At each Steering Group meeting, countries and jurisdictions of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific report on their recent anti-corruption reforms and progress made since the previous Steering Group meeting.

The reports are submitted to the Secretariat before the Steering Group meeting that is held once a year.

The Secretariat consolidates the reports for presentation and discussion during the annual Steering Group meeting. The Steering Group meeting focuses on items and issues on which participants wish to seek the views or advice of other members.
<table>
<thead>
<tr>
<th>Country</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>3-7</td>
</tr>
<tr>
<td>Bhutan</td>
<td>8-15</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>16-25</td>
</tr>
<tr>
<td>Cambodia</td>
<td>26-34</td>
</tr>
<tr>
<td>Cook Islands</td>
<td>35-40</td>
</tr>
<tr>
<td>China, People's Republic of</td>
<td>41-47</td>
</tr>
<tr>
<td>Hong Kong, China</td>
<td>48-62</td>
</tr>
<tr>
<td>Indonesia</td>
<td>63-72</td>
</tr>
<tr>
<td>Korea, Republic of</td>
<td>72-81</td>
</tr>
<tr>
<td>Kyrgyz Republic</td>
<td>82-84</td>
</tr>
<tr>
<td>Macao, China</td>
<td>85-93</td>
</tr>
<tr>
<td>Malaysia</td>
<td>94-101</td>
</tr>
<tr>
<td>Mongolia</td>
<td>102-113</td>
</tr>
<tr>
<td>Nepal</td>
<td>114-118</td>
</tr>
<tr>
<td>Philippines</td>
<td>119-128</td>
</tr>
<tr>
<td>Singapore</td>
<td>129-139</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>140-144</td>
</tr>
<tr>
<td>Thailand</td>
<td>145-153</td>
</tr>
<tr>
<td>Timor-Leste</td>
<td>154-161</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>162-169</td>
</tr>
</tbody>
</table>
AUSTRALIA

Australia’s Anti-Corruption Update

Australia is pleased to provide an update on key anti-corruption developments since the previous Steering Group meeting in November 2015.

UK Anti-Corruption Summit

In May 2016, the Australian Minister for Justice, the Hon Michael Keenan MP, attended the UK Anti-Corruption Summit. Australia developed a strong package of commitments for the Summit, including:

- committing to help establish the new International Anti-Corruption Coordination Centre within the UK’s National Crime Agency, to streamline and focus international cooperation in cases of grand corruption with international dimensions
- joining the Extractive Industries Transparency Initiative, an international model for increased transparency and accountability in the oil, gas and mining sectors
- providing further funding to support partnerships in the Pacific, Southeast Asia and South Asia to strengthen implementation of the United Nations Convention against Corruption.
- a new Government Business Roundtable on Corruption to provide a forum for government-business cooperation and consultation on anti-corruption work and areas for reform, and
- exploring, via public consultation, options for a public beneficial ownership register for companies.

Further details are available in the Minister for Justice’s media release, available online here: www.ministerjustice.gov.au/MediaReleases/Pages/2016/SecondQuarter/UK-Anti-Corruption-Summit.aspx

Open Government Partnership

In November 2015, the Australian Prime Minister, the Hon Malcolm Turnbull MP, announced that Australia would finalise its membership of the Open Government Partnership (OGP). The OGP is a multilateral initiative established in 2011. It aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance.

Over the past year, the Australian Government has worked closely with civil society to develop commitments for Australia’s first National Action Plan – a core requirement of the OGP.

On 31 October 2016, the Government released a draft National Action Plan for public comment. The draft Plan sets out an ambitious agenda for the next two years. It includes 14 commitments to improve transparency, accountability, public participation, and drive forward the open data and digital transformation agendas.

These are important steps to build confidence in Australian institutions and strengthen our democracy.

Some of the notable new initiatives in the draft Plan include:

- consulting on reform options to harmonise whistle-blower protections in the corporate sector with those in the public sector, to encourage people to report corruption, waste, fraud and misconduct
- considering reforms to freedom of information and other relevant laws to make the frameworks for managing and accessing government information simpler and fit for the digital age
- building the public’s trust in open data by engaging with the community and improving the way government agencies manage risks around privacy, and
- strengthening our national anti-corruption and integrity framework to ensure we maintain high standards of conduct within government.

The Government will submit the final National Action Plan to the OGP before the end of 2016.
False accounting offences and other measures

In February 2016, the Australian Parliament passed the *Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Act 2015*. The Bill amended existing legislation to improve and clarify Commonwealth criminal justice arrangements, including by:

- amending the Criminal Code to insert two new offences of false dealing with accounting documents,
- amending the Proceeds of Crime Act to clarify the operation of the non-conviction based proceeds of crime regime in response to recent court decisions, and
- clarifying and addressing operational constraints identified by law enforcement agencies with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, and expanding the list of designated agencies authorised to access AUSTRAC information to include the Independent Commissioner Against Corruption of South Australia.

Amendment to foreign bribery offence

In November 2015, the Australian Parliament passed the *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015*. This amended Australia’s foreign bribery offence to clarify that proof of an intention to influence a particular foreign public official is not necessary to achieve a foreign bribery conviction.

Australia’s implementation of the Convention was reviewed in 2012 by the OECD Working Group on Bribery. The examiners for this review noted that Australia’s foreign bribery offence (Division 70.2 of the Criminal Code Act 1995) could be construed in a way that would require the prosecution to prove the intention to bribe a particular foreign official. They recommended that Australia clarify that this is not a requirement of the foreign bribery offence.

It is not intended that the foreign bribery offence require proof of an intention to bribe a specific foreign public official. Such a requirement would significantly reduce the effectiveness of the offence. As foreign bribery is often committed through intermediaries, a briber will often have not met or know the identity of the bribed official.

Statutory Review of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

The report makes 84 recommendations to strengthen, simplify and modernise Australia’s anti-money laundering and counter-terrorism financing (AML/CTF) regime. This review has taken into account the findings of the Financial Action Task Force’s (FATF) recent mutual evaluation of Australia’s AML/CTF regime and a number of the recommendations aim to address issues identified by the FATF. A copy of the review report is available on the Attorney-General’s Department website. The Attorney-General’s Department has developed a high-level implementation plan to progress the review’s recommendations in two phases over the next three years. Industry is currently being consulted on the plan.

**Senate inquiries**

Australia regularly reviews its laws to ensure they are effective in combating corruption. Since 2015, the Australian Parliament has commenced a number of inquiries into matters relevant to corruption, including:

- Senate Select Committee Inquiry into a National Integrity Commission
- Senate Economics Committee Inquiry into Foreign Bribery, and
- Senate Economics Committee Inquiry into penalties for white collar crime.

These inquiries reached various stages before Parliament was dissolved for the 2016 Federal Election. The inquiry into penalties for white collar crime was re-referred to the Senate Economics Committee in October 2016.

**Statutory review of the Public Interest Disclosure Act 2013**

The *Public Interest Disclosure Act 2013* establishes a framework to facilitate the disclosure and investigation of wrongdoing and maladministration in the Commonwealth public sector. As required by the Act, on 15 January 2016, the Australian Government requested Mr Philip Moss AM to review and report on its effectiveness and operation. Mr Moss delivered his report to the Government on 15 July 2016. It was tabled in the Australian Parliament on 20 October. The Review found that the PID Act has been achieving its aim of promoting integrity and accountability in the Commonwealth public sector, but that there is room for improvement. The review’s recommendations on how the Act could better meet its objectives are being considered by the Government. A copy of the Review report can be found at [www.dpmc.gov.au/government/legislation-review/statutory-review-public-interest-disclosure-act-2013](http://www.dpmc.gov.au/government/legislation-review/statutory-review-public-interest-disclosure-act-2013).
Increased funding for AFP Fraud and Anti-Corruption Centre

In April 2016, the Australian Government announced an additional A$14.7m over three years for the AFP Fraud and Anti-Corruption Centre (FAC Centre) to bolster law enforcement efforts to detect, disrupt and combat corruption and other serious and complex financial crimes.

The FAC Centre is a multi-agency initiative, announced by the Australian Government in July 2014, which brings together law enforcement and other agencies to coordinate and centralise Australia’s operational response to serious and complex Commonwealth fraud, foreign bribery and complex identity crime.¹

The Government has also continued to support multi-agency responses to corruption and financial crime with the $127 million Serious Financial Crime Taskforce to address serious and complex financial crimes. Since the commencement of the Taskforce in July 2015, more than A$110 million in tax liabilities have been raised.

Deferred prosecution agreements

The Australian Government is exploring whether a deferred prosecution agreement (DPA) scheme would help our response to foreign bribery and other forms of corporate crime by encouraging greater self-reporting by companies.

Under a DPA scheme, where a company has engaged in a serious corporate crime, prosecutors would have the option to invite the company to negotiate an agreement, under which the prosecution would be deferred. The terms of the DPA typically require the company to cooperate with any investigation, pay a financial penalty and implement a program to improve future compliance.


¹ FAC Centre agencies include the Australian Taxation Office, Australian Securities and Investments Commission, Australian Crime Commission, Department of Human Services, Department of Foreign Affairs and Trade, Department of Immigration and Border Protection, Department of Defence, Australian Transaction Reports and Analysis Centre, Attorney-General’s Department, Commonwealth Director of Public Prosecutions
### A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

#### 1. Measure/s Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- Anti-Corruption Commission (ACC) made concerted efforts in mainstreaming integrity promotion and corruption prevention measures in all sectors as part of implementing National Integrity and Anti-Corruption Strategy (NIACS) as follows:
  - Government signed Annual Performance Agreement (APA) with 10 Ministries, 20 Dzongkhags (Districts), 4 Thromdes (Municipal Authorities) and 7 Autonomous Agencies in which anti-corruption measures are integrated in the annual plans.
  - Towards implementing NIACS in Judiciary, the Royal Court of Justice in consultation with the ACC conducted a Judicial Integrity Scan in 2015. The report was launched in September this year. The report is expected to serve as a reference documents for the judicial sector in strengthening the integrity reforms in Judiciary. As part of implementing the recommendations of the report, about 229 bench clerks, 32 Dungkhag and Drangpons Court registrars have been trained on “Judicial Integrity and ethics” in collaboration with the Royal Court of Justice and Bhutan National Legal Institute.
  - Administered Integrity Diagnostic Tool (IDT) and Corruption Risk Management (CRM) session in 16 Agencies viz. 15 Dzongkhags (Districts) and 1 corporate agency (STCBL), and IDT alone in nine Ministries and Eight autonomous agencies involving about 1200 participants in total.
• Conducted ethics and integrity management sessions for the staffs of Construction Development Board and National Land Commission Secretariat.
• Engaged youths on various occasions like National Graduate Orientation Program, students of Rinchen Higher Secondary School and Yangchenphu Higher Secondary School, postgraduate trainees at Royal Institute of Management. These sessions emphasized the role of youths in building ethical and incorruptible society.

ii. Judicial Integrity Scan report was launched in September, 2016. Judiciary Integrity Scan is a tool which aims to improve the legal and institutional framework for judicial integrity based on the Bangalore Principles of Judicial Conduct, the Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct, and the Implementation Guide and Evaluative Framework for Article 11 [of the United Nations Convention against Corruption – UNCAC]. The Scan was initiated by The Royal Court of Justice in cooperation with the Bhutan National Legal Institute and ACC.

iii. Commemorated 12th International Anti-Corruption Day on 9 December on the theme ‘Break the Corruption Chain’ and the National Anti-Corruption Week (NACW) from 9-16 December, 2015.

iv. Recognizing bribery, improper political contributions, improper charitable contributions and sponsorships and improper facilitations, gifts and hospitality expenses as integrity issues in private sector, ACC launched Business Integrity Portal and Training on Business Code of Conduct for private sector. This Private Sector Integrity Program (PSIP) is as part of implementing NIACS. Over 75 participants from public and private sectors attended the launch.

v. On Dec 10, 2015, ACC’s capacity and performance assessment, the first of its kind - “Anti-Corruption Agency Strengthening Initiative: Assessment of the Bhutan ACC”, initiated by Transparency International, was launched by the Bhutan Transparency Initiative.

vi. ACC signed MoU with the Royal Civil Service Commission (RCSC) towards managing the human resources of ACC. The MoU also establishes guiding framework between the two constitutional bodies in promoting ethics and integrity in civil service and streamlining administrative actions.

vii. ACC has revised its organizational structure along the functional lines in April, 2016. In the new organizational structure, the Department of Investigation and Department of Prevention and Education is implementing the core functions of investigation, prevention and education, supported by the Department of Professional Support, Technical Support and Legal Divisions and Secretariat Services.

viii. The two empirical researches conducted on Human Resource Management (HRM) and the Mining sectors titled “Towards Enhanced Transparency and Accountability in Human Resource Management Processes in the Civil Service: A Matter of Favoritism” and “Improving Business Environment: The case of Mining Industry in Bhutan” was launched in May and June this year respectively. The Government and the key agencies, Royal Civil Service Commission and the Department of Geology and Mines, acknowledged the findings and also assured their support to work together in implementing the recommendations. To this, reforms are already being initiated by the two key agencies.

ix. To facilitate streamlining the governance related to trade and customs, a review has been conducted with the assistance of the Asia Development Bank (ADB). It was conducted in view of weaknesses revealed by the investigations in Phuntsholing; systems review and strengthening are inherent to all investigations to avoid recurrence of problems, improvement of services, strengthening of internal control systems and enhance revenue generation.
x. ‘Supporting Social Accountability in Bhutan’ Program has been assessed by Basel Institute on Governance in September 2016. The Report has made key recommendations for Bhutan to further advance the implementation of social accountability in the country.

xi. The National Council of Bhutan carried out assessment study on local governance in January 2016, and made strategic and operational recommendations towards strengthening the local governance system.

2. Measure/s Being Planned to Implement UNCAC provisions
   • ACC is conducting systemic review of road construction for enhanced transparency and accountability.
   • ACC is conducting 3rd National Integrity Assessment to study the impact of the ongoing anti-corruption efforts and performances of the government.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   • Lack of in-house capacity to develop a clear monitoring and evaluation (M&E) system to evaluate the anti-corruption initiatives in the country.
   • Retention of /Attracting employees in ACC (small society, no social security during and after the service, etc.).
   • Limited in-house and domestic capacity in developing and producing IEC materials.
   • Development of civil societies in a young democracy.
   • Coordinating and mobilizing practitioners in mainstreaming the anti-corruption into the system.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II
   • Monitoring and evaluation of anti-corruption interventions.
   • IEC material development.
   • Capacity building of CSOs.

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:
   • Art. 15: Article 15. Bribery of national public officials
   • Art. 16: Bribery of foreign public officials and officials of public international organizations
   • Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
   • Art. 18: Trading in influence
   • Art. 19: Abuse of functions
   • Art. 20: Illicit enrichment
   • Art. 21: Bribery in the private sector
Art. 22: Embezzlement of property in the private sector
Art. 23: Laundering of proceeds of crime
Art. 24: Concealment
Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims
Art. 33: Protection of reporting persons
Art. 34: Consequences of acts of corruption
Art. 35: Compensation for damage
Art. 36: Specialized authorities
Art. 37: Cooperation with law enforcement authorities
Art. 38: Cooperation between national authorities
Art. 39: Cooperation between national authorities and the private sector
Art. 40: Bank secrecy
Art. 41: Criminal record
Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - ACC’s policies and procedures related to investigation, complaints, seized property & evidence and document management have been revised and adopted. This is expected to enhance professionalism of the ACC staff.
   - The existing LAN based Investigation Management System is being revised to a web-based system called Complaints and Investigation Management System (CIMS). CIMS is expected to enhance professional management of complaints and cases with enhanced audit trail and security system.
   - Prosecution Referral Guidelines 2011 has been revised and adopted.
   - The Gift Rules 2009 is being revised.
2. Measures Being Planned to Implement UNCAC provisions
   - ACC shall, starting 2017, hand over the seized property and evidence (so far managed by ACC) related to the investigation of cases to the Office of Attorney General at the time of prosecution referral for its safe custody and disposal as necessary.
   - Implementation of court judgments shall be done by Office of Attorney General as clarified by the Supreme Court.

