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## 非洲公务员制度章程草案分析性介绍

秘书处编写的报告

## 摘要

在联合国经济和社会事务部的支助下，1998年12月13日至15日在拉巴特举行了第二次泛非公务员制度部长会议。对于非洲的公共行政来说，这次会议是一项重大事件，不但是因为会议的主题是“非洲的公务员制度：新挑战、专业精神和伦理”，而且是因为这个专题引起了广泛注意以及会议进行的工作和作出的结论。尤其是依照会议的建议，一个部长工作组和技术支助委员会为着手拟订一项泛非公务员制度章程草案、包括一项公务员行为守则迈出了重大一步。对于这项草案，必须在定于2000年下半年期间举行的下次泛非公务员制度部长会议上进行审查并通过。

为了拟订这项章程，非洲国家又希望获得一些手段，在公共行政与其环境之间建立新的联系，以期满足发展需要并适应新的千年发生的深刻变化。考虑到这项章程草案的重要性，联合国必须支持非洲各国政府进行的拟订工作，另一方面，利用这项章程作为其它区域进行类似工作的榜样。

## 非洲公务员制度章程草案的分析性介绍

### 一. 导言

1. 近年来，为了确保持久的经济和社会发展条件，很多非洲国家力图改革其行政管理。然而，尽管多方面作出种种努力，社会、经济问题继续存在，不断引起或加剧贫穷。在获得显著进展或进展明显的那些少数国家，对于取得的经济业绩能否持久仍然存在严重疑问。

2. 此外，目前非洲越来越多人关心并支持民主化进程，尤其是支持公共管理方面更大的透明度、支持政治和经济自由化和支持尊重人权。可是，虽然法治国家必须以民主为基础，但民主本身不能保证现代国家的经济和社会发展及其所需的行政结构和治理制度。

3. 最后，人们了解到发展与不健全的治理不能共存，因为没有健全的治理，发展不可能持久；只有支持经济和社会发展，治理才有意义。

4. 此外，非洲目前呈现的变化在经济、社会和技术方面的重大意义重新启发了与公共行政作用有关的一些问题，其中包括公务员的专业精神以及必须维护的伦理价值的问题。

5. 在这方面，1998年12月13日至15日在拉巴特举行的第二次泛非公务员制度部长会议对于非洲的公共行政是一项重大事件，不但是因为会议的主题是“非洲的公务员制度：新挑战、专业精神和伦理”，而且特别是因为该专题引起了广泛注意以及会议进行的工作和作出的结论。

6. 事实上，会议结束时通过的《拉巴特宣言》建议会议主席、摩洛哥王国公务员制度和行政改革部长在联合国经济和社会事务部的密切合作下，连同会议的成员国借助非洲促进发展行政培训和研究中心（非洲发展行政培训中心），成立一个工作组，除其他事项外，还进行关于加强非洲公共行政的专业精神和伦理的行动，拟订一项包括公务员行为守则的非洲公务员制度章程草案。

7. 根据会议的这项建议，部长工作组和技术支助委员会为着手拟订和最后确定章程草案迈出了重大一步；这项草案将由定于2000年下半年期间举行的下一次泛非公务员制度部长会议予以审查并通过。

### 二. 问题

8. 大家公认，作为政府政策的执行手段，公共行政在一个国家的社会、经济发展进程中发挥重大作用。对非洲本身来说，经常提出的问题是国家以及公共行政结构、规章和程序等这些认为退步的公共服务领域有效发挥什么作用；为了解决这种问题，某些国家致力于使其行政管理现代化的工作。不幸的是，尤其是由于进行的改革的结构性质，商定的努力并没有达到预期的成果。事实上，至今这些改革的特点是采取相当“技术性”的办法，而且较为局部化，不是着重能够促进实现结构调整方案目标的行动，尤其是控制员额和薪酬总量的行动，就是着重调整服务、行政程序合理化或人事管理自动化等活动。

