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**Item No. 14 on the agenda: Administrative Matters**

**(b) Appointment of a Special Committee to update the UNIDROIT Regulations**

(prepared by the Secretariat)

<i>Summary</i>	<i>Proposal to constitute a Special Committee to update the UNIDROIT Regulations</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to approve the proposed course of action</i>

**I. BACKGROUND**

1. The current Regulations of the Institute were adopted by the General Assembly at its 76<sup>th</sup> session, and included amendments that were strictly related to the review of the compensation and social security package offered to UNIDROIT staff (7 December 2017).
2. The need for a more comprehensive review of the Regulations, however, has been highlighted on several occasions, in particular since the Governing Council at its 97<sup>th</sup> session (see [UNIDROIT 2018 – C.D. \(97\) 19 - Report](#)), where it was acknowledged that the changes in policy concerning social security should come hand in hand with an overall review of the Regulations. Such review was deemed necessary to modernise the rules applicable to staff members in light of the changes in society since their previous more thorough reviews in 2010 and 2011.
3. Several policy changes have been implemented since, the first of which was the introduction of job descriptions for UNIDROIT staff, in 2019 ([UNIDROIT 2019 – A.G. \(78\) 10](#), p. 174 et seq.), in order to complete the transition to an approach more similar to that of the United Nations. These were intended to allow UNIDROIT to make use of a structure and qualifications, establishing basic requirements for various grades and steps on which performance could be evaluated. A more comprehensive overview of the Regulations, however, would be important to harmonise these with the fact that UNIDROIT, as a small organisation, necessarily requires flexibility with respect to the various jobs and responsibilities in order for it to be able to function.
4. A second policy change that has been implemented since the last review of the Regulations is the Whistleblower and Anti-Retaliation Policy, which was presented at the 100<sup>th</sup> session of the Governing Council ( [UNIDROIT 2021 – C. D. \(100\) B.21](#)) and adopted by the General Assembly at its 80<sup>th</sup> session ([UNIDROIT 2021 – A.G. \(80\) 10](#)). The full implementation of the policy was subject to specific allocation of sanctions for breach, which were to be further regulated in the Regulations in the context of the prospected overall review, though the policy shall remain applicable until such a revision exercise takes place.

5. A third matter of policy regards the appointment and rotation of Correspondents, whose roles underwent a review and redefinition at the 101<sup>st</sup> session of the Governing Council (see [UNIDROIT – C.D. \(101\) 17 rev.2](#)). The envisaged comprehensive overview of the Regulations would include a definition of their responsibilities and status.

6. A fourth and final matter of policy concerning UNIDROIT staff that will be brought to the Governing Council's attention at its 102<sup>nd</sup> session is the need for the application of a code of conduct related to the use of social media (see [Annexe](#) to this document). This policy is also envisaged to be an integrating part of the broader review of the Staff Regulations, to bring the Institute up to speed with best practices implemented in other international organisations with regard to external messaging on social media platforms. The Governing Council is asked to discuss and provide feedback on the possible content of the said Code. The Governing Council is also asked to consider this Code as a part of a general Code of Conduct for staff members, to be included as part of the work of the Special Committee (on which see below, para. 7).

## **II. PROPOSED WAY FORWARD**

7. In addition to the abovementioned points, the Regulations require a modernisation, polishing (e.g., deletion of obsolete provisions), as well as more detailed rules in certain areas, especially concerning staff matters and the information and decision-making process of the Institute's governance bodies. Many of the matters to be regulated involve complex policy decisions that will require a dialogue between the Governing Council and the Institute's Secretariat beyond the yearly meetings. In order to allow for a streamlined intersessional exchange, the Secretary-General would propose the constitution of a Special Committee made up of five members of the Governing Council to supervise the drafting process of the Secretariat. The Secretariat would coordinate the revisions and present the work in progress to the Special Committee, which is expected to be active until a final proposal has been drafted, agreed, and presented to the Governing Council for approval at its 103<sup>rd</sup> session.