   - Poor coordination and cooperation among agencies in fighting corruption.
   - No legislation for Statute of limitations.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
   - Training needs for execution of protection of whistle blowers, witnesses and victims.

C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
- Art. 43 : International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - ACC hosted a study visit for a seven member delegation from the Anti-Corruption Commission (ACC) of the People’s Republic of Bangladesh in January, 2016. Focused on the prevention and public education strategies, sessions were organized to share and learn from history, successes, challenges and the inter-institutional collaborations to mainstream anti-corruption and integrity and citizen engagement. The visit provided a scope of pursuing longer term cooperation between the two agencies in capacity development of prevention and public education strategies, information sharing and mutual legal assistance, especially with increasing number of cases involving people from across the border.
As part of MoU signed, the Malaysian Anti-Corruption Commission is providing technical support to ACC Bhutan to develop its Complaints and Investigation Management System (CIMS).

At the regional level, Bhutan- represented by the ACC, will be hosting the next Steering Group Meeting and the Regional Seminar of the ADB/OECD Anti-Corruption Initiative for the Asia and Pacific from 8-10 November, 2016.

Bhutan deposited Instrument of Ratification of the UNCAC on 21 September 2016 with the United Nations Secretary-General during the annual Treaty Event held on the side lines of the 71st Session of the United Nations General Assembly in New York.

ACRC South Korea supported ACC in training its research team on methodology and data analysis for National Integrity Assessment in September 2016.

CBI India supported ACC in its capacity development by offering scholarships for advanced computer forensics to 5 ACC officials in September 2016.

### Measures Being Planned to Implement UNCAC provisions

- To pursue building institutional linkage with the Central Bureau of Investigation (CBI), India, CPIB Singapore, SFO UK, ANSA EAP Foundation and UNODC.
- Following the deposit of Instrument of Ratification of UNCAC, an action plan for its implementation is being developed.
- Review and strengthen MoU with NACC, Thailand.

### Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- Respective priorities and agenda

### Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

- Trainings on specialized investigation techniques and emerging technologies.

### UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
### Art. 59: Bilateral and multilateral agreements and arrangements

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- The Asset Declaration Rules and Regulations (ADR) 2012 is being revised to ADR 2016. The declaration of assets, incomes and liabilities is an important tool adopted by ACC to enhance transparency and accountability of the public servants. Together with revision of the rules, the online AD system is also being upgraded to make it more user-friendly and effective.
- As a member of APG, Bhutan attended 19th Annual Meeting on Money Laundering held in USA from 5-8 Sept. 2016. The first Mutual Evaluation Report of Bhutan was adopted by the APG during the meeting. Towards strengthening the anti-money laundering system in the country, the AML/CFT and Counter Terrorism Act and legislation for MLA are being proposed.

#### 2. Measures Being Planned to Implement UNCAC provisions

- FIU of RMA Bhutan to sign MoU on information sharing with relevant LEAs in the country. FIU Bhutan will also sign MoU with FIU of India and Sri Lanka respectively.

#### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- Investigating corruption offences are overwhelming in the absence of special capabilities and capacity

#### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

- Trainings on specialized investigation techniques and emerging technologies.

### E. Additional Developments

#### 1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

- ACC shared through internal meetings and publication of ACC Annual Report for 2015.
- ACC also organized ‘Meet the Editors’ meeting with media houses in the country to foster greater partnership and cooperation with the Media in the fight against corruption in the country. The meeting provided a platform for both ACC and Media to discuss and share views on how best media can be deployed to fight corruption in the country. The meeting also highlighted the critical role of media in exposing corruption and raising general awareness of its detrimental effect upon society, as well as in promoting integrity and accountability norms, values and practices in society.
2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
   - ACC participated in the SAARC nations’ seminar on Anti-Corruption held in Islamabad, Pakistan in September 2016 organized by National Accountability Bureau of Pakistan. The objective of the seminar was to strengthen cooperation and assistance amongst SAARC countries and to join together in the fight against corruption by creating a SAARC Nations Anti-Corruption Forum.
BANGLADESH

A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- The government of Bangladesh has upgraded the Administrative Reforms and Implementation Wing of the Cabinet Division into a separate Unit called ‘Coordination and Reforms Unit’ headed by a full-fledged secretary. The newly established Unit has two separate wings for Coordination and Reforms, each headed by an additional secretary to the government. As mentioned in the last year’s reports, the previous Administrative Reforms and Implementation Wing had the responsibility of implementing national integrity strategy (NIS) and other anti-corruption policies of the government. The upgraded Unit with its added manpower has been more deeply involved in enhancing transparency accountability mechanism of the government.

- Different programmes are underway to strengthen the National Integrity Implementation Unit at the Cabinet Division. Under these programmes a Standard Operational Procedure (SOP) for the NIS focal points has been formulated and put in practice. Meanwhile, extensive training programs both at home and abroad have been organized for the heads of ethics committees and NIS focal points of all the ministries;

- One of the milestones in the history of Bangladesh administrative reforms is the implementation of Government Performance Management System (GPMS) across all the ministries and divisions of the government while also cascading it to some of the subordinate agencies. The GPMS of Bangladesh has been termed as Annual Performance Agreement (APA) which is signed by the secretaries of each ministry with the Cabinet Secretary. In the APA the secretaries make commitment for annual performance along with agreed performance targets. At the end of the year the performance of each ministry is evaluated against agreed performance indicators. One of the remarkable features of the APA is that it is signed by the secretaries in presence of the Honourable Prime Minister of Bangladesh and the other Cabinet
Members. After the end of first cycle of APA in June 2015, the second cycle of APA has been signed in September this year. APA is regarded as a massive shift from process orientation to results orientation which ensures mechanism for accountability. The APA being software based, the performance of ministries can be more closely monitored. The APAs are published in the website for people ensuring more transparency and accountability. The implementation of NIS action plan, GRS, Citizen’s Charter, innovation and financial discipline etc. have been put as the mandatory objectives of the APA. Thus, the APA has been instrumental in strengthening the measures of national integrity.

- In the wake of completing a Technical Assistance Project on Grievance Redress System (GRS), Bangladesh has digitized the centralized system of grievance redressal mechanism at the Cabinet Division. In addition to the manual procedure of handling public grievances, the web based GRS has further made it easier for the citizens to lodge their complaints regarding any kind of public service delivery. So far the GRS focal points of each ministry have been imparted training on the GRS handling procedures. A GRS guideline has already been finalized. Moreover, the ministries have their own GRS even at the field level offices. People can submit their complaints in the centralized GRS when their grievances are unmitigated at the local level. In an effort to enhance accountability and to improve service delivery in the field administration, the government issued a circular requiring the head of offices to conduct public hearing on a regular basis. Most of the offices at field level specify a particular day of the week for public hearing.
- One of the other remarkable progress in improving transparency and accountability is the Citizen’s Charter which has been updated recently. Relevant personnel of each ministry have been trained on the basic principles of citizen’s charter and the standard template of it.
- The Cabinet Division conducted a research on the implementation status of NIS in different ministries of the Government; and also cooperated with Transparency International Bangladesh (TIB) in their research on NIS implementation in private and public sectors. Based on the findings of the research initiatives, the government is formulating and updating action plans for deepening the implementation of NIS in both private and public sectors.
- The Ministry of Public Administration has progressed with its initiatives to revise code of conducts for public servants incorporating the principles of the NIS;
- With a view to facilitating proactive disclosure of public information, the Government has launched on June 2014 the National Web Portal containing more than 25 thousand websites for the Government offices. The web-portal has been further enriched by adding websites of more public offices. Mentionable, Bangladesh achieved the prestigious World Summit on Information Society (WSIS) Prize this year.
- The Government formulated Secretariat Instructions (2014) by revising 2008 version of it to enhance discipline in business procedures of the public sectors. The speciality of the Secretariat Instructions (2014) is that it emphasizes the use of ICT in order to enhance transparency and determine individual responsibility in each transaction. The enforcement of the document will reduce scopes of corruption in the public sectors and improve services quality. Therefore, the revision of the Secretariat Instruction may be regarded as an important document for prevention of corruption.
• Bangladesh has taken some other initiatives for improving services to people. Such measures include the enactment of E-service Act and setting up front desks in government office for quicker service delivery. Implementation of e-services has been incorporated as an obligatory objective of APA.
• An initiative of Service Process Simplification (SPS) has been implemented in 36 Departments of the government which play vital roles in reducing harassment to people.
• Bangladesh has introduced a system named social media dialog to identify services related problem comes from the mass people.
• An initiative of e-filing, e-mobile court system play vital role for disposal of official matters.
• Birth and death registration, Land records, Examination results and Government forms download systems has been made a congenial atmosphere for service seeker.
• Bangladesh has already in place the Right to Information Act along with its associated rules and regulations. In consistence with the Act the government has recently formulated specific guidelines for proactive disclosure of information. Moreover, the quality and expanse of information published in websites of ministries/divisions are being assessed. What is notable is that the NGOs such as MRDI have been collaborative partners of government in the process of evaluation.

2. Measures Being Planned to Implement UNCAC provisions
• Bangladesh has already automated GRS, while measures are still underway to further scale up the system to manage huge number of complaints from the grassroots level.
• Digitization of land records and management system for better land management and reduction of land related disputes;
• A guideline has been formulated to further encourage the culture of innovation in improving public service delivery and thereby to improve accountability. Measures are underway to implement the guideline on innovation for enhancing accountability by enriching the culture of innovation.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
• After the implementation of a framework of performance management in the public sectors, it is a challenge to device appropriate modalities for linking the performance of the ministries with the individual performance of the employees and provide performance related pay and rewards.
• Adoption of a code of conduct for the Members of Parliament;
• Specify qualification for appointment of the Supreme Court judges;
### After the creation of Anti-Corruption Commission and automation of the GRS, the issue of establishing the office of ombudsman has lost its relevance to some extent. It has become a crucial policy question whether to further enhance the GRS to compensate the need for an ombudsman though the constitution provides for appointing an ombudsman. Thus, the issue of establishing office of ombudsman is still considered with importance.

### Ensuring the transparency and accountability in the private sector organizations and motivating them to introduce a culture of moral and ethical practices.

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

- Bangladesh has emphasized the use of ICT for improving the quality of public services by ensuring transparency, accountability and effectiveness. It has automated the performance management system, the GRS and most of the services. It has also introduced e-file management in the official works. A quick shift from the traditional system to the management based on information technology has increased the need for more IT based training. There is still much scope to enhance training measures for the officials to properly cope with the digitized system.

- Sensitizing the media, NGOs, educational institutions, private sector and political parties about NIS;
- Seminar and opinion sharing meetings with stakeholders at ministry and field administration;
- Exchange of experiences and best practices with other countries in implementation of NIS and other accountability mechanism.
B. UNCAC Chapter III: Criminalization and Law Enforcement

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Art. 15: Article 15. Bribery of national public officials</td>
</tr>
<tr>
<td>• Art. 16: Bribery of foreign public officials and officials of public international organizations</td>
</tr>
<tr>
<td>• Art. 17: Embezzlement, misappropriation or other diversion of property by a public official</td>
</tr>
<tr>
<td>• Art. 18: Trading in influence</td>
</tr>
<tr>
<td>• Art. 19: Abuse of functions</td>
</tr>
<tr>
<td>• Art. 20: Illicit enrichment</td>
</tr>
<tr>
<td>• Art. 21: Bribery in the private sector</td>
</tr>
<tr>
<td>• Art. 22: Embezzlement of property in the private sector</td>
</tr>
<tr>
<td>• Art. 23: Laundering of proceeds of crime</td>
</tr>
<tr>
<td>• Art. 24: Concealment</td>
</tr>
<tr>
<td>• Art. 25: Obstruction of justice</td>
</tr>
<tr>
<td>• Art. 26: Liability of legal persons</td>
</tr>
<tr>
<td>• Art. 27: Participation and attempt</td>
</tr>
<tr>
<td>• Art. 28: Knowledge, intent and purpose as elements of an offence</td>
</tr>
<tr>
<td>• Art. 29: Statute of limitations</td>
</tr>
<tr>
<td>• Art. 30: Prosecution, adjudication and sanctions</td>
</tr>
<tr>
<td>• Art. 31: Freezing, seizure and confiscation</td>
</tr>
<tr>
<td>• Art. 32: Protection of witnesses, experts and victims</td>
</tr>
<tr>
<td>• Art. 33: Protection of reporting persons</td>
</tr>
<tr>
<td>• Art. 34: Consequences of acts of corruption</td>
</tr>
<tr>
<td>• Art. 35: Compensation for damage</td>
</tr>
<tr>
<td>• Art. 36: Specialized authorities</td>
</tr>
<tr>
<td>• Art. 37: Cooperation with law enforcement authorities</td>
</tr>
<tr>
<td>• Art. 38: Cooperation between national authorities</td>
</tr>
<tr>
<td>• Art. 39: Cooperation between national authorities and the private sector</td>
</tr>
<tr>
<td>• Art. 40: Bank secrecy</td>
</tr>
<tr>
<td>• Art. 41: Criminal record</td>
</tr>
<tr>
<td>• Art. 42: Jurisdiction</td>
</tr>
</tbody>
</table>

Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
• Bangladesh has been taking measures to implement the provisions of the revised Anti-Terrorism Act for tightening up the prevention of funding in terrorist activities and other crimes;

• Bangladesh is very strict in enforcing the law on Multi-Level Marketing business for prevention of such multi-level marketing and thereby reducing the potential scopes for circulation of black money;

• A committee has been formed in the Bangladesh Bank for proper implementation of the Money Laundering Prevention Act 2012;

• In order to provide institutional supports to the informants under the Whistle Blower Protection Act 2009, the Anti-Corruption Commission has already formulated a draft rule for protecting the whistle blowers. A number of consultation meetings have been held with stakeholders for making the Act operational;

• Bangladesh has substantially automated the administration of judicial procedures. Such automation includes introduction of e-court, Judiciary Portal, digital cause list and service process simplification for the judiciary.

• Side by side with the development and expansion of ICT the instances of cybercrimes show a rising tendency. With a view to curbing corruption and illegal transfer of criminal proceeds by use of cybercrimes, the government has formulated cyber security strategy and information security policy guidelines.

In order to strengthen the enforcement of different laws including the laws on prevention of corruption, terrorism and money laundering the government has significantly increased the number police. Measures are still underway to further increase the number of police personnel, their logistic supports and modernizing its equipment.

### 3. Measures Being Planned to Implement UNCAC provisions

• Creation of permanent of attorney service instead of ad-hoc appointment of prosecution officials on political consideration;

• The government is taking measures to enhance the accountability of the judges;

• The management of legal procedures are being automated for speeding up disposal of law suits including those related with corruption.