9. 因此，正如在拉巴特会议上所强调，目前大家都一致认为，为了恢复国家的作用，必须加强行政制度，以人的因素为重点，特别是重新发扬专业精神和人力资源的伦理价值。专业精神具有加强公务员能力并改善他们与用户之间关系的双重意义，这两项要素是公共服务有效和合法的条件。关于加强公务员的操守和道德的问题，通过注意公共生活讲道德和打击舞弊，可以重新建立公务员制度的形象和重新建立与公众的关系和信任，更有利于执行公共政策。

10. 因此，拟订并公布一项包括公务员行为守则的公务员制度宪章这项倡议证明非洲国家真正愿意为解决发展问题谋求补充手段，同时为了接受当前的经济、社会和技术挑战，使公务员制度植根于适当的行为举止上。

11. 在这方面，章程的拟订工作必须达到以下目标：

(a) 采取一项战略，力求加强非洲公务员制度的透明度、道德、业绩和专业精神；

(b) 加深对公务员制度的作用和形象的重要性以及对这种作用和形象所产生的社会合法性和功能的了解；

(c) 就阐明的原则为非洲国家树立榜样，以启发这些国家作出重大的行为改变和最佳作法。

12. 在条款方面，章程必须确定以下重点：

(a) 关于公务员制度的作用及必要行动的条款，以恢复和（或）加强其形象、其信用及其合法性（建立活动、员额预测管理、接待和用户信息等规划制度以及建立透明的征聘和晋升程序等……）；

(b) 关于领导人必备的政治和道德承诺的条款和关于重申道德价值、廉洁、道德和专业精神的条款；

(c) 关于立法的条款和关于必须设立的机构和监督及制裁机制（行政监督机构；观察所；网络等……）的条款；

(d) 关于鼓励和附带措施的条款（薪酬政策；事业计划；培训行动等……）；

(e) 为了促进并加强公共服务的功效和效率以及公务员的伦理和道德价值的所有其他条款。

### 三. 处理办法

13. 章程草案的拟订工作包括一项由以下不同阶段组成的重复进程。

14. 1999年4月，应经济和社会事务部的邀请，摩洛哥王国公务员制度和行政改革部长以第二次泛非公务员制度部长会议主席的身份，对该部的公共财政和公共行政司进行了两天的工作访问，以讨论《拉巴特宣言》建议的执行方式。这次工作访问除了其他结论外，还能够确定了负责拟订章程草案的工作组部长成员名单：摩洛哥、突尼斯、贝宁、布基纳法索、喀麦隆、加蓬、埃塞俄比亚、乌干达、南非、纳米比亚和马达加斯加的部长，并确实了组成该工作组技术秘书处的组织成员：非洲发展行政培研中心以及经济和社会事务部。

15. 因此，1999年6月至11月，技术委员会多次举行会议，以便根据非洲发展行政培研中心以及经济和社会事务部分别拟订的头两份条文和摩洛哥政府提出的第三份条文草案，拟订一项综合草案。

16. 后来在1999年11月22日和23日，部长工作组还是应经济和社会事务部的邀请，在纽约开会，以审查并修订技术委员会编写的综合草案。最后，2000年1月，工作组在非洲发展行政培研中心理事会的范围以外，于丹吉尔通过了技术委员会当时确定的草案。

