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CONSOLIDATING ETHICS IN THE PUBLIC SECTOR IN TURKEY (TYEC2)

TECHNICAL PAPER

Developing Indicators of Progress

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1. Introduction

It should not be forgotten that the overall objective of the TYEC2 project is 'to contribute to the prevention of corruption in Turkey in accordance with European and international standards.'

This paper provides a brief context for the project in terms of its relationship with TYEC1 (Project on Ethics for the Prevention of Corruption in Turkey), future projects and the extent to which the project addresses challenges raised in various reports into ethics and corruption in Turkey and in a recent Monitoring Report. The intention is not to cover all those issues which impact upon corruption in Turkey but rather those that might be considered to be of relevance to TYEC2 specifically and ethics generally (even if they are outwith the scope of TYEC2). The paper goes on to identify some indicators of progress, the monitoring of which would enable an assessment of progress over time in meeting the overall objective. The intention is that progress against these indicators will be reported upon at each project steering committee.

The purpose of these indicators is to ensure that TYEC2 remains firmly rooted within that body of work which contributes to the prevention of corruption in Turkey in accordance with European and international standards.

The paper draws upon GRECO reports, European Commission accession progress reports as well as the perceptions of the Long Term Adviser working on the project.

2. Building on the past and linking to the future

TYEC2 follows TYEC1 (Project on Ethics for the Prevention of Corruption in Turkey), the first joint project between Council of Europe and European Union in the area of good governance and the consolidation of ethical standards to prevent corruption. The focus of TYEC1 was the development of training to raise awareness of the Code of Conduct and ethics issues.

The final report of TYEC1 highlighted three areas for further work, and which TYEC2 seeks to address:

- further training of trainers
- strengthening and developing the capacities of Ethics Commissions
- and enhancing public awareness of ethics and ethical standards

In short TYEC2 will, by focusing on key ministries:

- embed and consolidate the work from the first project
- extend the cascade training and prevention of corruption awareness

As well as building on the past TYEC2 also links to future projects. There will be another Council of Europe project between 2013-16 'Fostering Cooperation among NGOs, Public and Private Sectors for Ethics'. TYEC2 can lay down some foundations for this future project. TYEC2 includes the development of an Ethics

Platform which will involve NGOs and private sector organisations; this should enable the development of relationships and give a firm basis for this future project.

3. The wider context

There have been a number of reports and developments which identify challenges which are of indirect and direct relevance to both the success of TYEC2 and the overall objective of the project ‘to contribute to the prevention of corruption in Turkey in accordance with European and international standards.’

There are though two strands running through these challenges which help give a picture of the context within which the team are trying to implement TYEC2:

‘Lack of political will’ regarding ethics.

The lack of political will is mentioned in the European Commission (EC) Progress Report of 2012 where, with reference to the National Anti-Corruption Strategy, they note that its success requires greater political will. The delay in the appointment of a Board for the Council of Ethics may also be an indication of a lack of political will as might be the absence of sanctions available to the Council of Ethics (see section 4.2.3). The lack of political will, perhaps inevitably, has a knock on effect for how seriously organisations and individuals address the issue of ethics.

The lack of clarity in some of the legislation

This finds expression in, for example, the lack of clarity for the role of the ethics commissions. Further information is provided in section 4.1.2.

This is the less than positive context within which the project team is trying to implement TYEC2. However, this does not mean that the project cannot create a momentum which will lead to changes in political and organisational will. Nor does it mean that, via work on the project, greater clarity cannot be created.

4. Challenges

Table 1 identifies a variety of key, interrelated challenges faced on the project which can be grouped under the headings ‘embedding ethics’ and ‘role of Council of Ethics’.

Table 1: challenges

Embedding ethics	Role of Council of Ethics
<ul style="list-style-type: none"> - Ensuring that training takes place - Integrating Ethics Commissions into the governance of an organisation 	<ul style="list-style-type: none"> - Linking with the Anti-Corruption Strategy - Coverage of ethics - Sanctions - Independence of the Council of Ethics - Ensuring that project activities are sustainable

Further information on each of these challenges is provided below.

5. Embedding ethics

5.1 Ensuring that training takes place

A Group of European Countries Against Corruption (GRECO) report in 2005 recommended that the Council of Ethics:

'Develop training materials to be used in the training of all civil servants in the new Code of Ethics and anti-corruption policies and to require all ministries and civil service bodies to include this training as part of their curriculum; it should be ensured that it forms a core part of the induction of training for new civil servants as in the in-service training (Rec xiii)'

In 2010 GRECO concluded that this had been addressed satisfactorily. Indeed, mention was made in the 2011 and 2012 EC Progress Reports of the training of civil servants that has taken place. 5,928 civil servants were trained in 2011 and 3,707 in the 2012 report.