• Separation of investigation and enforcement departments in the police;

• Modernizing the accountability mechanism for the members of law-enforcement agencies;

• Bringing law enforcement agencies under wider coverage of NIS;
<table>
<thead>
<tr>
<th>Timely disposal of cases in the courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III</td>
</tr>
<tr>
<td>• Against the backdrop of increase in cybercrimes relating to corruption and money laundering seminars may be organized on:</td>
</tr>
<tr>
<td>A) ‘Corruption and Money Laundering by use of ICT and Mobile Technologies – Effective Measures for Prevention’</td>
</tr>
<tr>
<td>B) ‘Steps for Establishing Meaningful Accountability and Ethical Behaviours in Private Sectors and NGOs’</td>
</tr>
</tbody>
</table>
### C. UNCAC Chapter IV: International Cooperation

**UNCAC Provisions:**
- Art. 43 : International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015</td>
</tr>
<tr>
<td></td>
<td>• Extradition Treaty has been signed between Bangladesh and India. It has been effective since 2013 with the exchange of accords between the two countries.</td>
</tr>
<tr>
<td>2.</td>
<td>Measures Being Planned to Implement UNCAC provisions</td>
</tr>
<tr>
<td></td>
<td>• More frequent exchange of information on money laundering and other related matters with international organizations.</td>
</tr>
<tr>
<td></td>
<td>• Cooperation with Bangladesh Bank, Ministry of Finance, NBR and law enforcing agencies</td>
</tr>
<tr>
<td></td>
<td>• Discussions are underway between Bangladesh and USA to exchange criminals under extradition treaty.</td>
</tr>
<tr>
<td>3.</td>
<td>Issues, Challenges and Constraints in the Implementation of UNCAC provisions</td>
</tr>
<tr>
<td></td>
<td>• Complicated and lengthy procedures in international cooperation in prevention of money laundering.</td>
</tr>
<tr>
<td></td>
<td>• Coping with the IT based skills of the criminals in money laundering.</td>
</tr>
<tr>
<td>4.</td>
<td>Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV</td>
</tr>
<tr>
<td></td>
<td>• Drafting and implementing agreements/treaties for international cooperation on prevention of money laundering;</td>
</tr>
<tr>
<td></td>
<td>• The modern techniques of detecting illegal flow of money abroad.</td>
</tr>
</tbody>
</table>
D. UNCAC Chapter V: Asset Recovery

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 52: Prevention and detection of transfers of proceeds of crime</td>
</tr>
<tr>
<td>Art. 53: Measures for direct recovery of property</td>
</tr>
<tr>
<td>Art. 54: Mechanisms for recovery of property through international cooperation in confiscation</td>
</tr>
<tr>
<td>Art. 55: International cooperation for purposes of confiscation</td>
</tr>
<tr>
<td>Art. 56: Special cooperation</td>
</tr>
<tr>
<td>Art. 57: Return and disposal of assets</td>
</tr>
<tr>
<td>Art. 58: Financial intelligence unit</td>
</tr>
<tr>
<td>Art. 59: Bilateral and multilateral agreements and arrangements</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - The conventional law of the country permits recovery of the proceeds of crime and confiscating it in favour of the state authority or handing it over to the appropriate persons or entity having rightful claim over the assets;
   - A number of instances are there to recover proceeds of corruption transferred to other countries.

   There has been signed a cooperation agreement between Bangladesh and Maldives to replicate the Bangladesh model of Access to Information – locally known as a2i – in Maldives. The cooperation will significantly contribute in reducing possibilities of corruption by enhancing transparency and accountability in the government machineries.

2. Measures Being Planned to Implement UNCAC provisions
   - Enhancing international and bilateral cooperation for recovery of proceeds of corruption.
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - The use of modern sophisticated techniques by the criminals for transfer of proceeds of corruption is the main challenge to detect such cases;
   - Lack of effective bilateral agreement between countries for transfer of corruption related assets.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
   - Capacity building of the law enforcing agencies for detecting instances of illegal transfer of proceeds of corruption by IT.

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)
   - The initiative’s knowledge is shared among the relevant authorities during inter-ministerial meetings. Especially these are reflected in the policy making and enactment of relevant laws and regulations. The Local Consultative Groups on Governance is an important forum of government and the development partners to discuss the issues on integrity and prevention of corruption.

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
   - The issues are shared with other countries by way of exchanging experience of best practices in governance in various event and occasions. One of such events is the SAARC Cabinet Secretaries’ Meeting which was held Dhaka in 2013 and In Islamabad in 2014 where the issues of NIS, GPMS etc. were discussed.
CAMBODIA

A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

The Anti-Corruption Day celebrated on 9th December, 2013 and 9th December 2015 presided over by H.E Senior Minister Om Yentieng, the President of Anti-Corruption Unit, with the participation from over 4,000 participants coming from relevant ministries/institution, media, private sector, students, NGOs, artists and performers followed by millions of viewers watching the event live on TV. This celebration was followed by various forms of performances including concert, modelling, a comedy, highlighting all form of prevention, education, and anti-corruption related messages as well as to instil the mind sets of hatred of corruption among youths and the publics.

Since January till June 2016, the Anti-Corruption Unit has disseminated the Anti-Corruption Law to 13,179 officials, staff within ministry/institution and administration at sub-national level, councillors at district/Khan/Municipality and Commune/Sangkat, staff working in the Private Sector as well as students and citizens in the country nationwide.

In addition to the 140,000 of Anti-Corruption Program textbooks for upper secondary education level developed for students studying in grade 10,11 and 12 together with the 5,000 teachers' manuals of the same kind of books were published in 2014 in which the program was launched into the national education program nationwide in the academic year 2014-2015. In addition to this, 195,000 of Anti-Corruption Program textbooks for lower secondary education level developed for students studying in grade 7,8 and 9 in addition to the 5,000 of teachers' manuals of its same category were published in 2015 and they were officially launched into the national program nationwide in the academic year 2015-2016. Furthermore, the other big achievement was made in 2016, where 450,000 text books for pupils and 30,000 teachers' manuals have been published for over 900,000 primary schools students studying in grade 4, 5, and 6, starting from the academic year 2016-2017. Over 100 core trainers were invited to join the Training of Trainers training course, to ensure
that they are ready for the further training to be conducted to all primary school teachers teaching in grade 4, 5, and 6 in the country nationwide to be able to use these textbooks with their students properly and professionally.

Since 2013 onwards, whenever there is the examination conducted to newly recruit the new cadre of officials in government’s ministry/institution, the ACU always actively involves in the observation process of this kind of examination starting from the stage of the announcement to the public about the examination, the setting up of examination committees, examination process, exam papers correction process up to the releasing of final results to the candidates. Within the period of 06 months of 2016, ACU has involved in the observation of this kind of examination for 04 times in 03 government’s ministries/institutions (The examination to recruit senior students to study at Royal School of Administration under the cadre of Ministry of Public Functions, the examination to recruit judges students of Royal School of Judges under the cadre of Ministry of Justice, and the examination to recruit regional tour guides under the cadre of Ministry of Tourism). The participation of ACU in this process has won more trust from the public, especially from the students, on the government’s in-depth reform program. Such process can help the government to be able to recruit young qualified officials to work for them more professionally and effectively. Furthermore, this new process help to bring about the transparency, confidence and trust from all stakeholders involved.

Some other efforts have also been made to deal with facilitation payment. This kind of joint action where the ACU has worked with Ministry of Economy and Finance and Supreme National Economic Council with the consultation with concerned ministries/institutions as the services delivery providers to the citizens and the private sector representative as the one who receive the services deliveries provided. The result coming from this joint efforts starting since late 2011 up to now, the joint proclamations of 22 ministries/institutions have been developed and officially launched with the attachment of the list of annexes having detailed information about kinds of services, sample standards, the obligations required by ministries/institutions, precise list of services fee, and timeframe needed for the services to be delivered as well as other necessary information needed. All the obligations to be fulfilled are required to publicly display by all means ranging from the establishment of one window services mechanism to deliver the services on site at the ministry/institution, district/Khan/municipality level, the establishment of complaint resolution mechanism, and the reporting on the process of the implementation of this joint proclamation to the Ministry of Economy and Finance, cc to the ACU by the concerned ministry/institution is also made available. This initiative and reform made related to the services deliveries reform done within these 03 years (2012-2015) really made a big contribution to the increase of the national revenues (non-tax revenues) compared with the period before 2012 where the official services deliveries was not yet introduced, over 621 million US Dollar of the non-revenues was collected which led to the increase of over 186 million US Dollar compared with the period before 2012. This increase of national revenues has enabled the government to provide more incentives to government agencies/institutions and officials directly working to deliver services to citizens to work even more active and provide better services to the citizens.

Moreover, since January till June of 2016, the ACU has actively involved in the observation of bidding process for 158 times within 28 ministries/institutions upon the request made by concerned ministry/institutions to its office. Furthermore, ACU issued the notification on the evaluation on the process of procurement made by some ministries/institutions highlighting the gaps which those ministries/institutions need to be improved to ensure that the next procurement process shall be done in a better condition. This initiative shows the transparency and winning trust from all parties participated in the procurement process. This new reform in the procurement process enable to attract more companies to join in the procurement, helping the goods and items procured in a more competitive price under the condition of the free market environment.
Historical and remarkable success of the reform in the organization of the National Upper Secondary School Leaving Examination in the academic year 2013–2014 and 2014–2015 conducted in a more strict condition by the Ministry of Education Youth and Sport with the support from teachers, authority at all levels in 1st year and 2nd year of the in-depth reform process of the Royal Government of Cambodia in the 5th mandate reflected the key role with the leadership and the participation of the ACU with all the efforts made for the prevention and obstruction of all irregularities which usually occur during the examinations previously. During the examination of the upper secondary school on 22 August 2016, ACU deployed 208 officials together with 6,121 of observers coming from NGOs, Associations, CSOs, individuals have participated in this process and the majority of them are students coming from various universities in Cambodia, especially those who are from the Union Federation Youth of Cambodia. This good and satisfying result with all the joint efforts made by all stakeholders have influenced positively and given motivation to the other reform processes being implemented under the strict and wise leadership of Samdech Akka Moha Sena Padei Techo Hun Sen the Prime Minister of Cambodia. Obviously, the results of the exams in these 03 consecutive years were successfully and fruitfully achieved highlighting with the remarkable results as follows:

- 2014 only 43.72% passed the exam, having only 11 winning Grade A nation wide
- 2015 the number increased to 55.87%, where students winning Grade A increased to 104
- 2016 the number of students passed the exam increased up to 62%, in which students winning Grade A increased up to 405

This great result has put more weight and hope for the human resources development as they are the future assets of the government in the situation where qualified people are needed in order to become the successors to lead the country in the future.

In addition to this, in response to the requirement of the Anti-Corruption Law, the requirement of the two-year regime of assets and liability declaration has been implemented in the sense of high responsibility. The figure of individuals who have turned up for the assets and liabilities declaration in compliance with the laws and regulations and mechanism developed by the ACU has reached almost 100% compared with the total number of officials required to declare their assets and liabilities in these 3 consecutive years (2013–2015). In the period of months of 2016, the total number of officials who come to declare their assets and liabilities is 8,292. Among these officials declared, those who come to declare in compliance with the two-year regime requirement accounts for 7,044 declarants, those who have declared due to the new position appointments accounts for 1063, those who resigned or ended their mandates account for 91 declarants, those who have been dismissed form office account for 05, those who have retired account for 30, together with 05 people declared due to the requirement for investigation made by ACU. The requirement for the assets and liabilities declaration is used as a tool for the effective investigation of many corruption cases. This scope of action shall be expanded to other targets as required by law stipulating about the assets and liabilities declaration.

Up to June 2016, The Anti-Corruption Unit signed about 23 MoUs with local and international private companies, chamber of commerce, and higher education institutions. Through these MoUs, the Private Sector could even more opportunities to work with the Anti-Corruption Unit in their joint efforts to the prevention and fighting against corruption to be more effective, especially from the perspective of the demand side.
H.E Senior Minister Om Yentieng, the President of Anti-Corruption Unit on 27th September 2016, delivered a lecture to over 100 lawyers at the Office of Bar Association at the Discussion Forum between the Bar and the Unit, aiming to disseminate the Anti-Corruption Law as well as to find more ways and approaches to further strengthen the collaboration among the two agencies.

In 2013, the Royal Government of Cambodia in the 5th mandate launched the Rectangular Strategy Phase 3, and National Strategic Development Plan 2014-2018 aiming to ensure growth, employment, equity, and efficiency, especially to ensure the sustainable development, poverty reduction in response to the needs of citizens in accordance with national and international context of development.

In July 2015, the National Council Against Corruption launched its Anti-Corruption Strategic Plan, Phase 2 (2015-2020). Both the Strategic Plan and Action Plan, Phase 2 received the applause and high appreciation from His Majesty the King and Samdech Techo Hun Sen, the Prime Minister of Cambodia for all the achievements made by the Anti-Corruption Institution (NCAC & ACU) so far. These 02 crucial documents play the role as a roadmap for the ACU in fulfilling its mission aiming to achieve more achievements on the 05 areas set including education, prevention and obstruction, law enforcements, national and international cooperation, good governance and internal control.

<table>
<thead>
<tr>
<th>2. Measures Being Planned to Implement UNCAC provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions</td>
</tr>
<tr>
<td>4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II</td>
</tr>
</tbody>
</table>
B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

- Art. 15: Article 15. Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
- Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
- Art. 18: Trading in influence
- Art. 19: Abuse of functions
- Art. 20: Illicit enrichment
- Art. 21: Bribery in the private sector
- Art. 22: Embezzlement of property in the private sector
- Art. 23: Laundering of proceeds of crime
- Art. 24: Concealment
- Art. 25: Obstruction of justice
- Art. 26: Liability of legal persons
- Art. 27: Participation and attempt
- Art. 28: Knowledge, intent and purpose as elements of an offence
- Art. 29: Statute of limitations
- Art. 30: Prosecution, adjudication and sanctions
- Art. 31: Freezing, seizure and confiscation
- Art. 32: Protection of witnesses, experts and victims
- Art. 33: Protection of reporting persons
- Art. 34: Consequences of acts of corruption
- Art. 35: Compensation for damage
- Art. 36: Specialized authorities
- Art. 37: Cooperation with law enforcement authorities
- Art. 38: Cooperation between national authorities
- Art. 39: Cooperation between national authorities and the private sector
- Art. 40: Bank secrecy
- Art. 41: Criminal record
- Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
Since early January till June 2016, the ACU received 252 complaints (where 101 complaints were anonymous and other 151 were complaints with complainant identities). So far 08 cases have been filed and sent to court in which all those cases have been in the court proceeding.

The new development resulted from the UNCAC Self-Assessment Report of Cambodia done in Cambodia in September 2015 together with the recommendations from the plenary session of the Office of the Council of Minister held on 22 April, 2015 on the UNCAC Self-Assessment Report, the 02 important laws, Law on Witness Protection and Law on Whistle Blowers Protection, are being drafted and expected to be finalized in 2017. This achievement could be made under the joint efforts and collaboration and consultation from concerned stakeholders including the representatives from the Senate and National Assembly, government ministries/agencies, NGOs and CSOs, academia and private sectors.

2. Measures Being Planned to Implement UNCAC provisions


4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

In the stage of the preparation for the UNCAC Self-Assessment, Cycle 2 where Cambodia shall be under review in 02 more additional Chapters (Chapter 2: Prevention and Chapter 5: Stolen Assets Recovery) in 2018. Until now it is not yet sure which countries shall be coming to review Cambodia and it is not yet known either that which countries shall be under the review of Cambodia. We are now waiting until the delegates of Cambodia coming back from joining the UNCAC Review Implementation Resumed meeting in Austria.

From 7th till 09th June 2016, H.E Om Yentieng, Senior Minister President of Anti-Corruption Unit, accompanied by H.E Kheang Seng, vice-president of the Unit together with 05 delegations from ACU, made an official visit to National Anti-Corruption Commission, Thailand. The objective of this visit was to enhance and promote the bi-lateral cooperation among the 02 agencies in compliance with the MoU signed by the 02 agencies in late 2014.

H.E Senior Minister, President of Anti-Corruption Unit from 20th -24th June, 2016, accompanied by 07 other delegations of ACU made an official visit to People’s Republic of China in response to the kind invitation by H.E Huang Shuxian, Deputy Secretary General of Central Commission in charge of Disciplinary and Inspection, the Minister of Inspection of People’s Republic of China.

H.E Kheang Seng, Vice President of Anti-Corruption Unit and H.E Ms. Chen ChanMony, Assistant to ACU together with other 05 delegations from the Unit made an official visit to Lao PDR from 5th till 7th June, 2016. In this visit, the delegation of ACU had the special privileges to have courtesy meeting with H.E Prime Minister of Lao PDR, met with the Chairman of State Inspection and Anti-Corruption Authority. It should be recalled that ACU and SIAA signed an MoU on bilateral cooperation among the 02 agencies in late 2013.