17. 在处理条款的细节之前，指导章程草案拟订工作的处理办法首先是对备选办法达成协议。

18. 采取的两项主要备选办法如下：

(a) 为了实际方便起见（单独的文件，不重复那些经常出现的要点等），拟订一份同时处理有关行政运作的一般条款和公务员行为守则的条文；

(b) 使文件带有类似法律条文的规范条文方式，尤其是为了通过实际具体的条款，更好地落实国家的承诺。

19. 归根结底，指导章程工作的基本原则包括：

(a) 制订能够普遍适用于所有国家的规则，没有性质或制度上的差别；

(b) 不把可能很快失效的要素列入条文；

(c) 考虑到与国际和区域环境有关的问题；

(d) 对于将行政当局作为法人处理的条款（一般条款）和处理公务员本身的条款（行为守则）加以区分；

(e) 开始在条文中规定正式的规则和准则之前，为每一部分确定处理的专题所依据的一般原则。

### 四. 条文的一般结构

20. 章程草案由一个序言部分和三个标题组成：

标题一：一般条款；

标题二：公务员行为守则；

标题三：最后条款。

21. 序言部分首先指出《拉巴特宣言》关于拟订章程的建议以及指出会议主席在这方面设立一个工作组权贵，然后提出各方面的问题和回顾某些基本民主原则。接着序言部分评估非洲公共行政内外环境的趋势并重申非洲适应公共服务新要求的机会。

22. 一般条款是以行政当局作为法人，涉及公务员制度的作用及其应有的义务，以恢复并加强其效率、合法性、信任和形象。

23. 这些一般条款再分成四部分：第一部分确定条文的宗旨和适用范围；第二部分回顾公共服务的基本和普及原则，即尤其是合法、中立、平等和持续原则；第三部分确定能够管理行政当局与用户之间关系的规则，这些规则是以公共行动的功绩、效率和透明度为标准；第四部分处理行政当局与公务员之间的关系，阐明在公务员事业发展的不同阶段、他们的薪酬和他们的工作条件方面，行政当局对他们的义务。

24. 行为守则本身再分成三部分，题为“公务员的基本价值”，《公务员的行为规则》和“执行方式”。行为守则确定必须指导公务员的专业和操守的基本价

值，提出大众利益超越个人利益的规则并主张在这些领域采取宣传和培训行动以及国家必须建立监测和监督机构。

25. 最后，条文的最后条款是关于建立一个章程执行情况区域监测机构。

## 五. 未来展望

26. 通过拟订这项非洲公务员制度章程，非洲国家希望能够在公共行政及其环境之间建立新关系，以便能够满足发展需要和适应新千年发生的深刻变化。

27. 可是，这项崇高的计划的成功取决于各国遵守并执行章程的规定以及取决于拟订、通过或发展适合的国家立法和规章。

28. 在目前阶段和没有预料章程在下一次泛非公务员制度部长会议上通过的情况下，可以提请联合国经济及社会理事会和秘书长注意此项章程，以便在联合国关于公共行政的活动中作为优先专题审议专业精神和道德的问题，为了在这些领域支持非洲各国政府向国际社会进行宣传并筹集必要资源。

29. 最后，在促进联合国会员国之间交流信息和经验领域，章程可以作为拉丁美洲、亚洲或中欧和东欧独立国家联合体等其他区域采取类似行动的榜样。

附件

非洲公务员制度章程\*

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\* 部长作组通过，摩洛哥王国丹吉尔，2000年1月。



## **Annex**

### **Draft Charter for the Public Service in Africa\***

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\* Adopted by the Ministerial Working Group  
Tangiers, Kingdom of Morocco  
January 2000

# **CHARTER FOR THE PUBLIC SERVICE IN AFRICA**

## **PREAMBLE**

### **TITLE I - GENERAL PROVISIONS**

#### **PART I - PURPOSE AND SCOPE**

#### **PART II - FUNDAMENTAL PRINCIPLES OF THE PUBLIC SERVICE**

#### **PART III- RULES GOVERNING RELATIONS BETWEEN THE PUBLIC SERVICE AND USERS**

#### **PART IV - RELATIONS BETWEEN THE PUBLIC SERVICE ADMINISTRATION AND PUBLIC SERVICE EMPLOYEES**

### **TITLE II - CODE OF CONDUCT OF PUBLIC SERVICE EMPLOYEES**

#### **PART I - FUNDAMENTAL VALUES OF THE PUBLIC SERVICE EMPLOYEE**

#### **PART II - RULES OF CONDUCT OF PUBLIC SERVICE EMPLOYEES**

#### **PART III- MODALITIES OF IMPLEMENTATION**

### **TITLE III - FINAL PROVISION**



## Preamble

We, African Public Service Ministers, meeting on the occasion of the Third Panafrican Conference of Public Service Ministers held at....., on ..... :

