

# **CODES OF CONDUCT TOPIC GUIDE**

Compiled by the Anti-Corruption Helpdesk

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. Through more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

Topic guides are a series of publications developed by the Anti-Corruption Helpdesk on key corruption and anti-corruption issues. They provide an overview of the current anti-corruption debate and a list of the most up to date and relevant studies and resources on a given topic.

**[www.transparency.org](http://www.transparency.org)**

Author: Matthew Jenkins,

[tihelpdesk@transparency.org](mailto:tihelpdesk@transparency.org)

Reviewers: Maíra Martini; Marie Chêne, Finn Heinrich PhD

Date: 20 April 2015

© 2015 Transparency International. All rights reserved.



With support from the European Commission

*This document should not be considered as representative of the European Commission or Transparency International's official position. Neither the European Commission, Transparency International nor any person acting on behalf of the Commission is responsible for how the following information is used..*

# TABLE OF CONTENTS

## **CODES OF CONDUCT**

WHAT ARE CODES OF CONDUCT?.....	4
ANTI-CORRUPTION PROVISIONS IN CODES OF CONDUCT .....	5
RESOURCES ON CODES OF CONDUCT.....	9
1. Background studies .....	9
2. Standards and guidelines .....	10
3. Practical insights: handbooks and toolkits .....	10
4. Assessments and databases.....	12
5. Resources from the Anti-Corruption Helpdesk .....	13
6. Selected actors and stakeholders.....	14

This topic guide provides an overview of codes of conduct as an approach to public sector integrity, and a compilation of the most up to date and relevant studies and resources on the topic.

# CODES OF CONDUCT

---

## WHAT ARE CODES OF CONDUCT?

A pressing concern for many public institutions around the world is the lack of citizen confidence in their integrity. According to Transparency International's 2013 Global Corruption Barometer data, public officials are perceived to be the third-most corrupt group after political parties and police. Codes of conduct can help remedy this trust deficit. According to Transparency International's definition, a code of conduct is a "statement of principles and values that establishes a set of expectations and standards for how an organisation, government body, company, affiliated group or individual will behave, including minimal levels of compliance and disciplinary actions for the organisation, its staff and volunteers."<sup>1</sup>

A frequent distinction is made between "aspirational" and "rule-based" codes of conduct.<sup>2</sup> While aspirational codes establish broad ethical principles for employees, they generally do not list prohibited kinds of behaviour or set out sanctions for violations of the code.<sup>3</sup> Rule-based codes are more legalistic, specifying and prohibiting inappropriate behaviours as well as providing enforceable sanctions for contraventions of the code.<sup>4</sup> Whereas aspirational, peer-regulated codes are the norm in the private sector (for example, the United Nations Global Compact), public sector codes are more likely to be rule-based to help enforce compliance.<sup>5</sup> Indeed, adherence to these codes is normally a condition of ongoing employment and can be made legally binding.<sup>6</sup> Good codes of conduct for public officials incorporate aspects of both models into a single document, often broken down into three major sections: general ethical principles, detailed provisions specifying unacceptable behaviour and a regulatory framework laying out enforcement mechanisms.<sup>7</sup>

Codes of conduct for public officials are becoming increasingly common, and are used to cover a whole range of public servants by tailoring the codes to the specific ethical concerns and challenges the various types of public servants face in the course of their duties. They are particularly useful to regulate the behaviour of civil servants, who often operate independently of legislators due to the need to isolate them from political influence.<sup>8</sup>

Codes work in a number of useful ways. Firstly, they establish a benchmark to assess officials' behaviour against the values of integrity, honesty, impartiality and objectivity.<sup>9</sup> In this way, they can also limit the pressure that supervisors and political leaders can put on public officials to act contrary to the code. Secondly, given that issues that are technically legal are not necessarily ethical, codes of conduct are valuable as they can provide clarity on ambiguous points.<sup>10</sup> Functioning as general reference guides for officials, they offer guidance on how to deal with ethical dilemmas and outline expected standards of behaviour.<sup>11</sup> Finally, they serve as an overarching integrity management framework by formalising definitions, procedures (such as conflict of interest resolution and asset declaration) and enforcement processes.

The potential of codes of conduct has been recognised for some time, and an important step was taken in 1996 when the UN General Assembly adopted the [International Code of Conduct for Public Officials](#), and recommended that member states use it to develop their own guidelines. Since then, multilateral initiatives on codes of conduct have proliferated, notably in the [United Nations Convention against Corruption](#) (article 8) and the [African Union Convention on Combating Corruption](#) (article 7).

