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11.8 External review of the Council of Europe Investigation Function

Item to be considered by the GR-PBA at its meeting on 26 March 2026

[1] This document has been classified restricted until examination by the Committee of Ministers.

External review of the Council of Europe Investigations Function

Final Report

30 October 2025

Disclaimer
The external review was conducted by a panel of three independent experts. The views expressed in this report are those of the independent expert panel.

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Abbreviations

CII	Conference of International Investigators
CSES	Centre for Strategy & Evaluation Services
DIO	Directorate of Internal Oversight
DIT	Directorate of Information Technology
DPO	Data Protection Officer
ECHR	European Court of Human Rights
FAO	Food and Agriculture Organization
FRA/FRAs	Fraud Risk Assessment / Assessments
HR	Human Resources
ICC	International Criminal Court
MAEs	Major Administrative Entities
OAC	Oversight Advisory Committee
PACE	Parliamentary Assembly of the Council of Europe
Private Office	Private Office of the Secretary General and the Deputy Secretary General
SEAH	Sexual Exploitation, Abuse, and Harassment
SG	Secretary General
UN	United Nations
UNDP	United Nations Development Programme
WFP	World Food Programme

1. Background

1. In accordance with best practices endorsed by the Conference of International Investigators (CII)[1] - of which the Council of Europe's Directorate of Internal Oversight (DIO) is a participant - the Director of DIO commissioned an independent external review of the Investigation Division. This review, conducted between August and October 2025, aligns with the CII's recommendation that multilateral organisations undergo such periodic assessments to provide stakeholders with assurance of the function's efficacy, adherence to established standards, and operational integrity.

2. The primary objective of the review, as per the Terms of Reference, was: "To conduct an independent assessment of the Council of Europe's investigation function to determine whether it is operating effectively, efficiently, and in conformity with its governing DIO Charter and applicable professional standards."

3. The review was structured in compliance with the '*CII General Principles for Reviews of CII Investigation Offices*'[2] which stipulate that evaluations be performed by a team of two or more qualified individuals from different institutions. Accordingly, three external reviewers were engaged to undertake this assessment:

- Samir Fahoum, Head of Investigations, The Global Fund to fight AIDS, Tuberculosis and Malaria;
- Paul Catchick, Director of Investigations and Counter-Fraud, Gavi, the Vaccine Alliance; and
- Bernard O'Donnell, retired former Head of Investigations, European Investment Bank.

4. The complete Terms of Reference are detailed in Annex 1. The full curricula vitae of the reviewers are provided in Annex 2.

5. While the review focused on the Council of Europe investigations' function, the recommendations at the end of this report – to the extent that those recommendations are accepted - will require high level management support and the involvement of stakeholders across multiple organs of the Council of Europe, to be effectively implemented.

2. Scope of the review

6. As part of the review, the following work was undertaken:

a. Interviews were conducted with 30 officials across the organs and bodies of the Council of Europe, including: the Private Office of the Secretary General and the Deputy Secretary General; DLAPIL; DPC; Ethics Officer; Internal Control; HR; ECHR; EDQM; PACE; DPO; DIT; the Committee of Ministers; EURIMAGES, and DIO. An interview was also conducted with a member of the Oversight Advisory Committee.
b. A review of the policy framework of the Council of Europe as it relates to matters of fraud, corruption and other wrongdoing as well as intersections with the DIO mandate for investigations.
c. Discussions with officials across the organs and bodies of the Council of Europe and a review of policies relating to the transfer of harassment cases to the DIO and an assessment of the proposed timeline (deadline of 31 December 2025).

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[1] https://www.ciinvestigators.org/.

[2] https://www.ciinvestigators.org/wp-content/uploads/2021/10/CII-General-Principles-for-Reviews-2014.pdf.

d. A review of the budget and staffing of DIO's Investigations Division and benchmarking against similarly mandated offices in other international organisations.
e. An assessment of the effectiveness of reporting mechanisms.
f. An assessment of confidentiality and data protection.
g. A review of case assessment and investigation files (paper-based and electronic) and a review of internal procedures to determine whether DIO's internal guidelines and methodologies are in line with international best practice.
h. A review of the quality of investigation reports and the adequacy of information provided to investigation participants.
i. A review of investigation metrics.
j. Discussions with staff on the level of awareness of DIO's investigations mandate, the understanding of staff on their obligations to report wrongdoing and their confidence in the professional handling of cases by the DIO.
k. Inquiries with staff as to their perception of DIO's timelines in assessing and taking action and the relevance and reliability of DIO investigation reports.
l. An assessment of Council of Europe staff views on the adequacy and appropriateness of DIO's fraud awareness and fraud risk assessment process.

3. DIO structure and reporting lines

7. In accordance with its Charter, the DIO operates as an independent office, reporting directly to the Secretary General while maintaining functional autonomy. The Director of DIO sets strategic priorities, authorises investigations and represents the DIO externally. Reporting to the Director is the Head of the Investigation Division, who manages day-to-day investigative work and supervises a team of investigation staff responsible for gathering evidence, interviewing witnesses and preparing case files.

8. The DIO also reports to the Committee of Ministers and Oversight Advisory Committee (OAC) on various matters, including annual work plans, annual opinions, and 'the impact of any resource limitations on the work programme …'.

9. As part of a broader mandate, the OAC reviews compliance with the Council's oversight policy framework, including those impacting DIO, and recommends improvements.

10. The DIO's investigative arm is governed by the Rule on Investigations, which mandates impartiality, independence, fairness and objectivity in conducting investigations in accordance with 'applicable international investigation standards' and 'with the highest levels of integrity'.

11. The Rule strictly regulates the investigative process, from initial assessment to formal investigation, ensuring due process and confidentiality for all parties involved.

12. The DIO's work is supported by the Speak-Up Policy, which mandates a secure, multi-channel framework for reporting misconduct. The policy also provides protection against retaliation and ensures anonymity for staff who request it (to the extent that this is possible within the procedural fairness requirements of the investigations process).

13. Protection from retaliation is a critical component in instilling trust in staff that their potential cooperation with DIO will not be punished. It was noted that the Speak Up Policy only provides protection against retaliation in the context of investigations or preliminary assessments. It does not provide protection in the event that a staff member provides information in the context of an audit or a fraud risk assessment, for example. The reviewers consider that protection from retaliation should apply to staff engagement with any and all DIO activities.

Together, this structure creates a clear chain of command:

Director → Head of Investigation Division → Investigators and support staff, while external accountability flows upward to the Secretary-General and later to the Committee of Ministers via the OAC's reporting. This dual line of authority balances operational independence with appropriate oversight.

The Speak Up Policy should include protection from retaliation in all interactions with DIO, and not just investigations.

4. Adequacy and appropriateness of policy framework

14. In accordance with the external review's Terms of Reference, a detailed assessment was conducted of the policy framework of the Council of Europe to evaluate its adequacy as it relates to matters of fraud, corruption and other wrongdoing as well as intersections with the DIO mandate for investigations. Based on this review, and discussions with key officials, a number of observations are provided below. These are broadly grouped as follows: (a) the appropriateness and extent of defined types of wrongdoing; (b) the definition of 'fraud' and its suitability in an administrative investigation process; (c) The right against self-incrimination; (d) inconsistency between the Council of Europe policies in terms of individuals subject to investigations, as written, and practices by the ECHR and PACE; (e) policy changes necessary to enable DIO to conduct harassment investigations; (f) policy changes necessary to provide guidance on the standard for SG assessment of evidence; (g) recommended changes to the automatic investigation of harassment cases where the complaint is against the victim's supervisor; and (h) recommended inclusion of sexual exploitation and abuse as a defined form of wrongdoing.

4.1 The appropriateness and extent of defined types of wrongdoing

The limited, defined forms of wrongdoing contained within the Council of Europe's oversight policy framework is a potential hindrance to the organisation and DIO's ability to investigate and respond to wrongdoing. It is also a potential hindrance to staff awareness and staff rights.

15. Three categories of irregularities fall within the mandate of DIO investigations: fraud, corruption and 'wrongdoing'. This is considerably more limited than the equivalent policies of other international organisations. Although other types of irregularities could theoretically be captured by the broad category of 'wrongdoing', no actual definition of wrongdoing is provided. The explanatory text is limited to a number of examples.

16. The Rule on Investigations states the following (emphasis added): *"Wrongdoing" means acts and omissions affecting the public interest, as* ***defined*** *in the Speak Up policy".*

17. However, the Speak-Up Policy does not give an actual definition of wrongdoing. It gives a number of examples of wrongdoing. These include:

- Failing to uphold the values of "independence, trustworthiness, responsibility, dignity, diversity and discretion" (paragraph 8);
- Breaches of the Code of Conduct "and in particular the value of independence, by accepting instructions from a representative of a government or another third party" (paragraph 8);
- Accepting a bribe (paragraph 8);
- Abusing the status of staff member of the Council of Europe or the privileges or immunities that attach thereto (paragraph 8);
- Failing to disclose a major conflict of interest (paragraph 8);
- Corrupt behaviour by a Council of Europe contractor (paragraph 8);
- Fraud and corruption (paragraph 9), which are referred to as 'gross misconduct'. Interestingly, the failure to report fraud and corruption is referred to as 'wrongdoing' but fraud and corruption are not. The categorisation of fraud and corruption as 'gross misconduct' rather than 'wrongdoing' adds potential for misunderstanding by staff; and
- Harassment (paragraph 12).

18. Paragraph 10 adds a level of difficulty to understanding specifically what falls within the definition of 'wrongdoing': *"Conduct must affect the public interest to constitute wrongdoing that should be reported under this Policy. As such, some actions may breach the Code of Conduct or other applicable internal legal instruments or contractual provisions but should not be reported under this Policy as they do not affect the public interest. …. Conversely, actions which are not necessarily covered by the Organisation's Code of Conduct but are clearly contrary to the public interest should be reported under this Policy ..."*

19. It was explained to the reviewers that distinguishing wrongdoing from breaches of the code of conduct was to prevent staff from reporting minor infractions that could lead to an unhealthy work environment. However, the review considers that this only adds confusion as to what should or should not be reported and could lead to some matters not being properly addressed. DIO has the screening procedures and professional judgment to filter out cases that are not appropriate for investigation. Additionally, there are advantages - from a risk management and reporting perspective - for one office to have an overview of potential misconduct cases.

20. No definition is given for the concept of '*conduct that affects the public interest*' (and which therefore must be reported, and which is within the scope of 'wrongdoing' investigated by DIO). For example:

- While it is clear that fraud and corruption fall within the scope of DIO's investigative mandate, fraud and corruption (section 5 of the Code of Conduct) are not specifically defined as wrongdoing or as affecting the public interest.
- Obstruction and retaliation are mentioned as breaches of the Code of Conduct (section 7) and, while one can presume that these are against the public interest, this is not specifically stated. These are defined forms of wrongdoing in other international organisations.

- Misuse of resources is mentioned in section 10 of the Code of Conduct but without guidance as to whether it falls within the scope of conduct affecting the public interest.
- Environmental responsibility is also mentioned in the Code of Conduct. A staff member failing to minimise their environmental impact is a potential code of conduct breach and environmental responsibility would seem to clearly fall within the public interest. Does this make it reportable to DIO as wrongdoing?

