

ETHICS OFFICER

Annual Report 2021



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1 January – 31 December 2021

English

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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INTRODUCTION & MISSION

The **2021 Annual Report** of the Ethics Officer of the Council of Europe builds on the [First](#) and the [Second \(interim\)](#) Annual Reports. It covers the period 1 January – 31 December 2021.

The function of an Ethics Officer in the Council of Europe was established in April 2019. The Ethics Officer is appointed by the Secretary General.¹ S/he reports directly to the Secretary General on an ad hoc basis as well as through annual reports outlining ethics-related issues and activities carried out in the Council of Europe.

The Ethics Officer acts as a focal point for ethics-related questions in the Council of Europe, for its staff and other persons participating in the activities of the Council of Europe and, in addition, has an advisory function vis-à-vis the Secretary General.

The Ethics Officer, who is to act independently and on a confidential basis, is guided by staff regulations, his/her expertise and professional judgment, and shall in particular:

- **provide guidance and confidential advice** on ethics-related questions to staff and persons participating in the activities of the Council of Europe;
- **promote the ethical standards** of the Organisation among staff and persons participating in the Organisation's activities;
- **advise on conflict-of-interest** issues, including in relation to staff members' involvement in procurement and/or grant award;
- **monitor the effectiveness** of the Organisation's ethical framework and advise on modifications to the ethics-related internal rules, policies and procedures.

¹ The first Ethics Officer, Gianluca Esposito, (2019-2020) and the current Ethics Officer (2021-) were appointed on an interim basis, pending the further development of a pertinent regulatory framework and a fully operational Ethics Office.

MESSAGE FROM THE ETHICS OFFICER

The modernisation of the regulatory and ethics framework of the Council of Europe has continued to be a priority of the Organisation in 2021. It is to be welcomed that further steps have been taken to implement the “People Strategy”. On 22 September 2021, the Committee of Ministers adopted the [new Staff Regulations](#), which will be followed by the finalisation in 2022 of texts governing the ethical framework of the Council of Europe: a Code of Conduct, an updated policy on respect and dignity, a policy on diversity and a speak-up policy. The new Staff Regulations are to enter into force on 1 July 2022 and the plan is that the aforementioned legal instruments providing for an ethical framework and secondary regulations will be adopted by the Secretary General to complement these.

These texts are being drafted by the Directorate General of Administration (DGA) in consultation with other entities of the Organisation, including the Directorate of Legal Advice and Public International Law (DLAPIL), the Directorate of Internal Oversight (DIO) and the Staff Committee. The Ethics Officer has provided comments to DGA in respect of these texts which, once adopted, will also provide a new and more precise framework for the role and functions of the Ethics Officer. While the draft Code of Conduct is at its final stages, this document will need to be complemented with clear guidance on practical situations in the form of a “Handbook”.

It is interesting to note that the Organisation’s focus on ethical conduct in recent years appears to have yielded results in various bodies of the Council of Europe. Following the adoption of a new [Code of Conduct](#) for the members of the Parliamentary Assembly, a [Code of Conduct](#) has been adopted by the Congress of Local and Regional Authorities for its members. Also, the European Court of Human Rights has progressed in this respect by having updated its own [Code of Conduct](#) (“Resolution on Judicial Ethics”) applicable to its judges. With the foreseen adoption of the draft Code of Conduct for Council of Europe staff, the Organisation will have a broad ethical framework in place.

While there has also been the intent to include experts and representatives of the intergovernmental sector within the scope of application of the new ethical framework of expected conduct, it has proven difficult to have such an approach formalised. Nevertheless, it is my firm opinion that also experts and government representatives, while carrying out duties in the Council of Europe, and in general all persons participating in our activities, need to be fully aware of and should adhere to the ethical standards of our Organisation, even if the regulations are not directly applicable to them. Irrespective of the roles played by different stakeholders in our Organisation, or the activities we are engaged in, we must never lose sight of the fact that our behaviour reflects on the Council of Europe as a whole.