Reaffirming the political commitment made by African Public Service Ministers at the Second Panafrican Conference held at Rabat from 13-15 December 1998, to enhance professionalism and ethics in the public service in Africa, in close collaboration with their colleagues from the other ministries;

Recalling the recommendation of the Rabat Declaration on the elaboration of a Charter for the Public Service in Africa, which affirms the professional values of the public service in Africa, redefines its objectives and missions and specifies the fundamental conditions required for strengthening its role, competence, ethical values and image, including a code of conduct for African public service employees:

Considering the mandate given to the Chairperson of the Second Conference to set up, with some of the Conference participants, a working group with the backing of the African Training and Research Centre in Administration for Development (CAFRAD) and the Department of Economic and Social Affairs (DESA) of the United Nations, to elaborate a draft Charter for the Public Service in Africa :

Considering the need to adapt the different public services in Africa to the new requirements of public service, so as to be able to anticipate or accompany the profound changes that African countries are experiencing and take into account the prevailing socio-economic conditions, including :

- \* Modernizing administrative structures by mastering new information and communications technologies, while bringing the public service closer to the citizen and providing quality services;

- \* Adapting to the increasing globalization of the economy and creating an enabling environment for private sector growth;

- \* Ensuring not only the economic growth and the strengthening of basic infrastructure but also promoting social development and striving to reduce the growing disparities in income and opportunities in order to foster social solidarity;

Considering that public services must be able to discharge, in optimum conditions of equity and effectiveness, their vital mission of safeguarding the fundamental values of the public service, protecting the public interest and promoting human and sustainable economic and social development;

Considering that, in order to preserve their legitimacy, public services must adapt to and respond in a sustainable, quality-conscious and efficient manner to the needs of users by placing them at the centre of their concerns, while ensuring transparency and respect for human rights and democracy:

Adopt the present Charter for the Public Service in Africa which :

- \* Defines a framework to guide the public services in Africa in taking such legislative, regulatory, technical and practical measures as may be required to create propitious conditions for the proper functioning of the public service and improve the quality of its services;
- \* States and defines the principles and rules of conduct for public services and State employees, who shall foster a neutral and stable environment conducive to the strengthening of ethical values and the image of the public service, as well as the professionalism of its employees;
- \* Expresses the will of African States and underscores their political and moral commitment to streamline the services provided to citizens and ensure the efficient use of the resources allocated for such services:

\* Encourages South-South exchanges of experiences and information and horizontal cooperation.

This Charter shall be structured as follows :

1. General provisions relating to the duties and role of the public service designed to restore and/or enhance its image, credibility and legitimacy;
2. Provisions relating to the conduct of public service employees in the exercise of their duties;
3. Provisions relating to legislation, organs and mechanisms, as well as monitoring and follow-up tools.

## **TITLE I - GENERAL PROVISIONS**

### **PART I - PURPOSE AND SCOPE**

#### **Article 1 : Purpose**

The Charter for the Public Service in Africa shall :

- Define the principles and general rules governing African public services with respect to transparency, professionalism and ethical standards :
- Give concrete expression to the commitment of African States to promote such values in the public service :
- Serve as a policy framework for the public service administrations of all African countries and a source of inspiration for the development, strengthening or updating of national codes of conduct.

#### **Article 2 : Scope**

The provisions for the present Charter shall apply to public services and to public service employees as defined in article 3 below.

### **Article 3 : Definitions**

For the purposes of the present Charter the following definitions shall apply :

**“Administration”** : any public entity which takes decisions that affect the rights of other persons or entities, be they individuals or not, and/or has a public service responsibility;

**“Person concerned”** : any legal person or individual who may be directly or indirectly affected and concerned by a decision emanating from the public service;

**“User”** : an individual or legal person using the services of a public service and benefitting from them :

**“Competent authority”** : the Minister or administrative authority of the State or of the public service body which is authorized to take an administrative decision :

**“Public Service employee”** : a person in public employment given the responsibility for taking, implementing or enforcing a decision within the meaning of the preceding paragraph :

**“Conduct”** : conduct shall be understood as the behaviour, attitude and activities of public service employees both within and outside their working environment.

