planned or current activities if leaving public office.
- 5.2 For each of the items in the previous question, if applicable, please provide any examples and statistics on the last five years (by gender, if possible) concerning the receipt of gifts, exercise of outside activities, etc., and concerning breaches of the rules, sanctions applied, types of PTEF concerned (see also section 7).

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<sup>3</sup> This includes consultancy and representation of third parties' interests.

<sup>4</sup> Such as shares in a company, bonds, notes or other financial instruments.

<sup>5</sup> This includes rules on impartiality and rules that address discussions outside the official processes with parties such as lobbyists, interest groups, unions and NGOs.

<sup>6</sup> This includes any agreement or arrangement to return to the position they held in the private sector prior to their term as a PTEF or to the same employer in another position.

## 6 Declaration of assets, income, liabilities and interests

6.1 Please provide the text of the relevant rules in English or French and describe the measures in place, if any, requiring PTEF to declare the following:

- a) assets and the holding of financial interests<sup>7</sup>;
- b) sources of income (earned income, income from investments, etc.);
- c) liabilities (loans, debts, etc.);
- d) gifts;
- e) the holding of posts and functions or engagement in outside activities (e.g. consultancy), whether in the private or public sector, whether remunerated or not;
- f) business contracts with state authorities;
- g) offers of remunerated or non-remunerated activities (including employment, consultancies, etc.) and agreements concerning such future activities;
- h) any other interest or relationship that gives rise to or might give rise to a conflict of interest.

6.2 Please indicate for each of the items in the previous question:

- a) if the information to be declared is also required for a PTEF's family members and/or relatives, and who is to be considered a family member/relative for this purpose;
- b) when declarations are to be made and what time period they cover;
- c) to whom/what body the information is to be declared;
- d) if a register is kept of the declarations and, if so, what information is contained in the register;
- e) if the declarations are made public and in what way.

6.3 Please provide the relevant declaration forms in English or French.

6.4 Please provide any examples and statistics on the last five years (by gender, if possible) regarding the compliance rate for filing, irregularities detected in asset declarations, sanctions applied, types of PTEF concerned (see also section 7).

6.5 Please describe the mechanism(s) in place for reviewing, verifying or otherwise checking whether the information contained in the declarations by PTEF is complete and accurate. Please include the following information:

- a) the person(s) or entity/entities responsible for carrying out checks and further proceedings;
- b) the composition of the entity/entities, if appropriate;
- c) the body to which it/they are subordinate;
- d) the financial and personnel resources at its/their disposal;
- e) the procedures followed;
- f) how decisions are taken (consensus, unanimous or majority vote);
- g) the sanctions and measures available if incomplete or inaccurate information is provided.

## 7 Accountability and enforcement mechanisms

7.1 Please indicate to what extent the PTEF are subject to:

- a) immunities or other procedural privileges;

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<sup>7</sup> Such as stocks, real estate and other property, financial holdings, shares in a company, bonds, notes or other financial instruments.



- b) special criminal proceedings, different from those applicable to other citizens and, if so, describe the differences.

If this is the case, please describe how this affects the possibility to investigate, use search and other investigative measures and prosecute PTEF for corruption-related crimes and other offences relevant to the present evaluation (such as misuse of confidential information, misuse of public resources, etc.). If applicable, please describe the procedure for lifting PTEF immunity; and for ensuring that possible procedural privileges do not represent obstacles to effective investigation/prosecution.

- 7.2 Please describe any non-criminal enforcement mechanisms in place regarding violations by PTEF of rules of conduct, rules on conflicts of interest and related prohibitions/restrictions and declaration requirements (as described in sections 2, 3, 4, 5 and 6), indicating in particular:

- the person(s) or entity/entities responsible for carrying out the enforcement proceedings;
- the composition of the entity/entities;
- to what body the entity/entities are subordinate;
- the financial and personnel resources at its/their disposal;
- the procedures followed;
- what triggers investigations (e.g., complaints by citizens, colleagues, others, whistleblowers) and how investigations are conducted;
- how decisions are taken (consensus, unanimous or majority vote);
- the sanctions and measures available.