An important part of the work of the Ethics Officer is the advisory function, i.e., to listen and provide advice to staff members and others, often relating to various forms of perceived, potential or real situations of conflicts of interest or behavioural issues. Whenever needed, I have organised meetings with staff and provided advice in written form to the person(s) concerned. Most of the requests came from staff members directly concerned while some of the advice was given in respect to issues raised by DLAPIL or DIO.

The number of declarations of interest submitted by staff remains high. Some declarants with financial roles, however, have only filed their declarations following reminders from the Ethics Officer, as alerted by the DIO (which monitors the declarations). Moreover, a large number of staff members who are not under an obligation to submit declarations have nevertheless done so, which is considered good practice. I have also continued to follow-up on risks of various situations of potential conflicts of interest identified by DIO in respect of the declarations submitted. A direct dialogue with, and advice provided to, colleagues in this respect has provided positive feedback and will hopefully prevent situations and risks of conflicts of interest and lead to more complete declarations in the future.

I would like to thank my predecessor, Gianluca Esposito, for a smooth transfer of the Ethics function to me as well as representatives of various parts of our Organisation for good co-operation in 2021, including the Directorate General of Administration, Directorate of Human Resources, Directorate of Internal Oversight, DGI and DGII, and field offices. I would also like to thank the Private Office for excellent co-operation and the Secretary General for trusting me to continue this mandate in 2022.

Above all, I would like to salute colleagues and others who have addressed concerns to me, sometimes on matters of a delicate nature, and thank them for providing feedback following my advice.

*Björn Janson
Council of Europe's Ethics Officer*

This section provides information on advice delivered in 2021 to staff and persons participating in the activities of the Council of Europe. It illustrates the range of ethics issues on which the Ethics Officer was contacted. All matters relevant for the ethics function were responded to through confidential advisory consultations in writing, sometimes following meetings in person or on-line. Some issues have been solved in close dialogue with the persons concerned and some in dialogue with the hierarchy in the appropriate sectors, departments, and directorate generals within the Council of Europe.

This sections also includes information on advice provided by the Ethics Officer as a means to follow-up the risk analysis carried out by the DIO in its monitoring of the annual declarations of interest. Furthermore, reminders and advice have also been provided to staff who omitted to submit declarations of interest or had not correctly completed the relevant on-line form.

ADVICE PROVIDED

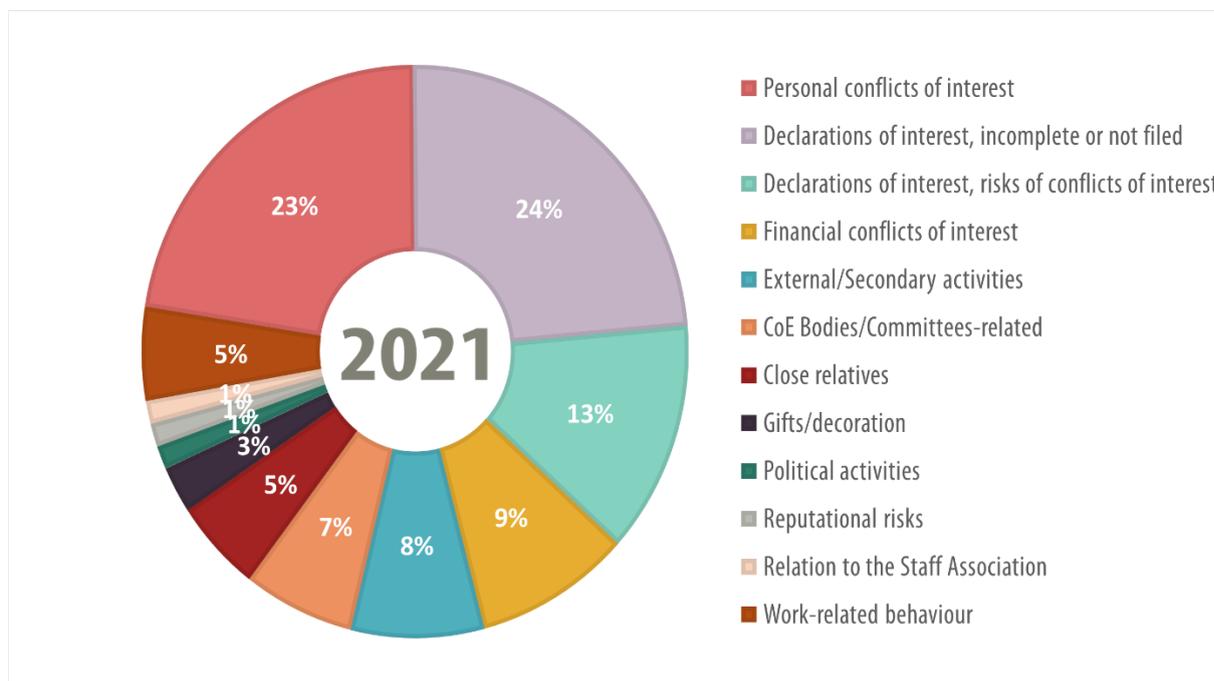
In 2021, the Ethics Officer provided advice in **76** cases, i.e., a consistent average of one to two per week. A lot more requests were received in total in the “Ethics mailbox” which appears on the external website of the Ethics Officer. However, many of these did not result in advice as they were not submitted by staff or persons participating in the activities of the Council of Europe and/or did not concern the mandate of the Ethics Officer. 48 requests for advice were received from staff/other persons. A slight decrease in the number of staff requests for advice compared to previous years could possibly be explained by the working conditions during the pandemic (reduced physical presence of staff in the premises of the Council of Europe — teleworking — and changed working methods of the Organisation as a result of institutional measures taken, e.g., on-line meetings, less missions and visits, etc.).

