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RÉPUBLIQUE FRANÇAISE

MINISTÈRE DE LA FONCTION PUBLIQUE

Ethics and integrity in the French public administration

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DIRECTION GÉNÉRALE DE L'ADMINISTRATION ET DE LA FONCTION PUBLIQUE

SUMMARY

- **Overview and key figures**
- French legal framework
 - Reflection framework
 - The current legal framework
 - Draft law on ethics, rights and obligations of civil servants
- Measures of prevention

- The French civil service consists of three main branches:
 - State civil service
 - Local civil service
 - Hospital civil service
- The civil service system is based on four civil service laws . Together they form the general civil service statute since 1945

The statute is :

- a basic law providing the rights and obligations applying to all the civil servants;
- three laws related to the three civil service groups.

- As of 1st of March 2016, there were **66 M** inhabitants in France, **29,2 M** potentially active people and **5.3 million** people employed in the three branches of the civil service, i.e. **18,1% of active population.**



Branch of civil service	Workforce (in millions)	Employer
Civil service general statute	5.3	State civil service, Local civil service, Hospital civil service, Defense
State civil service	2.4	Ministerial departments (including Defense), National Public Entities
Local civil service	1.8	13 “regions”, 101 “departments », and 35. 740 « municipalities » + local public institutions (music halls, sports centers, museums,...)
National Health Service	1.1	Hospitals, health care institutions



- The civil service includes :

- ❑ **Permanent staff (= “civil servants”) : 80%**

- o They have been recruited via competitive examination;
 - o They are guaranteed a career in the administration;
 - o Their rights and duties are established by statutory and regulatory provisions.

- ❑ **Recruited staff on a contractual basis : 20%**

- o Job position defined for a fixed or open timeframe
 - o Rights and duties stated in their contract as well as in the law

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How to create a structural framework in order to promote ethics and integrity within public administration ?

The French example in 8 rules :

- Distinction between « political positions » and « administrative jobs »
- Merit-based recruitment process
- Career system
- Balance between rights and duties
- Restriction on private activities
- Protection of whistle-blowers
- Disciplinary sanctions
- Control by both public and private jurisdictions

**What preventive measures
could we take to strengthen
ethical performance and to
reduce potential case of
corruption ?**