2. Measures Being Planned to Implement UNCAC provisions
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
- On 21 January, 2016, 02 officials from Anti-Corruption Unit joined as the panelists in the 1st APEC Ethics & Compliances Summit in Singapore.
- On 26-27 April, 2016, 03 ACU officials joined the Regional Workshop on the promotion of the effectiveness of witness and whistle blowers protection in Bangkok, Thailand.
- On 27-28 April 2016, 02 ACU officials attended the SEA-PAC Secretariat meeting in Brunei.
- 10-13 May, 2016, H.E Senior Minister President of Anti-Corruption Unit, accompanied by 02 more officials attended the 9th Annual Conference and the General Meeting of IAAC in China.
- On 1-3 June 2016, 02 ACU Officials attended the ASEAN Regional Conference on Financial Disclosure of Public Officials in the Philippines.
- From 27 June, 2016 till 01 July 2016, 01 official from ACU attended the training course invited by CPIB Singapore on Anti-Corruption Strategy in Singapore.
D. UNCAC Chapter V: Asset Recovery

UNCAC Provisions:
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

The Royal Government of Cambodia under the Decision No. 84 dated 26 October, 2016 issued a Decision on the Establishment of Joint Working Group on Mutual Evaluation on Anti-Money Laundering and Combating Financing Terrorism. In this regard, the Working Group of ACU has worked closely and actively in finding and compiling all the answers in responses to all the relevant questions set in the questionnaires of the ASIA Pacific Group related to the Money Laundering. The Working Group of the Unit worked closely on this matter with strong collaboration of Financial Intelligence Unit, Secretariat of National Counter Terrorism Committee and all relevant agencies, getting ready for the process of Mutual Evaluation on Anti-Money Laundering and Combating Financing Terrorism done by APG. In this regard, Anti-Corruption Unit has got itself ready in order to response to process of this evaluation, especially in receiving the delegation from APG for further discussion and consultation during their official visit to Cambodia in late 2016.


3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
# COOK ISLANDS

## A. UNCAC Chapter II: Preventive Measures

### UNCAC Provisions:
- Art. 5: Preventive anti-corruption policies and practices
- Art. 6: Preventive anti-corruption body or bodies
- Art. 7: Public sector
- Art. 8: Codes of conduct for public officials
- Art. 9: Public procurement and management of public finances
- Art. 10: Public reporting
- Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- Art. 12: Private sector
- Art. 13: Participation of society
- Art. 14: Measures to prevent money-laundering

### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- Obtained Cook Islands Government approval in August 2016 (by the authority of cabinet – the centre of policy approvals of the ruling Cook Islands political party) for the preparation of a suitable Policy and Practice for Anti-Corruption aims. The conceptualized policy and practice will aim to identify, educate, extinguish, minimize and penalize instances of corruption or perceived corruption.
- The Cook Islands hosted an Anti-Corruption workshop on the island of Rarotonga on 21-22 January 2016 being a follow up to the UNCAC Review Mechanism which itself was a result of the 2003 General Assembly of the United Nations Convention against Corruption (UNCAC). This workshop was well attended by the relevant Cook Islands agencies.

### 2. Measures Being Planned to Implement UNCAC provisions

- The drafting of a suitable document tailored for both government and private sector personnel as a guide to corruption awareness, prevention and reporting. It is hoped such a document can be on issue by the latter part of 2017. A suitable senior person with good related experience has been obtained within country to work on this matter. Research and tailoring to the Cook Islands environment is underway.
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - Responsible officer availability and time commitment against the requirements of existing duties and the need to draw in material considered relevant from past persons involved in UNCAC endeavors.
   - Obtaining ‘buy in’ from stakeholders to the objectives of the policy and procedures including the workability of the ideals which will later be settled on.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II
   The ability of existing agencies to resource the awareness and procedural aspects of the endeavors. The training needs are in large part the acceptance by people in a variety of roles of the need to take on responsibility for procedures around corruption minimization. In most cases this will be an extension of existing duties.

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:
   - Art. 15: Article 15. Bribery of national public officials
   - Art. 16: Bribery of foreign public officials and officials of public international organizations
   - Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
   - Art. 18: Trading in influence
   - Art. 19: Abuse of functions
   - Art. 20: Illicit enrichment
   - Art. 21: Bribery in the private sector
   - Art. 22: Embezzlement of property in the private sector
   - Art. 23: Laundering of proceeds of crime
   - Art. 24: Concealment
   - Art. 25: Obstruction of justice
   - Art. 26: Liability of legal persons
   - Art. 27: Participation and attempt
   - Art. 28: Knowledge, intent and purpose as elements of an offence
   - Art. 29: Statute of limitations
   - Art. 30: Prosecution, adjudication and sanctions
   - Art. 31: Freezing, seizure and confiscation
• Art. 32: Protection of witnesses, experts and victims
• Art. 33: Protection of reporting persons
• Art. 34: Consequences of acts of corruption
• Art. 35: Compensation for damage
• Art. 36: Specialized authorities
• Art. 37: Cooperation with law enforcement authorities
• Art. 38: Cooperation between national authorities
• Art. 39: Cooperation between national authorities and the private sector
• Art. 40: Bank secrecy
• Art. 41: Criminal record
• Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   • Continued review by key agencies of existing legislations under their control which are used in respect of corruption and related concerns.
   • A ‘Whistleblowers’ protection policy’ has been put in place by the Cook Islands Public Service Commission which oversees all government agencies.

2. Measures Being Planned to Implement UNCAC provisions
   A number of fresh pieces of legislation or policies are in the pipeline in the Cook Islands. These are:
   • A first review of an Act entitled the Public Expenditure Review Committee & Audit Act 1995-96. Specific amendments designed to improve and refine have already been identified.
   • A Financial Transactions Reporting Bill 2016 is on issue for public consultation and presentations have been made to relevant groups in the month of October 2016
   • A Currency Declaration Bill was passed in parliament in September 2016.
   • A Superannuation Supervision Bill is in the process of being drafted and will be overseen by our Financial Supervisory Commission (‘FSC’)
   • A Financial Intelligence Unit Amendment Bill has been drafted to cover what levels of currency conversions are required to be reported to that agency.
   - The challenge is education of persons from a wide array of backgrounds in varying levels of ability on how new laws affect them. One constrain in a small country such as the Cook Islands (population just 18,000) is that even those in a teaching role or in a role familiar with the requirements is succession and spread of that knowledge. Such knowledge can easily be lost with departure of a key person.
   - The ability of the Cook Islands parliament to pass fresh or modified legislation to facilitate the aims. Competition from other sectors and their legislation requirements can and does lead to delays.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
   - As per #3 above. Training needs are considered largely in country needs by officials versed in own country standards. The provision of such staff with time and budgets is itself a challenge.

C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
   - Art. 43: International cooperation
   - Art. 44: Extradition
   - Art. 45: Transfer of sentenced persons
   - Art. 46: Mutual legal assistance
   - Art. 47: Transfer of criminal proceedings
   - Art. 48: Law enforcement cooperation
   - Art. 49: Joint investigations
   - Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Limited new initiatives are observed for the Cook Islands under this heading of International Co Operation. Much work on implementation was done in earlier years. The Cook Islands legal framework for international co operation in criminal matters consists of an extensive extradition treaty network and detailed legislation on both extradition and Mutual Legal Assistance. Co Operation is enhanced by permitting extradition and MLA in the absence of a treaty. The relevant Acts in the Cook Islands are Extradition Act (No 8 of 2003) Mutual Assistance in Criminal Matters Act (No 9 and No 17 of 2003) Proceeds of Crime Act

2. Measures Being Planned to Implement UNCAC provisions
### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- Budget provision (funding) availability at the periodic times when attendance is desired as well as the availability of appropriate personnel from nearby better resourced countries. For example from the Serious Fraud Office of nearby New Zealand.

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

#### D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**

- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- A review and subsequent redraft of our Financial Transactions Reporting Act is currently under action. This is the most active project being worked on by the Cook Islands Financial Intelligence Unit at this time. This relates to identification, recovery or confiscation (esp articles 52-54)

#### 2. Measures Being Planned to Implement UNCAC provisions

#### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- Proper education of affected parties. Followed by adherence to regulations which require identification and reporting by affected businesses.
4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
   • Suggested as - Tools to implement the statutory requirements of especially the Cook Islands Financial Transactions Reporting Act. Including suitable systems of reporting and the user friendliness and security features of reporting systems. These are Information Technology based and learning and familiarity are involved.

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)
   • The Cook Islands obligations under UNCAC have been kept to the fore by a quarterly meeting of the relevant agencies which we list as Crown Law Office, Police, Government Audit Office, Office of Ombudsman, Finance Ministry Head, Public Service Commissioner and Public Expenditure Review Board. In addition a Quarterly Report of the activities of the Cook Islands Anti-Corruption Committee (the collection of agencies listed above) is furnished to Cabinet. Work tasks are allocated by the Chairperson. Resources such as earlier papers are shared amongst members in order to better ensure knowledge is passed on to new persons in order to meet the succession concept.

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC.
   • Attendance by 2 officials at training provided by the United Nations Office on Drugs and Crime in Kuala Lumpur Malaysia in October 2016.
   • Cook Islands has been nominated to review Honduras on UNCAC matters. An officer of Cook Islands Crown Law office has completed a desk review for Tajikistan.
CHINA, PEOPLE’S REPUBLIC OF

A. UNCAC Chapter II: Preventive Measures

UNCAC Provisions:
- Art. 5: Preventive anti-corruption policies and practices
- Art. 6: Preventive anti-corruption body or bodies
- Art. 7: Public sector
- Art. 8: Codes of conduct for public officials
- Art. 9: Public procurement and management of public finances
- Art. 10: Public reporting
- Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- Art. 12: Private sector
- Art. 13: Participation of society
- Art. 14: Measures to prevent money laundering

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

China attaches great importance to corruption prevention. The Communist Party of China is the ruling party, so most of the public servants are party members.

First, strengthen oversight over public officials. The Political Bureau of the CPC Central Committee issued an eight-point decision to improve the Party’s style by going after formalism, bureaucratism, hedonism, and extravagance, demanding investigations into and tougher punishment for corrupt behavior such as dining and gifting with public funds, accepting gift money at special occasions and visiting private clubs. The aim is to improve the Party’s conduct and keep it close to the people. Between 2013 and June 2016, 134,000 violations against the eight-point decision were investigated nationwide, exposing 179,000 Party officials, among whom 89,000 were disciplined. These efforts have visibly improved Party conduct and greatly boosted integrity of the society.

Second, strengthen oversight over the exercise of power. The central authorities dispatched inspection teams to local authorities, government agencies, state-owned companies and government-affiliated institutions. Their task is to see whether the policies of the central authorities are faithfully implemented, particularly whether there are violations of political discipline and rules, including the eight-point decision, whether the
selection of officials is rules-based and whether there is corruption. Over the past three years, these teams have visited more than 200 Party and government organizations, covering all the 31 provinces, autonomous regions and municipalities, as well as all the key state-owned enterprises and financial institutions under the supervision of the central authorities. Inspection has thus become a powerful tool for intra-Party supervision, acting as an effective deterrent against corruption.

Third, build stronger institutions to tackle corruption from its root. China has been deepening all-round reform to eliminate the breeding ground for corruption. We have been reforming government institutions and transforming their functions by streamlining administration and delegating power. Over the past three years, the government has shortened the list of matters requiring administrative approval by over 1,000 items. We have improved government transparency and introduced the lists of government power and responsibilities and the negative list for companies’ market access. We have enhanced the framework of inner-party rules, revised and issued the code of integrity and on self-discipline, regulations on disciplinary action, regulations on inspection work and regulations on accountability. We have kept emphasizing that disciplines must always come first and made it a daily routine to educate Party members and government officials about the importance of party discipline and administrative regulations and strengthened supervision. We have made great efforts to make sure that Party members are given timely warnings whenever tendencies toward mal-practice are discovered and that discipline is strictly enforced so as to keep the majority of the Party members and government officials away from the temptation of corruption.

2. Measures Being Planned to Implement UNCAC provisions

While maintaining high-pressure on corrupt offenders, China will spare no efforts to promote prevention. We will continue to improve relevant institutions, strengthen the management of public officials, promote public education programmes in schools and universities, and expand public participation channels, etc. so as to create a clean social atmosphere.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

None

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

None

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:
- Art. 15: Article 15. Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

In terms of criminalization, China continues to improve its anticorruption legal system. Since its ratification of the UNCAC, China has enacted the Amendment VI, VII and VIII of the Criminal Law, enacted or revised the Criminal Procedure Law and Anti-Money Laundering Law, the
Budget Law, the Administrative Supervision Law, Regulations on Sanctions against Public Servants of Administrative Organs and a series of supporting regulations. In 2015, China enacted the Amendment IX of the Criminal Law, which modifies the conviction and sentencing standards of such offences as embezzlement and bribery, increases the punishment for active bribery, and stipulates the possibility of granting life sentence, without commutation or parole, for those involved in extremely serious passive bribery or embezzlement, further tightening the net of justice. Currently, Chinese anticorruption laws and regulations are basically in accordance with the UNCAC.

In terms of law enforcement, China reaffirmed the disciplines and rules against corruption and made it clear that anyone breaking those rules will be dealt with regardless of their positions. Cases were filed by the Central Commission for Discipline Inspection and the Ministry of Supervision to look into serious disciplinary violations by some senior Party officials. Between 2013 and 2015, 750,000 people were disciplined nationwide, including 36,000 facing criminal charges. Our efforts in the past three years have had an enormous deterrent effect on public officials, which marked initial success and contributed to the formation of an overwhelming momentum in the fight against corruption.

<table>
<thead>
<tr>
<th>2. Measures Being Planned to Implement UNCAC provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 12th Session of the National People’s Congress and its Standing Committee plan to do the following legislative work in the anti-corruption area for the period between 2013 and 2017: to amend the Organic Law of the people’s Courts, the Organic Law of the People’s Procuratorates, the Budget Law, the Criminal Law, the Administrative Procedure Law and the Anti-Unfair Competition Law.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. UNCAC Chapter IV: International Cooperation</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNCAC Provisions:</td>
</tr>
<tr>
<td>Art. 43: International cooperation</td>
</tr>
<tr>
<td>Art. 44: Extradition</td>
</tr>
<tr>
<td>Art. 45: Transfer of sentenced persons</td>
</tr>
<tr>
<td>Art. 46: Mutual legal assistance</td>
</tr>
<tr>
<td>Art. 47: Transfer of criminal proceedings</td>
</tr>
<tr>
<td>Art. 48: Law enforcement cooperation</td>
</tr>
</tbody>
</table>
Art. 49: Joint investigations
Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

China greatly values and takes an active part in global cooperation on anti-corruption. President Xi Jinping made important remarks about anti-corruption on more than 30 key diplomatic occasions to call for closer international cooperation against transnational crimes involving corruption. The Chinese government has made cooperation and the pursuit of fugitives and recovery of criminal proceeds part of its work plan on anti-corruption and established a clear and efficient inter-agency coordination mechanism with centralized leadership structure. We are seeking to expand the channels and increase the intensity of cooperation to deliver more results.

First, we build platforms for international cooperation. China is a member of 15 global and regional anti-corruption cooperation mechanisms. China has actively fulfilled its obligations under the United Nations Convention Against Corruption (UNCAC) and served as the chair of the anti-corruption working groups of APEC and the G20. China championed the adoption of the APEC Beijing Declaration on Fighting Corruption, the establishment of the APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies and the G20 Denial of Entry Experts’ Network, and pushed for the establishment of a BRICS mechanism for anti-corruption cooperation. China has maintained close communication and cooperation with the United Nations Office on Drugs and Crime, the International Anti-Corruption Academy, Interpol, the World Bank, the OECD and other organizations. China has anti-corruption cooperation with 89 countries and regions, concluded 44 extradition treaties and 57 treaties on mutual legal assistance in criminal matters and signed financial information exchange agreements with 35 countries and regions.

Second, we go after fugitives and their illegal assets. Since 2014, the Chinese government’s “Sky Net” operation has brought back 2,210 fugitives of corruption and economic crimes from 71 countries and territories. We have published a list of 100 fugitives who are on Interpol’s red notice, and brought 35 of them to justice with the support of Interpol and relevant countries. China and the United Kingdom have worked together on individual cases in accordance with the UNCAC. The UK government has returned corruption-related assets worth £28.27 million to China’s Macao SAR government.

