

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION

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Committee of Experts

**STANDARD FORMAT
FOR THE PREPARATION OF THE PROGRESS REPORTS (ARTICLES 31 AND 32 OF
THE RULES OF PROCEDURE AND OTHER PROVISIONS OF THE COMMITTEE)¹**

SECTION I. PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

A. FIRST ROUND OF REVIEW

I. RECOMMENDATION:

1. Standards of conduct and mechanisms to enforce compliance (Article III, paragraphs 1 and 2 of the Convention)

1.1 Conflicts of interest

Canada considered and adopted measures to establish, maintain, and strengthen standards of conduct aimed at preventing conflicts of interest and mechanisms to enforce them, as noted in Chapter II, Part B, section 1.1 of this report.

In light of the comments made in that section, the Committee suggests that Canada consider the following recommendation:

Continue strengthening the provisions and measures on conflicts of interest and mechanisms to enforce compliance.

II. ADOPTED MEASURES:

Effective January 1, 2010, the Public Service Commission (PSC) has streamlined the process for employees requesting permission to be candidates in municipal elections. It is expected that this streamlining will facilitate the timely review of the candidacy requests while ensuring a politically impartial public service. For further information, please consult <http://www.psc-cfp.gc.ca/lhhr-lcrh/2010/10-02a-eng.htm>

¹ This format was adopted by the Committee at the Plenary Session held on June 29, 2007, within the framework of its Eleventh Meeting.

I. RECOMMENDATION:

1.3 Standards of conduct and mechanisms concerning measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public function of which they are aware.

Canada has considered and adopted measures to establish, maintain and strengthen standards of conduct and mechanisms concerning measures and systems requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware, as noted in Chapter II, Part B, section 1.3 of this report.

In light of the comments made in that section, the Committee suggests that Canada consider the following recommendation:

Continue strengthening the norms and mechanisms with respect to the existing systems and measures requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

Measures suggested by the Committee:

b. Strengthen the training and awareness building programs to ensure that individuals working in the federal public sector are aware of their duties, responsibilities, and protections for reporting acts of corruption and wrong-doing in the workplace.

II. ADOPTED MEASURES:

- On March 2, 2010, the Department of Foreign Affairs and International Trade (DFAIT) launched a revised departmental policy and procedure for reporting allegations of bribery abroad by Canadians and Canadian Companies. It is designed to facilitate law enforcement by Canadian authorities and will be included in the training for all officers preparing to be posted abroad.
- Over the past year, inspectors of the Royal Canadian Mounted Police (RCMP) International Anti-Corruption Unit have given a total of 27 presentations to the public and private sectors across the country on corruption issues and Canada's international obligations in combating corruption. To this effect, a pamphlet has been developed and will be used in future presentations. Furthermore, the RCMP continues to provide training on the role of the RCMP in the enforcement of the *Corruption of Foreign Public Officials Act* to their liaison officers before their assignments to various posts. The RCMP is also making arrangements to give presentations over the course of this year to various country desks of the Department of Foreign Affairs and International Trade (DFAIT).

I. RECOMMENDATION:

4. Mechanisms to encourage participation by civil society and non governmental organizations in efforts to prevent corruption (Article III, paragraph 11 of the Convention)

Canada has considered and adopted measures intended to establish, maintain and strengthen mechanisms to encourage the participation of civil society and non governmental organizations in efforts aimed at preventing corruption, as discussed in Chapter II, section 4 of this report.

In view of the comments made in that section, the Committee suggests that Canada consider the following recommendations:

4.2 Mechanisms for access to information

Continue strengthening the mechanisms for access to information.

To carry out this recommendation, Canada could consider the following measure:

- Continue to assess the reasons for the delays referred to in the Information Commissioner's Annual Report and the concerns of the Information Commissioner on the availability of limited resources, and take the measures deemed relevant on these matters (see Chapter II, Part B, section 4.2.3 of this Report)

II. ADOPTED MEASURES:

At the time of writing of the report for the first round of review, the Office of the Information Commissioner had, for fiscal year 2004-05, a budget of \$4.7 million and a staff complement of 52. Currently, the Main Estimates indicate that the Office of the Information Commissioner has a budget of \$12.1 million for 2010-2011 including 82 full time employees.

I. RECOMMENDATION:

4. Mechanisms to encourage participation by civil society and non governmental organizations in efforts to prevent corruption (Article III, paragraph 11 of the Convention)

Canada has considered and adopted measures intended to establish, maintain and strengthen mechanisms to encourage the participation of civil society and non governmental organizations in efforts aimed at preventing corruption, as discussed in Chapter II, section 4 of this report.

In view of the comments made in that section, the Committee suggests that Canada consider the following recommendations:

4.3 Mechanisms for consultation

Continue strengthening the mechanisms for consultation.

