

36th SESSION

Fighting nepotism within local and regional authorities

Resolution 441 (2019)¹

1. Human resources lie at the heart of local and regional government and constitute its main asset. For local and regional governments to function effectively, they need good quality and highly motivated staff. The existence of merit-based recruitment and promotion systems are a precondition for ensuring the impartiality and quality of public service delivery. At the same time, the high degree of autonomy of local and regional authorities in recruiting and dismissing staff has been recognised as one of their main corruption risks.
2. Recognising that corruption in all its forms is a major threat to good governance at local and regional level, the Congress, as part of its roadmap of activities to fight corruption, adopted in October 2016 at its 31st session, agreed to prepare a report on nepotism, to identify preventive measures and good practices in the fight against this form of corruption.
3. Local and regional authorities are especially vulnerable to nepotism, and other forms of favouritism, due to their size, autonomy and proximity with citizens. As nepotism practices in these circumstances can be more visible to the general public, they have greater potential to damage the public trust. The establishment of sound human resources management practices is therefore of utmost importance for underpinning public trust and fighting corruption.
4. Problems of low team spirit, absenteeism, decreasing commitment, respect and trust in the leadership can pose particular challenges at the local level. Given the importance of employee confidence and satisfaction in the work place, the establishment of effective and responsible human resources management practices is essential.
5. Nepotism cannot be prevented by rules and regulations alone, there also needs to be change in social attitudes and administrative culture, which need to evolve to become less tolerant of such practices and to embrace an ethics-based approach. The general public has a role to play and needs to be made more aware of the dangers and damaging consequences of nepotism in government.
6. As attitudes to and tolerance of nepotism vary across Council of Europe member States, according to their administrative cultures, the approach to combating such practices needs to be tailored to the specific context.
7. In the light of above, the Congress, bearing in mind:
 - a. the Council of Europe Programme of Action Against Corruption (1996);
 - b. Resolution (97) 24 of the Committee of Ministers on the Twenty Guiding Principles;
 - c. the Criminal Law Convention on Corruption (ETS No. 173);
 - d. the Civil Law Convention on Corruption (ETS No. 174);

¹ Debated and adopted by the Congress on 2 April 2019, 1st sitting (see Document [CG36\(2019\)16](#), explanatory memorandum), rapporteur: Wilma DELISSEN VAN TONGERLO, Netherlands (L, ILDG).

- e. the Council of Europe Model Code of Conduct for Public Officials (2000);
 - f. Recommendation CM/Rec (2014)7 of the Committee of Ministers to member States on the protection of whistleblowers;
8. Calls upon local and regional authorities of the member States of the Council of Europe to:
- a. Enhance transparency in their recruitment and promotion processes, by establishing clear and comprehensive procedures, that can be easily understood and accessed by applicants and staff;
 - b. Guarantee equality and fairness in the recruitment and promotion processes, by taking account of the knowledge, experience, skills and ethical behaviour of the candidates, establishing a common set of rules and applying the principles of merit-based recruitment;
 - c. Carry out ethics or anticorruption audits, with particular attention to human resource management practices, to identify nepotism risks and propose appropriate counter-measures;
 - d. Introduce reporting channels in order to identify potential occurrences of favouritism or conflict of interests in the recruitment or selection process;
 - e. Introduce integrity management structures, such as an 'Integrity Bureaux', composed of integrity councillors, to investigate suspected cases of misconduct in this area;
 - f. Ensure that any breaches of integrity, misconduct or withholding of information on a potential conflict of interest in staff matters result in appropriate and deterrent disciplinary actions;
 - g. Ensure the prohibition of public officials from being involved in any recruitment and selection procedures that may question their impartiality.
9. Calls on national associations of local and regional authorities to:
- a. Organise educational activities in public institutions such as seminars, workshops, in-service training events to raise awareness of the risks of nepotism, or any form of favouritism;
 - b. Promote co-operation and collaboration with other municipalities, such as the establishment of regional networks, to exchange experience and knowledge in dealing with nepotism in staff recruitment;
 - c. Respond promptly to complaints and recommendations by citizens, in order to increase public trust in local and regional governance.