Third, we will crack down on transnational commercial bribery. The Chinese government punishes such activities by both Chinese companies overseas and foreign companies in China. Since 2012, we have handled 14,000 commercial bribery cases valued at RMB4.4 billion. We have set up a criminal record system and a market credibility database. We are revising the Anti-Unfair Competition Law to step up the fight against commercial bribery. China has also taken an active part in the G20 Anti-Corruption Working Group and the APEC Anti-Corruption and Transparency Working Group. A series of meetings of the G20 Anti-Corruption Working Group have been co-chaired by China and the UK this year. The G20 Anti-Corruption Working Group endorsed G20 High-Level Principles on Cooperation on Persons Sought for Corruption.
2. Measures Being Planned to Implement UNCAC provisions

At present, China is actively promoting the enactment of relevant laws such as the international legal assistance law.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

None

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

None

D. UNCAC Chapter V: Asset Recovery

UNCAC Provisions:

- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

China launched Operation Sky Net in March 2015, aimed at apprehending corrupt officials that have fled overseas. The police, the prosecution service, the foreign affairs service, and the financial sector join hands to realize the common goal of repatriating fugitives, recovering assets, and preventing potential escapees. Operation Sky Net includes four separate operations, namely, Operation Fox Hunt led by the Ministry of Public Security, Special Action to Track Down Fugitives Suspected of Taking Advantage of Official Positions and to Confiscate Ill-gotten Assets led by the Supreme People's Procuratorate, Special Action to Crack Down on the Transfer of Illegal Proceeds Abroad Using Offshore Companies and Underground Banks led by People’s Bank, and Special Action to Crack Down on Illegally Obtaining and Holding Private
<table>
<thead>
<tr>
<th>21st Steering Group Meeting – Thimphu, Bhutan 8 November 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passports led by the Organizational Department of the CPC Central Committee. By September, China has recovered illegal assets worth RMB7.99 billion. Using the UNCAC as the legal basis, we have successfully recovered corruption proceeds worth of 28.72 million pounds, which had been illegally transferred to the UK by Ou Wenlong, former Secretary for Transportation and Public Affairs of Macao SAR.</td>
</tr>
<tr>
<td>2. Measures Being Planned to Implement UNCAC provisions</td>
</tr>
<tr>
<td>China will continue to strengthen its efforts according to the action plan of Operation Sky Net and strive to achieve more solid results nationwide.</td>
</tr>
<tr>
<td>3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td><strong>E. Additional Developments</strong></td>
</tr>
<tr>
<td>1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC</td>
</tr>
<tr>
<td>November 2016, China co-hosted China-ASEAN Anti-Corruption Workshop with International Anti-Corruption Academy. The theme of the Workshop was “Fighting Corruption and Sustainable Development”. A total of more than 70 anti-corruption officials from 10 countries including 5 ministerial-level officials, participated in the workshops to exchange their views and have an in-depth discussion. Relevant international organizations took part in the workshop.</td>
</tr>
</tbody>
</table>
HONG KONG, CHINA

A. UNCAC Chapter II: Preventive Measures

UNCAC Provisions:
- Art. 5: Preventive anti-corruption policies and practices
- Art. 6: Preventive anti-corruption body or bodies
- Art. 7: Public sector
- Art. 8: Codes of conduct for public officials
- Art. 9: Public procurement and management of public finances
- Art. 10: Public reporting
- Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- Art. 12: Private sector
- Art. 13: Participation of society
- Art. 14: Measures to prevent money-laundering

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

Art. 5-6
- Between November 2015 and August 2016, the Independent Commission Against Corruption (ICAC) of Hong Kong, China (HKC) completed 47 reviews on public systems and procedures, covering procurement, works, contract management, law enforcement, licensing and regulatory systems, administration of government resources, etc. In addition, ICAC gave prompt corruption prevention advice on formulation of policies and procedures to government/public organisations on 460 occasions.
- The tertiary education institutions (TEIs) are entrusted with significant public resources. To assist TEIs in setting up a good mechanism in student admission, ICAC launched a Best Practice Checklist on Admission of Students to Undergraduate Programmes in late 2015 for reference by the 20 TEIs in HKC.

Art. 7
- To uphold the integrity of public elections, ICAC launched a three-year “Support Clean Elections” programme from 2015 to 2017. To tie in with the Legislative Council (LegCo) Election and the Election Committee Subsector Elections held in 2016, multi-faceted campaigns comprising a wide range of education and publicity activities to alert relevant stakeholders to the anti-bribery election laws and to sustain
a clean election culture in the community were rolled out throughout the year. A dedicated website and an enquiry hotline were also set up.

- To enhance the integrity of voter registration for LegCo Functional Constituency (FC) election, ICAC has since 2013 been offering advice to Specified Bodies (SBs) under various FCs on how to enhance the internal controls and transparency of their membership administration system. Members of SBs are eligible for registration as voters in the respective FCs. ICAC worked closely with the Constitutional and Mainland Affairs Bureau to review the FCs’ electorates. In late 2015, ICAC also issued a Best Practice Checklist on Membership Administration as guidance for all 229 SBs. In the first half of 2016, ICAC gave tailor-made corruption prevention advice to 25 SBs on the internal controls and the transparency of their membership administration system.

- Regarding other public elections, ICAC gave advice to the Registration and Electoral Office on the guidelines on activities in respect of District Council Election and to the Home Affairs Department (HAD) on matters relating to the rural elections. In early 2016, ICAC, in collaboration with HAD, organised a series of integrity management briefing sessions for the new term of District Council Members and their assistants to raise their awareness of corruption prevention in discharging their official duties.

- ICAC continued to provide corruption prevention and integrity training for civil servants and staff of public bodies.

Art. 8

- ICAC collaborated with the Civil Service Bureau (CSB) to launch an updated Sample Guide on Conduct and Discipline in November 2013. The Guide was beefed up with information on the common law offence of Misconduct in Public Office (MIPO) and “Supervisory Accountability”. Since then, ICAC has been offering tailor-made advice to individual departments to help them update their staff codes and providing assistance in other areas as necessary.

- CSB and ICAC have jointly organised five seminars on MIPO for over 650 civil servants of different levels to explain the offence from both the legal and corruption prevention perspectives.

- CSB and ICAC continued to organise thematic workshops on a regular basis as part of their on-going efforts under the Ethical Leadership Programme (ELP) to assist Bureaux/Departments (B/Ds) in developing and sustaining an ethical culture in their organisations. The last workshop on “Prudent Financial Management and Managing Staff Integrity” was held in late 2015.

- Through outreach visits, CSB and ICAC engaged individual B/Ds under ELP in in-depth discussions and experience-sharing on the implementation of integrity management within their organisations. They last conducted a joint visit to a government department in late 2015.

- To promote an ethical culture in the civil service, CSB presented a Special Citation Award under the biennial Civil Service Outstanding Service Award Scheme in 2015 to recognise the best integrity management practices in B/Ds.

- The Web-learning Portal on Integrity Management developed by ICAC in consultation with CSB has been providing a useful platform for civil servants to readily gain access to useful materials on integrity management and to equip them with knowledge on relevant laws and regulations as well as on corruption pitfalls. CSB provides ICAC with support in updating the content and enhancing the accessibility of
In October 2014, ICAC reviewed and updated the respective sample codes of conduct for members and employees of public bodies. The review had taken into account the Sample Guide on Conduct and Discipline for government officers, local and overseas literature on public governance, the codes of conduct of other jurisdictions (e.g. the United Kingdom, Australia, Canada, New Zealand and OECD), the problems identified and recommendations put forward in the past corruption prevention studies, the Audit Commission’s reports as well as past ICAC cases concerning public bodies. In addition, ICAC has since been giving tailor-made advice to individual public bodies to help them adopt the latest probity standards having regard to their organisational structure, resource capability, operational needs and risk exposures. Seminars were also conducted to promulgate the standards set out in their revised codes.

**Art. 9**

- As an on-going initiative, ICAC provides corruption prevention services for major government construction projects. To ensure a level-playing field in the tendering process of these major projects, an integrated approach is adopted whereby advice on the tender documents and tender assessment procedures are offered first, followed by ICAC’s representatives sitting as an observer on the tender assessment panels of the respective projects to further advise on the tender assessment procedures as and when appropriate.

- To tie in with the Government’s adoption of the New Engineering Contract mode of contract letting and administration in public works which emphasises close collaboration between clients, consultants and contractors, ICAC reviewed the related systems and procedures to prevent the possible “collaboration-turned-collusion”. Since 2015, ICAC has assisted the Development Bureau and provided corruption prevention advice in their compilation of a set of Practice Notes for adoption by works departments. Integrity management workshops were also conducted for the government staff, project consultants and contractors to raise their integrity standard and corruption prevention awareness.

- In regard to Government’s healthcare policy, the Department of Health (DH) and the Hospital Authority (HA) have been actively adopting the Public-Private Partnership (PPP) approach to provide healthcare services for the public since 2008. In 2015/16, the estimated expenditure for PPP programmes amounted to $237 million (Hong Kong Dollars, same below). In early 2016, another $10 billion was granted to HA for establishing an endowment fund for developing new PPP initiatives and expanding its programmes. In view of the substantial public expenditure involved and the associated risks of corruption, ICAC developed a Corruption Prevention Guide on Administration of PPP Programmes for Healthcare Services in 2016. The Guide is given to DH and HA staff as well as their service providers for reference in discharging related duties.

- In view of the increasing number of government funding schemes over the years and taking into account new developments including the growing number of projects involving grants with a matching element, ICAC updated the Best Practice Checklist on the Administration of Government Funding Schemes in 2016 for use by government departments.

- In view of the Government’s further devolution of procurement authority to individual government departments, ICAC completed detailed studies/consultation exercises on the procurement practices of some departments. Based on the findings, a corruption prevention best
practice checklist on government procurement of general goods and services was compiled and issued in September 2014 for reference by all government departments. This best practice checklist is intended to be a user-friendly guide supplementary to the regulatory framework for government procurement. Subsequently, ICAC has been offering tailor-made advice to individual departments to help them adapt and incorporate the recommended best practices into their own procurement guidelines.

**Art. 12**

- ICAC launched in June 2014 the corruption prevention training/self-learning package on procurement for use by the private sector, with the support and assistance of the major purchasing professional associations. The package consists of a training video highlighting the common corruption risk areas and system pitfalls, and a quick reference guide summarising the recommended preventive measures. Seminars were organised on an on-going basis in response to the industry’s positive interest. In view of users’ feedback and the plan to share the package in international fora, the training video has been enhanced with English voice-over.
- In light of the large number of infrastructure projects and an active property development market, ICAC launched a capacity building package for the construction industry in November 2014. The package included a training video and a pamphlet on the corruption risks and preventive measures at various stages of a development project. It is intended for reference and use by industry practitioners, including Government’s works departments, consultants and contractors, and public bodies. Train-the-trainer workshop on the package would be conducted for user organisations as and when necessary.
- Corruption complaint statistics in recent years indicated that catering is a corruption-prone industry. In August 2015, ICAC produced a training/self-learning package on corruption prevention in catering management. It consists of a training video and a quick reference guide, covering different risky areas of catering operations, messages on the legal provisions against bribery, integrity management, common loopholes and related preventive measures. ICAC approached relevant tertiary education and vocational training institutions to promote the use of the package in their catering management courses, and organised seminars with trade associations for their members as necessary.
- ICAC drew up a sample code of conduct for the board members and staff of non-governmental organisations (NGOs) in the welfare sector to enhance their corporate governance and internal controls. This was a joint initiative with the Hong Kong Council of Social Service which is a federation of over 400 member-NGOs. The sample code covers the ethical requirements in relation to acceptance of advantages and entertainment, conflict of interest, confidentiality of information, etc. A seminar was held in October 2015 to introduce the sample code to NGOs in the welfare sector. Upon request, ICAC has provided tailor-made advice for individual NGOs to help them adopt the latest probity standards having regard to their organisational structure, resource capability, operational needs and risk exposures. The commission also assisted NGOs in promulgating their revised codes, particularly to the front-line staff, through seminars and talks.
- In support of the Government’s new funding policy to improve the quality of kindergarten education, including enhancing the governance and transparency of kindergartens, ICAC has, in consultation with the Education Bureau (EDB) and relevant stakeholders, compiled a sample code of conduct for kindergarten board members and staff. The sample code was introduced through a EDB’s Circular issued in
July 2016 to all kindergartens.

- Business operators and their employees may not be familiar with the stringent requirements governing the integrity of public servants, in particular regard to the offering of gifts or entertainment to public servants and handling of situations involving potential conflict of interest. In February 2016, ICAC launched an Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants to educate the business sector on the clean practices expected in dealing with public servants. The guide covers legal provisions with case studies/lessons learnt, rules and regulations, preventive measures and best practices, etc. As at August 2016, ICAC reached at least 16,000 business operators through government B/Ds, and received nearly 400 service requests, including requests for advice on company codes of conduct, preventive controls and related trainings.

- Collaborating with the authority concerned, ICAC has developed a Unit of Competence on integrity and corruption prevention for use in the “Qualifications Framework” for the practitioners of the retail industry. The relevant training package was introduced to prominent retail groups in April 2016. Five local retail chain operators have planned to use the package in staff training. The Corrupt Practices Investigation Bureau of Singapore considered the training videos useful for educating Singapore’s retail industry against corrupt practice, and sought ICAC’s consent in June 2016 to post a link to the videos on its social media platforms to promote the use of the package in Singapore.

- ICAC promoted ethical business practices and corruption prevention services to business organisations through talks, visits, seminars, feature articles and publicity programmes in collaboration with regulators, professional bodies, trade associations and individual companies. Integrity training is arranged for about 40,000 staff members of various trades every year.

- ICAC continued to offer corruption prevention services to newly listed companies within three months of their listing. Over 1,100 listed companies were visited and over 60% of them accepted corruption prevention services.

- ICAC launched an ethics promotion programme for listed companies to enhance the awareness of the top management of listed companies and the related professionals with regard to ethical corporate governance. Under this programme, the latest edition of the Toolkit on Directors’ Ethics was released in November 2015 to provide a pragmatic guide for the senior management of listed companies to help them practise ethical governance and resolve ethical challenges.

Art. 13

- ICAC continued to encourage reporting corruption through online and offline publicity using the printed media, radio and television, ICAC website, social media and face-to-face activities, etc. Lively and interactive elements were incorporated in the publicity drive to further heighten public awareness of the evils of corruption and promote the channels of reporting corruption.

- Since late 2015, ICAC has kicked off a multi-year Territory-Wide Programme named “All for Integrity” involving different sectors of society to sustain the probity culture through online and offline platforms, including a slogan and icon design competition and a series of mass activities in all 18 districts of HKC. Apart from participating in the activities organised by ICAC, various entities including government departments, commercial organisations and education institutions have organised their own integrity promotion projects in support of the Programme.
ICAC participated in the 2016 Hong Kong Book Fair to promulgate integrity messages to the public, through a host of online-offline activities, reaching over 90,000 people including young people and parents.

A television drama series of five episodes, which was adapted from real past ICAC cases to highlight the evils of corruption and remind citizens to take a “zero tolerance” attitude towards corruption, was broadcast through a free television channel and its online platforms in 2016.

**Art. 14**


### 2. Measures Being Planned to Implement UNCAC provisions

**Art. 5–6**

- ICAC will continue to review public sector procedures with a view to instituting corruption-resistant procedures and practices.
- Upon request, ICAC will continue to provide advice for TEIs on the procedures for admission of students.

**Art. 7**

- ICAC will continue to collaborate with relevant government departments in developing/reviewing legislation and guidelines to uphold clean and fair public elections.
- ICAC will implement a tailor-made education and publicity programme on promoting clean election for the 2017 Chief Executive Election.
- ICAC will reach out to the management of all government bureaux/departments by various means to review their integrity promotion and training plans. It will also seek their support to enhance the use of the newly developed Web Learning Portal on Integrity Management to supplement face-to-face staff training.
- Under ELP, ICAC and CSB will continue to jointly organise thematic workshops for Ethics Officers and officers responsible for integrity management in government B/Ds.

**Art. 8**

- CSB and ICAC will continue to work closely with B/Ds through a proven three-pronged strategy, viz. prevention, education and training, and sanction, to uphold a high standard of integrity and probity in the civil service.
- CSB and ICAC will organise MIPO seminars for civil servants on a regular basis to enable them to better understand this common law offence. Four more MIPO seminars for different levels of civil servants have been scheduled for 2016-17.
To further promote integrity among senior members of the civil service, CSB will work in partnership with ICAC to incorporate the element of integrity leadership in suitable training programmes run by the Civil Service Training and Development Institute.