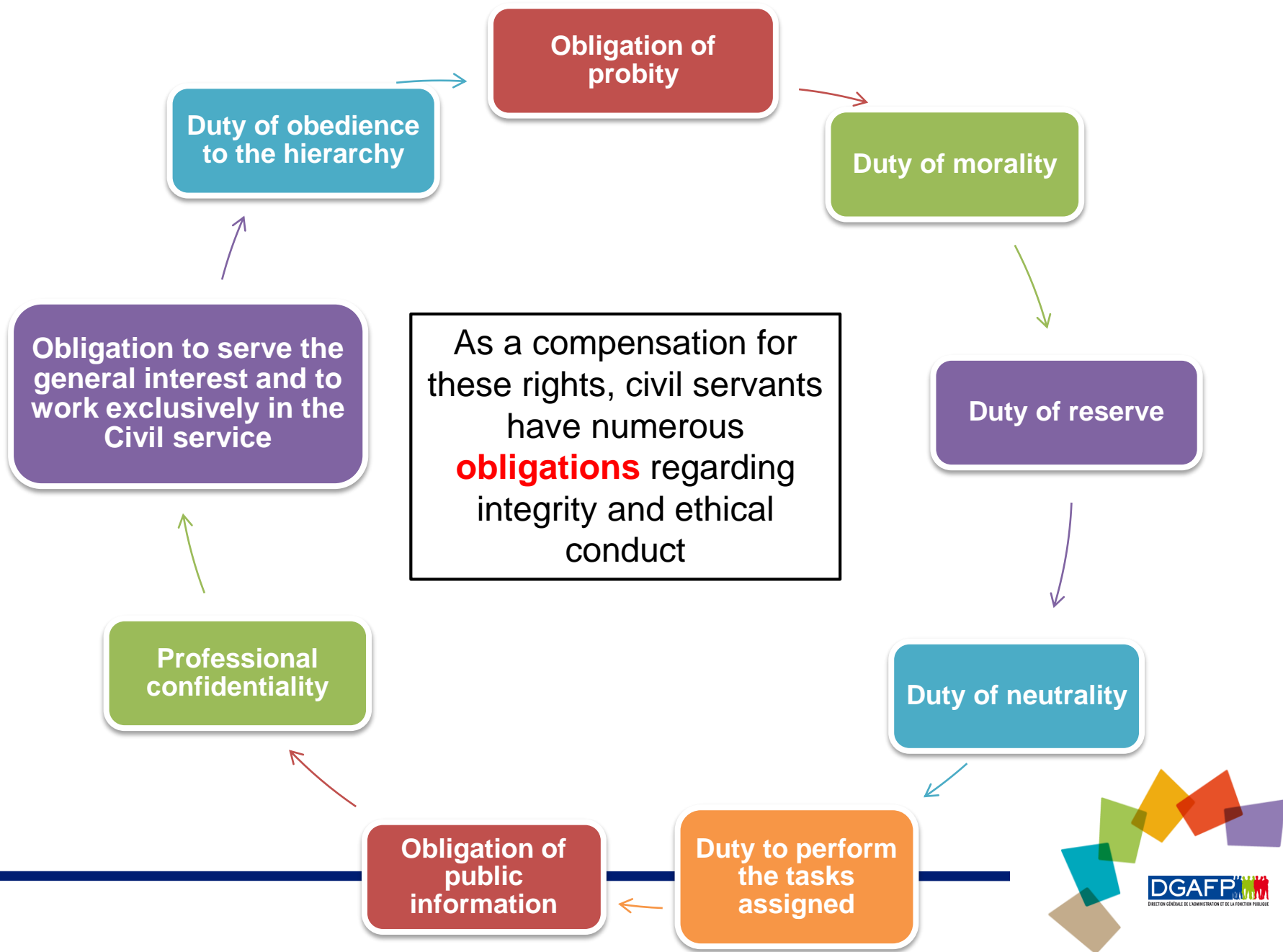
**The French example
In 6 principles**

- **Charter of ethics**
- **Initial/continuous training**
- **Declaration of interest / assets for
specific jobs**
- **Managers' play**
- **Ethics adviser**
- **Specific bodies : High Authority for
transparency in public life and
Commission on Ethics**

- Being a civil servant : a statutory and regulatory framework
- = Balance rights / obligations : as a compensation for their fundamental rights, civil servants have numerous obligations.

- The main rights are :





Ethics, rights and obligations of civil servants 1/3

Cumulation of activities : civil servants devote their full professional activity to the duties entrusted to them

- Prohibition of cumulation of responsibilities
- Independence of civil servants
- Possible exemptions
- Commission on Ethics

Professional secrecy : Civil servants are bound by professional secrecy under the rules established in the Code Penal (article 26 Law n° 83-634 of 13 July 1983)

- In or during the performance of their duties
- Protection of moral and material interests of individuals
- Mandatory, with exceptions

Obligation of professional confidentiality

- Facts, documents, information
- In or during the performance of their duties
- Released from this obligation by express authorization of management



Ethics, rights and obligations of civil servants 2/3

Obligation to provide information to the public : *Public servants have the duty to comply with requests of information from the public in accordance with the rules mentioned in Article 26 (Article 27, Law of 13 July 1983)*

- Improving relations between administration and citizens
- Freedom of access to non-personalized administrative documents

Obligation to comply with instructions from superiors = subordination

- Hierarchical control
- Loyalty
- Refusal to obey = professional misconduct
- Exception : manifestly unlawful order and which likely seriously harms the public interest

Duty of morality, including outside service hours

- No offense caused by the attitude (alcoholism, public scandal ...)
- No offense to the dignity of public service.

Ethics, rights and obligations of civil servants 3/3

Obligation of probity :

- Not using the resources of the service for personal purposes
- Not having or gaining interests in companies that they control
- Complementarity with devotion to duties

Obligation of reserve :

Abstaining to show their own opinions

Especially for senior administrative positions = execution of government policy

Political mandate and union responsibility = greater freedom of expression

Obligation of neutrality and secularism of public service

- Political or religious opinions, origin, gender
- Performing their duties in respect of all **managed** under the same conditions
- Secularism: Civil servants perform their duties in accordance with the principle of secularism, draft legislation on ethics and rights and obligations of civil servants.

NEW

A legal framework which is responsive to the changes of society

The objectives of the ***draft law on ethics, rights and obligations of civil servants*** are :

1. To adapt the ethical framework to the evolution of our society...
2. ...while reaffirming the validity of the principle of « laïcité » = secularism

NEW

How ?

- **Declaration of interests** : submission to hierarchical authority, then the High authority for transparency in public life. Penal sanctions in case of non-compliance (NB : does apply to Ambassadors since 2013)
- Creation of « **Adviser on Ethics** » : advise and support
- Strengthening of the **Civil Service Ethics Commission**
- **Cumulation of activities** : easing the restrictions
- **Protection of whistle-blowers** with a non permanent contract

Next step : the draft law is currently pending before the Parliament, the adoption is expected before the end of spring 2016





Thank you for your attention

