



# General Assembly

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## Ad Hoc Committee for the Negotiation of a Convention against Corruption

Third session

Vienna, 30 September-11 October 2002

Agenda item 3

### Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 1-39

## Proposals and contributions received from Governments

### Canada: amendments to article 7

It is proposed to continue work on article 7 on the basis of the following text:<sup>1</sup>

*“Article 7*

*“Codes of conduct for public officials*

“1. In order to foster a culture of rejection of corruption, each State Party shall promote ethical behaviour and the development of integrity among its public officials.

“2. In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions. Those codes or standards shall be intended to prevent conflicts of interest and to promote honesty and accountability.<sup>2</sup>

“3. Each State Party shall endeavour to incorporate into those codes or standards, where appropriate, the elements set out in the International Code of

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<sup>1</sup> The text of this proposal is a revised version submitted, pursuant to a request by the Chairman, by Canada, which coordinated an informal working group.

<sup>2</sup> The informal working group suggested that subparagraph 1 (d) of article 6, dealing with education and training programmes for public officials, make specific reference to education in relation to codes and standards of conduct, perhaps by adding the following new sentence: “Such programmes should make reference to codes or standards of conduct in applicable areas.”



Conduct for Public Officials that appears in the annex to General Assembly resolution 51/59 of 12 December 1996.<sup>3</sup>

“4. Each State Party shall also consider establishing measures and systems to require public officials to report to appropriate authorities acts of corruption committed in the performance of public functions.

“[5. Each State Party shall take such measures as may be appropriate to ensure that no prejudice is caused to or sanction taken against public officials for the mere fact that they have reported to the competent authorities, in good faith and on reasonable grounds, any incidents that may be considered to constitute an illegal or criminal activity, including those involving the public service.]<sup>4</sup>

“6. In addition, each State Party shall, where appropriate, establish measures and systems to require public officials to make declarations to appropriate authorities regarding:

“(a) Employment, investment [or responsibilities]<sup>5</sup> that may constitute a conflict of interest with respect to their functions as public officials;

“(b) Gifts or benefits that may constitute a conflict of interest with respect to their functions as public officials.

“7. States Parties shall consider adopting, in accordance with fundamental principles of their domestic law, disciplinary measures against public officials who violate the standards established in accordance with this article.

“8. For the purposes of implementing the provisions of this article, States Parties shall take account of the relevant initiatives of regional, interregional and multilateral organizations.”

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<sup>3</sup> It is clear that paragraphs 3 and 8 address similar goals. Concern was raised over whether it would be appropriate to highlight a particular document, the International Code of Conduct for Public Officials, in a separate paragraph 3, rather than capturing all such references in paragraph 8.

<sup>4</sup> It was agreed that paragraph 5 was important, but the delegations held the view that it did not, in fact, address codes of conduct. It was proposed that it be moved to another article, either article 6 (Public sector), 36 (Measures against corruption) or 43 (Protection of witnesses and victims). Some delegations also proposed that paragraph 5, together with paragraph 4, could be moved to a separate, two-paragraph article, numbered 7 bis; other delegations, however, held the opinion that they should not be so closely linked.

<sup>5</sup> The words “or responsibilities” are included to address the issue previously addressed in paragraph 2 of article 10, which is to be moved. They appear in square brackets as it has not been decided to which article they are to be moved. Some delegations held the view that the word “responsibilities” should be further elucidated.