21. The lack of a clear definition of wrongdoing is acknowledged in Paragraph 11 of the policy: *"The Council of Europe recognises that it is not always entirely clear whether an act or omission constitutes wrongdoing affecting the public interest or not and that, in particular, it can be difficult to decide whether wrongdoing reaches the requisite threshold of severity."*

22. The Conference of International Investigators' (CII) Guidelines (of which DIO is a participant) define misconduct more succinctly, i.e. *"… a failure by a staff member to observe the rules of conduct or the standards of behavior prescribed by the Organization."* International organisations generally build on this and rely on a framework of clearly defined prohibitions to govern staff conduct and protect institutional resources. Although there can be some differences in terminology used by different organisations, the types of 'wrongdoing' that are specified in the policies of most international organisations have become progressively more standardised as a result of coordination on integrity matters between the oversight offices of the multilateral development banks and investigation offices that form part of the CII. Importantly, these definitions do not contain a broadly subjective element such as *'affecting the public interest'.*

23. This approach of listing and defining specifically what constitutes 'wrongdoing' provides staff with unambiguous notice of prohibited behaviours, clarifies their mandatory reporting obligations, and explicitly outlines the actions and elements that will result in disciplinary action, including dismissal.

24. This approach is fundamental to the administrative investigation process. For investigators, it provides an objective checklist for building a case. For example, for a corruption allegation to be substantiated, evidence must support each defined element. Conversely, this framework provides a clear structure for a staff member to mount a defence. They can challenge whether the evidence meets each specific element or present exculpatory evidence or mitigating circumstances relevant to the alleged breach. Consequently, these definitions ensure that disciplinary processes are based on consistent, pre-determined standards, upholding fairness and procedural integrity for both the organisation and the individual.

25. The below table sets out the listed and defined forms or wrongdoing or misconduct used by other international organisations.[3]

The Global Fund to fights AIDS, tuberculosis and malaria[4]	Fraudulent, corrupt, coercive, collusive, abusive practices (theft, misappropriation, embezzlement, waste/inappropriate use of resources), obstruction, retaliation, money laundering, financing of terrorism.

[3] Note that the links below relate to the mandate of the respective offices. The definitions of wrongdoing is generally found in other policies of each organisation

[4] https://www.theglobalfund.org/en/oig/

European Investment Bank[5]	Corruption, fraud, coercion, collusion, theft, obstruction, money laundering and financing of terrorism, harassment and breaches of the Code of Conduct.
World Bank (INT),[6] Asian Development Bank,[7] Inter-American Development Bank,[8] African Development Bank,[9] European Bank for Reconstruction and Development	Fraudulent, corrupt, collusive, coercive and obstructive practices, misappropriation of resources/assets and theft. *Other offices within these banks generally handle cases of harassment and other forms of staff misconduct.
UNDP[10]	Fraud, corruption, abuse of authority, assault/threats, discrimination, breaches of laws/immunities, retaliation, SEAH, theft/embezzlement and other breaches of the Code of Conduct.
WFP[11] [12]	Fraud, corruption, theft, collusion, obstruction, money laundering, terrorist financing, SEAH, sexual abuse and harassment, abuse of authority, retaliation and breaches of policies, procedures and other administrative issuances.
FAO[13] [14]	Corruption, fraud, collusion, coercion, improper use of resources, obstruction, abuse of privileges and immunities, harassment, SEA, retaliation and other breaches of the Code of Conduct.

The Council of Europe definition of fraud is overly-complex, incorporates non-administrative elements and is not in line with definitions used by peer international organisations in a similar setting.

4.2 The definition of 'fraud' and its suitability in an administrative investigation procedure

26. Paragraph 14 of the Rule on Investigations defines fraud as follows: *"Fraud means any illegal act or omission characterised by deceit, concealment or violation of trust, perpetrated to obtain money, property or services; to avoid payment or loss of services; or to secure personal or business advantage, irrespective of the application or threat of violence or of physical force."*

27. The current wording is unchanged from the definition of fraud used in Council of Europe's (2011) Rule 1327. The inclusion of the term *'illegal act'* in the definition of fraud is not in line with definitions used by other international organisations and would seem inappropriate in the context of an administrative (as distinct from criminal) investigation. The inclusion of this wording may also lead

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5 https://www.eib.org/en/about/accountability/anti-fraud/index

6 https://www.worldbank.org/en/about/unit/integrity-vice-presidency/What-can-the-World-Bank-Groups-INT-investigate#%3A~%3Atext%3DThe%20World%20Bank%27s%20Integrity%20Vice%20Presidency%20(INT)%20investigates%20allegations%20of%2Csubmit%20a%20complaint%20to%20INT

7 https://www.adb.org/documents/investigation-enforcement-framework

8 https://www.iadb.org/en/who-we-are/transparency/sanctions-system/office-institutional-integrity

9 https://www.afdb.org/en/about-organisational-structure-integrity-and-anti-corruption/anti-corruption-and-fraud-investigation-services-contacts

10 https://www.undp.org/sites/g/files/zskgke326/files/2021-07/OAI_Charter_2017.pdf

11 https://executiveboard.wfp.org/fr/document_download/WFP-0000123936#:~:text=World%20Food%20Programme%20Rome%2C%20Italy,hotline@wfp.org

12 https://executiveboard.wfp.org/ar/document_download/WFP-0000165540

13 https://openknowledge.fao.org/server/api/core/bitstreams/44ea3290-9413-4223-af0b-004507e1dc0c/content

14 https://openknowledge.fao.org/server/api/core/bitstreams/9a345238-f27d-4c3a-ac5f-26dcf6f863d6/content

staff to believe that there is a higher threshold for reporting fraud in the Council of Europe or question why fraud should not be reported directly to national authorities with a mandate for investigating criminal offences. The references to *'threat of violence or physical force'* would also seem out of place in an administrative definition of fraud.

28. The table below provides examples of the wording used by other organisations.

The Global Fund	A Fraudulent Practice is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
European Investment Bank, World Bank, Inter-American Development Bank, Asian Development Bank, African Development Bank, European Bank for Reconstruction and Development.	Any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
United Nations *There are slight variations in the wording amongst the various UN agencies, but the elements are aligned.	Fraud encompasses any act or omission whereby an individual or entity knowingly misrepresents or conceals a material fact in order to obtain an undue benefit or advantage for himself, herself, itself or a third party, or to cause another to act to his or her detriment.
GAVI	Fraud describes the use of deception – whether by act or omission – to dishonestly or recklessly obtain a gain or advantage and/or create a loss or disadvantage for another party.
Green Climate Fund	Any act or omission, including misrepresentation or concealing material fact, that knowingly or recklessly misleads, or attempts to mislead, a party for the purpose of obtaining a financial or other undue advantage for oneself or for a third party.

29. As can be seen, the definitions used by other international organisations are quite closely aligned. None of the definitions include elements of illegality, threats of violence or physical force.

30. The reviewers recommend redrafting the definition of fraud, taking into account the administrative definitions developed by other international organisations.

The Council of Europe stands as a significant outlier by granting its staff a robust right against self-incrimination, a protection more commonly associated with criminal proceedings.

4.3 The right against self-incrimination

31. Administrative investigations within international organisations occupy a unique space, balancing the need for organisational integrity with the fair treatment of staff. The rights afforded to staff in the Council of Europe go beyond the rights of suspects in criminal cases in many jurisdictions by extending the non-incrimination right to the spouse and close relatives of the staff member. This contrasts sharply with the prevailing standard in other international bodies, where an explicit and enforceable duty to cooperate is a fundamental condition of employment.

32. The Council of Europe’s Rule on Investigations (Paragraph 70) explicitly grants staff under investigation the right *"not to incriminate themselves or their spouse or close relative”*. The provision is rooted in a human rights-centric approach, mirroring the protections found in (and judicially interpreted from) the European Convention on Human Rights (Article 6). However, the provisions of Article 6 specifically relate to *‘a criminal charge’* (paragraph 1), and *‘a criminal offence’* (paragraphs 2 and 3) rather than an administrative employment setting, where investigations lack coercive powers such as search warrants and access to bank account records and where the ultimate sanction is loss of employment, not liberty. Granting a right to non-incrimination in an administrative fact-finding process significantly hampers the investigation process, as the investigator's most direct source of information - the subject - is protected from being compelled to provide their account. The wording may also affect the rights of victims, co-workers and member states by making the investigation of allegations less likely to result in necessary remedial action.

33. By contrast, other international organisations frame cooperation not as a choice, but as a core contractual obligation. Failure to comply is itself ‘misconduct’ and subject to disciplinary proceedings.

34. The below summaries from a broad selection of international organisations reveal a consistent pattern:

- **The World Bank**: The World Bank's Staff Manual (Annex A: Conduct of Disciplinary Proceedings, paragraph B(2)) states that: *“Staff who are the subjects of allegations of misconduct in disciplinary proceedings must personally respond to the allegations against them. A refusal to answer questions can lead to disciplinary action for failure to cooperate”.*[15]

- **United Nations**: The UN Staff Regulations and Rules require staff to fully cooperate in an investigation and to fully respond when asked for information. No right against self-incrimination is provided. Staff Rule 1.2(c) states: *“Staff members have the duty … to cooperate with duly authorized audits and investigations” and Staff Regulation (1.2(r)) requires that: “Staff members must respond fully to requests for information from staff members and other officials of the Organization authorized to investigate the possible misuse of funds, waste or abuse*”.[16]

  UN Secretariat Administrative Instruction ST/AI/2017/1 further states (paragraph 6.2): *“Pursuant to staff regulation 1.2 (r) and staff rule 1.2 (c), staff members are required to fully cooperate with all duly authorized investigations and to provide any records, documents, information and communications technology equipment or other information under the control of the Organization or under the staff member’s control, as requested. Failure to cooperate may be considered unsatisfactory conduct that may amount to misconduct”.*

- **Organisation for Economic Co-operation and Development** (OECD): The OECD's Staff Rules and Regulations (Annex XXV, paragraph 38) provides no right against self-incrimination and states:[17]

[15] https://thedocs.worldbank.org/en/doc/152671420564551470-0220012015/render/StaffManual.pdf
[16] https://docs.un.org/en/ST/SGB/2023/1
[17] https://www.oecd.org/content/dam/oecd/en/about/careers/Staff_Rules_and_Regulations_EN.pdf

"The subject shall cooperate fully with an investigation. If the subject refuses to cooperate, the investigator and the Organisation shall be entitled to draw an adverse inference regarding such refusal."