---

<sup>1</sup> Transparency International *Plain language guide*, p 8

<sup>2</sup> Whitton, H., 2009. [Beyond the code of conduct: building ethical competence in public officials](#)

<sup>3</sup> Bruce, W., 1996. "Codes of ethics and codes of conduct: perceived contribution to the practice of ethics in local government", *Public Integrity Annual*, p. 23

<sup>4</sup> Bruce, W., 1996. "Codes of ethics and codes of conduct: perceived contribution to the practice of ethics in local government", *Public Integrity Annual*, p.23

<sup>5</sup> <http://blog.transparency.org/2012/08/03/codes-of-conduct-and-the-legal-system-ideas-and-implications/>

<sup>6</sup> <http://www.osce.org/odihr/90913?download=true>

<sup>7</sup> Powers, G. 2009. [Handbook on parliamentary ethics and code: A guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics. p.3

<sup>8</sup> Rohr, J., 1978. *Ethics for bureaucrats*, p.4

<sup>9</sup> Chêne, M., 2013. [Codes of conduct for local governments](#). Transparency International Anti-Corruption Helpdesk

<sup>10</sup> Martini, M., 2012. [The effectiveness of codes of conduct for parliamentarians](#). Transparency International Anti-Corruption Helpdesk

<sup>11</sup> Lindner, S., 2014. [Implementing codes of conduct in public institutions](#). Transparency International Anti-Corruption Helpdesk

Finally, while codes of conduct are useful components in any public sector integrity system, their mere existence in writing is incapable of guaranteeing propriety in any organisation.<sup>12</sup> Monitoring codes' implementation and enforcing the regulations requires a great deal of political will. Furthermore, as detailed below, strict regulation, prohibition and enforcement should complement rather than replace thorough ethics training for public officials.

The following sections briefly consider what areas codes of conduct should seek to regulate and briefly examine how to optimise implementation.

## ANTI-CORRUPTION PROVISIONS IN CODES OF CONDUCT

Codes of conduct should be tailored to suit the nature of the ethics challenge for the particular group of public officials they cover, and the exact provisions will differ according to whether the code is intended to be applied to legislators, the judiciary, the executive or civil servants. Nonetheless, effective codes generally include the following:<sup>13</sup>

### Objectives

Codes of conduct should clearly state their key objectives as experience shows that ambiguity can hinder effective implementation and enforcement.<sup>14</sup> Clearly, the central focus of codes will vary according to context, but common objectives include:

- providing a set of ethical standards and guidelines for public officials faced with difficult decisions
- increasing citizens' trust in the probity of public officials and raising accountability
- establishing expected values, principles and responsibilities for public officials
- promoting ethical behaviour and discouraging unethical acts

### Principles and values

When formulating a code of conduct for public officials, it is strongly advisable to begin with a discussion of core values before moving on to detail the exact nature of rules and regulations.<sup>15</sup> In general, codes of conduct should build upon a country's public consensus on core values while remaining committed to the minimum standards provided by UNCAC.<sup>16</sup>

The large majority of codes reflect values such as rule of law, political neutrality, loyalty, honesty, impartiality, competence, justice, public interests, accountability, efficiency and effectiveness, openness and transparency, reliability and predictability, and citizen participation.<sup>17</sup>

### Fundamental prohibitions

#### Bribery

All codes of conduct for public officials should explicitly define and ban bribery. Transparency International defines bribery as "the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, donations, etc.)"<sup>18</sup>

---

<sup>12</sup> Staphenurst, R. & Pelizzo, R., 2004. Legislative ethics and codes of conduct, World Bank Institute, p.9

<sup>13</sup> Compiled from <http://www.oecd.org/mena/governance/35521740.pdf> & <http://blog.transparency.org/2011/06/03/will-eu-politicians-deliver-on-code-of-conduct-promise/> & <http://www.osce.org/odihr/90913?download=true> & Martini, M., 2011. *Codes of conduct for public officials and members of government*. Transparency International Anti-Corruption Helpdesk.

<sup>14</sup> Palidaukaite, no date. [Codes of conduct for public servants in eastern and central European countries: comparative perspective](#)

<sup>15</sup> Powers, G., 2009. [Handbook on parliamentary ethics and code: A guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics. p.4

<sup>16</sup> Powers, G., 2009. [Handbook on parliamentary ethics and code: a guide for parliamentarians](#), GOPAC Global Task Force on Parliamentary Ethics. p.3

<sup>17</sup> Martini, M., 2012. [The effectiveness of codes of conduct for parliamentarians](#), Transparency International Anti-Corruption Helpdesk. p.2

<sup>18</sup> [Transparency International Plain language guide](#)

## Conflicts of interest

Conflicts of interest are at the root of most unethical behaviour in public office and should be comprehensively covered by codes of conduct. Codes should outline what constitutes a conflict of interest, and detail procedures for detecting and resolving conflicts of interest as they arise. Transparency International advocates the inclusion of interest and asset disclosure mechanisms for senior public officials in order to identify potential conflicts of interest.<sup>19</sup> Conflicts of interest and disclosure systems are considered extensively in the following sections of this topic guide.

## Gifts and favours

Gifts and favours should be regulated by codes of conduct. Both UNCAC (article 8) and the OECD state that the acceptance of gifts is a leading cause of conflicts of interest.<sup>20</sup> Nonetheless, [a 2011 OECD study](#) found that less than a quarter of its member countries restricted the acceptance of gifts.<sup>21</sup> In many countries, therefore, gift taking needs to be controlled more strictly. In particular, codes of conduct should clearly define what constitutes a "gift" to include both physical gifts and promised services or hospitality. Codes should, moreover, establish clear thresholds and outline in which situations acceptance of a gift is permissible. Note, however, that care should be taken to align permitted thresholds to country norms, otherwise reformers risk introducing unenforceable regulation. Generally speaking, public officials should not accept a gift if it could be construed as an inducement or reward placing the public official under an obligation to a third party.<sup>22</sup> Codes should also specify a competent and independent ethics body to supervise gift taking. The Open Government Guide suggests that an internal audit body or ombudsman could develop a system of pre-approval of gifts and services.<sup>23</sup>

## Use of state property

Codes of conduct for public officials should outline unacceptable uses of state property and provide example scenarios to show what qualifies as illicit activity. The US Standards of Ethical Conduct, for instance, declares that, "An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorised purposes". The dishonest use of government property or assets for personal gain is fraudulent activity and should be dealt with appropriately.