- 7.3 Please provide any examples and statistics on the last five years (by gender, if possible) other than those already provided under the previous chapters, notably regarding:

- cases initiated, investigations carried out, outcome/sanctions and measures imposed, where available – both in criminal proceedings and in other/disciplinary proceedings;
- if applicable, the number of requests for lifting immunity and the number of cases where such requests were granted.

- 7.4 Have there been any cases in the last five years where PTEF were removed on grounds of corruption or related misconduct or cases where public accusations of PTEF were followed by their resignation? If so, please provide details (including information on the gender of the PTEF concerned).

- 7.5 Is information on the sanctions and measures imposed made public and if so, how?

## **8 Awareness**

- 8.1 How are PTEF made aware of risk factors, integrity and ethical principles, rules of conduct and relevant legislation (including in the areas covered by sections 2 to 7 above)?

- 8.2 Please describe if and how PTEF can obtain advice on the above-mentioned rules and on the conduct expected of them. Who/what entity is responsible for providing advice? How often is advice sought in practice? Please provide statistical data (by gender, if possible).

- 8.3 Please describe if and how the general public is made aware of the management of the risks of corruption and conflicts of interest at government level, of integrity principles and rules of conduct, and of on-going reforms, if any.

## **B. Preventing corruption and promoting integrity in law enforcement agencies**

[Please provide answers for officials of each of the law enforcement authorities selected for the present evaluation. Questions 9.1 and 9.2, however, generally cover all law enforcement authorities in your country.]

### **9 Organisation and accountability of law enforcement/police authorities**

- 9.1 What agencies are considered law enforcement authorities in your country and what regulations govern their organisation and activity? Please indicate the reasons behind the selection made of law enforcement authorities that are to be the subject of the present evaluation.
- 9.2 Please describe briefly the organisation, the role and the powers of the various law enforcement/police authorities in your country, at national and at decentralised level. How do different authorities interact, what are the links between them?
- 9.3 Is the police a civil or a military/paramilitary organisation?
- 9.4 Please indicate the number of staff employed in each law enforcement authority, specifying the percentage of staff in different career groups and what percentage is male/female.
- 9.5 To which government body (e.g. ministry) are the law enforcement authorities subordinate? Can they be given instructions of a political nature? To what extent are they independent from other central government bodies? To what extent do they enjoy operational independence?
- 9.6 Please describe briefly the internal organisation of the law enforcement authorities. Please describe the chain of command within each law enforcement authority.
- 9.7 Please describe the system pertaining to accountability and reporting by the law enforcement authorities with respect to their official activity and financial administration (use of public resources, private funding e.g. through sponsoring, etc.). To whom is that reporting available? (e.g. other government offices, legislatures). To what extent are such reports accessible to the public?
- 9.8 Please specify the ways in which persons directly concerned by law enforcement and other members of the public and the media can access information on such activities and other information/documents held by the law enforcement authorities, providing, if applicable, the legislative framework for that access.
- 9.9 Regarding trade unions and professional associations, please list any unions/associations specific to law enforcement and provide information on their tasks and activities, membership numbers (by gender, if possible), etc. Please describe the role of trade unions in integrity policies.

### **10 Anti-corruption and integrity policy, regulatory and institutional framework**

- 10.1 Please provide the full text in English or French of any mission statement/general objectives of each of the law enforcement authorities selected for this evaluation.