The majority of requests for advice concerned conflict of interest issues, both in personal and financial terms (including in, but not limited to, the context of procurement). Several of the requests regarded technical assistance projects and came from field offices. Some cases had started with a request to DLAPIL for legal advice (e.g., legal interpretation of a contract) which then triggered a request to the Ethics Officer (e.g., a situation of a conflict of interest). While most requests came from staff members, a few originated from persons participating in the Council of Europe’s activities who were not staff members (e.g., experts, contracted service providers, etc.).

The Ethics Officer intervened in 10 cases following the DIO annual review of declarations of interest for 2020 and risks identified in this context by the DIO. Also, these resulted in some exchanges of views and written advice to the staff concerned on how to prevent or mitigate risks of conflicts of interest, or how to report situations providing more details in respect of insufficient declarations. In addition, the Ethics Officer contacted 18 staff members, listed by the DIO, who had omitted to file declarations for 2021, despite their obligation to do so.

ADVICE BY CATEGORY	2021
Personal conflicts of interest	17
Financial conflicts of interest	7
Gifts/decoration	2
External/Secondary activities	6
Political activities	1
Close relatives	4
Reputational risks	1
Relation to a Staff Association	1
CoE Bodies/Committees-related	5
Work-related behaviour	4
Declarations of interest - risks of conflicts of interest	10
Declarations of interest - incomplete or not filed	18
TOTAL	76

The data in the table above is reflected in the graphical format below:



STRATEGIC ADVICE AND DIALOGUE

Strategic organisational dialogue to further improve the ethical regulatory framework took place whenever requested by DGA, which is responsible for the drafting of these instruments. Input from the Ethics Officer was provided in relation to the draft future Code of Conduct and the draft 'Speak-up Policy' on reporting wrongdoings and the protection of whistle-blowers.

It is important that ethics and integrity standards reach all persons participating in the Council of Europe activities, and not only staff. It is therefore to be welcomed that the Parliamentary Assembly and the Congress of Regional and Local Authorities have updated their codes of ethics for members and that the European Court of Human Rights has also done so in respect of judges.

Unfortunately, this is not yet the case in respect of experts in the intergovernmental field. An attempt to include a reference to the Council of Europe ethics framework in the terms of reference of intergovernmental committees was not taken onboard by the Committee of Ministers. This situation results in a lacuna in the system and requires further consideration. Nevertheless, the Ethics Officer will continue to apply our ethical standards in respect of all categories of persons participating in the activities of the Council of Europe to the extent possible.