- **Organization for Security and Co-operation in Europe** (OSCE): The OSCE's Staff Regulations and Staff Rules (Rule 2.05.1(b)) provide no right against self-incrimination and state (Rule 2.05.1(b)):[18] *"OSCE officials must fully respond to requests for information from OSCE officials entrusted with investigating possible misuse of funds, waste or abuse".*

- **European Investment Bank** (EIB): The EIB's Anti-Fraud Policy (paragraph 69) provides no right against self-incrimination and states as follows:[19] "*EIB Group Members of Governing Bodies and Staff are required to cooperate with the Inspectorate General Investigations Division, the EPPO and OLAF promptly, fully, efficiently and in the manner specified by the Inspectorate General Investigations Division or the EPPO and OLAF, as the case may be, including by answering relevant questions and complying with requests for information and records."*

- **The Global Fund to Fight AIDS, Tuberculosis and Malaria**: The Global Fund's Code of Conduct provides no right against self-incrimination and requires staff to:[20] *"Participate fully and truthfully in investigations, providing complete and accurate information".*

- **Gavi, the Vaccine Alliance**: Gavi's Reporting, Investigation and Disciplinary Procedures require that all employees: *"(i) cooperate in the investigation and shall not make their cooperation subject to any condition; (ii) in a timely and truthful manner, answer questions and provide information requested by the investigator that are reasonably connected to the matter under investigation…" Further, "If the Subject or the Reporting Person refuses to cooperate with the investigation, the investigator shall include this information in the investigation report. Refusal to cooperate is Misconduct…"*

- **International Criminal Court** (ICC): The ICC's Staff Regulations require staff to cooperate fully, with no right against self-incrimination. Regulation 1.2(q) states:[21] *"Staff members of the Court must respond fully to requests for information from those authorized by the Court or the Assembly of States Parties to investigate possible misuse of funds, waste or abuse"*

35. All organisations that the reviewers are familiar with require staff to cooperate fully in all administrative investigations. The reviewers are not aware of any other international organisations with similar non-self-incrimination provisions that apply to Council of Europe staff. The Council of Europe's approach, while philosophically aligned with its human rights mission, creates a significant practical disparity in investigative efficacy between it and its peer organisations.

[18] https://jobs.osce.org/resources/document/osce-staff-regulations-and-staff-rules

[19] https://www.eib.org/en/publications/anti-fraud-policy

[20] https://www.theglobalfund.org/media/hofhsrge/core_employeecodeofconduct_policy_en.pdf

[21] https://www.icc-cpi.int%2Fsites%2Fdefault%2Ffiles%2FNR%2Frdonlyres%2F3119BD70-DFB6-4B8C-BC17-3019CC1D0E21%2F140182%2FStaff_Regulations_120704EN.pdf

4.4 Inconsistency between Council of Europe policies and regulatory framework or practices of the Court and PACE in terms of individuals subject to DIO investigations

The Rule on Investigations and Speak Up Policy, in terms of individuals subject to the policies and DIO mandate, are disputed by ECHR and PACE. Agreement regarding covered parties should be reached, and those not covered by CoE policies should be covered under similarly detailed procedures under the authority of the respective organisations, where they do not already exist.

36. The Rule on Investigations defines persons subject to the policy as including members of Council of Europe organs, bodies, committees and working groups… which are further defined under paragraph 12 as, but not limited to, *Ministers' Deputies; members of the Parliamentary Assembly of the CoE or of the Congress of Local and Regional Authorities; judges of the European Court of Human Rights; the Commissioner for Human Rights; members of specialised independent monitoring bodies or of intergovernmental committees and subordinate bodies set up by the Committee of Ministers; judges or deputy judges of the Administrative Tribunal of the CoE; the Data Protection Commissioner.* Similar provisions are included in the 'Speak Up Policy'.

37. Interviews with various stakeholders revealed that the ECHR and PACE, respectively, view judges of the ECHR and parliamentary members of PACE as not being subject to review by the DIO. In addition, the ECHR defines the core work of the court as also not being subject to review by bodies outside of ECHR. Interviewees from both organisations were clear to point out that immunity does not equate to an absence of review or administrative impunity. Both organisations view that any allegations of wrongdoing should be investigated and decided upon by bodies made up of members internal to the respective organisations.

38. In the case of PACE, this would be the Committee on Rules Ethics, and Immunities, which may avail the expertise of international and national experts, and may also refer the matter to the newly established Conduct Investigation Panel to gather evidence and to establish the facts on its behalf.

39. In the case of the ECHR, the newly formed Ethics Council will play a key role in addressing ethical dilemmas, preventing conflicts of interest, and upholding the judiciary's credibility. It will consist of five members: the most senior Vice-President, the most senior Section President, and the three most senior sitting judges. The Court's Registrar will assist the Council in its operations. The President of the Court has the authority to consult the Ethics Council for guidance on a judge's compliance with established ethical standards. However, procedures governing investigations and the roles for those that may assist in an investigation, such as the DIO, are not clearly established.

40. There is a discrepancy between the policy (Rule on Investigations and Speak Up Policy) and practice by ECHR and PACE. Senior officials from both MAEs maintain that they were not consulted in the drafting of the above policy documents.

41. While both entities dispute the authority for DIO to investigate protected individuals, there is consensus that DIO does have the mandate to investigate PACE staff, as for other members of the Secretariat, and ECHR staff with certain limitations. In ECHR's expressed view, DIO investigations

would be antithetical to the independence of the court if those investigations gained access to confidential case related information either through interviews with staff members involved in court-related matters or through access to court computers, court files or emails relating to court matters.

42. The above areas represent a significant lacuna. If the Council of Europe consider that ECHR and PACE should not be subject to DIO investigations, then the Rule on Investigations and Speak Up Policy should clearly indicate to all staff those who are subject to the policies and those who fall outside the scope of those policies. Similarly, Council of Europe policies should inform staff of the alternative policies or mechanisms in which non-covered parties are held to similar standards in terms of prohibited conduct.

43. The Code of Conduct for members of the Parliamentary Assembly sets out the procedure to be followed for enforcing the Code of Conduct (see, in particular paragraphs 27 – 42). This includes the possibility for the Rules Committee to open an investigation (§31), for availing itself of internal or national experts to assist in an investigation (§31), procedural steps to take in an investigation such as notifying the member concerned, submitting evidence, informing the member of their rights, preliminary observations, hearing the member and any witnesses, opportunity to comment (§32), the possibility for the Rules Committee to refer the matter to the Conduct Investigation Panel (§35), categories of breach (§36-39) and sanctions (§41).

44. In the case of ECHR, currently, it is unclear what specific provisions apply to any investigation if, for example, a judge were to harass a staff member working for him or her. There is no written procedure for conducting investigations inside the Court. In the event that separate mechanisms are required, then each organisation should establish similarly clear procedures for allegation handling, investigations, and decision-making for such cases and circumstances. Such procedures may also require accompanying protocols with DIO to reflect situations where DIO may be called upon for support as well as arrangements for DIO to access sensitive data in the course of any investigation, whether independently run or at the request of a relevant committee.

45. Clear procedures also serve to provide clarity on procedural fairness for those not covered by the Rule on Investigations, specifically what breaches may be the subject of investigation, the timeframe applying to any such investigation, the right to be informed of the specific evidence, the right to be heard and the right to present a defence. These rights are considered a minimum in disciplinary action against judges internationally under the Universal Charter of Judges (published by the Central Council of the International Association of Judges): *"Disciplinary action against a judge can only be taken when provided for by pre-existing law and in compliance with predetermined rules of procedure."*[22]

46. An alternative solution to the above would be for DIO to negotiate an agreed procedure for the investigation of Judges of the ECHR, whereby the investigative authority of DIO is maintained according to the existing policies, but in cases that may involve sensitive material there is pre-discussion on the way this material will be accessed and handled. A similar process is used by the International Criminal Court, which has established the 'Independent Oversight Mechanism' (ICC-

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22 https://www.unodc.org/res/ji/import/international_standards/the_universal_charter_of_the_judge/universal_charter_2017_english.pdf

IOM) for the investigation of all ICC staff, including judges and elected officials. The IOM is the ICC equivalent of the DIO.

47. The agreement used by the ICC to allow the IOM to work effectively, while not impeding the authority or independence of the judges, Registrar or Prosecutor, can be found in Annex II of ICC-ASP/19.Res.6.[23]

4.5 Policy changes necessary to enable DIO to conduct harassment investigations

The Council of Europe supports the consolidation of harassment investigations with other investigations under the mandate of DIO. While a step in the right direction, significant attention needs to be given to updating policies (underway) and ensuring adequate staffing and/or resources to engage external experts.

48. As outlined above, the DIO is currently responsible for investigating the three types of wrongdoing (fraud, corruption and 'wrongdoing'). Allegations of harassment are reported to and investigated by Human Resources (HR) and, to date, HR has assigned the investigation of these cases to external providers.

49. The Oversight Advisory Committee (OAC) recommended, in its 2024 report, that harassment cases be moved to the DIO. The External Auditor made the same recommendation in its 2024 annual report and these recommendations have been accepted by Council of Europe management.

50. The last decade or so has seen a similar trend among international organisations; the consolidation of investigative functions into a single, centralised office of investigations. This shift away from a fragmented model has allowed organisations to have one clear, well-publicised channel for reporting any type of wrongdoing, significantly reducing barriers for victims and whistleblowers. Other advantages of this model include: (i) consistent methodology - all investigations benefit from the same rigorous, evidence-based methodology applied by professional investigators; (ii) consistent standards – the processes followed, the associated procedural guidelines and the report formats used are harmonised; (iii) efficiency – multiple allegations against the same subject can be handled as part of the one investigation, thereby eliminating the possible need for staff to be interviewed by (or receive information and document requests from) different investigators; and (iv) independence - removing investigative functions from HR and management lines helps ensure impartiality in assessing evidence and determining appropriate remedial action, thereby avoiding possible conflicts of interest.

51. From interviews with stakeholders and a review of policy it is clear that the Council of Europe will need to be put in place a number of policy updates and other changes for the consolidation of functions to be effective, some of which may not be achievable in a short period. The table below is a summary of actions identified by the reviewers:

[23] https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/ICC-ASP-19-Res6-ENG.pdf#page=26

Action/change	Timeline recommended	Purpose/comments
Policy framework – changes need to be made to the following policies: • Staff Regulations and Rules; • Code of Conduct; • Speak-Up Policy; • Policy on Dignity and Respect; • Rule on Investigations; and • DIO Charter.	Before the re-assignment of harassment cases to DIO.	The necessary policy basis will need to be approved and in place for DIO to have a (legal) basis to conduct investigations into allegations of harassment.
Additional DIO resources	Before the re-assignment of harassment cases to DIO.	DIO's Investigations Office is currently not fully staffed and therefore does not seem to have the capacity to progress cases under its current mandate within time limits set in Council of Europe policies. Investigations are distinct from other oversight work (e.g. audit and evaluation work) in that there is no control over the number of cases reported in a given year or the size and complexity of those cases. Therefore, flexibility in budgeting will be required.
Development of DIO investigation guidelines	Ideally before the change is made but otherwise as soon as possible.	To ensure consistency in the way that harassment cases are assessed, investigated and reported on, it will be necessary to develop internal guidelines and templates.
Changes to Council of Europe webpages	Ideally before the change is made but otherwise as soon as possible.	Webpages that continue to direct staff to HR for harassment cases will create confusion even after necessary policy changes are made.
Training	As soon as possible after roll-out of the changes.	Internal staff training and presentations to new staff will need to reflect the changes.