CSB will keep under constant review the service-wide rules and guidelines on conduct and discipline matters to ensure that they remain clear and adequate in present-day circumstances.

ICAC will continue to provide tailor-made advice for individual public bodies to adopt the latest probity standards in their codes of conduct and upon request, assist them in promulgating the standards set out in their revised codes through seminars.

**Art. 9**

- ICAC will continue to recommend government departments and public organisations to adopt probity clauses in their public procurement contracts for various goods and services, with a view to upholding high ethical standards of their suppliers and contractors, and promoting ethical practices.
- In late 2016, ICAC will start to promulgate the Corruption Prevention Guide on Administration of PPP Programmes for Healthcare Services through seminars to help DH and HA staff understand and implement the recommended measures in the Guide. It will also offer tailor-made corruption prevention advice to individual service providers on request.
- ICAC will continue to provide advice for government departments on the administration of funding schemes upon request. ICAC plans to conduct a briefing session in late 2016 to help Grantees adopt the recommended best practices in utilizing the government funds.

**Art. 12**

- With effect from the 2016 financial year, the Hong Kong Exchanges and Clearing Limited (HKEX) upgraded the obligation of disclosure of a listed company’s anti-corruption policy in the Environmental Social and Governance Reporting Guide, from “recommended disclosure” to a “comply or explain” requirement. In view of the major regulatory change, ICAC decided to produce a guide to provide recommendations on key elements of an anti-corruption programme, the processes and practices for corruption risk management and audit, essential corruption prevention controls, and ways to promote anti-corruption practices in the company. ICAC plans to launch the guide in late 2016 through seminars to be organised with HKEX and the Chamber of Hong Kong Listed Companies. It will also introduce the guide at the conference to be organised by the Hong Kong Business Ethics Development Centre under its three-year programme for listed companies in 2017.
- ICAC will continue to share anti-corruption experiences as well as promote good governance and best practices in workshops and seminars organised for various professions and trades.
- ICAC will continue its ethics promotion programme for listed companies, which includes producing a capacity building training package, convening a conference on business ethics and approaching professional bodies and listed companies to enhance the awareness of the top management of listed companies and related professionals will regard to ethical corporate governance.
- ICAC will continue to conduct integrity management workshops for consultants and contractors in the construction industry to raise their integrity standards and corruption prevention abilities.
- Upon request, ICAC will provide tailor-made advice for individual NGOs to help them adopt the latest probity standards, and assist them...
in promulgating the standards set out in their revised codes of conduct, particularly to their front-line staff, through seminars. ICAC also plans to attend individual NGOs’ board meetings to introduce the sample code of conduct.

- Upon request, ICAC will provide tailor-made advice for individual kindergartens to help them adopt the latest probity standards in their codes of conduct.
- ICAC will continue to provide individual business organisations (including suppliers and contractors of public bodies) with advice on how to deal with public servants properly, and at their request, help them review their codes of conduct.

Art. 13

- ICAC will continue to encourage reporting corruption through online and offline publicity and engage other organisations to publicise the “report corruption” messages on the available avenues such as publications, websites and social media.
- ICAC will continue to organise the Ambassador Programme for tertiary students (all the 20 TEIs in HKC have been invited to join the Programme in the 2016/17 school year) and the iTeen Leadership Programme for senior secondary students. The Personal Ethics Module will continue to be promoted to TEIs for incorporation in their General Education and relevant programmes. A special programme to engage TEI students of media studies in the production of television advertisements on “zero tolerance against corruption” will be launched in the 2016/17 academic year.
- Under the multi-year “All for Integrity” Territory-Wide Programme, ICAC will continue to engage the public and private sectors, youth and district organisations to spread probity message through various activities. A highlight event will be held in early December 2016 that ties in with the International Anti-corruption Day for reinforcing the society’s determination to fight corruption. The Community Relations Department (CRD) of ICAC will also further promote corruption prevention messages to non-profit making organisations.
- ICAC will continue to operate the ICAC Club and i-League which provide platforms to engage the public and young people in anti-corruption activities. A Youth Chapter under the ICAC Club will be introduced in late 2016 to enhance the engagement of working youth and youth in the vocational training sector.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- No particular challenge has been encountered. The responses from government departments/public organisations and private organisations in taking up ICAC services have been encouraging.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

Art. 5-9

- ICAC provides training to public officers for developing/enhancing their capabilities in preventing corruption in procurement, contract management, law enforcement, licensing and administration of public resources, etc.

Art. 8
● From July 2015 onwards, the Civil Service Training and Development Institute of CSB has organised 27 training programmes on integrity issues for managers at different levels within the civil service, and 16 training programmes for new recruits on integrity and core values. About 2,700 civil servants have attended the programmes.

Art. 12

● ICAC assists private sector organisations in the implementation of corruption prevention measures and in better understanding the anti-bribery laws. Means employed include development of staff code of conduct, organisation of anti-corruption talks/workshops for management staff and frontline employees, and promotion of an ethical business culture.

Art. 14

● As an ongoing commitment to capacity building for the financial sectors, HKC has been organising anti-money laundering (AML) seminars for the financial sectors and for designated non-financial businesses and professions. Over 4,500 participants attended the annual series of AML seminars held between September and December 2014.

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

Art. 15: Article 15. Bribery of national public officials
Art. 16: Bribery of foreign public officials and officials of public international organizations
Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
Art. 18: Trading in influence
Art. 19: Abuse of functions
Art. 20: Illicit enrichment
Art. 21: Bribery in the private sector
Art. 22: Embezzlement of property in the private sector
Art. 23: Laundering of proceeds of crime
Art. 24: Concealment
Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims  
Art. 33: Protection of reporting persons  
Art. 34: Consequences of acts of corruption  
Art. 35: Compensation for damage  
Art. 36: Specialized authorities  
Art. 37: Cooperation with law enforcement authorities  
Art. 38: Cooperation between national authorities  
Art. 39: Cooperation between national authorities and the private sector  
Art. 40: Bank secrecy  
Art. 41: Criminal record  
Art. 42: Jurisdiction

<table>
<thead>
<tr>
<th>1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICAC continued to investigate and prosecute corruption and related offences identified under UNCAC.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Measures Being Planned to Implement UNCAC provisions</th>
</tr>
</thead>
</table>

|---|

<table>
<thead>
<tr>
<th>4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICAC officers continued to receive training through courses and workshops organised in-house and by other institutions in HKC and overseas for strengthening their professional capabilities and knowledge in various aspects of enforcement work. Training since November 2015 included financial investigations (e.g. AML legislation, money laundering methodologies, asset and fund tracing skills), mobile phone forensics, computer forensics, tactical intelligence analysis, strategic intelligence analysis, criminal intelligence analysis, basic and intermediate field intelligence, covert law enforcement, and an academic criminal justice and model law workshop.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. UNCAC Chapter IV: International Cooperation</th>
</tr>
</thead>
</table>
| UNCAC Provisions:  
Art. 43: International cooperation  
Art. 44: Extradition  
Art. 45: Transfer of sentenced persons |
Art. 46: Mutual legal assistance
Art. 47: Transfer of criminal proceedings
Art. 48: Law enforcement cooperation
Art. 49: Joint investigations
Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Art. 43**
- The Commissioner of ICAC (the Commissioner) spoke at the 9th China-ASEAN Prosecutors General Conference in Mainland China in late November 2015 to share ICAC’s experiences in international cooperation on fugitive repatriation and asset recovery.
- A directorate officer of ICAC attended the 11th meeting of the Parties to the Memorandum of the Understanding on Preventing and Combating Corruption – “South East Asia Parties against Corruption” in Brunei in December 2015 to share Hong Kong’s experience in fostering a culture of probity among the youth.
- In March 2016, the Commissioner paid duty visits to Singapore and Indonesia for an exchange with the senior officials of the anti-corruption counterparts on their latest anti-corruption efforts. Officers of ICAC took the opportunity to conduct three sharing sessions for anti-graft officers in Indonesia on public private partnership on corruption prevention, asset recovery and forensic accounting investigation.
- In May 2016, the Commissioner attended the Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities in Mainland China, and spoke on the critical success factors for sustaining the anti-corruption campaign.
- In 2015, ICAC received about 4,200 visitors from 11 international organisations as well as 53 countries and territories. To keep overseas counterparts abreast of ICAC’s latest initiatives, CRD of ICAC had arranged visitors and those interested in the work of ICAC to subscribe to its online newsletter, the ICAC Post.

**Art. 44**
- As at 30 August 2016, HKC has 19 agreements on surrender of fugitive offenders in operation and 14 international conventions providing for surrender of fugitive offenders, including UNCAC, applied to it.

**Art. 45**
- As at 30 August 2016, HKC has 15 agreements on transfer of sentenced persons in operation.

**Art. 46**
- As at 30 August 2016, HKC has 29 agreements concerning mutual legal assistance in criminal matters in operation and 13 international conventions providing for mutual legal assistance, including UNCAC, applied to it.
From November 2015 to 28 August 2016, a total of 12 requests for mutual legal assistance involving corruption offences have been received from overseas jurisdictions and within the same period, three requests for mutual legal assistance involving corruption offences have been made by HKC.

2. Measures Being Planned to Implement UNCAC provisions
   - ICAC will continue to share its anti-corruption experience with visitors from overseas.
   - ICAC will continue to share anti-corruption experience through briefings, visits and attendance at international conferences. It will also develop a new online research corner on the website to keep the international community abreast of the anti-corruption development and integrity environment of HKC through the internet.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

Art. 43 & Art. 48
In August 2016, ICAC attended the 23rd APEC Anti-Corruption and Transparency Working Group (ACTWG) Meeting, the 3rd APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies Meeting and a workshop on Corporate Compliance Programs in Peru.

In July 2016, ICAC attended the 7th Implementation Review Group of UNCAC Conference of the States Parties and Intersessional Meeting in Vienna, Austria.

In April 2016, ICAC attended the Underground Economy Conference 2016 organised by Team Cymru in Doha, Qatar.

In March 2016, ICAC attended the 4th Annual Meeting of Economic Crime Agencies Network in Brussels, Belgium.

In February 2016, ICAC attended the 22nd APEC ACTWG Meeting in Peru.

In December 2015, ICAC attended the 11th Meeting of the Mutual Case Assistance Workshop for Guangdong, Hong Kong and Macao.

In November 2015, ICAC attended the 20th Steering Group Meeting, the 13th Regional Seminar of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, and the Pilot Meeting of the ADB/OECD Asia-Pacific Law Enforcement Practitioners Network in Mongolia. In the regional seminar, it shared with the participants the latest development of corruption prevention work in the construction industry.
In November 2015, ICAC attended the Australian Public Sector Anti-Corruption Conference in Brisbane, Australia.

### D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**

- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Art. 52**

- Regulators of financial institutions have periodically updated their guidelines for their sectors to improve measures on money laundering prevention. For example, the Hong Kong Monetary Authority revised its guidelines to banks in March 2015. The guideline can be found at [http://www.hkma.gov.hk/media/eng/doc/key-information/guidelines-and-circular/guideline/g33.pdf](http://www.hkma.gov.hk/media/eng/doc/key-information/guidelines-and-circular/guideline/g33.pdf).

**Art. 54 & 55**

- Assistance can be rendered for the recovery of property through confiscation pursuant to bilateral or multilateral agreements referred to under Article 46, or based on the principle of reciprocity. There are also mechanisms to prevent the dealing in property by way of restraint court orders before the confiscation is effected. Assistance can also be rendered for confiscation based on civil forfeiture orders without criminal conviction.
- Mutual Legal Assistance Unit (MLAU) has prepared a guide on the Asset Recovery process in HKC. The guide is available on the Department of Justice website. MLAU works closely with overseas jurisdictions to execute the requests for mutual legal assistance.

**Art. 59**

- As at August 2016, the Joint Financial Intelligence Unit of Hong Kong has a total of 11 bilateral agreements with other jurisdictions to share financial intelligence. The Unit will sign a Memorandum of Understanding with a 12th jurisdiction in September 2016 to share financial intelligence for combating money laundering activities.
## Measures Being Planned to Implement UNCAC provisions

### 2. Measures Being Planned to Implement UNCAC provisions

### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

### E. Additional Developments

<table>
<thead>
<tr>
<th>1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- With 2015 marking its 30th anniversary, ICAC’s Advisory Services Group (ASG) carried out a campaign to enhance its branding and services. With effect from 14 September 2015, ASG was renamed as Corruption Prevention Advisory Service (CPAS) to more clearly identify and highlight the nature of its service. CPAS commenced a project to develop a dedicated web portal, which is expected to be launched in late 2016, for the on-going promotion of corruption prevention tips/products and other services for the private sector.</td>
</tr>
<tr>
<td>- ICAC would involve the private sector in anti-corruption efforts, including the adoption and implementation of appropriate corporate compliance frameworks, whistle-blowing mechanisms, and measures targeting small and medium-sized enterprises.</td>
</tr>
<tr>
<td>- Established under the auspices of ICAC in 1995, the Hong Kong Business Ethics Development Centre (HKBEDC) has been maintaining close partnership with the private sector to promote business and professional ethics as the first line of safeguard against corruption. An advisory committee, which comprises ten major chambers of commerce in Hong Kong, guides the Centre’s work and strengthens the Centre’s engagement with the private sector in fighting corruption. The Centre continues to co-organise seminars/workshops with different trade associations including those of small and medium-sized enterprises as well as with relevant professional organisations relating to banking, accounting, securities, construction works, real estate, testing and certification, etc. Representatives from the Centre also spoke at conferences on business and professional ethics.</td>
</tr>
<tr>
<td>- HKBEDC has established/maintained different networks with different trades and professions in the private sector (e.g. banks, commercial chambers and trade associations) to leverage their support for promotion of anti-corruption messages and corruption prevention services to their staff/member companies through workshops, sharing sessions and feature articles. The Centre also organises exchange sessions for senior executives of business chambers to share insights in ethical management and personal ethics with young ICAC Ambassadors. Since 2007/08, the “ICAC Ambassador Programme” has been organised to enhance ownership of tertiary students in integrity related issues. The Programme encourages tertiary students to organise their own activities to spread integrity-related messages to their fellow students. It received favourable response from both the students and the institutions concerned, and has been extended to all 20 local TEIs.</td>
</tr>
</tbody>
</table>
2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC

- ICAC shares knowledge and experience in anti-corruption and promotion of business and professional ethics with other countries through its website, online newsletters and e-alerts; feature articles in publications of chambers of commerce, professional bodies and trade associations; briefings for overseas visitors; and visits to other countries and participation in international conferences.
INDONESIA

A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

Indonesia is going to be reviewed of UNCAC Implementation Cycle 2 for year 1 (2016-2017). The scope of Review are Chapter II – Prevention and chapter V (Asset Recovery. The reviewer countries are Yaman and Ghana.

Art. 5: Preventive anti-corruption policies and practices

- The enactment of the presidential instruction no.10 / 2016 on Action Plan of Corruption prevention and eradication for 2016-2017. This presidential instruction ensure the implementation of UNCAC Provisions (Anti-Corruption National Action Plan). There are 31 action plan focusing on government priority sector i.e: government revenue, infrastructure, private sector, Trade, extractive industry, and also strengthening Political, bureaucratic dan law reformation.
- The President of Indonesia enacted Presidential Regulation No.87/2016 about Special Task Force on eradicating petty corruption, introduced by the name of SATGAS SABER PUNGLI. The duty of this task force is to eradicate practice of petty corruption effectively and efficiently by optimizing existing human resources and facilities in government institution or local government.
- KPK is promoting e-government to be implemented in 6 pilot province/region.
- KPK is promoting corruption prevention such as:
I, Woman against Corruption or Saya Perempuan Anti Korupsi (SPAK) is an anti-corruption movement among women in all over Indonesia. This movement is already spread in 34 provinces in Indonesia.