## Supplementary restrictions

Other areas in need of regulation by a code of conduct include external activities, outside income and restrictions on public servants' pre and post-public employment. These remain less frequently covered in codes but are being slowly added to the legal framework in several countries.<sup>24</sup> More detail is provided on these issues in the subsequent section on conflict of interest. Suffice to note here that additional measures to tackle lobbying and improper relations with other public officials should be included in codes of conduct for government ministers and legislators.

## Whistleblowing

Public servants are usually the first to notice misconduct, illicit or unethical activity and risks to the public interest. Fear of reprisals or a sense of inefficacy can discourage officials from reporting their concerns and it is important for organisations to overcome these disincentives by providing protection to whistleblowers. Whistleblower protection is a fairly recent addition to the open government movement and where protection exists it is generally provided by separate legislation.<sup>25</sup> However, innovative codes of conduct seek to integrate whistleblower mechanisms into the broader anti-corruption framework. The Australian public service code of conduct is notable for requiring public bodies to set out appropriate measures to react to whistleblower reports of misconduct.<sup>26</sup>

---

<sup>19</sup> [http://www.transparency.org/news/feature/holding\\_politicians\\_to\\_account\\_asset\\_declarations](http://www.transparency.org/news/feature/holding_politicians_to_account_asset_declarations)

<sup>20</sup> <http://www.oecd.org/dataoecd/54/31/48994419.pdf> &

[http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

<sup>21</sup> <http://blog.transparency.org/2012/07/19/codes-of-conduct-a-tool-to-clean-up-government/>

<sup>22</sup> New Zealand, 2005. *Public Service Code of Conduct*, p.23

<sup>23</sup> <http://www.opengovguide.com/commitments/establish-regulations-governing-gifts-offered-to-public-sector-officials/>

<sup>24</sup> Martini, M., 2011. *Codes of conduct for public officials and members of government*, Transparency International Anti-Corruption Helpdesk. p.3

<sup>25</sup> <http://www.opengovguide.com/topics/whistleblower-protection/>

<sup>26</sup> Australian Public Service: *Values and code of conduct* <http://www.apsc.gov.au/values/conductguidelines.htm>

## Enforcement, monitoring and sanctioning

Model codes of conduct provide not only sanctions for non-compliance but also stipulate the bodies responsible for monitoring and enforcement of penalties. Sanctions range from suspension from office, fines, official warnings and occasionally criminal prosecution. It is, nonetheless, important to distinguish between the ethical issues which codes of conduct seek to address on one hand and what is covered by criminal law on the other.<sup>27</sup>

Providing guidance to public officials on avoiding conflicts of interest is very different from prosecuting officials for corruption. As expanded upon in the section on asset declaration, these two tasks should ideally be undertaken by different bodies. Codes of conduct should therefore make explicit reference to relevant citations in the criminal law code and clearly specify jurisdictions for various kinds of infringements. Crucially, sanctions should be proportionate to the offence.<sup>28</sup>

## IMPLEMENTATION

There is no sure-fire method of implementing an effective code of conduct, but efficacy and compliance can be improved by:<sup>29</sup>

### Impartial commissions.

The OECD study on implementation of codes of conduct recommends that codes establish an impartial public ethics body to administer the code and provide guidance to public officials. This prevents enforcement of ethical behaviour from becoming a partisan political tool.<sup>30</sup> Such bodies should be empowered to audit risks to the integrity of important processes in public life such as tendering, financial management, recruitment, promotion, dismissal and discipline.<sup>31</sup>

### Ensuring a participatory development process

Most studies of codes of conduct emphasise the importance of consultation when drawing up codes of conduct for public bodies. This should involve a range of stakeholders such as public officials themselves, end-users of the public service in question and civil society.<sup>32</sup> This allows for valuable input from those who will be subject to the new code and helps convey a sense of ownership.<sup>33</sup>

The 12 step [model development process](#), advocated by the Ethics Resource Centre, recommends that an organisation empowers a core task force, made up of employees from diverse positions, responsible for the progression and implementation of the code. The literature also stresses that codes be revisited and revised at regular intervals to ensure their continued relevance.<sup>34</sup>

### Leadership

Effective codes of conduct for public officials and elected representatives should have the full support from the highest levels of government. In that way, bodies tasked with monitoring and enforcement are free to go about their activities without fear of partisan interference from above.<sup>35</sup>

### Embedding the code into a wider integrity management framework

Codes of conduct should form one part of a wider ethical framework and an integrated and sustained anti-corruption initiative which could include right to information laws, ethical training programmes, asset declaration and conflict of interest resolution mechanisms, whistleblower protection, and support for a free

---

<sup>27</sup> <http://www.osce.org/odihr/90913?download=true>

<sup>28</sup> Martini, M., 2011. *Codes of conduct for public officials and members of government*, Transparency International Anti-Corruption Helpdesk