52. Changes to the above policies will need to go beyond the re-assignment of harassment cases from HR to DIO. Certain provisions relating to investigation methodology will also need to be reviewed. For example, under para 53 of the Rule on Investigations: *"The identity of the person who made the allegation(s) will only be disclosed if expressly authorised by that person."*

53. This will usually not be appropriate (nor possible) in harassment cases because the level of detail that will need to be given to the subject (in order to have an adequate right of reply) will almost always disclose the identity of the person allegedly harassed.

54. An issue raised by multiple interviewees was the question of whether the current staff in the investigations office have the necessary competencies, training, and contemporary experience, in handling harassment cases, which may require a different interpersonal approach to other forms of alleged wrongdoing, such as fraud. The reviewers can confirm that the investigators in DIO have undertaken certain victim-focused interview training. While the senior investigations staff have also previously undertaken investigations into harassment and sexual assault cases in other jurisdictions, this may be somewhat dated because the focus of their investigation work with the Council of Europe has been on other forms of misconduct.

55. DIO may wish to consider one suggestion voiced by a number of interviewees, which was that in the initial reporting process, DIO investigators seek the involvement of HR or Ethics officer. A similar model is used in other international organisations. For example, in the Global Fund, the initial meeting with victim/survivors of sexual exploitation and abuse cases involves staff from the Victim Support Unit of the Ethics Office along with investigators from the Office of the Inspector General. The presence of HR or Ethics officer can be offered to complainants prior to an initial interview, allowing the interviewee the opportunity to receive guidance and support from qualified experts while discussing the underlying matter with DIO.

56. Should the DIO choose to implement the alternative approach to staffing the investigations office as outlined in Section 5 below, it will have access to a pool of investigators with special expertise in handling harassment and sexual harassment cases.

4.6 Policy changes necessary to provide guidance for the SG's assessment of evidence relevant to potential disciplinary actions

The Rule on Investigations should more clearly define roles, the scope of review, and the standard of proof to be applied in terms of determination of wrongdoing and disciplinary actions. The Rule of Investigations should also include reference to key roles and responsibilities for those that support the SG in making any decision (i.e. role of the legal department or HR in assessing the case at hand).

57. The Rule on Investigations lacks sufficient clarity as to whether the SG is required to conduct an independent assessment of evidence in determining whether to initiate action or whether the recommendation of the DIO is automatically accepted without further review.

58. As written, the Rule on Investigations para 82 states that: *"… based upon the results of an investigation, the Director of Internal Oversight may issue recommendations to the Secretary General including inter alia for disciplinary, financial or administrative follow-up, or transfer of information to national judicial or other authorities competent to further investigate the matter."*

59. If the determination resides with the SG, then in practice, the underlying evidence provided by the DIO and subjects of investigations may need to undergo a certain level of review distinct from the DIO's assessment on the sufficiency of evidence. In such a framework, the SG may form his or her independent decision as to whether wrongdoing occurred. This greatly expands the scope of review beyond solely determining whether disciplinary action should be taken.

60. International organisations vary in their approach to staff disciplinary reviews. Some organisations take an approach similar to the Council of Europe, while others, the World Bank for example, place the decision as to whether misconduct occurs with the Human Resources Vice-President or similar designee that is the recipient of the investigation report and findings.

61. If it is intended that the Director of DIO makes the determination as to whether wrongdoing occurred, then the Rule on Investigations should be explicit on this point. If, in fact, the intention is for the SG to make a determination, then proper clarification should be added to the Rule on Investigations. In addition, clarification on the standard of review and level of deference given to DIO's findings (i.e. de novo, clearly erroneous or higher) should be clarified, so as to guide the review in a consistent manner.

62. In either scenario, the Rule of Investigations should also include reference to key roles and responsibilities for those that support the SG in making any decision (i.e. role of the legal department or HR in assessing the case at hand).

4.7 Recommended changes to the automatic investigation of alleged harassment by the victim's supervisor

The Policy on Respect and Dignity should be revisited to ensure that all allegations, including those tied to harassment including sexual harassment involving a supervisor, are subject to same standards of review.

63. Under the current Policy on Respect and Dignity, paragraph 7.4.5 states: *"Where the allegation is of sexual harassment or harassment by the victim's hierarchical superior, then the Director of Human Resources does not have discretion and must order an investigation".*

64. This obligation to progress a case to investigation without any objective assessment of the facts may be sub-optimal to the effective handling of complaints and leaves open the possibility of managers being the subject of a formal investigation that is objectively baseless. Some of those interviewed expressed concern about this rule. The reviewers suggest that consideration be given to changing this provision to be in line with DIO procedures for all allegation handling.

4.8 Recommended inclusion of sexual exploitation and abuse as a defined form of wrongdoing, ideally in the form of an SEAH policy

65. In any hierarchical institution, the disparity of authority creates opportunities for sexual exploitation, abuse and harassment (SEAH). For this reason, a number of other international organisations have established SEAH policies.[24]

66. The Council of Europe operates at the heart of Europe's democratic, legal, and human-rights architecture, yet the very structures that give it authority also create environments where power imbalances are unavoidable; whether a senior judge overseeing junior clerks, or a department head managing support staff.

67. The Council of Europe's offices, monitoring missions, and programme activities also operate in regions marked by fragility, underdevelopment, and conflict. In these contexts, local power dynamics are often amplified, and the vulnerability of staff and beneficiaries is heightened.

68. By formally defining SEAH as a distinct form of wrongdoing, the Council of Europe would acknowledge that such abuses are not peripheral "misconduct" but systemic risks inherent to any organisation where authority is unevenly distributed. Formal policies signal institutional commitment, encouraging staff to speak up, report concerns, and trust that their complaints will be taken seriously and investigated impartially.

69. The experience of other international organisations is that many donor agencies now require robust SEAH safeguards as a condition of funding. Aligning with these expectations further demonstrates that the Council of Europe is a responsible steward of public trust and international standard setting.

5. Resources

5.1 Reliance on the current model for the DIO's Investigation Division requires proper staffing

The DIO Investigation Division reliance on minimal staff requires an appropriately staffed team comprised of experienced investigators.

70. The primary factor relevant to investigation resources in the Council of Europe is the very significant disparity between the budgeted staffing level of the DIO's investigations team and its active staffing level. While the team has an investigations FTE of 4, the only staff member currently working in the Investigations Division is the Head of Investigations. The Division therefore has extremely limited capacity to investigate wrongdoing falling within its current mandate, which must raise the question of resource capacity when considering expanding that mandate to include

[24] Examples (with links to relevant policies) include: UN System; World Food Programme; World Health Organization; United Nations Development Programme; The World Bank; The Global Fund; Green Climate Fund

harassment. A large number of those interviewed expressed concern around the timeliness of DIO's investigation response (comments covered elsewhere in this report) and questioned what additional impact on timeliness an expanded mandate would have.

71. The second, and critical, factor is the significant divergence between the Council of Europe and most other international organisations in respect to the experience of staff – specifically, the practice of recruiting junior investigation staff into the DIO with no prior investigations experience. This is considered sub-optimal by the reviewers for the reasons set out below.

72. Recruiting investigators who already possess the right mix of experience, specialised training and sector-specific knowledge is essential for any international organisation that relies on credible, legally sound investigations. While junior staff can augment a team, even entry-level investigators must bring a baseline of investigative competence to reduce the risk of jeopardising the investigation process.

73. A robust investigative capability hinges on staff who arrive with a proven track record of handling confidential, victim-sensitive, and evidence-gathering work. Junior members can be integrated to expand capacity but can only contribute fully after they have demonstrated foundational training and experience. This approach ensures compliance with legal and data-protection obligations and preserves the integrity and credibility of the investigation process itself.

74. <u>Should the current staffing model be retained (i.e. a core number of permanent staff without outside consultants) it is recommended that this approach (i.e. recruiting junior staff with no investigation training or experience) be urgently reviewed.</u>

A hybrid model of core staff and individual consultant investigators may be appropriate for the DIO Investigation Division, particularly as it takes on the added mandate of harassment investigations.

5.2 An alternative approach to staffing the Investigation Division

75. The reviewers were tasked to consider alternative models for staffing of the Investigations Division. Based on the foregoing comments and following a review of the caseload managed by DIO investigations, the reviewers assessed that a hybrid workforce could be more effective than the current structure of four permanent investigation personnel. A hybrid staffing model would use a core team of at least two senior investigation managers and a roster of investigation consultants with a range of different skills, engaged on an 'as needed' basis, through a framework contract. This suggestion is based on the following considerations:

a. Investigations are unpredictable and it can be difficult to accurately forecast the appropriate level of full-time resources. Unlike other oversight components (for example, audit and evaluations), much of the investigation work is reactive rather than planned. The DIO, like all investigation offices, has no control over the number of cases reported or the nature and complexity of those cases.

b. With an expanded mandate, DIO will need to be able to call upon investigators with a broader set of skills – not only investigators with experience in fraud and corruption cases but also investigators with extensive, contemporary experience and training in harassment and sexual harassment investigations.

c. It may be beneficial for the roster to include consultants with experience in conducting investigations into senior officials or members of oversight offices in the event of an actual or perceived conflict of interest.

d. Additionally, if the recommendations of this report are accepted, it may be necessary to call upon investigators with experience in sanctions and exclusions processes which are commonplace in other international organisations.

e. All three reviewers have used different hiring modalities for engaging ‘at call’ investigation staff. Based on considerations of cost, efficiency, confidentiality, effective control and coordination, the most effective modality is the direct engagement of consultants working ‘as needed’ in-person or remotely with the investigations team, rather than engaging personnel proposed by a company, who may not necessarily have prior experience with the DIO and its processes. Having a large roster of potential consultants helps to ensure the availability of at least some consultants at any time.

f. Using different investigators for different cases will inevitably lead to differences in methodology and reporting unless the tasking and investigation work is carefully managed by senior investigation staff familiar with the requirements of the Council of Europe. It will therefore be necessary for at least one senior staff member to be overseeing the work of the consultants but for continuity purposes and to ensure the manageability of the workload, the reviewers recommend a minimum of 2 permanent, senior staff in the DIO’s Investigations Division.

g. For the core (senior) staff, a balance will need to be struck between management and ‘hands-on’ investigation work to ensure the efficient running of the investigations function.

h. The number of cases managed by DIO would seem to allow the Head of Investigations and other senior investigators to be directly involved in the investigation, interviewing and reporting process. It is not unusual for the Head of Investigations – even in large investigation offices – to directly conduct investigations, especially into highly sensitive matters including allegations against very senior members of staff. This approach would help to reduce the response time, especially in cases with a ‘high political temperature’ or a high level of urgency.

6. Fraud awareness and response landscape

76. As requested in the Terms of Reference, the reviewers examined the following areas of DIO's investigation work: (a) how effective is the current reporting system; (b) what is the level of awareness amongst Council of Europe staff as to the wrongdoing investigations process (knowledge of what to report, how to report and confidence in the investigations team and its confidentiality processes); (c) what is the perception of DIO's timeliness in assessing and investigating allegations; and (d) how appropriate and adequate are DIO's fraud awareness activities.

77. The observations of the reviewers on each of these points is set out below.

6.1 How effective is the current platform?

The Council of Europe reporting mechanisms are deemed to be adequate. Planned enhancements will further bring the Organisation in line with industry best practices.

