

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 441 (2019)¹ Fighting nepotism within local and regional authorities

1. Human resources lie at the heart of local and regional government and constitute its main asset. For local and regional governments to function effectively, they need good quality staff who are highly motivated. The existence of merit-based recruitment and promotion systems is a precondition for ensuring the impartiality and quality of public service delivery. At the same time, the high degree of autonomy that local and regional authorities have in recruiting and dismissing staff has been recognised as one of the main risks of corruption.

2. Recognising that corruption in all its forms poses a major threat to good governance at local and regional levels, the Congress of Local and Regional Authorities of the Council of Europe agreed, in the framework of its Roadmap of activities for preventing corruption and promoting public ethics at local and regional levels, adopted in October 2016 at its 31st Session, to prepare a report on nepotism in order to identify preventive measures and good practices in the fight against this form of corruption.

3. Local and regional authorities are especially vulnerable to nepotism and other forms of favouritism due to their size, autonomy and proximity to citizens. As nepotistic practices in these circumstances can be more visible to the general public, they have greater potential for undermining public trust. The establishment of sound human resources management practices is therefore of the utmost importance for underpinning public trust and fighting corruption.

4. Problems of low team spirit, absenteeism, lack of motivation, respect and trust in the leadership can pose particular challenges at the local level. Given the importance of employee confidence and satisfaction in the workplace, the establishment of effective and responsible human resources management practices is essential.

5. Nepotism cannot be prevented by rules and regulations alone. Changes are also needed in social attitudes and administrative culture, which need to evolve to become less tolerant of nepotistic practices and to embrace an ethics-based approach. The general public has a role to play and needs to be made more aware of the dangers and damaging consequences of nepotism in government.

6. As attitudes to and tolerance of nepotism vary across Council of Europe member States, according to their administrative culture, the approach to combating nepotism needs to be tailored to the specific context.

7. In light of the above, the Congress, bearing in mind:

a. the Council of Europe Programme of Action against Corruption (1996);

b. Resolution (97) 24 of the Committee of Ministers on the twenty guiding principles for the fight against corruption;

c. the Criminal Law Convention on Corruption (ETS No. 173);

d. the Civil Law Convention on Corruption (ETS No. 174);

e. Recommendation No. R (2000) 10 of the Committee of Ministers to member States on codes of conduct for public officials;

f. Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistle-blowers,

8. Calls upon the local and regional authorities of the member States of the Council of Europe to:

a. enhance the transparency of recruitment and promotion processes by establishing clear and comprehensive procedures, which can be easily understood and accessed by applicants and staff;

b. guarantee equality and fairness in the recruitment and promotion processes by taking account of the knowledge, experience, skills and ethical behaviour of the candidates, establishing a common set of rules and applying the principles of merit-based recruitment;

c. carry out audits relating to ethics or the prevention of corruption, paying particular attention to human resource management practices, in order to identify the risks of nepotism and propose appropriate countermeasures;

d. introduce reporting channels in order to identify potential occurrences of favouritism or conflict of interest in the recruitment or selection process;

e. introduce integrity management structures, such as an “integrity bureau”, composed of integrity counsellors, to investigate suspected cases of misconduct in this area;

f. ensure that any breach of integrity rules, misconduct, or withholding of information on a potential conflict of interest in staff matters results in appropriate and deterrent disciplinary action;

g. ensure that public officials are prohibited from being involved in any recruitment and selection procedures that may call into question their impartiality;

9. Calls on national associations of local and regional authorities to:

a. organise educational activities in public institutions, such as seminars, workshops and in-service training events, to raise awareness of the risks of nepotism or any form of favouritism;

b. promote co-operation and collaboration with other municipalities, such as through the establishment of regional networks, in order to exchange experience and knowledge in dealing with nepotism in staff recruitment;

c. respond promptly to complaints and recommendations by citizens, in order to increase public trust in local and regional governance.

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