



The fight against corruption in public administration: Lessons learned during GRECO's monitoring



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Starting point of GRECO's analysis

ETHICAL PRACTICE IN ADMINISTRATION AND THE QUALITY OF THE SERVICES DELIVERED TO THE CITIZEN ARE INSEPARABLE FROM EFFECTIVE ACTION AGAINST CORRUPTION.

In a context of change in public service environment, including new management methods aimed at increasing *efficiency and performance*, it is essential to re-emphasise ETHICAL VALUES and encourage DIALOGUE AND COMMITMENT among staff who subscribe to them.

Key instruments of the Council of Europe undergoing GRECO evaluation

- The Twenty Guiding Principles for the Fight against Corruption (1997)
- Recommendation No R (2000) 10 on Codes of Conduct for Public Officials

Scope of evaluation

Second Eval Round (2003-2006)

- Principle 9: *To ensure that the organisation, functioning and decision-making processes of public administrations take into account the need to combat corruption, in particular by ensuring as much TRANSPARENCY as is consistent with the need to achieve effectiveness.*

Scope of evaluation

Second Eval Round (2003-2006)

- Principle 10: *To ensure that the rules relating to the rights and duties of public officials take into account the requirement of the fight against corruption and provide for appropriate and effective disciplinary measures; promote further specification of the behaviour expected from public officials by appropriate means, such of CODES OF CONDUCT.*

Subject matter under evaluation: public administration

- Broad concept of public administration –
Public official: a person employed by a public authority (i.e. civil servants and public employees), incl. persons employed by private organisations performing public services.

Key issues

Effectiveness statutory rules

- All public officials must be subject to:
 - ◆ proper provisions (Constitution, Civil Service Act, Labour Law, etc.) for preventing, reporting and punishing corruption and other misuses of authority or official position
 - ◆ Comprehensive Codes of Ethics, which are enforceable & understood by both officials and public at large (prevention, education, enforcement)
 - ◆ effective, proportionate and dissuasive sanctions when infringements occur

Codes of Conduct : Prevention

- Clear, concise and pragmatic (must address ethical issues people have to face everyday)
- Threefold purpose:
 - ◆ Statement of ethical climate that prevails in public service
 - ◆ Spell standards of ethical conduct expected of public servants
 - ◆ Tell members of the public what to expect of public servants

Codes of Conduct: Education

- Undertake suitable courses (including practical cases) on professional ethics upon recruitment and in-service, especially for those posts most exposed to risks of corruption.
- Provide adequate info to staff on their rights & duties, on risks of malpractice/conflicts with which officials may be confronted throughout their careers
- Individualised advice to those who need guidance

Codes of Conduct: Enforcement

- Voluntary regulation of behaviour cannot replace legal norms and external control
- Effectiveness also depends on appropriate mechanisms for enforcement (including channels for reporting corruption) and disciplinary measures

Disciplinary action

- Existence of disciplinary bodies
- Adequate means of investigation
- Effective disciplinary procedures
- Dissuasive sanctions emphasising the goal of zero tolerance to any form of corruption or unethical conduct in public administration
- Centralised registers of data on disciplinary action (proceedings & sanctions imposed)
- Channels of appeal

Reporting corruption offences

- Clear obligation to report
- Creation of specific reporting procedures
- Possibility to report inside & outside hierarchical system

Whistleblower protection

- Effective system to adequately protect “whistleblowers”, who report suspicions in good faith, against any harm – It is not enough that they cannot be dismissed, there are other types of retributive action (e.g. disguised discrimination and damage, prohibition of defamation proceedings, any other unjustified sanction + possibility to introduce compensation schemes)
- Introduction of confidential advisers to guide whistleblowers throughout the reporting process
- Enforcement mechanism investigating whistleblower complaint
- Measures to seek corrective action

Special rules

- Special consideration is to be given to certain categories of persons because of nature of work, exposure to corruption risks (e.g. senior public officials, members of Government, elected representatives)
- Conduct of most senior leaders sets the tone for rest of public administration and has a clear impact on the public's trust
- Key to make unequivocally clear (to officials concerned and public at large) that strict integrity rules apply

Third Evaluation Round (2007-ongoing)

- Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns
 - ◆ Transparency of the finances of election candidates and political parties

Fourth Evaluation Round (to be launched in 2012)

- Prevention of corruption in the Judiciary and Parliament

Fourth Evaluation Round

Ethical rules & conflicts of interest members of judiciary and MPs

■ Prevention

- ◆ Guidelines & targeted training addressing situations where interests/activities of officials may create conflict of interest with duties/responsibilities (e.g. incompatibilities, accessory activities)
- ◆ Establishment of bodies providing advice
- ◆ Obligation to inform superior or other designated authority on potential conflicts, obtain approval & disclose (declaration of assets, income, liabilities & interests)
- ◆ Rules on recusal

■ Detection

■ Sanctions

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