

CHARTER OF ETHICS AND GOOD CONDUCT OF THE HIGH COMMISSIONER FOR THE PROTECTION OF RIGHTS

Adopted on publication of the Annual Report 2017-2019

PREAMBLE

Having regard to the “Principles on the Protection and Promotion of the Ombudsman Institution” adopted by the Venice Commission at its 118th plenary session on 15 and 16 March 2019;

Having regard to the Guide to the Deontological Principles and Values of the Mediator/Ombudsman and its Staff, laid down and adopted by the members of the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF) on 7 November 2018;

Having regard to Sovereign Ordinance No. 4,524 of 30 October 2013 establishing a High Commissioner for the Protection of Rights, Liberties and for Mediation;

Whereas pursuant to this Ordinance, the High Commissioner is appointed by H.S.H. the Sovereign Prince before whom he or she swears an oath, and in carrying out his or her tasks, receives no orders, instructions or directives of any kind whatsoever;

Whereas this Ordinance guarantees the High Commissioner the neutrality, independence, and impartiality required to carry out his or her duties;

Whereas the High Commissioner places his or her expertise at the service of the wider public interest and respect for the fair and equal treatment of individual and legal entities;

Whereas, owing to the Principality’s small size and specific features, the risks of prejudice and conflicts of interest are particularly significant;

Whereas the role entrusted to the High Commissioner implies that he or she must in all circumstances demonstrate exemplary behaviour to particularly high values and ethical standards;

Whereas individuals who contribute to the High Commissioner’s work, under the authority of the High Commissioner, must be required to demonstrate the same exemplary behaviour, in order to ensure public confidence in the institution;

The High Commissioner has adopted this Charter of Ethics and Good Conduct.

PURPOSE

In light of the obligations imposed by Sovereign Ordinance no. 4,524 of 30 October 2013, this Charter sets out the values and principles that must guide the conduct of the High Commissioner and his or her staff in all circumstances.

DEFINITIONS

Ethics refers to the moral standards identified by the ombudsman in its professional practices, taking into consideration the values of transparency, justice, fairness, impartiality, independence, integrity, confidentiality, rigour, and respect that govern its activities.

Good conduct refers to the behaviour resulting from the adoption of ethical principles.

The expression “High Commissioner’s personnel” encompasses both the High Commissioner and his or her members of staff. “Staff” refers to any personnel working under the authority of and reporting to the High Commissioner, regardless of the nature of their employment (temporary, permanent, trainee).

GUIDING PRINCIPLES AND VALUES

Upon taking up their roles, as required by Article 6 of Sovereign Ordinance no. 4,524, the High Commissioner’s personnel undertake to abide by the values and principles described below.

INDEPENDENCE

The High Commissioner’s personnel carry out their tasks in an entirely independent manner at the direction of the High Commissioner. They neither receive nor accept any external instructions or orders of any kind, from anyone whatsoever.

They handle cases without being subject to any form of influence, whether political, economic, social, or media-related.

IMPARTIALITY

The High Commissioner’s personnel strive to prevent any real or perceived conflicts of interest. If the High Commissioner believes that personal interests or current or past links might actually influence their judgment, or give the appearance of influencing their judgment, the member of staff concerned must hand the case on to one of the colleagues. If a staff member is affected by a real or perceived conflict of interest, he or she must immediately inform the High Commissioner, who will take appropriate steps to ensure that the case is handled in a properly impartial manner.

NEUTRALITY

The High Commissioner’s personnel must ensure that all parties are treated fairly, without prejudice or preconceptions. They must act responsibly and with due discernment in looking for balanced and lasting solutions, taking into account the rights and interests of all parties.

PUBLIC SERVICE

In carrying out their duties, the High Commissioner’s personnel must always keep in mind that they are acting in the wider public interest, and that their role is to seek to resolve conflicts in a peaceful manner.

The High Commissioner and his or her staff must show empathy and kindness, and always treat others with respect and courtesy.

They must be prepared to listen to all those with whom they come into contact, and demonstrated thoroughness, open-mindedness and creativity in looking for solutions that respect the rights of individuals and the wider public interest.

They must strive to process the cases submitted to them within a reasonable period of time.

COMPETENCE

The High Commissioner’s personnel have a duty to develop and update their knowledge and skills, for example through courses of training appropriate for their needs and the for the requirements of their work.

They must keep abreast of social and cultural developments.

DUTY OF RESTRAINT

Notwithstanding their guaranteed freedom of conscience, the High Commissioner’s personnel have a duty not to show their philosophical, political or religious beliefs in the course of their functions.

The High Commissioner’s personnel enjoy freedom of association. However, they must exercise discernment before accepting any office or responsibility within an organised group, and if they do accept such roles, they must perform them with proper restraint and conscience, while refraining from adopting any position that might compromise their neutrality.

DISCRETION

The High Commissioner’s personnel have a duty to treat all confidential information that comes into their possession in the course of their functions with the strictest discretion. This duty, which particularly concerns the privacy of individuals who call upon the institution, continues to apply to personnel even after they have left the service of the High Commissioner.

DIGNITY

In the course of their activities, including away from the workplace, the High Commissioner’s personnel must at all times behave in an appropriate manner in public, and avoid any situations which could harm the institution’s image.

INTEGRITY

In the course of their functions, the High Commissioner’s personnel may not seek or accept any advantage, whether directly or through an intermediary, with the exception of purely symbolic gifts of low value, given as a courtesy.

The High Commissioner keeps a special register containing details of all gifts given or received - including from suppliers - and indicating the names of the recipient and the donor, the circumstances in which the gift was given, and how it was used or disposed of.

WORKING PRINCIPLES

CONFIDENTIALITY

Procedures before the High Commissioner are confidential. Persons who refer claims to the Institution receive a guarantee that the only information which will be used and disclosed is that needed to obtain explanations from the party against the whom the grievance is raised. Information will be shared or used only where strictly necessary in order to investigate their grievance, in consultation with both parties, and only with their prior consent.

The High Commissioner never discloses written information received from either party in the course of mediation. He or she may broadly indicate the content and meaning of such information, in an objective manner, but only in order to ensure that each party clearly understands the other’s viewpoint, and the considerations that form the basis for the opinion issued by the High Commissioner at the end of the mediation procedure.

PUBLICATIONS

The High Commissioner provides the public with general information about its activities, in the form of an annual report and via the Institution’s own official website.

The High Commissioner also or she takes part in public debate by appearing and speaking publicly, and issuing opinions to authorities which request them under Article 33 of Sovereign Ordinance no. 4,524 of 30 October 2013.

ACCESSIBILITY

The High Commissioner is committed to ensuring that it can be approached and contacted easily by parties involved in mediation cases, and by members of the general public. Where users have specific requirements in the course of their dealings with the High Commissioner, the Institution makes every effort to provide them with adequate resources.

The High Commissioner’s personnel take care to ensure that they communicate in a clear and intelligible manner appropriate for the audience concerned.