## **PART II - FUNDAMENTAL PRINCIPLES OF THE PUBLIC SERVICE**

In a State governed by the rule of law, the administration shall respect the fundamental, universal principles of the public service. This implies that legal provisions exist, that they are well known, comprehensible and accessible.

### **Article 4 : Principle of equality of treatment**

All public services shall recognize the equality of citizens before the law.

Persons in a comparable situation shall be treated equally without any distinctions whatsoever.

Any discrimination based on the place of origin, race, gender, religion, ethnic group, philosophical or political convictions or other personal considerations shall be prohibited.

Moreover, measures taken by the public service shall be proportional to what is required to achieve the goal of safeguarding the interests of the public at large, so as not to unduly affect the interests of other parties.

**Article 5 : Principle of neutrality**

The public service shall not discriminate against its employees because of their personal traits, nor shall it subject them to any pressures political, ideological or other.

**Article 6 : Principle of legality**

Public service shall be provided in strict compliance with the law.

Individual administrative decisions shall be taken in conformity with existing regulations.

**Article 7 : Principle of continuity**

Public service shall be provided on an ongoing basis and in all its component parts, in accordance with the rules governing its operation.

In this connection, the right to strike shall be exercised within the bounds of respect for the rule of law and the principle of continuity.



Failure to comply with the principle of continuity may incur the liability of the administration in respect of any person who might have suffered harm on account of such failure.

### **PART III - RULES GOVERNING RELATIONS BETWEEN THE PUBLIC SERVICE AND THE USERS**

The public service shall serve users in accordance with the following criteria: proximity and accessibility of services; participation, consultation and mediation; quality and efficiency; evaluation of services; transparency and information; speed and responsiveness; reliability and confidentiality of information.

#### **Article 8 : Proximity and accessibility of services**

The public service shall be organized along functional and decentralized lines designed to bring public management closer to the people and provide them with appropriate and accessible basic services.

**Article 9 : Participation, consultation and mediation**

It shall be the responsibility of the administration to ensure that the different components of civil society, are effectively represented on advisory bodies.

When provision is made in the texts for consultation, the public service may not introduce in its definitive texts, any provision that shall not have been submitted beforehand to the relevant advisory body for its opinion.

No individual who has a direct or indirect personal interest in the subject matter of any consultation may be a member of an advisory body or take part in its deliberations.

It shall be the responsibility of the public service to put in place a system of mediation through an institution that has sufficient moral and social authority that enables users as well as public service employees themselves to have means of redress other than administrative and/or legal remedies. The mandate of this institution would thus be to ensure that the rights of users and public service employees are upheld for the benefit of all parties concerned.

**Article 10 : Quality and efficiency**

The public service shall ensure that the highest quality and the most efficient services are provided by making optimal use of the resources at its disposal. It shall also take into account the resources and means that users have available to them to benefit from public services.

The public service shall make the necessary adjustments to the way in which its services are organized and operated, in order to respond, on a sustainable basis, to changing needs and the demands of the public at large.

**Article 11 : Evaluation of services**

The evaluation of the effectiveness and productivity of services shall be based on objectives and programmes of activities defined beforehand, accompanied by performance indicators and criteria.

To this end, evaluation mechanisms shall be established in the public service to carry out periodic evaluations of the services offered to the public.

The results of these evaluations shall be disseminated, together with the publication of the annual reports.

## **Article 12 : Transparency and information**

Administrative decisions shall always be taken in accordance with transparent, simple and understandable procedures, while ensuring accountability.

All administrative units shall make public all the necessary information on acts and procedures in their respective domains, as well as the information required to assess their management, with a view to enabling those interested to have full access.