78. The main Council of Europe webpage includes a link in the footer to 'report wrongdoing', which takes the user from the main webpage to the investigations page with one click, which is industry best-practice.

79. The investigations page provides clear information and guidance on what to report, how to report, the process of investigation, prevention efforts and the legal framework underpinning wrongdoing investigations.

80. When a reporting person clicks on the 'how to report' button, a detailed explanation is provided on the obligation to report, what information should be provided, and how to make a confidential report.

81. The mechanisms provided for reporting are: in person; by regular mail (address provided along with guidance on confidential marking); by email; or via a web-based reporting form.

82. While some organisations use additional forms of reporting (for example, toll-free global telephone lines[25] and multi-language reporting[26] a balance needs to be struck between cost and effectiveness. The Council of Europe's current reporting methods would seem to be adequate, so long as the absence of reporting options in languages other than French or English is not seen as a limiting factor by the DIO and Council of Europe management.

83. The DIO is working on an enhancement to its electronic reporting form, which will enable two-way communication with reporting persons wishing to remain anonymous. This is potentially beneficial to receiving reports from hesitant complainants and in line with best practice. Some reports from anonymous complainants lack sufficient detail to allow a proper assessment – and because the report is anonymous, it is not possible to check back with the person to obtain more information (or

[25] See, for example: https://secure.ethicspoint.eu/domain/media/en/gui/104807/phone.html

[26] See for example the following reporting pages with drop-down boxes for reporting in multiple languages: (1) https://secure.ethicspoint.com/domain/media/en/gui/83109/index.html; (2) https://www.eib.org/en/forms/anti-fraud-form

for the person to check back on any action taken and to supply additional details that they later receive). The enhancement is designed to implement a system that assigns a report number which can be used for later communication. This is positive and the reviewers encourage the Council of Europe to implement this change, after undertaking the necessary analysis on system compatibility and costing.

6.2 What is the level of awareness amongst Council of Europe staff as to the wrongdoing investigations process (knowledge of what to report, how to report and confidence in the investigations team and its confidentiality processes)?

Based on comments of those interviewed, awareness of the investigative reporting process appears to be adequate. However, additional surveys could be conducted to confirm this across the Organisation. Separately, Investigation Division staff should consider dedicating more time to fostering trust with a network of key stakeholders.

84. The question of staff awareness on the issue of wrongdoing and their confidence in the handling of investigations was a topic raised by the reviewers with each of the thirty Council of Europe officials interviewed. Comments received regarding the relevance and actionability of investigation findings will be covered in Section 9 below. The following paragraphs provide a summary of information received, and observations made by the reviewers, relevant to the 'front end' of the process: the knowledge and trust necessary for a staff member to make a report of wrongdoing.

85. Those interviewed were almost universally of the view that staff members are well aware of their obligations to report wrongdoing and the mechanisms available to them for doing so. Some interviewees added, however, that the training provided to staff needs to be updated and refresher training should be considered every few years.

86. It is relevant to note that the interviewees were predominantly senior members of staff who, through their long years with of service, have a good understanding of the policy framework and structure of the Council of Europe. In order to assess more accurately whether staff know what to report and how, consideration should be given to including related questions in future staff surveys – a practice that other organisations have found insightful.

87. The reviewers note that training for new staff needs to be updated to reflect key changes made to the oversight policy framework in 2023.

88. One comment repeatedly made by those interviewed concerned the perceived approachability of the investigations team. There was a common view that the investigations team tended to isolate themselves from the organisations and this was seen as being potentially detrimental to the process of staff reporting concerns.

89. Investigators can be in a conflict-of-interest situation where allegations arise concerning close associates or friends. This can be especially problematic in organisations with small investigation teams. However, in such rare circumstances, any actual or perceived conflicts of interest can be mitigated through the use of external investigators. For investigations offices to be effective, staff

must have confidence in those handling confidential reports of wrongdoing. Based on feedback received from a large number of those interviewed, the Investigations Office need to consider ways of making themselves and their processes more widely known in the organisation and dedicate more time to fostering trust with a network of key stakeholders. In order to remain abreast of developments in investigations policy, forensics and other relevant fields, the investigations staff in DIO should also maintain regular contact with the senior staff of other investigation offices.

90. One observation shared by the reviewers was that the number of cases referred to the DIO is low, given the size of the organisation. The reviewers would have expected to see more allegations in an organisation of approximately 3 500 staff. This point is taken up further in Section 9 below, where suggestions are made for certain proactive work, which may add additional value and relevance to the Council of Europe's investigation's function. Additionally, in the experience of the reviewers, the development of networks within the organisation to improve trust in the investigation process, and the investigators themselves, is a key determinant in whether staff refer suspicions of wrongdoing to the investigations office.

6.3 How appropriate and adequate are DIO's fraud awareness activities?

The responsibility for Fraud Risk Assessments (FRAs) should be transferred to an appropriate second line function within the Organisation, with DIO providing expertise and support, as required. It is recommended that FRAs examine not only activities within MAEs but consider cross-cutting assessments as well. FRAs should explain existing mitigation/effectiveness, identify control gaps and provide recommendations for further mitigation. The necessary follow-up and process should also be clearly set out in the FRA final report.

91. The DIO has undertaken various activities to increase fraud awareness within the Council of Europe, including awareness training and fraud risk assessments.

92. DIO also recently contracted external experts to produce a fraud risk methodology that the Council of Europe could deploy for its activities. The methodology was spreadsheet-based and appeared rigid in its categorisation of risk. Two outsourced draft FRAs were produced, but their description of existing mitigation measures was overly broad did not always cover existing controls. More importantly, there were few suggestions for improving controls to mitigate the risks. Thus, while the development of the methodology is welcome and will help in increasing fraud risk awareness, further enhancement will provide additional value to the organisation.

93. The use of FRAs by DIO also provides an additional tool to socialise the investigation function across the organisation. That said, while DIO has done well to take the initiative in this area, the review does not consider that the conduct of these assessments should remain with the Investigations Division. Rather, fraud risk is a management responsibility, as stated in the Council of

Europe's Code of Conduct: *"Managers shall take steps in their areas of responsibility to identify risk areas; implement measures to mitigate such risks; and put in place internal controls with the aim of preventing fraud and corruption".*

94. This is also emphasised in the Secretary General's Policy Statement: *"Managers will be expected to implement and maintain internal controls to prevent fraud and corruption in the areas of their responsibility. This includes, in particular, the identification and assessment of potential risk areas and the adoption of measures to mitigate such risks".*

95. While these statements make clear that managers are responsible for addressing fraud risks, this review acknowledges that specialised expertise from the second line[27] should lead the FRA exercise and work with managers on this task, including risk identification and risk mitigation actions plans. Accordingly, responsibility for deploying FRAs should lie with the appropriate second line function, in conjunction with the relevant managers. DIO should remain a resource to be consulted for specialist expertise where required.

96. FRAs are currently focused only on vertical pillars and are not cross-cutting. Some processes may require an overview of multiple MAEs, e.g. procurement process from requisition to approval to purchasing to receipt, accounting and payment. The methodology should be adapted to allow for transversal assessments. It was also noted that the recent outsourced FRAs highlight only the fraud risks but do not provide recommendations. It was also unclear how the implementation of remedial measures recommended in FRAs are monitored. FRAs should explain existing mitigations and their effectiveness, identify missing controls and provide recommendations for further risk mitigation. The necessary follow-up and implementation process should also be set out in the FRA final report.

7. Confidentiality and Data Protection

97. The review identified a number of issues in Council of Europe's data protection policies and practices relating to investigations. The following observations are made based on an in-depth review of the policy, along with detailed discussions on these points with the DPO, and staff in DIO and DIT.

7.1 The requirement to delete original audio recordings

Given the importance of the interview recording as 'best evidence', the reviewers suggest removing the requirement to delete the original audio recording.

98. Paragraph 66 of the Rule on Investigations requires that the original audio recordings of witness and subject interviews be deleted after a transcript has been made and checked for accuracy. However, current practices are to not produce verbatim transcripts. Given the very significant resource requirements of transcribing investigative interviews and the limited investigation

[27] In the 'three lines of defence' assurance model, operational functions are the first line, supported by risk management and compliance functions in the second line and internal audit as the third line.

resources in DIO, investigators prepare summaries of interviews highlighting relevant points. This practice is deemed acceptable in certain international organisations, while others may opt for verbatim transcripts. One risk with the current practice is that the summary may later be challenged and, without the original recording, the accuracy of any written record of interview will not be possible to independently verify. Equally, this could disadvantage the accused person through the potential non-inclusion of any exculpatory evidence from interviews into the summary – which will also be impossible to assess without the original recording.

99. In line with the practice of all other investigation offices that the reviewers are familiar with, the original recording should be retained until the disposal of the case in line with other data protection provisions (5 years for preliminary assessment cases and 10 years for cases that have been the subject of investigation). Relevantly, other offices operating under similar data protection requirements do retain their interview recordings for the life of the investigation case (including, for example, the EIB, operating under similar data protection provisions contained in the EUDPR).

7.2 The requirement to delete personal data from investigation files

The Rules of Investigation requirement to delete personal data from files during the (5 and 10 year) retention period should be removed.

100. Paragraphs 86 and 87 of the Rule on Investigations set retention periods of up to 5 years for cases closed following a preliminary assessment and 10 years for cases that result in investigations. This retention period is in line with the investigation offices of EU institutions such as OLAF and the EIB's Investigations Office, which as noted above are covered by similar data protection requirements (the EU's institutional data protection legislation (EUDPR)).

101. Paragraphs 86 and 87 of the Rule on Investigations require that although assessment and investigation cases may be retained for up to 5 and 10 years respectively, personal data must be removed from the files as soon as those data are no longer required. Based on discussions with DIT, DPO and DIO Investigations, it is suggested that the requirement to scrub personal data from files during the (5 and 10 year) retention period be deleted. This recommendation is made on the basis of the following:

- The requirement creates potential impediments to future assessments and investigations of repeated misconduct. Take for example a case of multiple reports over the course of several years implicating the same staff member in similar misconduct. Case 1 is closed at the assessment stage because there is not quite enough evidence to proceed with a full investigation. Case 2 alleges similar misconduct and there are links between the two cases, but because the identity of the staff member has been removed from case 1, it is not possible to link the two cases.

- The requirement is prohibitively resource intensive. Investigation files often consist of hundreds of individual documents (for example: emails relating to the initial report, internal exchanges on the screening and preliminary assessment process, requests for information from staff in different parts of the organisation, interviews with witnesses, notes to file, subject interview records, letters to the witnesses and subject, the investigation report, and a range of other documents). In order to remove all personal data, it would be necessary to review and redact each one of the large number of documents collected during the course of each investigation, which is not practicable.

- This requirement does not apply to offices in other international organisations covered by similar data protection legislation.

- The deletion of files does not seem to be technically possible, given the Council of Europe's IT system backup and recovery process. Although an investigator could theoretically delete certain documents from their directories and systems, copies will remain in backups (and are therefore not actually removed from Council of Europe systems).

