

ETHICS OFFICE

Interim annual report



**“The modernisation of
our ethical framework
is ongoing and moving
in the right direction”**

2ND INTERIM ANNUAL REPORT
December 2020

English

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MISSION STATEMENT

The function of an Ethics Officer was established on 1 April 2019 to provide an independent advisory function to the Secretary General with respect to ethics related matters. The establishment of the ethics advisory function and the Terms of Reference shall be subject to review after the initial trial period.

The Ethics Officer provides guidance and advice on ethical issues to staff and any other person taking part in the Council of Europe activities. His/her role is fundamentally preventive. S/he does not carry out investigations into fraud or corruption or inquiries into alleged breaches of internal rules, but might follow up on recommendations issued by the Directorate of Internal Oversight (DIO) and/or the Directorate General of Administration (DGA) in that respect.

The Ethics Officer reports directly to the Secretary General under a limited term appointment not to exceed eight years. The Ethics Officer mandate is available at www.coe.int/ethics.

The Ethics Officer is required to submit an annual report to the Secretary General outlining all ethics related activity in the Council of Europe for the year in review. As the current Ethics Officer is called upon other functions within the Council of Europe as from 1 January 2021, he cannot pursue the role of Ethics Officer. The present report, which builds upon the 1st Annual Report, constitutes therefore an interim annual report of the Ethics Officer covering the period April 2020 - December 2020.

MESSAGE FROM THE ETHICS OFFICER

The COVID-19 pandemic has had a direct impact on the functioning of the Council of Europe and on our lives and working habits. In this complex environment, the activity of the Ethics Office has been sustained. The average requests for advice remained over 2 per week. This shows a continuous interest by staff members and persons participating in the Council's activities in seeking advice on ethics-related questions. It also reflects a strong awareness of ethics-related matters by staff. The Ethics Officer received a number of requests for advice related to the consequences of the COVID-19 pandemic on our work from an ethics point of view.

2020 was a pivotal year in terms of improving and modernizing the Council of Europe's ethics framework. A code of conduct and a new "Speak-Up" policy are being finalised, and internal regulations are being reviewed with a view to introducing related changes. I welcome these initiatives which take largely into account the specific recommendations made by the Ethics Officer in his [1st Annual Report](#). These developments, coupled with the positive reforms already carried out by the Parliamentary Assembly, show that the Organisation is not only taking matters of integrity seriously, but has engaged on a path of reforms. The modernisation of our ethical framework is ongoing; we are moving in the right direction.

In this context, it is key to ensure that all parts of the Organisation, including the European Court of Human Rights, take a closer look at their existing standards in the area of integrity to update them, as needed. No one is immune. Ethics and integrity are areas where the Council of Europe needs to lead by example at all levels. Irrespective of the role we have in the Organisation or the activity we are engaged in, we must never lose sight of the fact that our behaviour reflects on the Organisation as a whole. Exemplarity is therefore essential.

We also need to be ahead of the curve in anticipating societal developments and their impact on our workplace. The use of social media by staff members is one area where the Ethics Officer intervened a number of times during the period under review (see more details below). While the number of instances in which he intervened are limited, the risk of their potential negative impact, if not properly mitigated, can be very high. While guidelines already exist, this is an area where consideration could be given to updating them.

The Ethics Officer continued to proactively address horizontal issues by making general recommendations to the relevant sectors of the Organisation and co-operated closely with

them. Co-operation with DIO, DGA, Protocol, and the Private Office (PO) of the Secretary General and Deputy Secretary General has been very smooth. The Council of Europe continued to benefit from its membership in the Ethics Network of Multilateral Organisations (ENMO) which comprises the Ethics Officers or representatives with the main responsibility for ethics functions in multilateral and intergovernmental organisations. ENMO has continued to be a source of valuable information and benchmarking.

As my time as Ethics Officer comes to an end, I want to thank the Secretary General and the Deputy Secretary General, senior management, and all staff members for their support, openness and co-operation. It has been a learning, humbling, and hugely rewarding experience to act as our Organisation's Ethics Officer. I wish all the very best to the new Ethics Officer, Mr. Bjorn Janson, who has been appointed by the Secretary General as from 1 January 2021, pending the outcome of the ongoing reflections on how to further develop and enhance the ethics function for the future.