## **III. ACTION TO BE TAKEN**

8. *The UNIDROIT Secretariat would invite the Governing Council to approve the proposed course of action and appoint the members of the Special Committee. The Council is also invited to briefly discuss the main lines of the text included in the Annex.*

**ANNEXE****Social Media Guidelines for Staff Members****1. Purpose**

- 1.1. Staff members of UNIDROIT (hereinafter referred to as “the Institute”) have an important role to play as representatives of the Institute when they communicate off- and online, in both official and personal capacities.
- 1.2. While social media present great opportunities for UNIDROIT to raise public awareness about its activities, the ease by which online communication can reach large audiences engenders a serious reputational risk in the event that online tools are used in a superficial or careless manner. When communicating to the wider public on digital platforms, it is not easy for a civil servant to keep distinct institutional or professional communication from personal communication, even when using a disclaimer.
- 1.3. Even when communicating in their personal capacity, i.e. activity on social media unrelated to official duties, staff members should observe an ethical behaviour which meets adequate standards of accepted good conduct, decency and probity. The pervasive character of social media is nowadays blurring the distinction between official (synonymous with “institutional” or “professional”) use and personal use of social media.
- 1.4. While the term “institutional use” shall be limited to the use of official social media accounts of the Institute, staff members should use these Guidelines as a framework providing guidance on how to communicate to the public when using their personal social media accounts, both as UNIDROIT staff in charge of their respective programmes and in their personal capacities, with a view to protect the reputation of the Institute and its core values and assets (data, privacy, intellectual property).
- 1.5. These Guidelines are intended to provide ground rules and best practices to UNIDROIT staff members—including (for the relevant period of service, engagement, or contract) staff, consultants, contractors, visiting scholars under official UNIDROIT engagement, volunteers and interns—when they communicate on social media and digital platforms, not only in official or professional capacities but also on a personal basis.

**2. Ground rules for the use of social media**

- 2.1. UNIDROIT staff are required to be mindful that their conduct on social media should be consistent, at all times and in all situations, with: (i) UNIDROIT’S core-values of international comity, collaboration, and professionalism, as enshrined in the UNIDROIT Statute and Regulations; (ii) all acts, deeds, orders, instructions, codes of conduct and guidelines the Institute and its bodies have adopted or may decide to adopt in subsequent versions; and (iii) the common core of international ethical standards of behaviour and basic duties which international civil servants and those acting for or on behalf of international organisations should abide by, as they may be derived by consolidated practice of international organisations.
- 2.2. UNIDROIT staff members should comply in each and every act of communication on social media with the principles of independence, impartiality, professionalism, competence, honesty, and integrity of behaviour. UNIDROIT staff members shall not post misleading messages or offensive materials. In particular, staff members should ensure that their

comments, statements and posts on social media are consistent with the ideals of peace and cooperation among nations, respect for human rights and the rule of law, inviolable dignity of human beings, equal rights of men and women, respect for diversity of all cultures, and non-discrimination against any individual or group of individuals (irrespective of, *inter alia*, race, gender, religion, language, or nationality).

- 2.3. Staff members should act with tact, discretion, care, reasonableness, and good judgment when using social media. In particular, staff members should use common sense and ask themselves whether the message they want to communicate is in line with core values of the Institute.
- 2.4. UNIDROIT staff members shall refrain in their comments or posts from making aggressive political comments or using violent criticism, especially (but not only) *vis-à-vis* UNIDROIT Member States, other international organisations, and their officers.
- 2.5. UNIDROIT staff members should keep these rules in mind for both personal and professional communication to the public on their social media accounts.

### **3. Professional use of social media**

- 3.1. UNIDROIT encourages staff members to promote the Institute's activities and instruments on social media, as part of the professional duties of international civil servants, in accordance with the criteria of diligence and professional communication.
- 3.2. In particular, UNIDROIT staff members are encouraged to promote a better understanding of the objectives and work of the Institute through social media and to defend the ideals, principles, and values enshrined in the Statute and underpinning the instruments that UNIDROIT has produced.
- 3.3. As a general principle, UNIDROIT requires its staff members to make sure that, when communicating in a professional capacity and/or within the context of UNIDROIT's institutional activities, (i) they have authorisation to speak on behalf of the Institute, (ii) they comply with all rules on institutional communication, and (iii) the message they convey to the public falls within their sphere of competence and reflects the official position of the Institute.