102. The technical ability to delete certain files from backups in the Council of Europe's IT system also applies to the witness and interview recordings mentioned above. Although investigators may delete these recordings from their own directories and systems, they will remain in the Council of Europe's backups and are therefore not 'destroyed' as required under paragraph 66 of the Rule on Investigations.

7.3 Recommendation for amending the approval process for access to sensitive personal data

It is recommended that the DIO discuss with the DPO an appropriate process for authorising access to sensitive personal data. The process of requesting digital forensic examinations should be formalised through signed documentation in each case.

103. Paragraph 60 of the Rule on Investigations refers to the need to ensure that the collection of evidence is 'properly authorised'. At present, authorisation is provided by the Director DIO. A request is then sent to the DIO contact in DIT, who conducts the necessary digital forensic examination. In EU institutions covered by EUDPR, the authorisation process involves consultation with the DPO to have an objective verification that the data sought are necessary for a legitimate purpose, proportionate, relevant and not excessive. The approval request provides sufficient details to justify access based on the circumstances of the case and the potential relevance of certain evidence, but without revealing the identity of the subject. Similar processes apply in other international organisations, even when not bound by similar data protection obligations to those existing in the Council of Europe and EU institutions. For example, investigators at GAVI, The Global Fund and other agencies seek authorisation for access to sensitive personal information (such as email folders) by providing justification to e.g. the Head of Personnel or Legal, without revealing the identity of the subject.

104. Based on conversations with DIT it is also recommended that the process of requesting digital forensic examinations be formalised through signed documentation in each case. This will provide a higher level of formal assurance to DIT that the digital forensic activities are directly connected with an approved investigation and reduce the possibility of miscommunication on the type and extent of forensic activities to be undertaken.

8. Investigation Activities

105. As part of the assessment of DIO's investigation activities, the reviewers examined the case screening, assessment and investigation process. This included a review of physical and electronic files. The reviewers sought to determine whether the assessment process was adequate, whether the investigation followed international best practice, whether the timeline for assessment and investigation of cases was appropriate, what internal guidance, templates, etc., exist to ensure consistency and efficiency in the case assessment and investigation, the adequacy of recording assessment and investigation decisions, and the format and content of investigation reports. The reviewers also assessed whether the Council of Europe has a sufficiently robust set of contractual clauses to allow for investigation access in cases where contracted parties are implicated in fraud or corruption impacting Council of Europe's programmes or budget.

106. The following observations are made based on this review of documentation. Additional points relating to the quality, relevance and 'useability' of investigation reports and findings are addressed in Section 9 below.

8.1 The adequacy of the assessment procedure and whether the investigation process at DIO follows international best practice

Based on a comprehensive assessment conducted by the external reviewers, the Investigation Divisions of the DIO uses robust and effective processes that generally align with international best practices for integrity functions. Nevertheless, certain efficiencies could be achieved by streamlining the initial screening process and considering a witness interview process that is less resource intensive.

107. The review confirmed that the Division has established an adequate and transparent process for the intake and assessment of all allegations. Each case that passes an initial screening is entered into a centralized pipeline for detailed assessment. This 'preliminary assessment' follows a formalized procedure where each allegation is evaluated against specific, pre-defined case assessment and prioritisation criteria, which ensures objectivity and consistency in decision-making. Following this evaluation, a formal decision on whether to open a full investigation is made by the Office's management, based on the appropriateness and merits of the case. To finalise this process and ensure accountability, every decision is formally documented in a written record that is signed and approved by both the Head of Investigations and the Director DIO. This multi-layered, documented procedure provides a strong foundation for the Office's work, ensuring that resources are allocated effectively to the most serious allegations.

108. The external review also concluded that the investigation process itself generally adheres to international standards. The investigation team operates as part of an independent oversight function that does not report to the operational management of the Council of Europe, thereby safeguarding its objectivity and protecting it from potential conflicts of interest or undue influence, which is in accordance with the CII General principles for international investigation offices:[28] *"The Investigative Office shall maintain objectivity, impartiality, and fairness throughout the investigative process and conduct its activities competently and with the highest levels of integrity. In particular, the Investigative Office shall perform its duties independently from those responsible for or involved in operational activities and from staff members liable to be Subject of investigations and shall also be free from improper influence and fear of retaliation."*

109. The DIO's Investigation Division methodologies for evidence gathering were also found to follow the established guidelines promulgated by the Conference of International Investigators (CII),[29] a recognized global benchmark for professional investigative practice.

110. In most respects, the process for conducting witness and subject interviews is in conformity with international best practice. One point of deviation from standard processes is the non-retention of subject interviews. The potential risks of this practice are covered in Section 7 above. The non-retention of interview records is also not in conformity with the CII 'Principles for Testimonial Evidence' (relevant points bolded below):[30] *14. The Investigative Office should make all efforts necessary to ensure that an accurate record of the interview is made* ***and retained****, … 17. Safeguarding testimonial evidence is an essential part of the investigation/inquiry process. Following the interview,* ***the Investigative Office will ensure that the evidence is securely preserved****, in a manner that limits the possibility of adulteration, manipulation or it being compromised.*

111. While the investigation processes generally align with international best practices, certain efficiencies could be achieved. For example, the process of screening cases could be streamlined (the current process is 'resource heavy, with a 2-page summary prepared before a preliminary assessment is undertaken). As per Section 7 above, policy changes are necessary to ensure the proper retention of original audio recordings. Consideration should also be given to a more effective way of recording witness interviews, rather than the resource intensive process of recording and transcribing all witness interviews.

8.2 Timelines for the assessment and investigation of cases

Consideration should be given to setting a reasonable (and extendable) time limit for the 'investigation process' as distinct from 'the investigation' – i.e. from receipt of the allegation through to closure, rather than the current policy approach of only setting a time-limit for the actual investigation phase, which does not commence until the screening and preliminary assessment processes have been completed.

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[28] https://www.ciinvestigators.org/wp-content/uploads/2021/11/CII-Uniform-Principles-and-Guidelines-for-Investigations_2ed.pdf

[29] https://www.ciinvestigators.org/wp-content/uploads/2021/11/CII-General-Principles-for-Physical-and-Documentary-Evidence-21stCII.pdf

[30] https://www.ciinvestigators.org/wp-content/uploads/2021/11/CII-General-Principles-for-Testimonial-Evidence-21stCII.pdf

112. The timeliness of investigation work was an issue commonly raised in interviews conducted as part of this review. In summary, most of those interviewed believed that the response from investigations was slow and this impacted the ability of managers to take any necessary action.

113. The average duration of closed cases, from receipt of information to finalisation of the investigation report between 2021 and 2024 was around 154 working days (about 7.5 months, counting 20 working days per month). The average duration of the preliminary assessment of those cases was 38 working days (8 weeks counting 5 working days per week). For cases currently open at the time of the review (as of 4 September 2025) the average duration of preliminary assessments (i.e. before the time-limit of a case begins) has been around 99 working days (i.e. almost 5 months, counting 20 working days per month).

114. Timeliness is critical to the credibility of an investigations function. When allegations remain unaddressed, managers are forced to operate in a vacuum, unable to assess whether a suspected fraud, a procurement irregularity or a harassment complaint warrants immediate corrective action. The human cost of delays is also an important factor. Employees who have reported wrongdoing, or who find themselves the subject of an accusation, are left with a cloud of uncertainty that can impair morale, productivity and mental wellbeing. When staff sense that the investigations office is slow or indifferent, confidence in the institution's commitment to addressing irregularities and the reputation of the investigations office may also be affected.

115. Timeliness has no doubt been affected by staffing issues in DIO. A recommendation is made in Section 5 for a more flexible staffing model, which should help to increase investigative capacity and improve timeliness. The various recommendations on efficiency contained in this report will also help the DIO's investigation timelines – for example, the use of investigative guidelines and templates referred to in Section 8.3 below. A policy-related recommendation is set out below.

116. Paragraph 51 of the Rule on Investigations requires the DIO, at the time of opening an investigation, to set a time limit for its completion. While the need to minimise the time taken to finalise investigations is common to all organisations, there are legitimate reasons for ensuring that hard time limits are not set and that there is an appropriate mechanism for extending time limits on objectively reasonable grounds. Certain factors may be unknown at the time of opening an investigation (and therefore at the time of setting a time limit). For example, the scope of the wrongdoing, the value of funds involved and the identity and seniority of all involved may not become clear until the investigation has obtained all relevant evidence. Certain factors impacting the timeline of an investigation may also be outside the control of investigators – for example, key witnesses who fail to cooperate, document requests that encounter delays, etc.

117. The wording of the Rule on Investigations does provide flexibility in the timeline for conducting investigations, which is necessary and appropriate. This (extendable) time limit is 3 months for a harassment investigation and 6 months for other types of alleged wrongdoing.

118. The practical effect of the time limit is minimised, however, by having no time-limit for the screening or preliminary assessment stages of the investigation process. If allegations remain at the assessment stage (or screening stage) for extended periods of time, then it somewhat defeats the purpose of having investigative time limits.

8.3 The development of an investigations manual and templates to ensure consistency and efficiency

The Investigations Division should consider developing an investigations manual and an appropriate catalogue of templates for investigations.

119. To ensure the consistency of each investigation step – especially if using external consultants – the reviewers recommend that DIO prepares an investigations manual or other over-arching guidance to codify each step of the investigations process. Such manuals (or investigation guidelines/instructions) are used by a number of other international organisations and typically cover processes such as: case intake, assessment and prioritisation; investigation planning; witness and subject interviews; mission planning; evidence collection, chain of custody and storage; digital evidence acquisition and processing; investigations report writing and case finalisation; records management; proxy investigations; allegations against staff in the investigations office; sanctions and debarment processes; proactive investigations; and other topics relevant to the particular organisation (for example investigations into breaches of the organisation's social and environmental policies).

120. The investigations manual should be supplemented by an appropriate set of investigation templates for each step of the investigations process. Investigation templates reduce ambiguity and minimize the risk of omitted or duplicated work. This uniformity is especially critical in an international investigations office where cultural, legal, and linguistic differences can otherwise introduce variability. Efficiency gains arise because investigators spend less time reinventing documents or deciding on structure for each new case.

8.4 Format and content of investigation reports

Investigation reports are comprehensive and sufficiently supported by evidence. However, reports could benefit from several enhancements in the form of editing and focus. Reports should include consideration factors relevant to the decision maker and need to be mindful of the separate decision-making process for post-investigation actions (including the decision on opening disciplinary cases).

121. Interviewees and the reviewers generally found that investigation reports prepared were comprehensive and sufficiently supported by evidence. However, there was a consistent view that reports were difficult to read and too long given the often-straightforward set of facts. The reviewers found that this was likely the result of the reports placing too much emphasis on the investigation and processes as opposed to facts of the matter under investigation. Reports often omitted any substantive narrative and only contained clearer descriptions of the underlying wrongdoing towards the end of the report. Further, witnesses were often not named in the report (making it harder to provide due process), and various points were unnecessarily duplicated. This reduces the ability of

management – and more importantly the accused – to understand and/or respond to the reports. It also complicates any resultant disciplinary processes.

122. Further complicating the matter is that the definitions of wrongdoing or other practices lack clear elements of proof (*see 4A*), leaving it somewhat open to interpretation as to whether the acts described meet the wrongdoing alleged.