Gianluca Esposito
Council of Europe's Ethics Officer

SECTION 1: APRIL 2020-DECEMBER 2020 ACTIVITIES AND OPERATIONS

This section provides April 2020 – December 2020 data illustrating the range of ethics issues on which the Ethics Officer was contacted directly for advice. All the matters brought to the attention of the Ethics Officer were responded to and resolved through advisory consultations (either by e-mail or in person and generally provided within 24 hours) or referral to the appropriate sectors within the Council of Europe. The data also reflect the areas in which the Ethics Officer proactively provided advice on matters of general interest to the Organisation as a whole.

ADVISORY CASES

From April 2020 to December 2020, the Ethics Officer responded to 80 requests for advice, i.e., a consistent average of over 2 requests for advice per week. The majority of the requests for advice concerned conflicts of interest issues, both personal and financial (including in, but not limited to, the context of procurement). While most requests came from staff members, a few originated from persons participating in the Council of Europe’s activities who are not staff (e.g., experts, service providers). The Ethics Officer also intervened in a number of cases of missing or incomplete declarations of interest to encourage staff member to comply with their declaratory requirements. In the vast majority of cases, the Ethics Officer’s advice has been followed.

One of the areas of focus in the Ethics Officer’s work has been the use of social media. Staff members of the Council of Europe are expected to behave in an ethical manner at all times, including on their social media platforms. The Directorate of Communications issued [Guidelines](#) on the use of social media which should be strictly complied with. Actions of staff outside the working environment can adversely affect the reputation of the Council of Europe as a whole. We should all remain vigilant when using social media platforms, irrespective of whether we do so in a personal or professional capacity.

The acceptance of “fees, gifts, decorations or honours, invitations and other advantages from third parties” is another area to be mentioned. While the requests for advice under this category are relatively few, their potential impact on the Council of Europe’s image and reputation can be high. As regards Secretariat members, it is important to apply [Rule No. 1296 of 18 December 2008 on the acceptance of fees,](#)

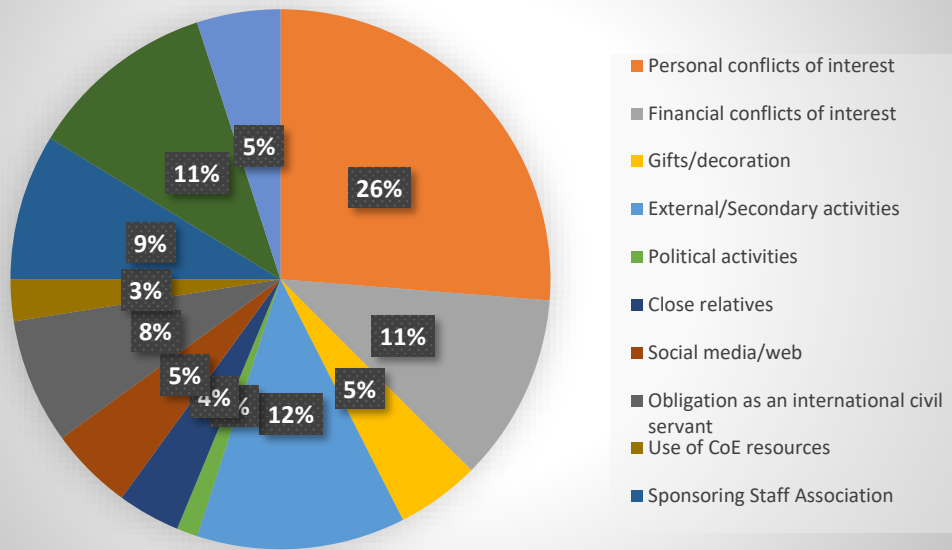
[gifts, decorations or honours, invitations and other advantages from third parties.](#)

More generally, not only to comply with the Organisation's overall ethics and integrity standards, but also as a matter of common sense, we need to avoid situations in which the acceptance of any advantage may be interpreted as affecting our judgment or putting us in an ambiguous position (Rule No. 1296). Real, potential or perceived situations of conflicts of interest can arise in many circumstances: the key is to manage them properly.