However, a recent project workshop, which included trainers and Ethics Commission members, suggested varying levels of activity of Ethics Commissions and that some trainers were having problems persuading their organisations to engage in training. The following problems emerged from a discussion with the group:

- some organisations and staff were reluctant to commit a full day or two days to such training
- persuading organisations, and in particular their leaders, of the importance of ethics training and integrating it into the organisation
- trainers are often appointed and so they may not be so committed as those who volunteer
- a lack of support for trainers from Ethics Commissions
- training not always included in the induction of new staff

In this project, TYEC2, the training has been revised so that as well as improving it, there will also be a half day training option (in addition to the current one and two day courses). In theory then, a greater number of people should be able to attend training. The development of elearning training should also enable the project to reach a wider audience than via face-to-face training alone. Furthermore, developing the capacities of Ethics Commissions, including helping them to develop training strategies and collecting and sharing evidence of effective practice, should enable these Commissions to provide greater support than hitherto.

Another issue is that currently there is no means of assessing the quality of training. This should be addressed in TYEC2 via the development of a mechanism for evaluating the training provided.

Last of all, it became apparent at a recent project steering committee meeting that the amount of training provided may be grossly underestimated. An official from the Land Registry claimed that a large number of staff had received training in ethics and

that this was not reflected in the figures reported on in the EC Progress Reports. Consideration then needs to be given to the extent to which the Council of Ethics monitors the activities of organisations.

5.2 Integrating ethics commissions into the governance of an organisation

Ethics commissions are vital parts of the ethical framework as they are the bodies which will be able to promote and raise awareness of ethics directly with their own organisations. The vagueness of their role was noted in a 2011 report (Omurgonulser and Alemdar 2011) which went on to conclude that members of ethics commissions have difficulty understanding what it is they could or should be doing.

This problem is exacerbated by the fact that there are other bodies within an organisation, besides ethics committees, who have some responsibility, even if indirectly, for ethical governance arrangements. These include disciplinary boards, internal auditors and inspection boards.

At the workshop with trainers, referred to earlier, it was clear that there was a lack of clarity and confusion about the responsibilities of disciplinary boards and ethics commissions. This echoes the findings of the 2011 report which noted the lack of clarity and uncertainty in the relationships between the bodies.

TYEC2 can tackle these issues in two main ways. One way is to gather and champion examples of effective practice, encouraging Ethics Commissions to be more proactive. There are plans for an annual competition for effective practice, a forum on a website where they can share problems and solutions and an annual conference.

Secondly, the project includes the development of the Land Registry as an 'island of integrity'. As part of this project these governance issues will need to be addressed and this should provide a model of how the various bodies can cooperate and get clarity over the roles of the various bodies. This work will be something that other organisations can copy and adapt so it is appropriate for their own circumstances.

And finally, a means need to be developed by which the Council of Ethics can have systematic oversight of the work of Ethics Commissions.

6. Role of the Council of Ethics

6.1 Linking effectively with the Anti-Corruption Strategy

There were criticisms of this strategy in the 2012 EC Progress Report – not least the need for greater political engagement and civil society engagement. The Monitoring report also noted that there was a lack of coordination between the Council of Ethics and the Prime Ministry Inspection Board on this strategy. The Monitoring Report even suggests that the integration of ethics principles and requirements of the Code in Turkish administration is dependent on the success of the National Anti-Corruption Study.

There is a Council of Europe project in the pipeline which should enable more support for the Prime Ministry Inspection Board which takes the lead role in the Anti-Corruption Strategy.

It would enhance the status of the Council of Ethics, and emphasise the importance of the role that ethics can play as a bulwark against corruption, if the Council of Ethics could play a full role in this strategy and it was clear where 'ethics' and the Council fitted into the Strategy. A successful Anti-Corruption Strategy could help raise awareness of ethics and corruption issues and help generate the political will that appears to be absent.

6.2 Coverage of the ethical rules of conduct

The European Commission Progress Report in 2009 noted the lack of progress made in extending ethics rules to academics, military personnel and the judiciary. And this was raised again in the 2011 and 2012 EC Progress Reports. Parliamentary immunity is also cited as a weakness.

TYEC2 will increase the use of Ethical Principles to academics but it still won't be addressing the judiciary or military. However, judicial ethics are being debated – there was a symposium in Ankara on this issue in November 2012- and there is a Council of Europe project in cooperation with the High Council of Judges and Prosecutors in the pipeline to address the independence of the judiciary.

