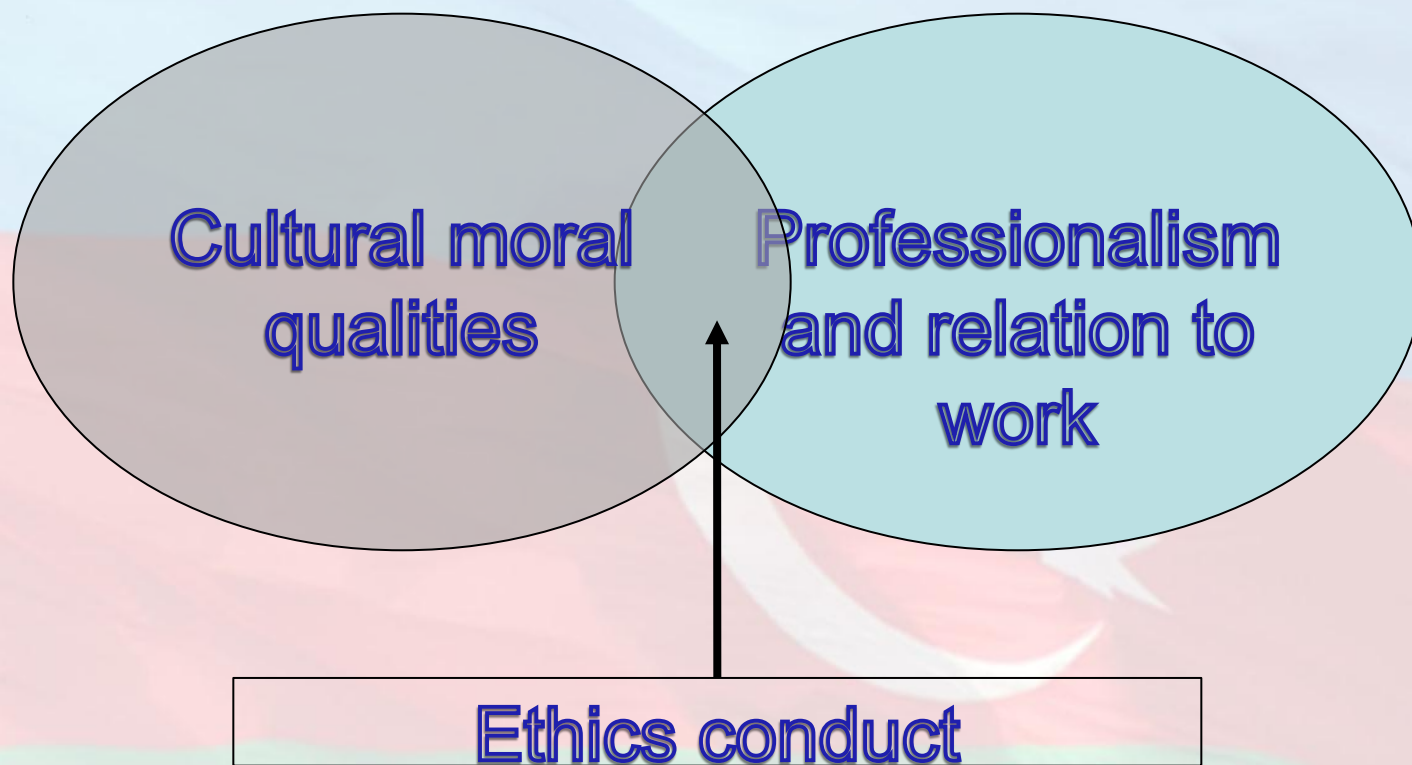




Civil Service Commission under the
President of the Republic of Azerbaijan

Ethics in Civil Service



Ethics conduct rules define limits of civil
servant's behaviour during service
performance



Main international documents in the sphere of ethics:

- “Ethics Code for Officials” adopted by UN
in 1996
- “Model Ethics Code for Officials” adopted
by the Council of Europe in 2000





Legislation on ethics consists of:

- **Law of the Republic of Azerbaijan on “Rules of ethics conduct of Civil Servants” adopted on 31 May 2007**
- **Decree of the Republic of Azerbaijan No 614 dated of 16 August 2007 signed for enforcement of the Law of the Republic of Azerbaijan on “Ethics conduct rules of civil servants”**
- **Internal Ethic conduct rules of state bodies adopted under above mentioned Law**