- 10.2 Is there a dedicated policy for the prevention of corruption and promotion of integrity within the law enforcement authorities? If so, please describe that policy and provide any useful written materials setting out that policy. How is the policy implemented? Who/what entity/entities is/are responsible for supervising/overseeing the implementation of the policy?
- 10.3 What laws or legal frameworks regulate specific ethical standards, conduct, conflicts of interest and related matters with respect to LEO? Please provide the full text in English or French, of the relevant provisions.
- 10.4 Please provide the full text of any codes of conduct/ethics that apply to LEO, in English or French, and indicate:
- since when they have been in place, the procedure for drafting and adopting them;
  - how they are inculcated into management practice (e.g. are they actively distributed to all LEO, included in training activities, etc.);
  - their legal status; are they binding and enforceable? If so, please indicate whether there is a specific enforcement mechanism and provide examples and statistics on the last five years on breaches of the codes, the sanctions applied, the types of LEO concerned.
- 10.5 Please give a short overview of measures in place for preventing corruption and promoting integrity, including for example staff rotation, "multiple eyes principle", "leadership from the top," written documentation of the decision-making process, debriefings, IT log checks, etc.
- 10.6 Please provide information on any analysis of corruption risk-prone services and risk-prone situations carried out indicating in particular:
- who/what entity/entities is/are responsible for carrying out the analysis, whether it is performed on a regular basis, who/what entity receives the results;
  - what services and situations have in practice been classified as corruption-prone;
  - what risk management measures are applied to address vulnerabilities to corruption (including any gender imbalances which might potentially lead to or result from the emergence of non-transparent informal networks and decision-making processes and thus bring about a higher vulnerability to corruption);
  - how the effectiveness of risk management tools is assessed.
- 10.7 Please describe any guidelines or general instructions given to LEO on how undercover operations are to be carried out and how contacts with third persons such as informants and witnesses are to be handled.
- 10.8 Are there special units, inspection bodies or persons responsible for preventing and investigating cases of internal corruption or other related misconduct within the law enforcement authorities? If so, please specify in particular:
- their organisational structure, their financial and personnel resources (including statistics, by gender if possible) and their powers;
  - what specific knowledge and experience is required from individuals with duties in such bodies;
  - what procedure(s) and criteria are used to assess the integrity of the individuals working in such bodies;

- d) what special training they receive (please provide details on the content and duration of such training, whether it is compulsory and provided regularly, what entity organises the training);
- e) what measures are in place to ensure that such officials/bodies enjoy the necessary independence and autonomy to perform their functions, notably in order to avoid undue pressure from superiors or the political power; whether there are safeguards to protect officials who report such pressure to their superior, to other authorities such as the public prosecution or to the public;
- f) to whom do such bodies report;
- g) if they are distinct from disciplinary bodies, how they cooperate with them;
- h) whether such officials/bodies are subject to external oversight. If so, please provide details on the organisation and resources of the oversight body.

10.9 Please indicate what information on the above-mentioned regulatory framework and on the conduct expected of LEO is made available to the public and how.

10.10 Please provide a picture of any known or proven instances of corruption or related misconduct by LEO in the last five years and of sanctions issued, by gender if possible (see also section 15). Are there any connections with organised crime? Are there any studies available on such occurrences, and which measures have been taken based on that experience? Are there any studies or surveys on citizen's trust in the law enforcement authorities (including e.g. with respect to different branches or regions)?

## 11 Recruitment and career

11.1 Please describe the different categories of LEO (including higher and basic staff, whether uniformed or not, political appointees, if any) and different employment regimes, including permanent and temporary employment, etc. (in the case of temporary employment, please provide further details on the length of contracts, whether they are renewable, what criteria and procedures are used for renewal and what entity decides on the renewal of contracts). Please describe the situation in law and in practice and provide statistics (by gender, if possible).

11.2 Please indicate what persons(s) or entity/entities is/are responsible for the following:

- a) the appointment of LEO;
- b) the promotion of LEO;
- c) the appointment of heads of service;
- d) the mobility (transfer, rotation, secondment etc.) of LEO;
- e) the dismissal of LEO.

Please describe the composition of the competent entity/entities (including statistics, by gender if possible), its/their procedures and criteria for taking decisions, as well as whether it is possible to appeal these decisions (and before which person/body).

11.3 Does the law establish the principle of merit based and competitive recruitment and promotion? Are selection criteria precisely defined by law? Are they designed in such a way as to ensure equal chances for men and women? Can the decision-making entity or person reject candidates proposed by selection commissions, if any, without explanation?