#### **Best practices and guidance for professional use of social media**

- (a) When using social media for professional or institutional reasons, staff members should ensure that messages are consistent with the Institute's policy and values, respecting the principles of accuracy of writing and careful planning.
- (b) When using the social media for professional or institutional reasons, staff members should coordinate with supervisors in case of doubt about the consistency of the message with the Institute's policy. Staff members should check whether the contents to be published need approval by their supervisor(s) and obtain clearance accordingly.
- (c) When posting information or comments for professional or institutional reasons, staff members should (i) use an appropriate writing style, (ii) where possible, include images or video in the context of visual posts (while always seeking consent from the relative owners, if any), (iii) be accurate and check the

information they provide (facts and figures), and (iv) include supporting information (also by reference to professional sites and databases).

- (d) Staff members should protect internal, sensitive, privileged and/or confidential information, files, and documents, in all cases, and especially when disclosure could have an adverse impact on the Institute's interests, operations or activities. Staff members should check the appropriateness of any content they post and be sure to have prior express authorisation to disclose official information when it has not been made public before. This obligation does not cease upon termination of the employment relationship.
- (e) When engaging in online discussions, staff members should be (and appear to be) open-minded, showing respect and kindness and using polite and straightforward language. Staff members should not abstain from debate, especially if it touches upon the reputation of the Institute. At the same time, staff members should not refrain from blocking, muting, or ignoring users if such users engage in provocative discussions, exceed the limits of decent interaction by using misleading arguments or offence, or prove to be trolls/bots.
- (f) Staff members should use particular care when posting information or comments for professional or institutional reasons which may touch upon the interests of UNIDROIT's partners, such as other international organisations, States and national institutions, universities and academic or research institutions, non-governmental organisations, industry associations, professional associations, private companies, and donors. In case of any doubt as to the appropriateness of comments or posts, staff members should seek advice from their supervisor(s).

#### **4. Personal use of social media**

- 4.1. UNIDROIT respects the inviolability of staff members' personal views and beliefs, including their political and religious or ethical beliefs, as well as their freedom of expression and their right to express themselves, including through their own personal social media accounts.
- 4.2. UNIDROIT staff members should be however mindful that any activity of social media communication they engage in, even in a personal capacity, may reflect on the Institute's identity and image due to a potential identification between the Institute and its officers, and as a consequence may expose the Institute's reputation to harm.
- 4.3. For the reasons above, as international civil servants, UNIDROIT staff members should take all necessary means to ensure that the expression of their personal views and beliefs on social media does not adversely affect their official duties, reflect negatively on their status as international civil servants, or call into question their duties of loyalty, impartiality and responsibility vis-à-vis the Institute.

**Best practices and guidance for personal use of social media**

- (a) Staff members should use common sense and reasonableness before posting on their personal social media accounts and reflect whether the substance of a post or comment is in line with the impartiality of conduct required of an international civil servant on the basis of UNIDROIT 's mandate and staff rules.
- (b) Even if a disclaimer such as "views expressed are my own" is added, staff members' behaviour on social media is not exempt from the standards of conduct required of a staff member of UNIDROIT and an international civil servant. Even if it is not stated publicly on one's social media profile, one's status as a UNIDROIT staff member is not private and can be discovered through a simple online search.
- (c) The use of the name and the emblem of UNIDROIT to further personal or third-party interests is prohibited, as they are reserved for the official purposes of the Institute. In the same vein, staff members may not use an institutional email address to set up personal social media accounts.
- (d) Staff members should be aware of the limits of privacy settings and manage them accordingly. No matter how restrictive privacy settings might be, nothing on social media is truly private. Everything posted online, even in a private group and even if later modified or deleted, can easily become public and spread more widely than intended. As a consequence, staff members should ensure that what they post on social media is always consistent their own duties and is adequate and within the established limits.
- (e) Staff members should be mindful that institutional information that has not been made public by UNIDROIT may not be disclosed through social media, except with prior authorisation.
- (f) Staff members may not use a pseudonym or false name to make comments or publish content related to the Institute and should be mindful of sharing and liking posts from other accounts that could be interpreted as an endorsement of the facts and opinions such posts represent.
- (g) Staff members should respect the privacy rights of colleagues or partners, particularly when posting photos and videos. In particular, staff members should not disclose or post information or images of partners or colleagues in a professional or personal capacity without their express permission.
- (h) Staff members should refrain from infringing third parties' rights, including (but not limited to) data rights and intellectual property rights, with special regard to copyright when posting information and content on social media.
- (i) If staff members are not sure about whether their social media activity is consistent with their obligations as international civil servants, they should consult their supervisors for advice and guidance.