123. To improve the quality of reports, the reviewers recommend that more emphasis be given to the executive summary or background section, whereby the reader can quickly understand the allegation and resulting findings of the investigation. Less attention should be given to a chronology of the investigation itself, and more attention should be given to the analysis of evidence explaining why the DIO concludes that the facts constitute wrongdoing. Where DIO nevertheless feels it important to reproduce legal or contractual texts or other information verbatim and in full, consideration could be given to putting these in annexes rather than in the body of the report.

124. The DIO should also exercise caution to avoid the perception of bias in its reporting. One report referred to the fact that the investigator assessed statements against criteria including 'the reliability of the witness [and] credibility of the evidence […] to establish relevant facts…" The reviewers consider that the reports should state the reasons where the credibility of the witness or their evidence is called into question to allow the reader to understand the criteria for such an assessment.

125. Investigation reports currently include recommendations on actions to be considered by decision makers that can be perceived as outside the role of fact-finders (e.g. the decision on whether to initiate disciplinary action). Conversely, reports do not flag additional factors that could guide decision makers in their review – namely aggravating and mitigating factors identified

8.5 Interim measures process

Clarification should be made regarding the content of submissions and standard of review applied for interim measures, which should be lower than the standard of clear and convincing (e.g. reasonable suspicion).

126. The Staff Regulations and Staff Rules specify that the DIO may recommend to the Secretary General that an interim measure be imposed on the subject of investigation if the DIO is of the view that certain criteria are met. However, no guidance is provided as to what documentation the DIO should submit to evidence its recommendation.

127. The Staff Regulations and Staff Rules should define the content of such recommendations to the Secretary General, including whether relevant preliminary evidence gathered supporting the allegation of gross misconduct shall be included with the recommendation, and the standard to which the reviewers are considering supporting evidence submitted by DIO.

128. It should be noted that this recommendation applies to interim measures proposed in connection with an investigation by DIO. The Staff Regulations and Staff Rules could also consider alternative justifications for interim measures that are unrelated to DIO investigations, in which case

assessments may require other considerations. Such alternative tests could include the existence of a criminal investigation pursued by national or local authorities whereby access to information may be more limited but reputational impact to the Council of Europe is deemed significant.

8.6 Investigation access clauses in Council of Europe contracts with external providers

Contractual access clauses, ensuring access and cooperation in the event of an (external) investigation should be implemented as a matter of priority.

129. Currently, there are no contractual clauses allowing for investigation access in Council of Europe contract templates with external providers. The current contractual provisions used by Council of Europe provide for audit access but not for investigations.

130. Such clauses are essential to ensure access to relevant documentation and cooperation in any investigations relating to external entities, impacting Council of Europe funds. For this reason, other international organisations generally insist on such clauses with all contracted parties. The reviewers have been advised that new wording is in the process of being finalised. This should be implemented as a matter of priority.

9. Value and Relevance – Summary, Conclusions and Further Recommendations

131. Based on the detailed policy and case review conducted by the external reviewers, and interviews conducted with a broad cross-section of Council of Europe management, a number of summary observations are made below on the DIO Investigation Division's value and relevance to the organisation. Two strategic additions to the work of the Investigations Division are also suggested below, to amplify the impact and to further enhance the value and relevance of the DIO. These two points are additional to the recommendations made in the various sections above. The summary observations and areas of suggested improvement are as follows.

9.1 Robust policy framework for addressing fraud, corruption and other forms of wrongdoing

132. A comprehensive set of rules (Rule on Investigations, Speak-Up Policy, Respect & Dignity Policy, Code of Conduct, DIO Charter, Data Protection, Staff Regulations and Rules) provides a formal legal structure for handling fraud, corruption, and other wrongdoing. This framework defines investigative standards, and provides data protection, confidentiality safeguards and protection against retaliation. The framework thereby provides a predictable, fair processes for staff and the organisation. In order to optimise the investigation's function and to broaden DIO's mandate to investigate harassment cases, a number of recommendations are made in the relevant section above and the table below.

9.2 Accessible reporting channels

133. Staff, along with external parties, can choose how to report: in person; by post; email or via a web-based form. A forthcoming two-way anonymous reporting portal will further lower barriers to reporting and the multi-channel approach with options for anonymity is recognised as best practice. Awareness of reporting obligations appears to be adequate, although staff training needs to be updated to reflect key changes made to the oversight policy framework in 2023.

9.3 Clear chain of accountability

134. The internal reporting lines (Secretary General ↔ Director ↔ Head of Investigation Division ↔ Investigators) allow for internal checks on performance and accountability. External oversight comes from the Oversight Advisory Committee and through the DIO's reporting obligations to the Committee of Ministers.

9.4 Investigation process quality and adherence to international norms

135. The investigative lifecycle (screening, preliminary assessment, full investigation) meets CII and other relevant standards for impartiality, evidence handling and data protection. Minor refinements are suggested for timeline targets, including a more 'whole of process' approach to setting investigation deadlines and the development of an investigation's manual and templated documentation to boost efficiency. Several other recommendations are set out in the table below, including suggested changes to the wording of investigation recommendations and policy changes to clarify the post-investigation decision-making process.

9.5 Quality and usability of investigation reports

136. Findings are thoroughly documented and supported by evidence. While reports are substantively solid, interviewees note that brevity and clearer executive summaries would improve usability for managers and those involved in disciplinary and other subsequent actions.

9.6 Integrated fraud-awareness and risk mitigation

137. Within the limits of available resources, the DIO runs fraud-awareness and fraud risk assessment activities. Interviewees generally believe that the awareness raising activities are effective and that the fraud risk assessments are a valuable contribution to the Council of Europe's risk-management system. A number of recommendations are made above and in the table below to improve the process of assessing fraud risk in the Council of Europe, including moving responsibility for Fraud Risk Assessments to second-line functions, with assistance from the DIO as necessary.

9.7 Stakeholder confidence

138. Most respondents describe the DIO as a “trusted partner” and “key stakeholder.” However, as set out more comprehensively above, investigations staff need to consider ways of making themselves and their processes more widely known in the organisation, and dedicate more time to fostering trust with a network of key stakeholders.

9.8 Evidence-based improvements recommended

139. In benchmarking the policies and procedures of the Council of Europe and the operating practices and quality of investigations conducted by the DIO, the reviewers have drawn on best-practice policies from the UN system, International Finance Institutions, The Global Fund, The Global Vaccine Alliance and other multilateral bodies. The table below sets out a broad set of actions including concrete proposals for policy and procedural changes. The effective implementation of these changes – which include clearer agreements with the European Court of Human Rights and the Parliamentary Assembly of the Council of Europe to bridge the gap between policy wording and the operational practices - will require the commitment of offices across the organs and bodies of the Council of Europe.

9.9 Recommended strategic additions to the investigations mandate of the DIO

Introduce proactive investigations

140. Based on the reviewers’ experience in heading the investigation functions of other international organisations, all three reviewers were of the view that the number of cases handled by the Investigations Division is low. Given that the Council of Europe has approximately 3,500 staff, and a procurement budget of €80-100 million per year,[31] the reviewers would have expected to see cases of medical insurance fraud and procurement fraud amongst the issues reported for investigation. Both areas of potential fraud are commonly investigated by similarly mandated offices across the UN and in other international organisations. To initiate such referrals, though, a proactive approach is sometimes necessary to establish contact points and provide topic-specific guidance to facilitate the transfer of anomalous and potentially fraudulent cases. The 2024 external audit report identified a number of other areas that could be interesting to examine as part of a proactive investigation approach. For example: (i) the new IT system ('source to pay'), is being implemented incrementally and, at the time of finalising the external audit report, the necessary component was not in place to block the payment of invoices not yet approved by the authorised person; (ii) fragmented financial and administrative systems; (iii) a lack of uniform procedures relating to procurement; (iv) no proper enforcement of competitive bidding; (v) lack of standardised processes for expenditure; (vi) inadequate review of conflict of interest declarations; and (vii) a lack of coordination between cost centres.

141. Based on the foregoing, it is recommended to introduce risk-based, proactive investigations into areas identified as having a higher risk of fraud (e.g., medical-insurance, travel-claims, procurement). As an initial step, the Investigations Division should establish formal liaison points with the Council of Europe’s medical services company (Henner), and with the Council of Europe’s

[31] https://www.coe.int/en/web/organisation/procurement

finance and procurement units to share data, flag anomalies and provide risk-specific guidance. It is recommended that the DIO align this function with the proactive models used by the UN (e.g. the proactive investigation functions of UNDP and WFP), Multilateral Development Banks, (e.g., EIB's proactive integrity reviews) and other international organisations.

Create a vendor sanctions/debarment system

142. Debarment processes are now a common feature of international organisations, ensuring that public funds do not continue to flow to entities found to have engaged in fraud and corruption. The Multilateral Development Banks have debarment and exclusions processes, UN agencies have vendor sanctions committees (e.g. WFP) or vendor review committees (e.g. UNDP, UNOPS, FAO and UNFPA).

143. While the Council of Europe uses self-declarations for tenderers, requesting them to disclose whether they have been the subject of a final court judgment or debarment by another international organisation, no debarment process has been established in the Council of Europe and, therefore, there is currently no policy basis for determining an appropriate sanction for companies found to have defrauded the organisation. It is recommended that Council of Europe coordinate with other international organisations on the implementation of an appropriate vendor review/sanctions process.

10. Key observations and recommendations

Annex table of key observations and recommendations

Theme	Key Observation	Recommendation
Adequacy and Appropriateness of Policy Framework		
1. Protection from retaliation (refer to Section 3)	The Speak Up Policy only provides protection against retaliation in the context of investigations or preliminary assessments. It does not provide protection in the event that a staff member provides information in the context of an audit or a fraud risk assessment, for example.	The Speak Up Policy should include protection from retaliation in all interactions with DIO, and not just investigations.
2. Definitions of wrongdoing and other prohibited conduct (refer to Sections 4.1 and 4.2)	Definitions of wrongdoing and other prohibited conduct are overly complex and lack sufficiently defined elements of proof. This results in challenges for investigators to interpret evidence and for accused staff to provide a defense. The definition of 'fraud', introduces a criminal element ('illegal'), which is inappropriate in an administrative context.	Benchmark definitions across peer organisations to identify improved wording in terms of clarity and constitutive elements of proof. Avoid using definitions that introduce criminal concepts.
3. Right against self-incrimination and obligations to cooperate with an investigation (refer to Section 4.3)	The Rule on Investigations contains a right against self-incrimination which is a protection generally associated with criminal investigations and may conflict with other provisions obligating staff to cooperate with investigations.	Conduct a benchmarking and legal analysis as to whether such a broad approach to staff rights against self-incrimination is in line with best practices or otherwise warranted.
4. Investigative mandate and coverage across institutions (refer to Section 4.4)	The Rule on Investigations and Speak Up Policy, in terms of individuals subject to the policies and DIO mandate, are disputed by ECHR and PACE. Feedback from certain stakeholders indicates that consultation with relevant offices covering all affected persons (e.g. judges of ECHR or parliamentary members) was not adequately conducted prior to issuing the policies	Agreement regarding covered parties should be reached, and those not covered by Council of Europe policies should be covered under similarly detailed procedures under the authority of the respective organisations.