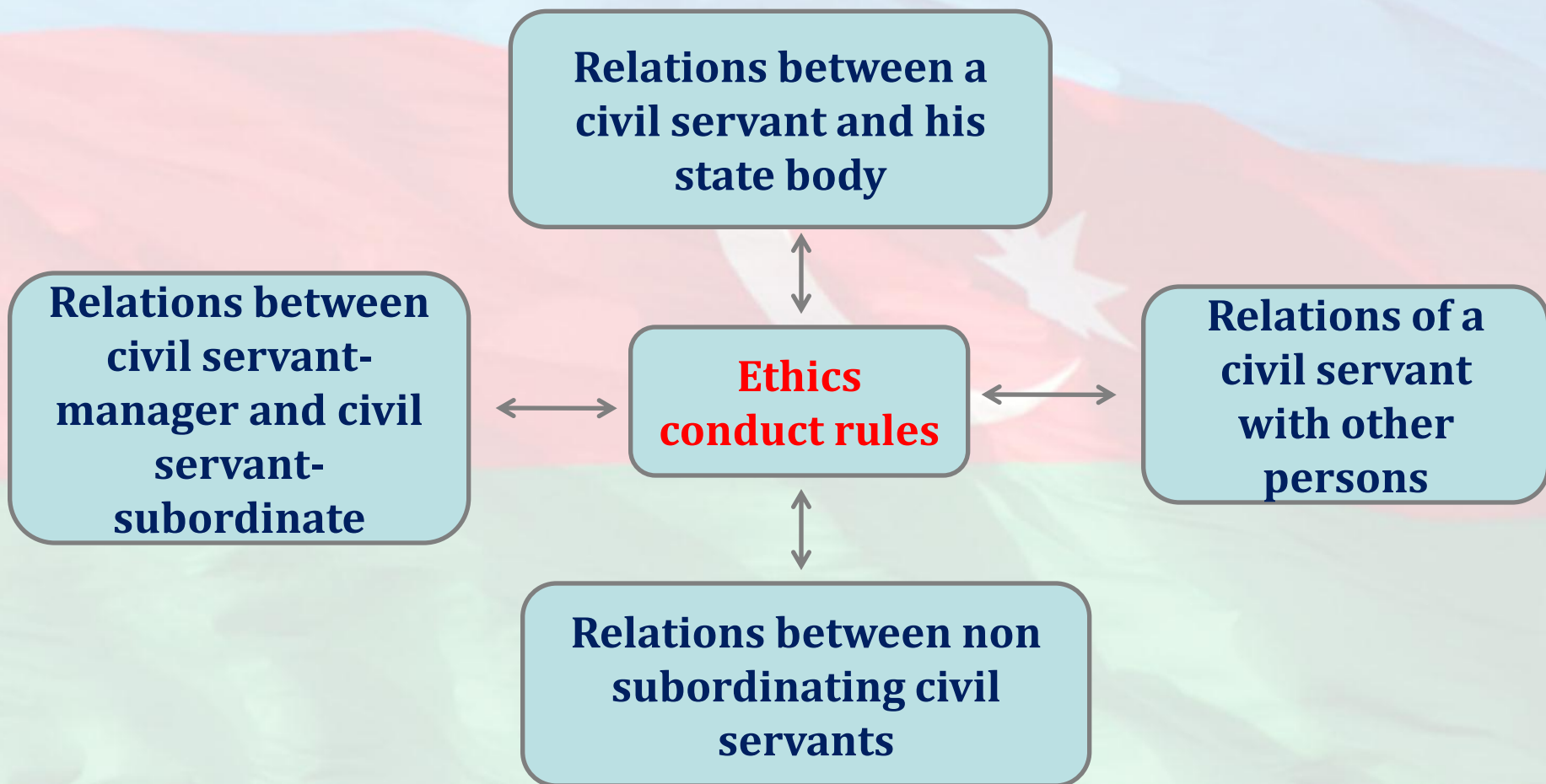


Ethics conduct rules of civil servants:

- **develop the political and legal culture in the public administration**
- **express support to the anticorruption policy**
- **increase transparency in the activity of state bodies**
- **made public trust into state bodies**
- **increase reputation of state bodies and civil service**
- **provides for psychological evenness, etc.**



What relations are regulated by ethics conduct rules in the civil service?