<sup>29</sup> Lindner, S., 2014. *Implementing codes of conduct in public institutions*. Transparency International Anti-Corruption Helpdesk

<sup>30</sup> Palidauskaite, no date. *Codes of conduct for public servants in eastern and central European countries: comparative perspective*

<sup>31</sup> <http://www.oecd.org/mena/governance/35521740.pdf>

<sup>32</sup> [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ParliamentaryCodesofConductinEurope\\_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ParliamentaryCodesofConductinEurope_EN.pdf)

<sup>33</sup> Powers, G., 2009. *Handbook on parliamentary ethics and code: A guide for parliamentarians*. GOPAC Global Task Force on Parliamentary Ethics

<sup>34</sup> [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=gov/sigma\(2006\)1/rev1](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=gov/sigma(2006)1/rev1)

<sup>35</sup> Holm, S. & Lillywhite, S. 2003. *Turning values into action: Developing a code of ethical behaviour*.

media and engaged civil society.<sup>36</sup> Crucially, when enacting codes of conduct, there should be no discrepancies between the proposed code and other existing laws.

### Identifying administrative bodies responsible for implementation

The OECD notes that establishing a specific administrative structure with a mandate to oversee the implementation process is a precondition for a code of conduct's success.<sup>37</sup> Other studies have recommended assigning responsibility for the overall public ethics framework to one central body to oversee public officials' codes of conduct.<sup>38</sup>

### Dissemination and ethics training

Public officials must be acutely aware of a code's provisions for it to be effective. A programme of dissemination and training is essential to ensure that officials understand the regulations, their obligations and the standards they are expected to comply with. A 2005 study demonstrated that codes of conduct are most effective when ethical standards are clearly known, as officials are then more likely to identify and denounce wrongdoing and are themselves less likely to behave in an unethical manner.<sup>39</sup>

Competency-based training is held by some experts to be essential to "go beyond" a code's basic prohibitions in order to train officials to recognise and appropriately manage ethical dilemmas and integrity risks.<sup>40</sup> This could include situational-based training to help officials learn how to apply fundamental values to complex ethical situations not provided for by the code and to which there is no easy solution.

### Creating incentives for compliance

A recent paper argued that compliance rates can be improved through the creation of incentives for public officials to behave ethically. Approaches include linking adherence to codes of conduct to performance evaluations and the introduction of the code of conduct during appraisal interviews for public sector jobs.<sup>41</sup>

## Codes of conduct: good practice examples

[The German civil service's anti-corruption code](#) is often acclaimed as best practice in developing codes of conduct. As a mechanism, it aims to increase awareness of corruption risks and to motivate civil servants to fulfil their duty and obey the law. The first section consists of several simply stated precepts detailing how individual civil servants should behave in particular situations, while the second part focuses on the role managers play in integrity management. The code also discusses practical issues such as internal financial audit procedures, behaviour in corruption opportunities, rotation of staff, obligation of heads of service to inform the public prosecutor's office when corruption is reported and, finally, how to deal with gifts and other possible conflicts of interest.

[The UK's code of conduct for board members of public bodies](#) is useful in that it is tailored to non-executive board members of public bodies, a position often vulnerable to conflicts of interest. The code sets out, clearly and openly, the standards expected from those who serve on the boards of UK public bodies and forms part of board members' terms and conditions of appointment. It begins by laying out the UK's key principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It then discusses use of public funds, allowances, gifts and hospitality policy, use of official resources and information, political activities, employment and appointments, members' interests and responsibilities.

<sup>36</sup> Inter-American Development Bank, 2007. [Formulating and implementing an effective code of ethics: comprehensive guidance manual for public institutions](#) See also: Lawton, A., 2004. "Developing and implementing codes of ethics," *Viesoji Politika ir Administravimas*

<sup>37</sup> OECD, 2011. [Code of conduct for the civil service: Palestinian authority benchmarking report](#). Joint Learning Studies.

<sup>38</sup> Reed, Q., 2008. [Sitting on the fence: Conflicts of interest and how to regulate them](#), U4 Issue 2008: 6

<sup>39</sup> Gilman, S., 2005. [Ethics codes and codes of conduct as tools for promoting an ethical and professional public service: comparative successes and lessons](#), PREM and the World Bank

<sup>40</sup> Whitton, H., 2009.: [Beyond the code of conduct: building ethical competence in public officials](#)

<sup>41</sup> Michael, B., & Hajredini, H., 2011. [How to implement codes of conduct: Lessons from OECD member states.](#)



# RESOURCES ON CODES OF CONDUCT

## 1. Background studies

***Ethics codes and codes of conduct as tools for promoting an ethical and professional public service: Comparative successes and lessons.* Gilman, S., 2005.**

<http://www.oecd.org/dataoecd/17/33/35521418.pdf>

This background study has been written as an introductory guide for development practitioners and, as such, the paper is both accessible and useful. The analysis begins with an informative background on the development of ethics codes and codes of conduct. It then examines their role and how codes have been used in different parts of the world. It covers the best practices and limitations of codes, with particular consideration of the use of codes in international development. The author discusses how to integrate codes into existing organisations, what to include and the wider institutional and legal framework best able to support codes of conduct. Finally, the study considers how to evaluate a code's effectiveness and provides examples of which codes have worked in particular settings and why. The paper presents four major findings: (1) the best public sector codes include elements of both values-based and rule-based approaches, (2) effective codes rely on solid institutional and administrative foundations, (3) codes also rely on wider integrity management procedures, such as asset disclosure and conflict of interest resolution and (4) codes become more effective over time as they "naturalise"; actual and perceived independence are vital to sustain the requisite political will.