It is encouraging to note that a number of Council of Europe committees have taken upon themselves to embed specific ethics-standards in their own functioning. In doing so, the advice of the Ethics Officer was sought and provided. In general, the Ethics Officer continues to believe that we should foster the application of our ethics and integrity standards not only to staff members, but also to all persons participating in our activities. In consultation with the Ethics Officer, a new article on standards of ethics and integrity has been proposed in the context of the revision of [Resolution CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

| Advice by category | in 2020 |
|--|----------------|
| Personal conflicts of interest | 21 |
| Financial conflicts of interest | 9 |
| Gifts/decoration | 4 |
| External/Secondary activities | 10 |
| Political activities | 1 |
| Close relatives | 3 |
| Social media/web | 4 |
| Obligation as an international civil servant | 6 |
| Use of CoE resources | 2 |
| Sponsoring of the Staff Association | 7 |
| CoE Bodies/Committees-related | 9 |
| Work-related behaviour | 4 |
| Total | 80 |

Advice by category



SECTION 2: TRAINING AND OUTREACH

The Ethics Officer relied on the existing training modules developed by DIO to promote ethics training across the Organisation. A dedicated, targeted outreach has been carried out by the Ethics Officer to specific sectors, for instance, the Fields Offices, where cooperation with ODGP has been very positive and the exchanges with the Heads of Offices very constructive.

The Ethics Officer held an interesting exchange of views with the Staff Committee. I welcome very much this exchange and look forward to it becoming a regular feature of the relationships between the Staff Committee and the Ethics Officer moving forward.

The Ethics Officer had also planned to develop, in cooperation with the Council of Europe's Internal Communication, a series of podcasts to provide practical information and guidance about the various ethics-related situations we may be confronted with. Unfortunately, the restrictions due to the COVID-19 pandemic have disrupted our plans. This is certainly an area where more efforts are needed.

Upon request by the *Ecole Nationale de l'Administration*, the Ethics Officer provided practical ethics training to officials coming from 32 countries in Europe, Asia and Africa. He also responded to requests for information by other International Institutions in the context of the ENMO Network and beyond.

SECTION 3: FUTURE DEVELOPMENTS AND GOING FORWARD

The Ethics Officer performs a key preventive, advisory function. If the Ethics Officer's advice (which is confidential and non-binding) is effectively implemented, it can positively contribute to achieving the Organisation's goal to adhere to the highest ethical standards and mitigate the risk of damage to the functioning and reputation of the Council of Europe.

As the Organisation's ethics framework will evolve, so will the role and functions of the Ethics Officer. The Ethics Officer's recommendations for improving the system are included in his [1st Annual Report](#). In addition, consideration could be given to updating the existing Guidance on the use of social media to take into account new developments and organisational, behavioural changes.

The future Code of Conduct and the upcoming Council of Europe Policy on reporting wrongdoing and protecting those who report (so-called "Speak Up Policy") represent key milestones and will have an impact on the Ethics Officer's work and terms of reference. In addition, the Ethics Officer will continue to provide inputs to the Secretary General and senior management with the aim to further improving the Organisation's ethical framework in line with the ever-evolving nature of ethical standards. As the Ethics Officer's mandate will evolve, the introduction of a fully-fledged Ethics Officer position may be considered.

THE COUNCIL OF EUROPE CORE VALUES

Ethics is a set of principles and values that guide the way in which we behave as individuals and as a group. Ethics shapes who we are as an individual and as an organisation. The Council of Europe's values include integrity, respect, independence, trustworthiness, responsibility, dignity, diversity, and discretion. Ethics is an absolutely essential issue for our Organisation, which therefore expects its staff and any person participating in its activities to respect these values which are rooted both in the internal regulations and in the Organisation's culture.

Information disclosed to the Ethics Officer will be handled confidentially. If you have an ethics-related question, please contact the Ethics Officer at ethics@coe.int. More information about the Ethics Office is available at www.coe.int/ethics.