11.4 Please describe the vetting procedure(s) and criteria in place for checking the integrity/suitability of candidates for positions within the law enforcement authorities (e.g. screening of criminal

records and financial backgrounds, references from previous employers, integrity tests, drug tests, etc.). Are candidates required to pass exams/tests including on ethical questions?

- 11.5 Please describe the procedure(s) and criteria in place to assess the integrity of the individuals composing/with duties in the entity/entities mentioned under section 11.2 as well as any other mechanism(s) designed to prevent corruption among members of this entity/these entities.
- 11.6 Please describe the mechanisms in place, if any, to assess the conduct and integrity of LEO throughout their career, e.g. through random or targeted integrity tests.
- 11.7 How is the performance evaluation of LEO effected? Please indicate in particular:
- who carries out the evaluation (including statistics, by gender if possible) and what are the evaluation criteria;
  - the possible consequences of positive or negative evaluation results (e.g. promotion, transfer, dismissal); please include any statistics (by gender, if possible);
  - if the staff concerned are involved in the evaluation process and have the right to challenge the results (before which body/person?);
  - if performance evaluation is carried out on a regular basis (and at what frequency).
- 11.8 Does a system of regular, periodical rotation of LEO (e.g. staff employed within services considered vulnerable to corruption) exist? Under what circumstances can regular rotation be waived? Please provide details on the applicable rules and their implementation in practice.
- 11.9 Please indicate (i) the gross annual salary of LEO at the beginning of their career and (ii) if the salary of LEO varies according to the actual function occupied, seniority or periodic evaluation.
- 11.10 What additional allowances (for example, housing benefits) are provided by the state to LEO? Please indicate a) the financial value of allowances; b) whether information about them (nature, allocation) is made available to the public; c) whether entitlement to allowances continues when employment as an LEO ceases; and d) how the use of allowances is monitored/verified.

## 12 Conflicts of interest

- 12.1 Please describe the general rules and procedures in place concerning the prevention and resolution of conflicts of interest of LEO, providing the text of the relevant rules in English or French and indicating in particular:
- any definitions and/or typologies of conflicts of interest available;
  - the mechanisms aimed at preventing conflicts of interest;
  - the procedures for identifying and resolving conflicts of interest.
- 12.2 Please provide information on any obligation on LEO:
- to declare interests which might be thought to give rise to a conflict of interest (including information on the timing and format for declarations, to what person(s) or entity/entities they are to be submitted, oversight, publication, if applicable);
  - to declare ad hoc conflicts of interest which emerge in relation to particular cases;
  - to refrain from acting in a particular case in which they have a private interest.

- 12.3 Please indicate if the rules and procedures described under questions 12.1 and 12.2 also apply with respect to the private interests or activities of others with whom LEO have a close association (relatives, business associates, etc.).
- 12.4 Please provide information on the person(s) or entity/entities responsible for checking the declarations mentioned under section 12.2.
- 12.5 Please provide any examples and statistics on the last five years (by gender, if possible), e.g. regarding regular or *ad hoc* declaration of conflicts of interest, abstention from acting in a case, etc., and regarding breaches of the rules, sanctions applied, types of LEO concerned (see also section 15).

### **13 Prohibition or restriction of certain activities**

- 13.1 Please provide the text of the rules and procedures that apply to LEO in English or French and describe any measures in place to prohibit or restrict:
- a) accepting gifts and hospitality (including the definition of gifts, possible value thresholds per item/per donor/per year and the procedures for disposing of or returning unacceptable gifts);
  - b) holding posts/functions or engaging in outside activities<sup>8</sup>, whether in the private or public sector, whether remunerated or not. Do LEO have to ask for authorisation for such outside activities or functions?
  - c) holding financial interests<sup>9</sup>;
  - d) having contacts, outside the official procedures, with third parties who approach them about cases under their purview;
  - e) the (mis)use of confidential information;
  - f) the (mis)use of public resources;
  - g) employment in certain posts/functions or engagement in other paid or unpaid activities after exercising a function within the law enforcement authorities.
- 13.2 For each of the items in the previous question, if applicable, please provide any examples and statistics on the last five years (by gender, if possible) concerning the receipt of gifts, exercise of outside activities, etc., and breaches of the rules, sanctions applied, types of LEO concerned (see also section 15).

