



May 18, 2016

**Sent via email to [Jody.Wilson-Raybould@parl.gc.ca](mailto:Jody.Wilson-Raybould@parl.gc.ca); [mcu@justice.gc.ca](mailto:mcu@justice.gc.ca)**

**The Hon. Jody Wilson-Raybould**

Minister of Justice and Attorney General of Canada

284 Wellington Street

Ottawa, Ontario K1A 0H8

Dear Minister Raybould-Wilson:

**Re: *Corruption of Foreign Public Officials Act* – Coming into force of June 2013 amendments**

The *Corruption of Foreign Public Officials Act* (CFPOA) is a key piece of legislation that enables Canada to play its part in the global effort to end corruption. Importantly, the CFPOA gives Canada jurisdiction over the bribery of foreign public officials. The enactment of the CFPOA in 1999 was a step in the right direction and implemented Canada's commitments under the OECD Convention on Combating Bribery and Corruption of Foreign Public Officials in International Business Transactions.

Transparency International Canada is the Canadian chapter of Transparency International and part of a global coalition that advocates for a world free of corruption. We have supported reforms to strengthen the enforcement of the CFPOA, such as certain amendments that received royal assent on June 19, 2013. These amendments introduced important changes to the CFPOA, such as expanded jurisdiction based on nationality, the creation of a new "books and records" offense, an increased maximum penalty for convictions, removal of the "for profit" requirement, and repeal of the exception for facilitation payments.

The repeal of the exception for facilitation payments is an important amendment that will allow Canada to prosecute a broader scope of corrupt activities. Facilitation payments are payments of a "routine nature" to secure the performance of a foreign public official with respect to acts that are part of that official's duties or functions, such as the issuance of a permit or police protection. While typically considered small bribes,



facilitation payments are bribes just the same, and should be condemned alongside other forms of corruption.

The 2013 amending legislation provided that the repeal of the exception for facilitation payments was to come into force at a later date, to be fixed by Order in Council. The delay in the coming into force of this amendment was reasonable as it would provide industry time to adjust to the new reality. However, almost three years have now passed and the repeal of this exception is, in our view, long overdue. We, therefore, ask that you take such steps as are necessary to have the required Order in Council adopted as soon as possible.

We thank your consideration of this matter and look forward to supporting the Government's ongoing efforts to combat corruption and bribery, in Canada and abroad.

Sincerely,

Peter Dent  
Chair and President  
Transparency International Canada Inc.