

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 428 (2019)<sup>1</sup> Fighting nepotism within local and regional authorities

1. For local and regional governments to function effectively, they need competent and highly motivated staff. Merit-based recruitment and promotion are preconditions for ensuring the impartiality and quality of public service delivery. At the same time, the power of local and regional authorities to recruit and dismiss staff has been recognised as posing a significant risk of corruption.

2. Aware that corruption in all its forms constitutes a destructive threat to the efficiency and quality of good governance at both local and regional levels, at its 31st plenary session in October 2016, the Congress of Local and Regional Authorities of the Council of Europe adopted a road map of activities to fight corruption, and agreed to prepare a report on nepotism.

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 nepotism in these circumstances can be more visible to the general public, they have greater potential to damage the public trust that is crucial for the proper functioning of government.

4. Nepotism can discourage skilled, motivated and competent candidates from applying for certain positions and can result in the recruitment of unqualified staff, thus subsequently distorting the proper functioning of government by allowing private interests to prevail over public interests.

5. Recruitment processes need to be transparent and conducted according to ethical rules and standards so as to prevent the undue influence of public officials in the selection procedure, where conflicts of interest might arise.

6. As the European Charter of Local Self-Government (ETS No.122) recognises, adequate remuneration is another essential condition for ensuring high-quality staff and minimising the risk of nepotism and other forms of favouritism.

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

*a.* Article 6.2 of the European Charter of Local Self-Government;

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

*c.* Resolution (97) 24 of the Committee of Ministers on the Twenty Guiding Principles for the fight against corruption;

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

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

*f.* the Council of Europe Model code of conduct for public officials (Committee of Ministers' Recommendation No. R (2000) 10);

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

8. Invites the Committee of Ministers to encourage the governments and parliaments of member States and, where applicable, regions with legislative powers, to:

*a.* ensure that their legislation complies with this recommendation and includes sufficient provisions to mitigate this risk and to combat and deal with suspected cases of nepotism, notably by:

*i.* protecting whistle-blowers who report cases of nepotism;

*ii.* ensuring the impartiality and protection of judges and prosecutors conducting investigations into cases of nepotism;

*iii.* providing appropriate sanctions for proven cases of nepotism;

*b.* take steps to develop their administrative culture to eliminate tolerance of all forms of favouritism;

*c.* establish agencies to monitor the implementation and effectiveness of legislation relating to nepotism and to ensure professional training by means of:

*i.* education for public officials through seminars, workshops or meetings;

*ii.* fostering awareness among public officials of their rights, responsibilities and duties in this respect;

*iii.* ensuring the selection of competent staff in public bodies that inspect and monitor local and regional authorities for possible incidences of nepotism;

*d.* ensure the independence of officials working in audit institutions;

*e.* ensure transparency, accountability, fairness and equality in the recruitment process by:

*i.* using standardised examination systems for appointing and recruiting public officials;

*ii.* providing clear and comprehensive explanations of the recruitment and selection process;

*iii.* obliging public officials involved in selection processes to declare any past or present relationship with candidates;

*iv.* prohibiting public officials from having direct or indirect influence over employees to whom they are related;

v. prohibiting public officials from recommending the hiring of family members at their workplace or soliciting other employees to hire their relatives;

vi. ensuring the efficiency of recruitment process control systems;

vii. establishing effective and responsible human resources management systems;

f. ensure an adequate level of remuneration for local and regional authority staff;

g. encourage and contribute to co-operation and the exchange of experience on these issues at the national and international levels, including co-ordination with civil society groups and think tanks, by listening and responding to their proposals and recommendations.

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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).