### **14 Declaration of assets, income, liabilities and interests**

- 14.1 Please provide the text of the relevant rules in English or French and describe any measures in place requiring LEO to declare the following:
- a) assets and the holding of financial interests<sup>10</sup>;
  - b) sources of income (earned income, income from investments, etc.);
  - c) liabilities (loans, debts , etc.);
  - d) gifts;
  - e) the holding of posts and functions or engagement in outside activities (e.g. consultancy), whether in the private or public sector, whether remunerated or not;

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<sup>8</sup> This includes consultancy and representation of third parties' interests.

<sup>9</sup> This includes shares in a company, bonds, notes or other financial instruments.

<sup>10</sup> Such as stocks, real estate and other property, financial holdings, shares in a company, bonds, notes or other financial instruments.

- f) offers of remunerated or non-remunerated activities (including employment, consultancies, etc.) and agreements concerning such future activities;
  - g) any other interest or relationship that gives rise to or might give rise to a conflict of interest.
- 14.2 Please indicate for each of the items in the previous question:
- a) if the information to be declared is also required for LEO' family members and/or relatives, and who is to be considered a family member/relative for this purpose;
  - b) when declarations are to be made and what time period they cover;
  - c) to whom/what body the information is to be declared;
  - d) if a register is kept of the declarations and, if so, what information is contained in the register;
  - e) if the declarations are made public and in what way.
- 14.3 Please provide the relevant declaration forms in English or French.
- 14.4 Please describe the mechanism(s) in place for reviewing, verifying or otherwise checking whether the information contained in the declarations by LEO is complete and accurate. Please include the following information:
- a) the person(s) or entity/entities responsible for carrying out checks and further proceedings;
  - b) the composition of the entity/entities, if appropriate;
  - c) the body to which it/they are subordinate;
  - d) the financial and personnel resources at its/their disposal;
  - e) the procedures followed;
  - f) how decisions are taken (consensus, unanimous or majority vote);
  - g) the sanctions and measures available if incomplete or inaccurate information is provided.
- 14.5 Please provide any examples and statistics on the last five years (by gender, if possible) regarding the compliance rate for filing, irregularities detected in asset declarations, sanctions applied, types of LEO concerned (see also section 15).

## 15 Supervision and enforcement

- 15.1 Please describe the enforcement mechanism(s) in place regarding violations by LEO of the rules of conduct, rules on conflicts of interest, and related prohibitions/restrictions and declaration requirements (as described in sections 10, 12, 13 and 14).
- 15.2 Please provide detailed information, if applicable, on:
- a) internal oversight and control within the law enforcement authorities (hierarchical supervision and upper-level internal control);
  - b) external oversight and control by other state bodies (e.g. by the prosecution service, the courts, the central government, a parliamentary commission, the ombudsman);

For both internal and external oversight and control, please indicate in particular:

- the organisational structure of oversight and control bodies, their financial and personnel resources (including statistics, by gender if possible) and their powers;
- what specific knowledge and experience is required from officials performing duties within such bodies and what special training is provided to them (please provide details on the content and duration of training, on whether it is compulsory and provided regularly, what entity organises it);

- what measures are in place to ensure that such bodies and their officials enjoy the necessary independence and autonomy to perform their functions, notably in order to avoid undue pressure from superiors or political powers. Are there safeguards to protect officials who report such pressure to their superior, to other authorities such as the public prosecution or to the public?
  - the procedures followed by the control bodies;
  - what triggers investigations (e.g. complaints by citizens, colleagues, whistle-blowers) and how investigations are conducted;
  - if there are several bodies, how they cooperate;
  - how decisions are taken (consensus, unanimous or majority vote).
- c) public/civil society oversight (e.g. through civilian oversight agencies).