Civil Service Commission under the President of the Republic of Azerbaijan

Loyalty

**Public
trust**

**Civilized
behavior**

**Fulfillment
of orders**

**Public or
political
activity**

**Main ethics
conduct rules**

Impartiality

**Use of
information**

**Use of
property**

**Prevention
of conflict
of interests**

**Acceptance
of gifts**



Control over observance of the ethics conduct rules

- In each state body a relevant division performing control over observance of the ethics conduct rules.
- In general, **Civil Service Commission** is a Controlling body, performing control over observance of the rules in order determined by the Law



Civil Service Commission as a controlling body performs the following authorities:

- receiving information and complaints from civil servants and other persons relating to the breach of the Law;
- making proposals, recommendations or opinions on solution of the issues arisen from received complaints and information;
- Prepare annual ethic reports;
- making proposals on improvement of legislation related to the ethics conduct issues of civil servants.
- cooperating with independent experts, mass media and NGOs in the ethics conduct issues of civil servants



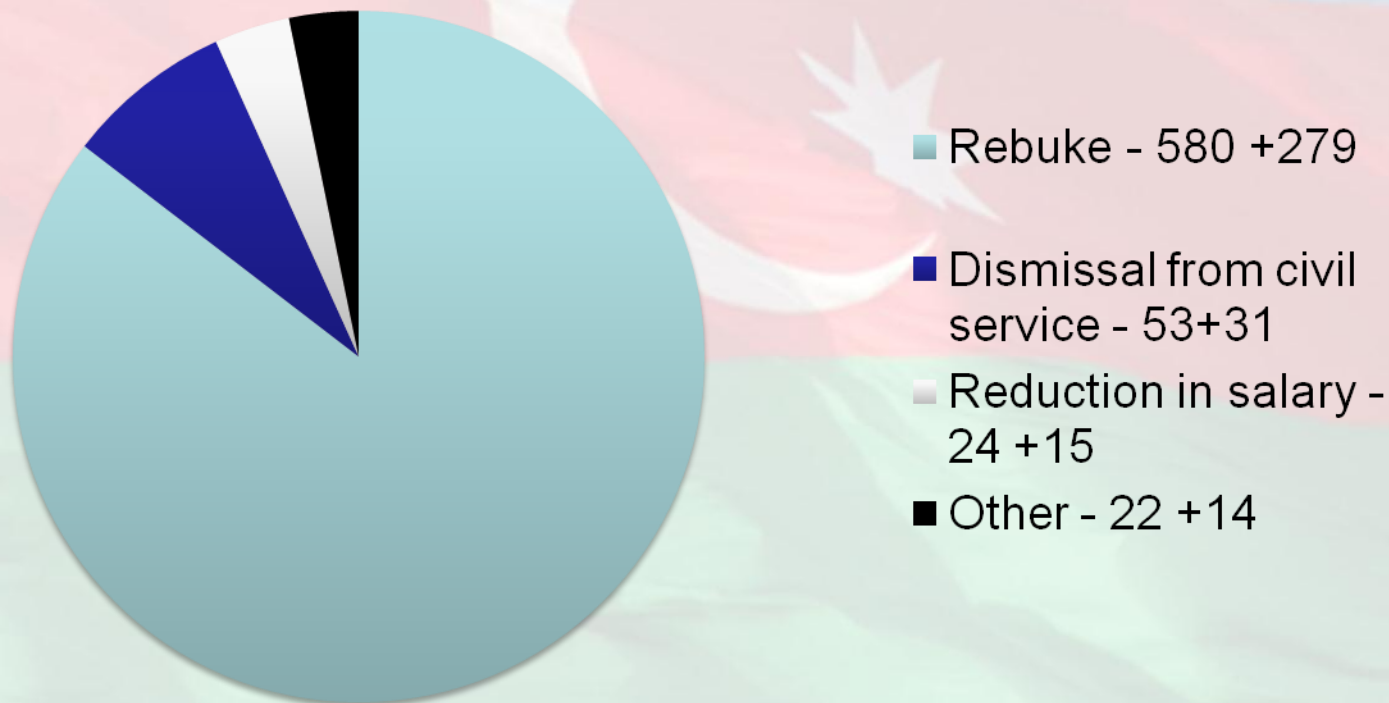
The formation of the Institute for ethics commissioner

- According to initiative of the Civil Service Commission the institute for ethics commissioner was formed;
- Ethics commissioners making proposals on improvement of legislation, control and analyze compliance of civil servants with service conduct rules stipulated by legislation.
- Ethic section and online applying was created on the official website of the Commission (For direct appeal to the ethics commissioners in electron form, also information about the same person (name, surname and middle name, position, work phone) were placed in there.)
- At the same time there are Guidelines for the ethical conduct of civil servants in state bodies in this section.