5. DIO management of harassment investigations (refer to Section 4.5)	Existing policies require updates in terms of transferring responsibility of harassment allegations from DHR to DIO. Other necessary policy changes set out in Section 6(e). Current resources seem inadequate for handling this new area of work in a timely manner. Resource suggestions are set out in Section 5. Given the nature of harassment cases, consideration could be given to including HR personnel in the initial meetings. Other organisations involve HR or dedicated victim support personnel in the initial meetings.	Update policy and staff training to reflect the transfer of responsibility and ensure the wording of investigation policy is suitable for harassment cases (see Section 6(e)). Ensure adequate staff resources and/or adequate financial resources to engage external experts. Consider a procedure for including staff support functions in interviews with victims of harassment or other forms of personal harm.
6. Case Review Processes (refer to Section 4.6)	Current policy lacks sufficient clarity as to whether the Director of DIO formally makes a determination as to whether wrongdoing occurred, in which case a determination is final, or if such determination is made by the SG based on recommendation from the Director of DIO. Current policy also lacks guidance on the standard of proof to be considered in any such review of evidence by the SG. Roles and responsibilities for those advising the Secretary General in the assessment of investigative findings is not clearly defined in procedures.	The Rule on Investigations should more clearly define roles and scopes of review in terms of determination of wrongdoing and disciplinary actions. Staff Regulations and Staff Rules should specify the standard of review conducted by the Secretary General – including the standard of proof to be applied and whether such review is considered *de novo,* clearly erroneous or other level of deference to DIO findings. The Rule of Investigations should also include reference to key roles and responsibilities for those that support the SG in making any decision (i.e. role of the legal department or HR in assessing the case at hand).
7. Recommended changes to the automatic investigation of alleged harassment by the victim's supervisor (refer to Section 4.7)	The current policy requirement to progress such cases to investigation without any objective assessment of the facts may be sub-optimal to the effective handling of complaints and leaves open the possibility of managers being the subject of a formal investigation that is objectively baseless.	The Policy on Respect and Dignity should be revisited to ensure that all allegations, including those tied to sexual harassment or harassment involving a supervisor, are subject to same standards of review.

8. Recommended inclusion of sexual exploitation and abuse as a defined form of wrongdoing (refer to Section 4.8)	In line with the evolution of wrongdoing policies within other international organisations and, given the inevitable power imbalances in a hierarchical organisation such as the Council of Europe, broadening the definition of wrongdoing or, ideally, implementing an SEAH policy is recommended.	An SEAH policy, or broadening the definition of wrongdoing in existing policies to include sexual exploitation and abuse should be considered.
Resources		
9. The current resourcing model is not satisfactory to ensure timely investigations across an expanded mandate (refer to Section 5)	There is significant divergence between the Council of Europe and most other international organisations in respect to the experience of staff – specifically, the practice of recruiting junior investigation staff into the DIO with no prior investigations experience. A hybrid staffing model will allow greater flexibiolity for the DIO in handling a broader range of cases and an increased workload. However, adequate financial or staffing resources will be necessary to ensure timeliness.	A hybrid model of core staff and individual consultant investigators may be more appropriate for the DIO, particularly as it takes on the added mandate of harassment investigations. The core investigations team needs to be recruited from applicants with an appropriate level of investigations training and experience.
Fraud Awareness and Response Landscape (refer to Section 6)		
10. Staff awareness regarding wrongdoing reporting	Based on comments of those interviewed, awareness of the investigative reporting process appears to be adequate. However, additional surveys could be conducted to confirm this across the organisation. A common view expressed by interviewees was that the investigations team would benefit from more actively engaging with staff across the organisation to build trust and to be the face of the investigations office.	Questions relating to staff understanding of their obligations on reporting (who to report to, what to report, etc.) should be included in a future all-staff survey. Investigation Division staff should consider dedicating more time to fostering trust with a network of key stakeholders.

Fraud Risk Assessments		
11. Fraud Risk Assessments – transfer of responsibility	Fraud Risk Assessments currently sit with a third line function (The Investigations Division), which is resource constrained. [As per the DIO workplan, FRAs are dependent upon capacity available after reactive investigations are conducted]	Transfer Fraud Risk Assessments to the Central Coordination and Risk Office – a second line function that can be supported by DIO, as required.
12. Transversal Fraud Risk Assessments	Fraud Risk Assessments are currently focused only on a vertical pillar, and none are cross-cutting.	Some processes require an overview of multiple MAEs, e.g. procurement process from requisition to approval to purchase process to receipt and payment. It is recommended that the methodology be adapted to introduce transversal Fraud Risk Assessments.
13. All Fraud Risk Assessments should include remedial measures	The recent outsourced reviews highlight only the fraud risks but do not provide recommendations.	FRAs should explain existing mitigation/effectiveness, identify controls absent and provide recommendations for further mitigation.
14. Review Fraud Risk Assessment planning documents	The outsourced reviews provide a rigid template for conducting FRAs and may not be fully comprehensive or clear.	Recognise that spreadsheet based FRAs provide a basic template but that strict adherence may lead to key risks being overlooked.
15. Follow-up and implementation of recommendations from Fraud Risk Assessments	Based on a review of Fraud Risk Assessments conducted by the DIO, it is unclear how the remedial measures recommended in FRAs are monitored.	The necessary follow-up and reporting back process should also be clearly set out in the FRA final report.

Investigation Activities		
16. Data Protection (refer to Section 7)	Following a review of policy and case files, and based on detailed discussions with the DPO, and staff in DIO and DIT, the review identified a number of provisions in Council of Europe's data protection policies that are not in line with those of other international organisations that are bound by similar data protection rules. relating to investigations and which are sub-optimal and/or not technically possible. At present, there is no formal process to ensure that access to sensitive personal information is properly authorized, as per paragraph 60 of the Rule on Investigations. It is recommended that the process of requesting digital forensic examinations be formalised through signed documentation in each case, to provide a higher level of formal assurance to DIT that the digital forensic activities are directly connected with an approved investigation and reduce the possibility of miscommunication on the type and extent of forensic activities to be undertaken.	The requirement under to delete the original audio recordings of interviews after the making of a transcript (paragraph 66 of the Rule on Investigations) should be removed. The requirement to delete personal data from assessment and investigation files during the 5 and 10 year retention periods (paragraphs 86 and 87 of the Rule on Investigations) should be removed. It is recommended that the DIO discuss with the DPO an appropriate process for authorising access to sensitive personal data. The process of requesting digital forensic examinations should be formalised through signed documentation in each case.
Investigation Activities		
17. Streamlining of processes (refer to Section 8.1)	The current screening procedure (i.e. prior to preliminary assessment) is unnecessarily detailed and can be streamlined. The current process of digitally recording and transcribing all witness interviews is sub-optimal, given available resources.	The initial screening process should be streamlined. Consideration should also be given to a more effective way of recording witness interviews, rather than the resource intensive process of recording and transcribing all witness interviews.

18. Investigation timelines (refer to Section 8.2)	Currently no time-limit is set for the screening and preliminary assessment processes. Given that timeliness of the investigation process was an issue raised by many of those interviewed, the current policy should be revised to set a realistic timeframe for the full process (from receipt of an allegation through to finalisation).	Consideration should be given to setting a reasonable (and extendable) time limit for the 'investigation process' or the 'handling of a case' – i.e. from receipt of the allegation through to closure, rather than the current policy approach of only setting a time-limit for the actual investigation phase, which does not commence until the screening and preliminary assessment processes have been completed.
19. Investigations Procedures (refer to Section 8.3)	Although there are clear guidelines on the intake and assessment process, there is currently no investigations manual and few templates to ensure consistency and efficiency in the various steps of an investigation (such as evidence collection, chain-of-custody, interview protocols, and reporting formats) to reduce ambiguity and minimize the risk of omitted or duplicated work.	The Investigations Division should consider developing an investigations manual and an appropriate catalogue of templates for investigations.
20. Format and content of investigation reports (refer to Section 8.4)	There is a perception that reports from DIO are not drafted in a manner that allows for readers to easily comprehend findings. Reports unnecessarily repeat matters surrounding the decision to open an investigation, methodology, and processes – detracting from the salient findings. Investigation reports currently include recommendations on actions to be considered by decision makers that can be perceived as outside the role of fact-finders. Conversely, reports do not flag for decision makers additional factors that could guide decision makers in their review – namely aggravating and mitigating factors identified	Investigation reports could benefit from placing less emphasis on outlining the investigation process and placing more emphasis on the executive summary and the specific evidence relevant to the allegations so that the reader can quickly understand the allegation and resulting findings of the investigation. Recommendations should be mindful of post-investigation decision making authority (i.e., that DIO is not the decision maker in disciplinary or other post-investigation actions). Recommendations should be worded 'for consideration' where the decision maker is not DIO (i.e. steps and factors to be considered rather than concrete recommendations). Reports should include information relevant to the decision maker including Any identified aggravating or mitigating factors.

21. Interim Measures Process (refer to Section 8.5)	The Staff Regulations and Staff Rules specify that the DIO may recommend to the Secretary General that an interim measure be imposed on the subject of investigation if DIO is of the view that criteria are met. However, no guidance is provided as to what documentation the DIO should submit to evidence its recommendation.	Clarification should be made regarding the content of submissions and standard of review applied for interim measures, which should be lower than the standard of clear and convincing (e.g. reasonable suspicion).
22. Investigation Access Clauses **(refer to Section 8.6)**	Currently, there are no contractual clauses allowing for investigation access in Council of Europe contract templates with external providers. Such clauses are essential for effective investigations where an external counterparty is involved. The reviewers have been advised that appropriate contractual changes are under discussion.	Contractual access clauses should be implemented as a matter of priority, ensuring access and cooperation in the event of an (external) investigation.
Value and Relevance		
23. Proactive investigations (refer to Section 9.1)	The current level of reporting of fraud (for example medical insurance fraud, travel fraud and procurement fraud) appears to be very low, given the number of staff and the volume of procurement. The experience of similarly mandated offices in other international organisations is that proactive investigations help to identify fraud, corruption and other wrongdoing that can otherwise go unreported and undetected through existing controls.	Consideration should be given to introducing risk-based, proactive investigations into areas identified as having a higher risk of fraud (e.g., medical-insurance, travel-claims, procurement). It is recommended that the DIO align this function with the proactive models used by the UN (e.g. the proactive investigation functions of UNDP and WFP), Multilateral Development Banks, (e.g., EIB's proactive integrity reviews) and other international organisations.
24. Vendor Sanctions (refer to Section 9.9)	Debarment processes are now a common feature of international organisations, ensuring that public funds do not continue to flow to entities found to have engaged in fraud and corruption. The Council of Europe does not yet have an established, clear and published policy for determining an appropriate sanction for companies found to have defrauded the organisation.	It is recommended that Council of Europe coordinate with other international organisations on the implementation of an appropriate vendor review/sanctions process.

Annexes

Link to the Annexes: https://rm.coe.int/inv-externalreview2025-annexes-en/48802abe6c