The Ethics Officer met twice with the Oversight Advisory Committee (OAC) and followed-up its strategic recommendations, in collaboration with the Private Office and the DIO. Dialogue with the OAC aims at providing feedback in respect of the on-going work in developing an Ethics Office and defining its tasks. The core issues identified are:

- To put in place the aforementioned new regulations of the ethics framework;
- To further develop the Ethics Officer function and provide it with clear terms of reference and appropriate resources; and
- To further enhance the awareness of ethics among staff and others participating in the Council of Europe activities.

The overall implementation of the ethics framework is however the task of the Secretary General. The Ethics Officer works closely with Private Office, DGA, DHR and DIO to this end.

A number of strategic recommendations issued by the Ethics Officer in the past have been implemented or are underway, e.g., concerning electoral/political activities (new Staff Regulations), post-employment provisions (SG memo), whistle-blower protection (draft 'speak-up policy'), and conflicts of interest provision in contracts with external providers.

The Ethics Officer has also repeatedly stressed the importance of ethical behaviour in the use of social media platforms, both through institutional and personal accounts. The need to update the [current Guidance on the use of social media](#) has been recognised by the Secretary General in 2021. In this regard, the Council of Europe can learn from experience in other international organisations and the Ethics Officer has offered to assist in this respect.

The introduction of a fully-fledged Ethics Officer position and the appointment of an Ethics Officer together with the necessary administrative and human resources to exercise this function is foreseen. This will permit the Organisation to be equipped with a truly operational Ethics Office, in line with international standards and practice and adapted to the evolving needs of the Council of Europe.

TRAINING AND OUTREACH

There is no doubt that training on ethics is a crucial complement to any code of ethics or conduct. The Council of Europe is committed to impart knowledge on ethics and related skills to staff in order for them to recognise risks and handle them appropriately. This does not only help to reduce risks for staff's misconduct, but it is also a driving force to further develop and reflect on ethical values and standards in the context of our work environment.

As far as in-service training of staff is concerned, the e-learning programmes developed by the DIO on '*Ethics*' launched in June 2019 and the one on '*Fraud Awareness and Prevention*' launched in November 2019 are central. The Ethics Officer has supported DIO and DHR in promoting these trainings which have become obligatory for all staff. By the end of 2021, **84%** of staff had undertaken the ethics training and **59%** had completed the fraud awareness training. More is required to increase this participation. All induction courses for newly recruited staff include references to these compulsory trainings.

New awareness programmes and training modules need to be established as soon as the new ethics framework comes into place.

SYNERGIES WITH INTERNATIONAL ORGANISATIONS

The Ethics Officer of the Council of Europe is a member of the [Ethics Network for Multilateral Organisations \(ENMO\)](#) which brings together senior officials responsible for the ethics functions in about 50 intergovernmental organisations. This network provides a forum to exchange information and promote standards and best practice in this area. The cooperation provides the possibility to spontaneously consult colleagues and access platforms for information on specific issues. The ENMO also organises conferences and seminars.

In 2021, the Ethics Officer participated in ENMO's 13th Annual meeting (hosted by the European Central Bank), which took place on 7-8 July focusing on "risks of teleworking" and "speak up culture" and on 17-18 November on "discrimination and racism" and "use of social media". The Ethics Officer also participated in exchanges of views and responded to requests for information in the context of the ENMO network and beyond.

THE COUNCIL OF EUROPE CORE VALUES

The core values of those who work for the Council of Europe (the leading European organisation of democracy, protection of human rights and the rule of law) as identified by staff themselves are **professionalism, integrity, and respect**. These values help us define what is important for our Organisation and guide our behaviours, attitudes and principles, allowing us to establish what is expected from all our colleagues, staff, and any person participating in Council of Europe activities.

The Ethics Officer is instrumental in upholding ethical norms and values in the Council of Europe, while performing advisory and preventive functions. 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.

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