



# Ethics in Public Administration

Lecturer:

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# What Do „Ethics“ Mean?

- Branch of philosophy (discipline)
- Normative social system based on the rules of morality which is different (but not isolated) from the legal normative system
  - Such system is exercised through the power of public (general) opinion
  - Sanctions mostly of moral character (condemnation, exclusion)
- Key terms:
  - *Right and correct (just) behavior v. unjust (unfair) behaviour*

## GOLDEN RULE OF MORALE (ETHICS)

*One should not treat others in ways that one would not like to be treated*

# Ethics in PA - significance

- Development of public services, increasing allocation of public funds
- Large scope of power of administrative authorities and individual officers when deciding on public funds (budgets, European funds, procurement)
- Significant discretionary powers when deciding on citizens' access to public funds and on rights and duties
- Administrating personal data, business details, and other information
- Rise of ethics in PA – 70's in the Western World, new millennium in post-communist countries [still developing]
- Western World – regulation of ethics as a supplement to legal regulation; fulfillment of ethical rules is assessed regularly

# Ethics in PA in Context and Significance of Ethics for the society

- Corruption is the very opposite of ethical behavior
- Types of behavior: *unethical x illegal x criminal*
  - *Are those totally different fields?*
  - *Are they overlapping?*
- Ethical [right, correct and legal] PA is the prerequisite for the social prosperity [UN, OECD]
- Unethical behavior/corruption has the opposite effect

# 175 COUNTRIES. 175 SCORES.

## HOW DOES YOUR COUNTRY MEASURE UP?

The perceived levels of public sector corruption in 175 countries/territories around the world.



RANK	COUNTRY/TERRITORY	SCORE
1	Denmark	92
2	New Zealand	91
3	Finland	89
4	Sweden	87
5	Norway	86
5	Switzerland	86
7	Singapore	84
8	Netherlands	83
9	Luxembourg	82
10	Canada	81
11	Australia	80
12	Germany	79
12	Iceland	79
14	United Kingdom	78
15	Belgium	76
15	Japan	76
17	Barbados	74
17	Hong Kong	74
17	Ireland	74
17	United States	74
21	Chile	73
21	Uruguay	73
23	Austria	72

24	Bahamas	71
25	United Arab Emirates	70
26	Estonia	69
26	France	69
26	Qatar	69
24	Saint Vincent and the Grenadines	67
30	Bhutan	65
31	Botswana	63
31	Cyprus	63
31	Portugal	63
31	Puerto Rico	63
35	Poland	61
36	Taiwan	61
37	Israel	60
37	Spain	60
38	Dominica	58
38	Lithuania	58
38	Slovenia	58
38	Cape Verde	57
42	Korea (South)	55
43	Latvia	55
43	Malta	55
43	Seychelles	55

RANK	COUNTRY/TERRITORY	SCORE
47	Costa Rica	54
47	Hungary	54
47	Mauritius	54
50	Georgia	52
50	Malaysia	52
50	Samoa	52
53	Czech Republic	51
54	Slovakia	50
55	Bahrain	49
55	Jordan	49
55	Lesotho	49
55	Namibia	49
55	Rwanda	49
55	Saudi Arabia	49
61	Croatia	48
61	Ghana	48
63	Cuba	46
64	Oman	45
64	The FYR of Macedonia	45
64	Turkey	45
67	Kuwait	44
67	South Africa	44

69	Brazil	43
69	Bulgaria	43
69	Greece	43
69	Italy	43
69	Romania	43
69	Senegal	43
69	Swaziland	43
76	Montenegro	42
76	Sao Tome and Principe	42
78	Serbia	41
79	Tunisia	40
80	Benin	39
80	Bosnia and Herzegovina	39
80	El Salvador	39
80	Mongolia	39
80	Morocco	39
85	Burkina Faso	38
85	India	38
85	Jamaica	38
85	Peru	38
85	Philippines	38
85	Sri Lanka	38
85	Thailand	38

- Czech Republic: 52nd; Poland: 35th
- Causes?

source: Transparency International

# Normative Ethics v. Professional Ethics

- Normative
  - Set of rules of correct conduct
  - Deals with what is supposed to be, what is right and just
  - Deals with moral norms, codes, principles and searches for their grounds
  - More theoretical
- Professional
  - Does not ask why specific conduct is right but looks for the answer which conduct is right (ethical)
  - Does not deal with the motivation of the officer but analyzes if specific conduct is ethical
  - Aims to create values, norms and principles which form guidelines for the conduct
  - More practical

# Ethics of PA

- The term
  1. Desired value or condition, as well as all the means that leads the PA conduct towards such desired value
  2. Operating toward elimination of PA misconduct, support of desired conduct
- Context and fundamentals
  - Internationally: integrity of an officer (personal, moral) – „honesty“
  - Common cultural foundation and traditions of ethical conduct – modern conception of democracy, rule of law, universality of human rights
  - Principle of PA as a service to society and its members

# Ethics Infrastructure in PA

- Not just the question of morality, but ethics have to be promoted in an organizational and continuous way
- Ethics infrastructure = tools for influencing the level of ethics
- Ethics infrastructure by OECD (chapters on each state)
  1. **Control** – by superiors (internal), by citizens (external), set of punishments
  2. **Leadership** – setting a good example by politicians, main officers, codes of conduct
  3. **Management** – personal evaluations, counselors, ethical committees, right rules of job interview process
- See <http://www.oecd.org/gov/ethics/48994450.pdf>



# Ethics and PA in EU

- EU, European Commission
  - The European **Code of Good Administrative Behavior** (2000)
  - European Anti-Fraud Office – **OLAF** (investigates fraud against the EU budget, corruption and serious misconduct within the European institutions)
- Council of Europe
  - **Recommendation** No. R (2000) 6 of the Committee of Ministers to member states on the status of public officials in Europe
  - Recommendation No. R (2000) 10 of the Committee of Ministers to member states on codes of conduct for public officials
  - Group of States against Corruption (**GRECO**)

# Council of Europe Recommendations

- Legal frame and principles for public service shall be set by law (a normative act)
- The Government has the responsibility for public service and its management
- Non-discriminatory rules for interview process and non-discrimination in general
- Social security/welfare
- Proper salary
- Duty to educate oneself continuously
- Right to a fair trial – defend one's rights in a court proceedings
- Neutrality, secrecy, impartiality, respect the addressees and be responsible for one's action

# What's next?

- Transfer of ethical requirements into an enforceable law
- Other means of support of ethical conduct in PA
  - Protection of whistleblowers?
  - Well regulated civil service – Czech **Civil Service Act** (2014) – how does it reflect ethics?



Thank you for your attention.