***Codes of conduct for public officials in Europe: Common label, divergent purposes.* Hine, D., 2005.**

in *International Public Management Journal*

<http://bit.ly/1GsB4qz>

Although the empirical basis of this paper is somewhat outdated, Hine's findings are still relevant to those seeking to reform codes of conduct. Looking specifically at appointed public officials, Hine argues that ethics management outcomes are a product of a country's administrative and legal culture. He shows that the difficulty of drafting a code of conduct which can mesh with the existing legal and ethical order is difficult enough in one country, and casts doubt on the value of transnational common codes as advocated by the Council of Europe. Finally, the paper also finds that devising codes of conduct for appointed officials with specialised functions with high exposure to ethical risks is relatively straightforward compared to codes of conduct for generalist public servants who face a whole range of ethics risks.

***Beyond the code of conduct: Building ethical competence in public officials.* Whitton, H., 2009.**

<http://www.u4.no/publications/beyond-the-code-of-conduct-building-ethical-competence-in-public-officials/>

This practitioner-oriented brief seeks to explain why traditional methods of managing ethical problems encountered by public officials often fail and examines how this important deficiency might be remedied. The central contention is that traditional rule-based codes of conduct, which aim to prohibit corruption and misconduct, often neglect the promotion of ethical conduct in the exercise of public functions. This short article outlines how a competency-based approach to teaching and managing professional ethics standards in the public sector can "go beyond" rigid codes of conduct. It further suggests applications of this approach in a capacity building programme that can be applied to support public service reform, and to resist corruption and abuse of power by officials.

***Towards a sound integrity framework: Instruments, processes, structures and conditions for implementation.* OECD, 2009.**

[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF\(2009\)1](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF(2009)1)

This document presents key components of a sound integrity framework in public sector organisations. It proposes an overall integrity framework for fostering integrity and resistance to corruption in public sector organisations, and assumes that all aspects of this integrity framework are interdependent and the framework as a whole is dependent on its context. The paper also translates this abstract assumption into functional policy recommendations and, in annex 2, provides a complementary checklist as a hands-on diagnostic tool for managers.

The paper has several highly relevant sections related to codes of conduct. Subsection 4.1.1.D clarifies conceptual issues concerning integrity codes and presents research findings about their impact (Box 3,

p.35). This is followed by some more specific policy recommendations related to the scope and content of integrity codes (Box 4, p.36). The question of whether it is preferable to design one code to cover all integrity-related guidance or opt for specific codes to provide specific guidance for particular topics, situations and functions is also discussed. Finally, Box 1 (p.13) provides empirical support for the idea of combining rule-based and values-based approaches in codes of conduct.

## 2. Standards and guidelines

### a. *International standards*

***The international code of conduct for public officials. UN General Assembly International, 1997.***  
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010930.pdf>

The International Code of Conduct for Public Officials was approved by the UN General Assembly Resolution 51/59 in 1996. The two-page code is extremely brief, general and broad, but covers the universally applicable aspects essential to any code for public officials: prioritisation of public interest, impartiality, conflicts of interest, asset disclosure, and policies on gifts and political activity. See also: [Implementation of the International Code of Conduct for Public Officials](#). UN General Assembly, 2002.

### b. *Regional standards*

***Model Code of Conduct for Public Officials. Council of Europe, 2000.***  
[https://www.coe.int/t/dghl/monitoring/greco/documents/Rec\(2000\)10\\_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf)

In 2000, the Council of Europe approved a model code of conduct for public (non-elected) officials. The code is a useful resource and covers all the general issues normally thought to be necessary in codes of conduct, including general principles, conflicts of interest and reporting requirements, political activity, gifts, reaction to improper offers, duties on leaving public service. Like The International Code of Conduct for Public Officials, it is rather broad and, as the literature on codes of conduct stresses, will need to be tailored to local legal, institutional contexts to tackle specific corruption challenges.

## 3. Practical insights: handbooks and toolkits

***A guide to developing your organization's code of ethics. Ethics Resource Centre, 2001.***  
<http://www.shrm.org/about/documents/organization-coe.pdf>

Although not limited to the public sector, this basic guide is an easily accessible manual outlining the role of ethics codes, their function, how to write them, what to include and how to develop a comprehensive code. It also includes sample forms and tools for drafting a code. As this guide is rather old and primarily aimed at the private sector, the emphasis here is on values-based, non-enforceable codes. For public sector bodies seeking to go beyond a list of prohibited activities, however, it provides a helpful overview on how to embed ethical behaviour into the heart of an organisation. For example, the recommendation to empower a task force consisting of a diverse group of people from the organisation to be responsible and accountable for the code's development is a practical way to ensure broad acceptance and ownership of the code by public officials. See also: [What to Do after Your Code of Conduct Is Written](#), (Ethics Resource Centre, 2003) which underlines the importance of communication of the code, comprehensive ethics training and frequent revision of the code to guarantee continued relevance.