II. ADOPTED MEASURES:

- On January 13, 2010, the Department of Foreign Affairs and International Trade (DFAIT) announced the launch of a website to help Canadian mining, oil and gas companies meet and exceed their social and environmental responsibilities while operating abroad. The new website is a one-stop shop with the latest information on corporate social responsibility rules,

laws and best practices. The new website is hosted by the Canadian Institute of Mining, Metallurgy and Petroleum and was developed in consultation with the federal government, industry, civil society, academia, indigenous representatives and expert practitioners. The Corporate Social Responsibility website can be found at the following address:

<http://www.cim.org/csr/>

- The Public Service Commission (PSC) is completing consultations, research and analysis, including consultations with bargaining agents. A symposium on Safeguarding a Non-Partisan Public Service in the 21st Century was held in Ottawa on March 2, 2010. It was co-hosted by the PSC and the University of Ottawa Graduate School of Public and International Affairs. This one-day symposium wraps up a series of university round tables on this issue that the PSC held across Canada in 2009. The symposium brought together 25 experts from many perspectives and backgrounds and the PSC received suggestions on safeguarding a non-partisan public service. The results of the symposium will contribute to the PSC's Annual Report and future policy development. For more information, please see <http://www.psc-cfp.gc.ca/plac-acpl/msg/2010-03-10-eng.htm>
- The Royal Canadian Mounted Police (RCMP) International Anti-Corruption Unit has been involved, apart from their investigative and enforcement duties, in several awareness raising activities, integrity education and training over the past year, namely:
 - Giving presentations to Canadian corporations and civil society organizations across the country on corruption issues and Canada's international obligations in combating corruption. To that effect, a pamphlet has been developed and will be distributed during future presentations.
 - Working with the Department of Foreign Affairs and International Trade on developing a poster to be posted at Canadian embassies to advertise the existence of the anti-corruption teams.
 - Giving a presentation to the Board of Transparency International-Canada on October 27, 2009.
 - Headlining December 9, 2010, Anti Corruption Day on their website.
 - On March 11, 2010, Transparency International held its annual symposium in Toronto entitled "Avoiding the Pitfalls: Don't get shafted". The RCMP gave a presentation on Canadian anti-corruption efforts and the role of the RCMP in investigating and enforcing the *Corruption of Foreign Public Officials Act*. For more information, please consult http://www.transparency.ca/New/Files/2010-TI_Avoiding_Pitfalls_RCMP.pdf
- The RCMP is currently in the process of developing a logic model and measurements for its two investigative teams and will be seeking input from Transparency International-Canada, government partners and investigators in this process.

B. SECOND ROUND OF REVIEW

I. RECOMMENDATION:

1. Systems of Government Hiring and procurement of goods and services (Article III, paragraph 5 of the Convention)

1.1 Systems of Government Hiring

Canada has considered and adopted measures intended to establish, maintain and strengthen the systems of government hiring, as discussed in Section 1.1 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

- Continue strengthening the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

II. ADOPTED MEASURES:

A five-year review of the *Public Service Employment Act* (PSEA) is required by the Act for December 31, 2010. In preparation for the review, the Public Service Commission (PSC) is undertaking a comprehensive assessment of the PSEA, which will contribute to the Treasury Board Secretariat's legislative review of the *Public Service Modernization Act*. Generally, the assessment will determine if anticipated results are being achieved and if the PSC is prepared for the challenges ahead. The assessment will culminate in a Special Report to Parliament. The key issues for the assessment are: PSC oversight and accountability; Recourse; PSC Appointment Policy Framework; PSC Service Delivery Model; and Strategic Issues.

I. RECOMMENDATION:

1.2 Government Systems for the Procurement of Goods and Services

Canada has considered and adopted measures intended to establish, maintain and strengthen the systems for government procurement of goods and services, as discussed in Section 1.2 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

-Continue strengthening systems for the procurement of goods and services by the government. In meeting this recommendation, Canada could take into account the following measures:

a) Support the Office of the Procurement Ombudsman so that, once established, it has the necessary trained personnel and resources to carry out its functions properly as well as establishing mechanisms that permit ongoing evaluation and follow-up of said activities. (See Section 1.2.2 of Chapter II of this Report).

II. ADOPTED MEASURES:

At the time of writing of the report for the second round, the Office of the Procurement Ombudsman (OPO) had a staff complement of 15. Subsequently, on May 27, 2008, the Ombudsman testified before the Standing Committee on Government Operations and Estimates that “we have assembled a strong multidisciplinary team with expertise in procurement, investigations and communications.” The Ombudsman concluded his testimony by saying “I’m greatly encouraged by the ... fact that senior government officials, including those of Public Works, Justice and the Treasury Board Secretariat and PCO have demonstrated a lot of goodwill in providing strong support for the setting up of the office.” As of March 31, 2009, the total staff complement of the OPO was 22. The [OPO website](#) went online on May 15, 2008. The [first annual report](#) for the OPO was tabled in Parliament on Monday September 28, 2009.