- Youth Camp, a program to promote anti-corruption in younger generation
- Integrity champion, a program to create integrity champions in government institutions or state-owned companies. They are expected to be agents of change in their own institutions
- Prevention program for teachers, lecturers, government institutions, private sectors, and society

Art. 7: Public Sector

In order to improve the public service, KPK launched an application-based monitoring system called JAGA (guard). In JAGA, the public is expected to participate in monitoring public services including budget and services. Initially, JAGA will monitor schools, hospitals, local medical care, and permit services.

Art. 8: Codes of Conduct for Public Officials

- KPK launched an electronic system for Public Official Wealth Reports, called E-LHKPN. Currently, there are 303,516 public officials in Indonesia who have an obligation to report their wealth.
- There are 1,425 reports on gratuity reports by public officials.

Art. 10: Public Reporting

Indonesia has a Public Participation Information System (LAPOR, its acronym in Bahasa Indonesia, means report). To enhance public participation, LAPOR is developed more comprehensively. Three government institutions, namely: President Staff Office, Ombudsman Republic Indonesia, and Ministry of Planning and Bureaucratic Reform, signed a Memorandum of Understanding on the Utilization of LAPOR as a National Complaint Management System.

Art. 12: Private Sector

Indonesia KPK will hold an International Conference on Integrity and Anti-corruption Movement in the Private Sector on November 16-17, 2016. This seminar is part of KPK's effort to build integrity in the business sector. Targeted sectors are industries: Food, Infrastructure, Mining and Gas, Forestry, Health. The program includes:

- Workshop/Multi-stakeholder Forum
- Anti-Corruption Commitment
- International Seminar on Building Integrity in the Private Sector
Art. 13: Participation of society
Anti-Corruption National Action Plan is involving civil society organization in the process of implementation monitoring. Every year, CSO in Indonesia organize a forum called Anti Corruption Forum, which objective is to evaluate government anti corruption policies and program. KPK and UGM, one of prominent university in Indonesia, also held a forum of 86 University called Anti Corruption Summit, to stimulate anti corruption movement in universities.

Art. 14: Measures to prevent money-laundering
- Under G20 High Level Principle on Beneficial Ownership, Indonesia lead by KPK is doing a review on Beneficial Ownership in Indonesia. The result of this study is expected to give recommendation on system or regulation reformation on Beneficial ownership.

2. Measures Being Planned to Implement UNCAC provisions
   Implementation of Indonesia Anti-Corruption Action Plan

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II
   - Corruption prevention in Private sector
   - Beneficial Ownership
   - Improving public participation in preventing corruption
   - Code of Conduct and integrity of public officials
### B. UNCAC Chapter III: Criminalization and Law Enforcement

**UNCAC Provisions:**

- Art. 15: Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
- Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
- Art. 18: Trading in influence
- Art. 19: Abuse of functions
- Art. 20: Illicit enrichment
- Art. 21: Bribery in the private sector
- Art. 22: Embezzlement of property in the private sector
- Art. 23: Laundering of proceeds of crime
- Art. 24: Concealment
- Art. 25: Obstruction of justice
- Art. 26: Liability of legal persons
- Art. 27: Participation and attempt
- Art. 28: Knowledge, intent and purpose as elements of an offence
- Art. 29: Statute of limitations
- Art. 30: Prosecution, adjudication and sanctions
- Art. 31: Freezing, seizure and confiscation
- Art. 32: Protection of witnesses, experts and victims
- Art. 33: Protection of reporting persons
- Art. 34: Consequences of acts of corruption
- Art. 35: Compensation for damage
- Art. 36: Specialized authorities
- Art. 37: Cooperation with law enforcement authorities
- Art. 38: Cooperation between national authorities
- Art. 39: Cooperation between national authorities and the private sector
- Art. 40: Bank secrecy
- Art. 41: Criminal record
- Art. 42: Jurisdiction

---

Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
### Measures Being Planned to Implement UNCAC Provisions

- Development of Integrated Corruption Case handling System between 3 law enforcement agency in Indonesia; KPK, Attorney General and Police Department
- Enactment of guideline on Handling Liability of Legal person

### Issues, Challenges and Constraints in the Implementation of UNCAC Provisions

- Lack of experiences within law enforcement authority in the investigation of money laundering, criminal corporate liability and asset recovery
- Gap between UNCAC Provisions and Indonesian Law

### Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III

- Corporate Criminal Liability procedures
- Anti Money Laundering and Criminal Asset Confiscation training for Law Enforcement Authority
- Asset Management
C. UNCAC Chapter IV: International Cooperation

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 43: International cooperation</td>
</tr>
<tr>
<td>Art. 44: Extradition</td>
</tr>
<tr>
<td>Art. 45: Transfer of sentenced persons</td>
</tr>
<tr>
<td>Art. 46: Mutual legal assistance</td>
</tr>
<tr>
<td>Art. 47: Transfer of criminal proceedings</td>
</tr>
<tr>
<td>Art. 48: Law enforcement cooperation</td>
</tr>
<tr>
<td>Art. 49: Joint investigations</td>
</tr>
<tr>
<td>Art. 50: Special investigative techniques</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

Art. 43: International cooperation

Indonesia, especially KPK, is actively participated in several meetings on anti-corruption:

- G-20 Anti Corruption Working Group (G-20 ACWG),
- APEC Anti-Corruption and Transparency Working Group (ACTWG)
- OECD Working Party of Senior Public Integrity Officials (SPIO)
- London Anti-Corruption Summit
- OECD Ministerial Meeting
- 7th Implementation Review Group (IRG) of the UNCAC, Vienna, June 2016
- 7th Working Group on Prevention dan 10th Working Group on Asset Recovery, Vienna, August 2016
- Regional Training for Focal Points & Government Experts on the Mechanism of Review of the UNCAC, Malaysia, October 2016. This training is held by UNODC and MACC for Asia Pasific countries who are reviewed or review UNCAC cycle2.
- Resumed 7th IRG dan 5th Intergovernmental Expert Meeting on International Cooperation, Vienna, November 2016

KPK and AIPJ will conduct a workshop for SEAPAC Member by the theme of: “The Power of Women, Inspiration for Change” in Makassar. This workshop is to share KPK experience in spreading women anti-corruption movement “I, Woman against Corruption” or Saya Perempuan Anti Korupsi (SPAK)

- 18 November 2015 - signed a treaty on mutual legal assistance in criminal matters with Viet Nam
1. 1 February 2016 - issued Government Regulation no. 2/2016 on Procedures for Transmission of Data and Information by Government Institution and/or Private Sector in the Prevention and Eradication of Money Laundering, which is an implementing regulation of the AML Law (Law no. 8/2010)

2. Measures Being Planned to Implement UNCAC provisions

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - Lack of experience of the investigator, prosecutor and judge in dealing with corruption case related with foreign jurisdiction
   - Differences in Legal system
   - More sophisticated modus operandi to conceal the proceeds of crime
   - Lack of resources (cost, manpower, expertise etc.) both quantitatively and qualitatively;

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
   - Multi-jurisdiction corruption and money laundering
   - Sharing knowledge and information related to Private sector transparency, Beneficial Ownership transparency, Foreign Bribery, Denial of Entry and preventing and combating corruption in high risk area
## D. UNCAC Chapter V: Asset Recovery

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 52: Prevention and detection of transfers of proceeds of crime</td>
</tr>
<tr>
<td>Art. 53: Measures for direct recovery of property</td>
</tr>
<tr>
<td>Art. 54: Mechanisms for recovery of property through international cooperation in confiscation</td>
</tr>
<tr>
<td>Art. 55: International cooperation for purposes of confiscation</td>
</tr>
<tr>
<td>Art. 56: Special cooperation</td>
</tr>
<tr>
<td>Art. 57: Return and disposal of assets</td>
</tr>
<tr>
<td>Art. 58: Financial intelligence unit</td>
</tr>
<tr>
<td>Art. 59: Bilateral and multilateral agreements and arrangements</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Indonesia will be evaluated by APG Mutual Evaluation Review (using FATF Recommendation) in 2017. The review process is coordinated by Indonesia FIU (PPATK)

2. Measures Being Planned to Implement UNCAC provisions
   - KPK will signed MoU with Nazaha, Kingdom of Saudi Arabia
   - Strengthening International Cooperation through International Forum
### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- The delayed of enactment of Indonesia Asset Forfeiture Law
- Secrecy in the global financial system

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

- International Asset forfeiture and asset recovery
- Technical assistance to repatriate proceed of crime especially in foreign jurisdiction
E. Additional Developments

1. Member's Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
KOREA, REPUBLIC OF

A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>
1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

Art. 5: Preventive anti-corruption policies and practices

- Since 2002, the Korean government has conducted the Integrity Assessment every year to measure the integrity levels of public sector organizations. The results of the assessment are mainly based on a survey of citizens and public officials who directly experienced corruption-prone services of the public organizations subject to the assessment. The Integrity Assessment has won the 1st prize in the category of Preventing and Combating Corruption in the Public Service at the 2012 United Nations Public Service Awards (UNPSA). In 2015, Integrity Assessment was conducted on 698 public institutions. Tailored Integrity Assessments were conducted on local councils, public medical institutions, and public universities. Reflecting the goal of “Improper Solicitation and Graft Act” which will be enforced this year, and the current status of corruption in Korea, the survey asks whether not only the respondent but also his/her spouse received gratuities, entertainment or convenience.

- Since 2002, the Korean government has carried out the Anti-Corruption Initiatives Assessment to measure the effectiveness of efforts made by public organizations to prevent corruption and increase transparency and integrity. The results of the Assessment are used to disseminate best practices and provide consulting service for the organizations which performed poorly in the assessment. In 2015, a total of 268 public organizations were subject to the Assessment, including local governments and national/public colleges. Also, twelve new organizations including public hospitals were included in target organizations of the Anti-Corruption Initiatives Assessment. In collaboration with the UNDP Policy Center Seoul, the ACRC provided Government Inspectorate of Vietnam with consulting on Anti-Corruption Initiatives Assessment. Vietnam plans to conduct Anti-Corruption Initiatives Assessment in late 2016.

Art. 8: Codes of conduct for public officials

- The ACRC recommended that all public institutions adopt enhanced regulations of public officials’ outside lectures. The regulation on the limit on honorarium for outside lectures should be strengthened. Public officials who provide outside lectures shall be prohibited from receiving additional fees for manuscript, apart from honorarium which exceeds the limits of the current regulations on the maximum amount of honorarium for public officials. Also, public officials who receive honorarium exceeding the limits of the maximum amount of honorarium for external lectures shall return the honorarium to the provider. According to this regulation, public officials who intend to provide outside lectures for more than three times or six hours in total per month should in advance get approval from the head of his/her organization after the Code of Conduct Officer examines the case.

- The ACRC enhanced disciplinary standards of restriction of receiving money or other valuables. According to this regulation, public officials who receive financial or other advantages of less than 1 million won from a duty-related person regardless of his/her current public duties shall be subject to disciplinary actions ranging from reduction of salary to dismissal. Also, public officials who request and receive financial or other advantages of more than 1 million won in relation to his/her performance of duty shall be subject to dismissal.
Those who receive financial or other advantages as well as those who provide such benefits shall be subject to disciplinary actions.

**Art. 9: Public procurement and management of public finances**
- Since 19 January 2015, Center for Reporting Public Subsidy Fraud was established as a comprehensive pan-governmental organization where all the fraudulent receipt of government subsidy in general can be received or handled. In 2015, the Center received 896 reports and provided 3,602 rounds of counseling service.
- The ACRC submitted the Bill on the Prevention of False Claims of Public Funds to the National Assembly on 24 June 2016. The Bill prohibits false and fraudulent claims of public funds in violation of the Bill which leads to financial damage. Also, falsely claimed benefits which incurred financial damage to public organizations shall be 100% redeemed, and punitive redemption of twice to five times the amount of false and habitual fraudulent claims shall be imposed.
- The Act on Subsidies and its Enforcement Decree were enforced on 29 April, 2016. False claimants who received an order of returning the subsidies received shall face penalties of up to 5 times the false claims depending on the severity of the violation. A list of false claimants shall be disclosed on the webpage of the relevant central organizations for one year.

**Art.12: Private sector**
- The Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission was revised. The Act strengthened restrictions of employment of public organization employees dismissed for corruption. Retired public officials who were sentenced to a fine of more than three million won for committing corruptions while serving in the public service shall be subject to restriction of employment, as in the case of public officials dismissed because of having committed corrupt acts. Also, public officials dismissed for corruptive acts shall be prohibited from employment in public organizations, organizations related to the act of corruption and the private enterprises, law firms, accounting firms and tax accounting firms in relation with the department of organization to which they belonged for the five years before their resignation.
- Stronger punishment against retired high ranking public officials for illegal acceptance of cases is promoted. An attorney-at-law who retired from a public office shall be prohibited for 2 years from accepting cases related to the organization he/she belonged to for the 2 years before retirement.
- The ACRC conducted corporate ethics training in order to strengthen capacity of ethics officers of private companies and to raise employees’ awareness of the importance of ethics management. The ACRC provided SMEs with poor environment of ethical management training with customized training, and businesses in corruption-prone areas such as education, defense, medicines and construction with cooperative ethical management training or workshops, or education programs to transfer integrity policy.

**Art. 13: Participation of society**
In 2016, “Korea Network on Anti-Corruption and Transparency”, a public-private network to fight corruption and to spread the culture of integrity in society as a whole, was expanded. The Network consists of 45 organizations of four groups (civic group, government agency, public service-related organization, and professional association).

In December 2015, Council of Integrity Ombudsmen of Public Organizations was launched in order to promote individual public agencies’ Integrity Ombudsman System, which aims to improve public sector transparency with participation from the private sector.

The ACRC provides financial support for anti-corruption campaigns led by civil society groups to promote voluntary and creative efforts for raising public awareness of transparency and integrity issues. In 2015, the ACRC provided 244 million won to 16 activities including projects to build a community of integrity, promote people’s rights and interests, and facilitate cooperation between public and private sector.

In 2015, the Anti-Corruption Training Institute under the ACRC provided training for 16,158 trainees including public officials. Online anti-corruption and integrity training course were provided to 96,776 public officials.

The Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission was revised. Before the revision, integrity training courses for public officials were provided at the discretion of heads of institutions. Now, all the public institutions are obliged to conduct the training for their employees and submit the results to the ACRC.

2. Measures Being Planned to Implement UNCAC provisions

Art. 5: Preventive anti-corruption policies and practices

- In 2016, the ACRC plans to conduct the Integrity Assessment for 733 public organizations.
- In 2016, the ACRC plans to conduct the Anti-Corruption Initiatives Assessment for 266 public organizations.

Art. 13: Participation of society

- In 2016, the Anti-Corruption Training Institute plans to provide training for 16,190 trainees, including integrity training to target organizations for 14,000 trainees, theme-based training for 2,070 trainees, and special training for 120 trainees, etc. Online integrity training will be provided to 124,630 public officials.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

B. UNCAC Chapter III: Criminalization and Law Enforcement
UNCAC Provisions:

Art. 15: Article 15. Bribery of national public officials
Art. 16: Bribery of foreign public officials and officials of public international organizations
Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
Art. 18: Trading in influence
Art. 19: Abuse of functions
Art. 20: Illicit enrichment
Art. 21: Bribery in the private sector
Art. 22: Embezzlement of property in the private sector
Art. 23: Laundering of proceeds of crime
Art. 24: Concealment
Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims
Art. 33: Protection of reporting persons
Art. 34: Consequences of acts of corruption
Art. 35: Compensation for damage
Art. 36: Specialized authorities
Art. 37: Cooperation with law enforcement authorities
Art. 38: Cooperation between national authorities
Art. 39: Cooperation between national authorities and the private sector
Art. 40: Bank secrecy
Art. 41: Criminal record
Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

Art. 15: Bribery of national public officials
The Improper Solicitation and Graft Act was enacted on 3 March 2015 and enforced on 28 September 2016. Under the Act, criminal punishment or fine for negligence shall be imposed if a public official receives financial advantages or entertainment regardless of whether such offer is given in exchange of any favors.

The Enforcement rules to the Decree on Punishment of Public Officials was revised. According the Enforcement rules, a public official shall face dismissal if he/she receives financial advantages or entertainment in excess of one million won related to official duty or asks for financial advantages even though the amount is less than one million won.