***Handbook on parliamentary ethics and code: A guide for parliamentarians. GOPAC Global Task Force on Parliamentary Ethics, 2009.***  
[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GOPAC%20Handbook%202009\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GOPAC%20Handbook%202009_EN.pdf)

This handbook provides guidance to politicians on ethical issues in legislative bodies. It was drafted by politicians and addressed to reform-minded MPs and to a lesser extent civil society to help them understand and improve standards of ethical conduct within parliaments. The handbook has two purposes, first, to describe and explain the constituent parts of a system of ethics and conduct that need to be implemented and, second, to identify the key issues for politicians in developing, implementing and enforcing such a system. It places great emphasis on developing effective ethics regimes that are consistent with varied political and cultural contexts while still adhering to fundamental international standards, notably the United Nations Convention against Corruption.

While not seeking to provide a universal blueprint, the guide sets out the key stages of a political reform process: firstly, establishing political agreement on the broad principles for ethics and conduct, and then building more detailed rules and mechanisms for their enforcement. It conceptualises codes of conduct as made up of three distinct but complementary elements: principles, rules and the regulatory and enforcement framework.

***Implementing a code of conduct for the public sector in Jordan. OECD Joint Learning Study, 2010.***  
<http://www.oecd.org/gov/ethics/45916428.pdf>

This is a helpful peer-review methodology to analyse the progress and challenges of implementing codes of conduct in practice and offers lessons that can be applied elsewhere. The study demonstrates how codes of conduct, as a key instrument in integrity management, can be adapted to complement wider efforts to enhance public integrity, fight corruption and modernise the public sector. It also highlights some innovative practices for increasing the efficacy of codes of conduct, in particular emphasising the use of both incentives and sanctions to improve compliance, pre-appointment financial disclosure initiatives to manage potential conflicts of interest before they arise and the development of interactive awareness-raising training programmes (including role-playing, joint problem solving and hypothetical situations).

***How to implement codes of conduct: Lessons from OECD member states. Michael, B., and Hajredini, H., 2011.***  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2250999&download=yes](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2250999&download=yes)

This article outlines the basic steps for implementing codes of conduct, breaking down the process into four distinct phases: (1) deciding who and what to regulate, (2) data collection to determine what elements to include in codes of conduct, (3) designing/modifying appropriate institutions (such as an ombudsman, and ethics committee) and (4) sustainable implementation. The paper examines how different OECD member states regulate the behaviour of their public officials: using codes of conduct as a guide to well-established principles in administrative law. It is particularly helpful as it explicitly clarifies the relationship between codes of conduct, ethics-related law and other legislation. Also notable is the emphasis placed on the process of legal analysis and data collection which needs to be undertaken before the code of conduct is drafted.

***International best practices for whistleblower policies. Government Accountability Project, 2013.***  
[http://www.whistleblower.org/sites/default/files/Best\\_Practices\\_Document\\_for\\_website\\_revised\\_April\\_12\\_2013.pdf](http://www.whistleblower.org/sites/default/files/Best_Practices_Document_for_website_revised_April_12_2013.pdf)

Codes of conduct should also contain provisions on whistleblowing. This document is useful, therefore, as it provides a checklist of 20 requirements to ensure that whistleblower laws are in line with international best practice. These best practice standards are based on a compilation of all national laws and intergovernmental organisation policies, such as those at the United Nations and World Bank. It also compares legal provisions for whistleblowers across many jurisdictions around the world to the Government Accountability Project's 20 point checklist for strong and effective whistleblower protection. See also: [Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation](#) (OECD, 2011) and [Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses](#) (Organisation of American States, 2011).

***Developing and implementing a code of ethical conduct: A guide for businesses and other organisations. Consultative Committee of Accountancy Bodies, 2014.***  
[http://www.ccab.org.uk/PDFs/Code\\_Guidance\\_final\\_SG\\_Amends2.pdf](http://www.ccab.org.uk/PDFs/Code_Guidance_final_SG_Amends2.pdf)

This recent handbook is intended to assist professional accountants to develop or enhance codes of conduct within their organisations, whether in business, the public sector or the third sector. While it covers the typical elements of a code of conduct guide (such as scope and content) its real utility is the very clear and thorough guide to effectively supporting a code and embedding its values and principles within the organisation. It is also helpful as it outlines the central role that professional accountants can take in the development and implementation phase. The Consultative Committee of Accountancy Bodies (CCAB) also publishes some tools for ethics training, [the Ethical Dilemmas Case Studies](#).

## 4. Assessments and databases

**Comparative study on the public-service ethics on the EU member states. Moilanen, T. and Salminen, A., 2006.**

<http://www.dgap.gov.pt/media/0601010000/finlandia/Comparative%20study.pdf>

Although now somewhat dated, this study offers a valuable overview of public service ethics regimes in 27 EU member states based on a 2005 survey. The report begins with a discussion of core values, ethical codes and the relationship between codes of conduct and the legislative framework. It then summarises the key ethics challenges and their extent across EU member states, and finds corruption and conflict of interest to be the main issue. The role of leadership and human resource management practices in implementing codes of conduct is highlighted.

Two key findings emerge. Firstly, there is a clear disconnect between generally satisfactory codes of conduct and integrity management systems at central government level and the opaque ethics infrastructure at the local government level. Secondly, there are divergent interpretations of what actually constitutes a code of conduct; in some countries only legislation passed by parliament was considered to be an official code, whereas in other cases individual agencies' guidelines were accepted as de facto codes.