Statistics for penalty actions applied in 2011 and 2012

In general, was applied to 679+339 persons





Country risk assessment – Azerbaijan

“Ethics in Civil Service”

Eastern Partnership-Council of Europe Faculty project on
“Good Governance and Fight against Corruption”

The long-term advisor of the project on “Good Governance and Fight against Corruption” Tilman Hoppe prepared Country risk assessment for Azerbaijan about “Ethics in Civil Service”.

It mainly reflects the following issues:

- Ethical Framework (laws, Institutions, Enforcement)
- Ethical Weaknesses
- Recommendations



Ethical Framework

- The legal framework of the civil service in Azerbaijan is contained in numerous laws, decrees and orders of the President, decisions of the Parliament and of the Cabinet of Ministers.
- The Law on Civil Service remains the main legal act for civil servants, but does not cover law enforcement officials, officials of the National Bank and of regional and local administration, and some other officials, who are regulated by sector specific acts.
- The Law on Rules of Ethics Conduct of Civil Servants has become effective as of 16 August 2007.
- The main ethical areas addressed by the Law are (respective articles in brackets): honesty, respect for rights and freedoms of individuals and legal persons, civilised behaviour, loyalty, obedience, transparency, confidentiality, impartiality, conflict of interest, receipt of gifts and benefits, use of public property, public/political activity and incompatibilities (revolving doors).



Ethical Weaknesses

The three most common ethical weaknesses seem to be:

- Lack of service culture (Civil servants tend to treat citizens not as clients, but as subjects dependant on their power and discretion such as choice of disrespectful words and tone.)
- Abuse of conflict of interest (Civil servants, especially in local and regional contexts, would let their family or friendship loyalties influence their decision-making)
- Bribe and gift taking (It is probably the most serious ethical violation as it constitutes a criminal offence at the same time.)



Recommendations:

The recommendations was submitted to the Commission in the following areas:

- Introducing competitive reporting on agencies.
- Ensuring a higher independency of Ethics Commissioners
- Elaborating regulations on investigations and disciplinary proceedings
- Rolling out interactive Trainings
- Civil Service Commission (ethic units and streamlining ethics oversight)
- Policy (ethical leadership, public awareness)



Competitive reporting on agencies.

The Civil Service Commission provides narrative information on trainings delivered and disciplinary proceedings carried out on the basis of information submitted by state bodies.



Ethics Commissioners

Independence

As long as Ethics Commissioners are dependent in their decisions about ethical violations on the heads of agencies, this will create the following problems:

- Heads of agencies or other internal policy considerations (e.g. worries about the agency's image) might influence Ethics Commissioners in their decisions about ethical violations;
- A lack of unified application of ethical rules.

It is therefore recommended to make Ethics Commissioners independent from their heads of agencies.

Reporting to Civil Service Commission

At the same time, though, Ethics Commissioners should be responsible to one unified body - the Civil Service Commission.

A similar regulation is indicated for example in Turkish Law, Art 29 of the Ethics Code, which states: "Ethics Commission works in cooperation with the [National] Council [of Ethics at the Prime Minister's Office]." An indication of the independence of ethics commissions is also found in Art. 30 of the Ethics code: "The [Ethics] Commission is authorized to deliver opinion about the problems faced during the practice of the principles of ethical behaviour."



Follow-up actions and recommendations

- The final version of risk assessment was sent to us in the end of year, and there is not enough time for carry out all recommendations.
- As a result, Civil Service Commission examined the activity of these cases and takes into consideration of the risk assessment on its activities. According initiative of the Commission The National Action Plan for Combating Corruption for next years makes reference to ethics reforms as follows:
 - Article 10.1 Arrangement of regular ethical conduct trainings and study courses for civil servants.
 - Article 10.2 Preparation the annual reports on ethical conduct, submission to the Commission on Combating Corruption and publication of it,
 - Article 10.3 Elaboration of an effective mechanism for investigation of complaints on violation of the ethical behavior conduct.
 - Article 10.5 Development of the ethical conduct training and study module and definition of the minimum requirements there of.



Follow-up actions and recommendations

Ethic report for 2012 year reflects comparison of all state bodie. This report presented to all public agencies

The new drafts on improvement of legislation relating ethics (ensuring a higher independency of Ethics Commissioners) was introduced to the government



Aspects not covered by the assessment

According to Article 2.3. of the Law service in bodies of justice, national security, defense, emergency situations, foreign affairs and field-chasseur service bodies and etc. are considered as specific type of civil service. It would be better the risk assessment cover the specific type of civil service



Civil Service Commission under the
President of the Republic of Azerbaijan

Thank you for your attention!
Q&A

Vuqar Askerov, Head of Legal Section.
Chisinau, 11 April 2013