The administration shall inform the person concerned of any decision taken concerning him/her, indicating the reasons for such decision and stating, where necessary, the legal remedies open to him/her, should he/she decide to challenge the decision.

The administration shall establish or strengthen reception and information units for users in order to assist them in gaining access to services and in recording their views, suggestions or complaints.

## **Article 13 : Speed and responsiveness**

The public service shall determine and respect deadlines in the delivery of its services. Failure to meet the deadlines established by law and regulations and evidence of unusually long delays, may make the administration liable to legal action.

Failure by the public service to take action upon the expiration of a deadline as stipulated in the law shall be construed as tacit acceptance, unless otherwise expressly provided by the law or regulations.

**Article 14 : Reliability and confidentiality of information concerning citizens**

Personal information or information that helps to identify, in any manner whatsoever, directly or indirectly, the individuals concerned, may not be subject to processing, including computerized processing, in a manner that would violate personal privacy, individual freedoms or human rights.

Any person who can prove his/her identity shall have the right to be informed about any personal information concerning him/her, and to challenge and have such information corrected, if need be. He/she shall also be informed of the use to which such information is put, including in computerized information.

With the exception of administrative departments such as the police and the judiciary, which may be authorized by law to maintain automated personal data files, no files shall contain information on the private life, views, health or individuals, or on any other type of information that may violate the privacy of individuals, without the express authorization of the individuals concerned.

## **PART IV - RELATIONS BETWEEN THE PUBLIC SERVICE AND PUBLIC SERVICE EMPLOYEES**

The relations between the public service administration and its employees shall be based on professional merit and respect for human rights.

The administration shall see to the career development prospects of public service employees while ensuring the development of human resources and their self-fulfilment.

### **Article 15 : Recruitment and promotion**

Public service employees shall be recruited, appointed and promoted on the basis of their competence and professional skills and in accordance with transparent and objective procedures that guarantee equal opportunities for all, including women and particularly disadvantaged groups.

### **Article 16 : Mobility and redeployment**

Deployment and redeployment of staff shall respond to the aspirations of public service employees for a satisfactory and rewarding career development, while taking due account of the exigencies of the service.

**Article 17 : Staff training and development**

Considering that public service employees are entitled to training and development, the public service administration shall provide an enabling environment and the necessary resources for enhancing and adapting, on an ongoing basis, their knowledge and skills, including through allowing them to specialize and become versatile.

**Article 18 : Motivation**

The organization and functioning of the public service administration, as well as the management style of managers, shall address the aspirations of public service employees for self-fulfilment and develop in them leadership capabilities, responsibility and a sense of initiative.

The public service administration shall foster dialogue between subordinates and management, not only with regard to improving working conditions, but also to prospective reforms.

**Article 19 : Remuneration**

Public service employees shall be entitled, within the framework of an improved, motivational, coherent and harmonized system, to fair remuneration that is commensurate with their responsibilities and performance and enables them to live in dignity.

**Article 20 : Physical safety, working conditions and security of tenure**

The administration shall guarantee minimum standards of health, security and safety in the workplace.

The administration shall grant public service employees immunity from prosecution in the performance of their duties which is within the purview of the law.

With the exception of the disciplinary measures provided for by law, public service employees may not be subject to any measures that may affect their dignity and tarnish their honour.



## **TITLE II - CODE OF CONDUCT OF PUBLIC SERVICE EMPLOYEES**

### **PART I - FUNDAMENTAL VALUES OF THE PUBLIC SERVICE**

#### **EMPLOYEE**

The fundamental values of a public service employee shall be based on public service rooted in professionalism and ethics.

#### **Article 21 : Professionalism**

Professionalism resides in how skilfully and how well a public service employee performs his/her functions and duties.

Professionalism manifests itself in the public service employee's behaviour at work and in his/her constant effort to improve, reinforce and update his/her knowledge, refine the skills that are necessary for carrying out his/her tasks and enhancing his/her output and productivity.