15.3 Please describe the sanctions available in case of violations by LEO of the rules mentioned under question 15.1, as well as possibilities of appeal against decisions taken.

15.4 Please describe the complaints system available to citizens. Please indicate in particular:

- a) whether there is an independent body responsible for receiving complaints about corruption and related misconduct by LEO;
- b) whether there are any formal requirements for complaints about the conduct of LEO. Can they be made by telephone, are hotlines available, are anonymous complaints accepted? Can complaints be made free of charge?
- c) how complaints are processed;
- d) whether inaction by the competent body or a decision not to investigate a case can be challenged;
- e) what measures are taken to raise citizens' awareness of the complaints system, to encourage them to come forward and to protect them.

15.5 Please indicate to what extent LEO are subject to:

- a) immunities or other procedural privileges;
- b) special criminal proceedings, different from those applicable to other citizens and, if so, describe the differences.

If this is the case, please describe how this affects the possibility to investigate, use search and other investigative measures and prosecute LEO for corruption-related crimes and other offences relevant to the present evaluation (such as misuse of confidential information, misuse of public resources, etc.).

If applicable, please describe the procedure for lifting LEO' immunity; and for ensuring that possible procedural privileges do not represent obstacles to effective investigation/prosecution.

15.6 Are LEO subject to an obligation to report (suspected) corruption/related misconduct/breach of duty or of the code of ethics by fellow staff members, which they come across in the course of their duties? Please indicate in particular:

- a) to what body or person such reports are to be made. Please describe the reporting lines and procedures available to LEO;
- b) what sanctions can be applied for failure to report;



- c) the situation in practice, including concrete examples, and statistics (by gender, if possible) on the number of reports and the outcome of such cases, etc.

15.7 Please provide details on any protection for internal whistle-blowers who report (suspected) corruption or other related misconduct by LEO, indicating in particular:

- the regulatory framework;
- the bodies/persons to which reports may be made;
- if reports can be made public directly;
- how anonymous reports are treated;
- are any thresholds set with respect to the degree of suspicion required and to what extent the suspicion can be substantiated;
- against what kinds of retaliation whistle-blowers are protected and how the protection is ensured;
- measures to encourage reporting, to raise awareness and to provide confidential advice;
- implementation in practice of the rules (concrete examples, statistics, etc.).

15.8 Please provide any examples and statistics on the last five years (by gender, if possible) other than those already provided under the previous chapters, notably regarding:

- a) the total number and types of corruption-related cases and cases of violations of the rules described under sections 10, 12, 13 and 14 (including concrete examples, where available) which were initiated by internal and external oversight bodies, on investigations carried out, outcome/sanctions and measures imposed (including disciplinary and criminal sanctions);
- b) if applicable, the number of requests for lifting immunity and the number of cases where the requests were granted.

15.9 Is information on the sanctions and measures imposed made public and if so, how?

## **16 Training and awareness**

16.1 Please describe the training provided to LEO on risk factors/dealing with high risk situations, ethics, expected conduct, prevention of corruption and conflicts of interest and related matters. Provide further details on:

- a) content (subjects taught) and practical relevance (is it problem-oriented, does it include practical case studies, role play, etc.? Please provide examples of course descriptions/programmes, in English or French);
- b) duration, when it takes place (whether it is provided as part of initial and/or in-service training, in the context of promotions, etc.) and whether it is recurrent;
- c) whether it is compulsory or optional;
- d) what entity organises the training;
- e) participation rates per year
- f) budget and staff allocated to training.

16.2 Please describe if and how LEO can obtain advice on the rules mentioned under sections 10 to 15 and on the conduct expected of them. Who/what entity is responsible for providing the advice? How often is advice sought in practice?

16.3 Please describe if and how the public is made aware of the management of the risks of corruption and conflicts of interest among LEO, of the ethical principles and rules of conduct applicable to LEO, and of any on-going reforms.