I. RECOMMENDATION:

1.2 Government Systems for the Procurement of Goods and Services

Canada has considered and adopted measures intended to establish, maintain and strengthen the systems for government procurement of goods and services, as discussed in Section 1.2 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

-Continue strengthening systems for the procurement of goods and services by the government. In meeting this recommendation, Canada could take into account the following measures:

b) Continue building awareness among industry stakeholders of their obligations and rights under the Code of Conduct for Procurement. (See Section 1.2.2 of Chapter II of this Report)

II. ADOPTED MEASURES:

On October 9, 2009, the Office of Small and Medium Enterprises (OSME), a sector within Public Works and Government Services Canada, released a new guide for business entitled “Doing Business with the Government of Canada” which forms the basis for the OSME’s outreach program. The guide aims at helping the public to understand the basics of government procurement and explains the steps involved in how to do business with the Government of Canada. The *Code of Conduct for Procurement* is highlighted at page 19 of the guide. The guide can be found at the following address: <http://www.contractsCanada.gc.ca/pdf/bpme-osme-19oct09-eng.pdf>

I. RECOMMENDATION:

2. Systems for protecting public servants and private citizens who, in good faith, report acts of corruption (Article III, paragraph 8 of the Convention)

Canada has considered and adopted measures intended to establish, maintain and strengthen systems for protecting public servants and private citizens who in good faith report acts of corruption, as discussed in Section 3 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Canada consider the following recommendation:

-Ensure that those public bodies that do not fall under the purview of the Public Servants Disclosure Protection Act have adopted measures that protect persons who disclose wrongdoings. (see Section 2.2 of Chapter II of this Report)

II. ADOPTED MEASURES:

- The Canadian Security Intelligence Service (CSIS) is establishing internal procedures for the disclosure of wrongdoing, including the protection of persons who disclose the wrongdoings, in satisfaction of the requirement in section 52 of the *Public Servants Disclosure Protection Act*. These procedures will be implemented on June 1, 2010.
- The Department of National Defence (DND) and the Canadian Forces, as well as the Communications Security Establishment (CSE), have also taken action further to section 52 of the *Public Servants Disclosure Protection Act*. The *Queen's Regulations and Orders for the Canadian Forces* have been amended to include internal disclosure and reprisal protection procedures for members of the Forces. CSE continues to work on updating and clarifying the existing mechanism and process in the Values and Ethics Code for CSE employees to disclose wrongdoing without risk of reprisal.
- In January 2010, the CSE established and staffed the position of "Ethics Officer" to assist the Director General, Audit, Evaluation and Ethics in discharging ethics-related responsibilities. With specific regard to wrongdoing, these responsibilities include: raising organizational awareness of the mechanism for disclosing a suspected wrongdoing and providing interpretation and related advice; conducting and reporting the results of investigations pursuant to allegations or reasonable suspicion of wrongdoing, and making recommendations regarding corrective action; and protecting the identity and privacy of persons involved in a disclosure or related investigation. The establishment of the CSE Ethics Officer position augments CSE's capacity to deal with issues relating to wrongdoing and is intended to advance CSE's Ethics Program more broadly.

SECTION III: OTHER PROGRESS IN THE IMPLEMENTATION OF THE CONVENTION

I. PROVISION OF THE CONVENTION:

Article XIV, paragraph 1 (Mutual legal assistance)

II. MEASURES:

Justice Canada continues to participate in the work of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and extradition, which seeks to make mutual assistance between OAS members more effective by various means. Canada continues to support, *inter alia*, the use of the Working Group's Best Practices guidelines for improving mutual assistance, the elaboration of which was spearheaded by Justice Canada.

I. PROVISION OF THE CONVENTION:

Article XIV, paragraph 2 (Mutual technical cooperation)

II. MEASURES:

- Canada increased its investment in combating criminal activity in the Americas by establishing the Anti-Crime Capacity Building Program (ACCBP) in December 2009. The ACCBP provides \$15 million in funding and technical assistance to states and to international institutions to combat and prevent criminal activity. In 2009/10, the Organization of American States (OAS) received CAD \$1.38 million in funding via the ACCBP. Through the ACCBP, capacity-building and technical assistance is available to Latin American and Caribbean states to effectively implement the *Inter-American Convention against Corruption (IACAC)* and the *United Nations Convention against Corruption (UNCAC)* requirements, including through legislative development and drafting; support for institutional capacity to investigate and prosecute corruption and to identify the associated money flow; and national awareness workshops. In addition, the ACCBP may support these states' participation in UNCAC and other anti-corruption fora so that their views and perspectives are heard by the international community.

Looking ahead, Canada will turn its focus to support for the follow-up mechanisms for their implementation, namely the IACAC review mechanism (MESICIC), and the development and implementation of review mechanism for UNCAC. The ACCBP will support the capacity of states to effectively engage in implementation. The ACCBP will also support international efforts to address the issue of asset recovery in states that have been victimized by corrupt officials.

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