6.3 Lack of Sanctions

A 2008 Council of Europe report noted that the Council of Ethics only has limited investigative capacity and no power of sanction. That is still the case today – the Council of Ethics can no longer even, since a Constitutional Court ruling in 2010, make announcements on cases via the Official Gazette. And this lack of sanctions does undermine the credibility of the organisation and the ethics framework. Being able to issue sanctions against those serious breaches of the ethical principles helps send out a strong message that poor behaviour will not be tolerated.

But this is the context within which the project is being undertaken and at least it does provide a direction ie the focus is on developing an ethical environment for organisations and prevention activities rather than the enforcement of rules.

6.4 The independence of the Council of Ethics

There is one other key weakness. The Group of European Countries Against Corruption (GRECO) in 2005 recommended:

'that the Ethics Council should have sufficient independence a budget and staff to promote and promulgate the codes of conduct, investigate complaints and be proactive in undertaking studies into particular areas of concern'

In 2010 GRECO concluded that this recommendation had been partly implemented.

However, the recent report 2012 from the Monitors, recommended that the:

'independence of the Council of Ethics should be ensured, including its own staff with appropriate qualifications consistent with its tasks, and budget, in order to guarantee its objectiveness as well as sustainability.'

The issue of independence is beyond the scope of this project but something that should not lose site of when the project is concluded and an evaluation is undertaken.

6.5 Ensuring that project activities are sustainable

A real risk in a project such as this is that many of the outcomes are not sustainable and so any impact is short lived. The Council Secretariat, as was noted in a 2011 report (Omurgonulser and Alemdar 2011), has a lot of energy but it is small – 20 Secretariat members covering the whole of Turkey, including 3,000 Ethics Commissions.

The Monitoring Report recommends the development of a strategic plan. This would ensure that many of the activities developed as part of TYEC2 are continued by the Council of Ethics once this project has completed eg the Platform of Ethics and related activities such as webpage, facebook. Twitter; assessment of the quality of training.

The role of the Council of ethics will be crucial as both a catalyst for developments and also as an enabler in terms of for example support and guidance to trainers and ethics commissions.

It would also be useful to determine what kind of an ethical framework the Council of Ethics wants to oversee and what kind of a body it wants to be. Should it lean more towards a compliance based model where the emphasis is on establishing rules and investigating breaches or an integrity based model where the emphasis is on shaping the culture via for example training? How much support can and the Council of Ethics provide to trainers, Ethics Commissions the public? How much does it want to provide? All of these questions could be addressed via strategic planning, provide the Council with a clear direction and a clear programme of work. And, crucially, ensure that the work that is started under this project is sustainable.

7. Indicators of progress

Table 2 below shows how progress will be assessed on the challenges outlined in section 4.

Table 2: Indicators of progress

Challenges	Indicators of progress
Ensuring that ethics training takes place	<p>Following the development of a monitoring mechanism to enable the Council of Europe to have oversight of the work of Ethics Commissions:</p> <ul style="list-style-type: none"> - A measure of the proportion of new staff receiving training in ethics (face-to-face and elearning) - A measure of the proportion of existing staff receiving training in ethics (face-to-face and elearning) <p>Following the development of an evaluation mechanism:</p> <ul style="list-style-type: none"> - A measure of the quality of the face-to-face training
Assessing the quality of training	
Integrating Ethics Commissions into the governance of an organisation	<p>Following the development of a monitoring mechanism to enable the Council of Europe to have oversight of the work of Ethics Commissions:</p> <ul style="list-style-type: none"> - a measure of the support and activity of Ethics Commissions
Linking effectively with the Anti-Corruption Strategy	<p>The Prime Ministry Inspection Board makes progress with the Anti-Corruption Strategy:</p> <ul style="list-style-type: none"> - Assessed via feedback from EC Progress Reports and other reports <p>Council of Ethics reengages with Anti-Corruption Strategy:</p> <ul style="list-style-type: none"> - attend steering committee meetings - feedback from EC Progress Reports and other reports
Increasing the coverage of the ethical	Development of a Code for higher

rules of conduct	<p>education staff</p> <p>Development of a Code for the judiciary (Assessed via progress in the Council of Europe project in cooperation with the High Council of Judges and Prosecutors)</p> <p>Revision of Parliamentary immunity</p> <p>Development of a Code for the military</p>
Sanctions	The Council of Ethics is granted sanctions
Independence of the Council of Ethics	<p>Staff are permanent rather than seconded</p> <p>The Council of Ethics is provided with a budget separate from that of the Prime Ministry</p>
Ensuring that project activities are sustainable	Development of a strategic plan for the Council of Ethics