**More than writing on a wall: Evaluating the role that codes of ethics play in securing accountability of public sector decision makers. Kinchin, N., 2007.**

in *The Australian Journal of Public Administration*, vol.66 (1) pp.112–120

<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.2007.00519.x/abstract>

This article argues that the essential factors of a public service code of ethics can be divided into five categories: fairness, transparency, responsibility, efficiency and conflict of interest. The author concludes that while ethics codes have the potential to be an extremely effective tool in ensuring accountability, it is the human element of the code (the internalisation of the ethics by the individual decision maker) that will ensure accountability.

To improve outcomes, Kinchin stresses that codes of ethics must: (1) reflect the precepts of democratic accountability, (2) be framed in language which the public official relates to and can be tailored to individual government agencies, organisations and decision-making bodies and (3) be actively encouraged and exemplified by managers themselves.

**Codes of conduct for parliamentarians: A comparative study. King Prajadhipok's Institute, 2009.**

[http://knjiznica.sabor.hr/pdf/E\\_publikacije/Codes\\_of\\_conduct\\_for\\_parliamentarians.pdf](http://knjiznica.sabor.hr/pdf/E_publikacije/Codes_of_conduct_for_parliamentarians.pdf)

This study presents a comparative examination of codes of conduct for parliamentarians in Australia, Canada, India, Japan, Laos, Pakistan, Philippines, the Republic of Korea, Sri Lanka, Thailand, the USA and Vietnam. The study summarises existing academic work on codes of conduct for parliamentarians and civil servants, and uses this to differentiate national approaches in the Asia-Pacific region. Attention is paid to the regulatory foundations, organisational structures and enforcement mechanisms associated with codes of conduct. The efficacy and transferability of codes of conduct across different types of political systems, parliamentary structures and socio-cultural conditions is also discussed. Finally, the study presents a set of recommendations for governance practitioners in parliaments and civil society organisations on how codes of conduct might be usefully incorporated into democratic governance consolidation programme initiatives.

**Effectiveness of ethics codes in the public sphere: Are they useful in controlling corruption?**

**Garcia-Sanchez, I.M., Rodriguez-Dominguez, L., & Gallego-Alvarez, I., 2011.**

in *International Journal of Public Administration*, vol.34 (3) pp.190-195

[http://www.tandfonline.com/doi/abs/10.1080/01900692.2010.532184#.VR\\_nyPnF\\_n8](http://www.tandfonline.com/doi/abs/10.1080/01900692.2010.532184#.VR_nyPnF_n8)

This study aimed to determine the relationship between the implementation of a code of ethics and the existence of corruption in the public sector. Analysing 154 national administrations whose information on ethics codes is available on the UN's website, the results show, contrary to expectations, that ethics codes do not have any discernible impact on the control of corruption in the public sector. The study found that the level of education and the public pressure exerted on elected politicians is the most important determining factor in the control of corruption, especially in developing countries. The authors nonetheless conclude that ethics codes can be useful as an a priori control mechanism to prevent potentially unethical situations.

**Codes of good governance: National or global public values? Jørgensen, T.B. and Sørensen, D.L., 2012.**

in *Public Integrity*, vol.15 (1) pp.71-96

[http://www.tandfonline.com/doi/abs/10.2753/PIN1099-9922150104#.VR\\_ro\\_nF\\_n8](http://www.tandfonline.com/doi/abs/10.2753/PIN1099-9922150104#.VR_ro_nF_n8)

This study examines 14 national codes of good governance to try and establish whether there has been a convergence of public values. It identifies a set of apparently global public values—public interest, regime dignity, political loyalty, transparency, neutrality, impartiality, effectiveness, accountability, and legality—which match international model codes for public officials from the UN and the European Council and the conceptions of good governance launched by the OECD, IMF, World Bank, UN, and EU. Although values converge, they are balanced and communicated differently, and are translated into the national political cultures. The authors propose that these findings may be useful for the increasing number of public servants working in international administrative spaces.

## 5. Resources from the Anti-Corruption Helpdesk

**Codes of conduct for public officials and members of government. Martini, M., 2011.**

Available on request from [tihelpdesk@transparency.org](mailto:tihelpdesk@transparency.org)

As shown here, codes of conduct for civil servants and the executive branch of government have somewhat different objectives and thus require different provisions. While codes of conduct for public officials typically address general principles of ethics, conflicts of interest, gifts and favours, outside activities and use of state property, codes of conduct for members of government usually include additional provisions on lobbying, and on the relationship between ministers and public officials, parliament and other members of the government. The answer examines countries commonly held to have established good codes of conduct: UK, Canada, the USA and Germany.

**The effectiveness of codes of conduct for parliamentarians. Martini, M., 2012.**

[http://www.transparency.org/whatwedo/answer/the\\_effectiveness\\_of\\_codes\\_of\\_conduct\\_for\\_parliamentarians](http://www.transparency.org/whatwedo/answer/the_effectiveness_of_codes_of_conduct_for_parliamentarians)

Focusing on parliamentary codes of conduct, this Helpdesk answer firstly surveys the literature on the efficacy such codes. It finds that on top of establishing clear behavioural norms for MPs, the existence of a code is perceived by parliamentarians themselves as helpful as it can “protect” them when dealing with constituents and local parties, as well as increasing scrutiny both inside and outside the house. Secondly, the answer evaluates best practices in parliamentary codes of conduct and establishes that effectiveness depends on a range of factors including a process of consultation and discussion prior to the enactment of the code, the existence of an active civil society and free media, a functioning integrity system, an effective protection mechanism for whistleblowers and on parliamentarians’ commitment.