## **Article 22 : Ethics**

Ethics shall mean a sound culture based on ethical values and principles.

A public service employee shall ensure compliance with the principles of law and the implementation of judicial decisions.

A public service employee shall perform his/her duties properly and efficiently and display professional discipline, integrity, equity, impartiality, fairness, public- spiritedness and courtesy in the discharge of his/her functions, notably in his/her relations with his/her superiors, colleagues and subordinates, as well as with the public.

The public service employee shall ensure at all times that public property under his/her responsibility, is managed in the most appropriate and efficient manner.

## **PART II - RULES OF CONDUCT FOR PUBLIC SERVICE EMPLOYEES**

The rules of conduct for public service employees shall be part of an integrated anti-corruption system.

A public service employee's conduct shall be deemed to be appropriate when he/she behaves in a manner that enhances public confidence and boosts the image of the public service.

**Article 23 : Integrity and lack of self-interest**

Public service employees shall refrain from any activity that is inconsistent with ethics and morality, such as misappropriation of public funds, favouritism, nepotism, discrimination, influence-peddling or administrative indiscretion.

Public service employees shall not solicit, accept, demand or receive, directly or indirectly, any payment, gift or other advantage in kind, in return for performing or refraining from performing their functions or obligations.

It shall be reprehensible for public service employees to offer gifts or other advantages that might influence in their favour or in favour of family members and friends, the judgement or decisions of another person.

Public service employees shall under no circumstances use public property or prevail upon subordinates to perform activities other than those falling within the scope of their functions or mandate.

**Article 24 : Conflict of interest**

Public service employees shall not take up functions or positions, engage in transactions or have any financial, commercial or material interests that might be incompatible with their functions, responsibilities or duties.

Without prejudice to the incompatible activities already laid down in the law or regulations, public service employees shall, to the extent required by their official position, declare any financial and commercial interests they might have or any profit-making activities they may be engaged in, either directly or through family members, if such interests or activities are likely to give rise to conflicts of interest.

In the event of any potential or actual conflict of interest between their professional status and private interest, public service employees shall terminate activities likely to give rise to such a conflict.

Upon leaving office, and for such period of time as may be stipulated by law or by the relevant regulations, public service employees shall not take undue advantage of positions previously held, by engaging in certain profit-making activities or by accepting remunerated employment that is related to their previous functions.

**Article 25 : Declaration of assets or illicit enrichment**

In order to ensure the monitoring of any excessive accumulation of wealth, public service employees appointed to certain positions of responsibility specified by law shall, upon taking and leaving office, declare their assets as well as those of members of their family.

In any case, and for all categories of public service employees, legal provisions and regulations shall be put into place to identify and punish the illicit enrichment.

**Article 26 : Political neutrality and duty of confidentiality**

A public service employee shall not use his/her post, function or responsibilities for political or partisan purposes, which may be detrimental to the interests of the public service.

Public service employees shall respect the confidentiality of official information to which they are privy by virtue of their professional activities, even after leaving office, except where the law, the legitimate authority or the interest of justice require otherwise.

Public service employees shall not, on the basis of their political affiliation or their own ideological beliefs, seek to influence or change the policies, decisions or actions that the administration has decided to define, adopt or implement.

### **PART III - IMPLEMENTATION MODALITIES**

#### **Article 27 : Implementation of sensitization and training programmes**

Member States shall undertake sensitization and training programmes for public service employees in the area of professional ethics and take the appropriate practical steps to inform the public.

#### **Article 28 : Establishment of national monitoring bodies**

Member States shall implement the legislative and regulatory measures necessary for establishing monitoring bodies and committees for ensuring compliance withing the standards of conduct defined herewith and punishing inappropriate behaviour.

### **TITLE III - FINAL PROVISION**

#### **Article 29 : Establishment of a follow-up mechanism**

In order to ensure respect for the principles, values and rules defined above, a mechanism to monitor the implementation of the present Charter is required.