**Codes of conduct for local governments. Chêne, M., 2013.**

[http://www.transparency.org/whatwedo/answer/codes\\_of\\_conduct\\_for\\_local\\_governments](http://www.transparency.org/whatwedo/answer/codes_of_conduct_for_local_governments)

This Helpdesk answer provides guidelines on the specific corruption challenges of local government bodies, and demonstrates how to adopt codes of conduct to address misconduct. It notes that while, in principle, local officials must adhere to the same standards of conduct as other public officials, there are unique vulnerabilities at the local level which require additional attention. As citizens and public officials more frequently come into close and direct contact at the local level, local officials have more opportunities to develop corrupt networks, favouritism, nepotism, patronage and other forms of unethical behaviour. Accordingly, there are several operational areas where a well-developed code of conduct can greatly enhance professional performance in the areas of procurement, human resource management and customer service. The answer also provides several sample local government codes of conduct.

**Implementing codes of conduct in public institutions. Lindner, S., 2014.**

[http://www.transparency.org/whatwedo/answer/implementing\\_codes\\_of\\_conduct\\_in\\_public\\_institutions](http://www.transparency.org/whatwedo/answer/implementing_codes_of_conduct_in_public_institutions)

This paper addresses the common challenge of going beyond the legal establishment of a code of conduct to investigate how to successfully implement the codes into public sector bodies. Successful implementation is found to rely on: (1) a participatory development process, (2) strong leadership, (3) embedding the code into a wider integrity management framework, (4) structures and mechanisms for guidance, (5) monitoring, (6) review and enforcement, (7) clear dissemination and capacity building plans and (8) creating incentives for compliance. The answer also briefly considers tools to assess the relative



degree of implementation, finding that, while the literature is limited, some governments have developed their own self-assessment toolkits which utilise checklists and internal audits.

## 6. Selected actors and stakeholders

### **The Global Organization of Parliamentarians against Corruption (GOPAC).**

<http://gopacnetwork.org/>

GOPAC is an international network of parliamentarians dedicated to good governance and combating corruption throughout the world. GOPAC facilitates an exchange of information and analysis, works towards establishing international benchmarks, and to improve public awareness through a combination of global pressure and national action. GOPAC established a Parliamentary Ethics and Conduct Global Task Force (GTF-PEC) to develop a policy position on parliamentary conduct, provide tools and training materials, and promote ethics and conduct regimes aimed at building greater public trust in parliamentarians. This task force produced a ground-breaking [handbook on parliamentary ethics and conduct](#) which has been widely disseminated since its publication in 2009.

### **Ethics Resource Center (ERC).**

<http://www.ethics.org/>

ERC is a non-profit, non-partisan research organisation dedicated to independent research that advances high ethical standards and practices in public and private institutions. It provides a range of resources for ethics and compliance officers from business and government. These include [toolkits](#), [publications](#), [cutting-edge research](#) and [useful links](#). The [Guide to Developing your Organisation's Code of Ethics](#) and [What to Do after your Code of Conduct is Written](#) are particularly useful. ERC also produces a biennial national survey of ethics programmes, issues and culture using a national sample of employees in business and government.

### **Inter-American Development Bank.**

<http://www.iadb.org/en/topics/transparency/transparency-accountability-and-anticorruption,1162.html>

The Inter-American Development Bank fosters public sector ethics in two ways: through good governance mechanisms and working closely with countries to enforce the rule of law and fight corruption at both local and national levels. Within the framework of the bank's [action plan to support countries' efforts to combat corruption and foster transparency](#), it contributes to the improvement of public policies and national plans for preventing and combating corruption. The bank seeks to strengthen the institutional capacity of governments by improving access to information, promoting targeted transparency in strategic sectors, modernising agencies of supreme, external and internal control and enhancing the oversight role of legislative bodies. As well as undertaking in-country projects, such as [improving integrity in the selection of civil servants in Guatemala](#), the bank also produces useful [research tools](#) and a range of excellent [studies](#), including [Formulating and Implementing an Effective Code of Ethics: Comprehensive Guidance Manual for Public Institutions](#).

### **Government Accountability Project.**

<http://www.whistleblower.org/>

A non-profit organisation whose mission is to protect the public interest by promoting government and corporate accountability through advancing occupational free speech and ethical conduct, defending whistleblowers, and actively promoting government and corporate accountability. See also: [Public Concern at Work](#) (UK) and the [Open Democracy Advice Centre](#) (South Africa).

Transparency International  
International Secretariat  
Alt-Moabit 96  
10559 Berlin  
Germany

Phone: +49 - 30 - 34 38 200  
Fax: +49 - 30 - 34 70 39 12

[ti@transparency.org](mailto:ti@transparency.org)  
[www.transparency.org](http://www.transparency.org)

[blog.transparency.org](http://blog.transparency.org)  
[facebook.com/transparencyinternational](https://www.facebook.com/transparencyinternational)  
[twitter.com/anticorruption](https://twitter.com/anticorruption)