The Decree on Punishment of Public Officials was revised. Disciplinary charges shall be imposed on the receipt of not only financial advantages but also entertainment, favor, convenience, waiver of liabilities, job offering, and other benefits.

Art. 18: Trading in influence
- The Improper Solicitation and Graft Act was enacted on 3 March 2015 and enforced on 28 September 2016. Fine for negligence will be imposed if a person improperly solicits a public official, and a public official who illegally or unjustly conducts public duty according to the improper solicitation will face criminal punishment.

Art. 21: Bribery in the private sector
- The Criminal Act was revised. New provision of the Act stipulates that punishment is applied to cases where a third party receives financial benefits. Punishment shall be imposed on cases where a third party, not the public official in question, receives financial benefits in response to the improper solicitation.

Art. 33: Protection of reporting persons
- In 2015, the ACRC provided a total of 23 protective measures including protection of identity (20 cases) and physical protection (3 cases). Over the same period, it provided about 1,427 million won to whistle-blowers as compensation in 29 cases, which resulted in increases or recovery of government revenues.
- According to revised Enforcement Decree of the Act on Anti-Corruption and the Establishment and operation of the Anti-Corruption and Civil Rights Commission, more protection of whistle-blowers and measures to protect whistle-blowers identities such as the suspension of disadvantageous measures were introduced.
- In 2015, the ACRC handled 5,771 public interest reports such as health (1,931 cases), safety (595 cases), environment (1,151 cases), consumer interest (174 cases), fair competition (39 cases), and others (1,187 cases). In 2015, rewards of about 380 million won were provided to 511 cases that led to increases or recovery of public funds.
The Act on the Protection of Public Interest Whistle-blowers was revised. It was enforced on 25 January 2016. The revised Act introduced expanded scope of laws and exemption from responsibilities in regard to public interest whistleblowing; charges for compelling the compliance to those who fail to implement protective measures, a joint penal provision that strengthens legal persons’ responsibility of monitoring, and the reward system to promote whistleblowing.

**Art. 36: Specialized authorities**
- Korea is promoting establishment of an authority in charge of investigating corruption cases of high ranking public officials. The Act on establishment and operation of specialized authority of investigating high ranking public officials was proposed.

2. Measures Being Planned to Implement UNCAC provisions


4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III

**C. UNCAC Chapter IV: International Cooperation**

UNCAC Provisions:
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

2. Measures Being Planned to Implement UNCAC provisions
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

D. UNCAC Chapter V: Asset Recovery

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 52: Prevention and detection of transfers of proceeds of crime</td>
<td></td>
</tr>
<tr>
<td>Art. 53: Measures for direct recovery of property</td>
<td></td>
</tr>
<tr>
<td>Art. 54: Mechanisms for recovery of property through international cooperation in confiscation</td>
<td></td>
</tr>
<tr>
<td>Art. 55: International cooperation for purposes of confiscation</td>
<td></td>
</tr>
<tr>
<td>Art. 56: Special cooperation</td>
<td></td>
</tr>
<tr>
<td>Art. 57: Return and disposal of assets</td>
<td></td>
</tr>
<tr>
<td>Art. 58: Financial intelligence unit</td>
<td></td>
</tr>
<tr>
<td>Art. 59: Bilateral and multilateral agreements and arrangements</td>
<td></td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Art. 55: International cooperation for purposes of confiscation**
- Overseas crime proceeds flowing into Korea is successfully detected and recovered. The Ministry of Justice of Korea agreed with the Department of Justice of the US on confiscation and return of crime proceeds of the corrupt civilian employees of US military force is made.

2. Measures Being Planned to Implement UNCAC provisions

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)
The ACRC shared the results of the 20th Steering Group Meeting and the 13th Regional Seminar for Asia and the Pacific, which were held in Ulaanbaatar in November 2015, with relevant agencies and the general public as well as its staff by posting the mission report on the intranet and the governmental website for overseas mission reports (http://btis.mpm.go.kr).

2. **Member’s Report on measures taken to share knowledge and experience with other countries, including measures to help strengthen the capacity of developing countries to implement the UNCAC**
   - The ACRC organized an anti-corruption workshop for the Corruption Eradication Commission of Indonesia on 2-5 December 2015.
   - Korea-U.K had a meeting on anti-corruption joint project on 26 February 2016.
   - The ACRC organized the Training Course for International Anti-Corruption Practitioners in May 2016. Eleven participants from Asian, African and South American countries attended the training program.
Kyrgyz Republic

Best achievements in field of anti-corruption

"Action Plan of the state bodies on implementation of the State strategy of anti-corruption policy for 2015-2017 years" was approved within the framework of the National strategy on Anti-corruption policy.

The plan calls for a systematic approach to ensure the effective management of government, assessment of corruption risks, reduce the level of political corruption, consistency and certainty in the assessment and management of corruption risks, publicity, transparency and accountability of public bodies and their interaction with civil society.

Mentioned below strategic and concept papers were considered during the Plan development:

- The United Nations Convention against Corruption, was adopted on 10 December 2003 (in Merida). Kyrgyz Republic has joined this Convention by KR Law on 6 August 2005, № 128;
- The Report of the third round of monitoring of the Kyrgyz Republic, which was conducted by the Organization for Economic Cooperation and Development (OECD) on implementation of "The Istanbul Anti-corruption Action Plan";
- National Sustainable Development Strategy of the Kyrgyz Republic for 2013-2017 (on 21 January 2013, № 11);
- Presidential Decree "On measures to eliminate the causes of political and systemic corruption in government" (on 12 November 2013, № 215);

In the Corruption Perceptions Index, which is published annually by international organization Transparency International, the Kyrgyz Republic ranked 123 out of 167 countries, where gained 28 points. According to the last year's indicator, the Kyrgyz Republic took 136th place with 27 points, so Kyrgyzstan ranks among the top ten countries that improved their position during the last year.

In last four years we have moved to 41 points. We started with the 164th position in 2011. In 2012, we could gain 154th place; in 2013 - 150th place; and we were 136th in 2014. Taking into account last four years, Kyrgyzstan is among top five countries, who improved their indexes in the Corruption Perceptions Index.

Kyrgyzstan took 38th place in the ranking of the level of freedom, according to the annual report of the international organization FreedomHouse. It should be noted that Kyrgyz Republic is one of the most free countries among CIS countries, giving primacy only to Ukraine and Moldova.
On 1 March 2016, the new electronic registration system on crime reports was introduced at the prosecutor’s office with the creation of a single database of registered crimes in the prosecution bodies.

The new state (municipal) position “The Commissioner for the prevention of corruption” was introduced in organs of state authorities by the Presidential Decree on 9 September 2015 (№ 180). The position of the Commissioner for the prevention of corruption in State bodies and local self-government of the Kyrgyz Republic was approved by the Resolution of the Government of the Kyrgyz Republic from 16 September 2015 (№642), the main task of which is to coordinate the activities of State bodies and local self-government on implementation of State policy in the field of corruption prevention, development of proposals for the implementation of measures on prevention of corruption, monitoring and etc.

Amendments and additions were introduced to the Code of Administrative Responsibility up to Law №200 of 28 July 2015, which has been complemented by a new head 35-3, and which provides liability of legal persons in participation of the legalization (laundering) of crime proceeds or corruption crimes.

The new edition of the Law "On Public Procurement" was adopted on 3 April 2015, and all procuring entities and suppliers (contractors) moved to the official web portal of electronic public procurements of the Kyrgyz Republic.

Anti-Corruption Council of the Government of the Kyrgyz Republic was formed by the Government Order from 15 September 2015 (№454-п) in order to ensure an effective dialogue between government authorities and civil society on combating corruption.

The draft Criminal Code of the Kyrgyz Republic, which was adopted on 26 June 2015 during the first reading of the Session of the Jogorku Kenesh of the Kyrgyz Republic, covering corruption and other crimes against the interests of the state and municipal service.

One of the innovations in the draft Criminal Code was the introduction of the institute of liability of legal persons. (Chapter 20 of the draft Criminal Code provides the usage of coercive measures of criminal law against legal persons, if the act is committed on behalf of or by a legal entity, which was made by individual for the benefit of legal person, regardless of whether the individual was involved to the criminal responsibility. The use of such measures against legal person in the form of a fine, restriction of rights and the elimination of the legal person, as well as individual can be cited for criminal liability for the same act).

The first reading in Parliament of the draft Law of the Kyrgyz Republic "On Conflict of interests" and "On the protection of individuals reporting corruption offences" was held. Bills on the ratification of the Kyrgyz Republic two anti-corruption conventions of the Council of Europe are being prepared (the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption), the adoption of which will provide automatical membership for Kyrgyzstan in prestigious Group of States Against Corruption – GRECO.

The Prosecuting authorities of the Kyrgyz Republic instituted 702 criminal cases of corruption during the first nine months of 2016, while 905 criminal cases were instituted in 2015.
"Methodological Toolkit for Identification, Evaluation and Management of Corruption Risks was approved, on the basis of which the further guidance on carrying out a situation analysis of assessment methods of corruption risks. A training for staff of the government agencies on assessment methods and control of corruption risks was held.

The process of monitoring conducted by us (the collection and compilation of information) is backed up by a realistic measures of assessment (verification) of implemented anti-corruption measures.

In compliance with the Decree of the President of the Kyrgyz Republic "On measures to eliminate the causes of political and systemic corruption in government" dated 12 November 2013 № 215, step by step action plans were developed by expert groups in order to address the causes of corruption manifestations in government.

At the same time, it is necessary to list some positive trends in work in some public bodies:

- Commissions, councils and working groups on prevention of corruption were established;
- Administrative regulations on provision of public services to citizens were approved and put into practice;
- Acts on prevention of corruption and the implementation of anti-corruption policy of the government are being issued;
- Meetings, conferences, seminars on corruption combating and implementing anti-corruption policy are held;
- The analysis of work processes (procedures) on identification of corruption-zones and elimination of corruption risks is held;
- In accordance with the current legislation, appeals by citizens and organizations, containing information on corruption in public bodies or its subordinate units are considered;
- Staff rotations (mostly government agencies) are held;
- The interaction with the Public Council of government agencies is carried out.

In general, legal and institutional preconditions for unification of legal mechanisms to combat corruption and ensure their monitoring are being created.
MACAU, CHINA

A. UNCAC Chapter II: Preventive Measures

UNCAC Provisions:

- Art. 5: Preventive anti-corruption policies and practices
- Art. 6: Preventive anti-corruption body or bodies
- Art. 7: Public sector
- Art. 8: Codes of conduct for public officials
- Art. 9: Public procurement and management of public finances
- Art. 10: Public reporting
- Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- Art. 12: Private sector
- Art. 13: Participation of society
- Art. 14: Measures to prevent money-laundering

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

   - As it has been policy of the Commission against Corruption (henceforth CCAC) in the previous years, a series of sessions/seminars have been conducted included in the prevention strategy seeking to prevent corrupt acts and to safeguard a healthy social environment.
   - In this context, from November 2015 to August 2016 a total of 105 sessions/seminars were organized by the CCAC for nearly 4,400 civil servants in the public sector. The referred sessions/seminars were conducted on themes such as integrity, code of conduct for civil servants, professional ethics and public procurement.
   - Between November 2015 and August 2016, over 3,000 staff members and CEO’s from 20 private enterprises had attended the seminar to promote the law on Prevention and Suppression of Bribery in the Private Sector.
   - The CCAC had organized a series of seminars for over 230 members from 9 civil associations to enhance integrity awareness.
   - At the educational level a series of seminars and activities were organized by CCAC addressed to over 7,200 students from over 36 primary and secondary schools following the policy that aims to convey to students the importance of values such as honesty and integrity for the healthy development of the society.
   - Between November 2015 and August 2016 the CCAC also co-organized with 3 secondary schools the activity “Integrity Week” which includes a series of special events under the theme of “Integrity and Honesty”. Over 500 students had joined the activity.
To celebrate Children’s day and entrench positive values like honesty and integrity to primary students, the CCAC organized an event called “Celebrate Children’s Day with William, the Integrity Bear”. Over 1900 students from 11 schools had joined the activity. Besides inviting primary students to the branch office to join the activity, the CCAC has also sent staff to different schools to organize the activity in their premises.

A new edition of the teaching materials for secondary students was published in August 2016 and will be distributed to secondary schools for free. The new edition featured updated content with audio-visual teaching materials and interactive teaching aids to facilitate teachers in conducting integrity and moral education.

A video filming contest targeting secondary schools students has been launched on September 2015. Entitled “Promoting Honesty”, the contest welcomes short video clips created individually or by small groups of students. The contest received a total of 89 entries from 18 schools. The awarding ceremony was held in May 2016, when award-winners showcase their projects and shared their experiences in movie-making.

In November 2015, CCAC joined the “Macao Ricci Bazar” and set up a game booth to promote integrity awareness to students.

During this period the CCAC continued to disseminate the message of corruption prevention through TV commercials, radio advertisement, outdoors, bus advertisements, TV programs, special columns in newspapers and other type of publications. In this context a new series of TV advertisement encouraging the public to report corruption was produced in August 2016.

Still in 2015 Macau SAR Anti-Money Laundering Working Group, which has CCAC as a member, finished the “Macao Special Administrative Region Money Laundering and Terrorist Financing Risk Assessment Report.”

CCAC staff has attended “CAMS” (Certified Anti-Money Laundering Specialists) training held in Hong Kong in September 2015. This specific training is considered to be the gold standard in AML certifications and is recognized internationally by financial institutions in general, governments and regulators as being part of a serious commitment to protect the financial system against money laundering.

2. Measures Being Planned to Implement UNCAC provisions

- Taking into consideration the positive results which, over time, can be felt in the local community by raising awareness of the youngest for the subjects of integrity and honesty, the CCAC will continue to work in the prevention area in particular with that targeted audience.
- The CCAC will also continue to locally organize sets of sessions / seminars / workshops both with the public and the private sector with the aim to promote large set of principles such as professional integrity and professional ethics as well as disseminating the code of conduct for civil servants, and preventing acts of corruption in the public procurement area.
- The CCAC working Group for the review of UNCAC implementation has been working the past year finalizing the “UNCAC Compliance Macao S.A.R. Self-Assessment” and will continue to monitor the local legal framework in order to continuously identify gaps or needs to adjustments in it so it can fully comply with the UNCAC demands.
CCAC will continue to participate in all the activities of the “Macau SAR Anti Money Laundering Working Group”, which is supervised by the local FIU, including on the preparation and definition of the “Anti-Money Laundering / Countering the Financing of Terrorism / Combating the Financing of Proliferation of Weapons of Mass Destruction Strategic Plan”.

Macau SAR has plans to conduct in a short / medium period a feasibility study on the criminalization of tax crimes in Macao as predicate offence of Money Laundering.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- To date no changes were made that can positively impact on the timings of the local legislative process.
- To get a full commitment and involvement of the private sector in the global strategy of the CCAC to Macau with regard to the prevention of acts of corruption and promotion of a healthy social and economic environment continues to be a challenge once it depends on the private organizations policies and availability of resources.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

- CCAC staff – in particular members of the working group for the review of UNCAC - will continue to be active participants in the various training activities in this area, as well as to participate in seminars and workshops on matters which are directly or indirectly related to the UNCAC, including its implementation and verification of the conformity of the legislative framework of the MACAO SAR with the provisions of the Convention with the aim to constantly develop CCAC’s technical capacity in this area.

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

- Art. 15: Article 15. Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
- Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
- Art. 18: Trading in influence
- Art. 19: Abuse of functions
- Art. 20: Illicit enrichment
- Art. 21: Bribery in the private sector
- Art. 22: Embezzlement of property in the private sector
- Art. 23: Laundering of proceeds of crime
- Art. 24: Concealment
- Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims
Art. 33: Protection of reporting persons
Art. 34: Consequences of acts of corruption
Art. 35: Compensation for damage
Art. 36: Specialized authorities
Art. 37: Cooperation with law enforcement authorities
Art. 38: Cooperation between national authorities
Art. 39: Cooperation between national authorities and the private sector
Art. 40: Bank secrecy
Art. 41: Criminal record
Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - The Law n.6/2016 – Asset Freezing Legal Framework – was published in the Macau S.A.R. Government Official Gazette on 28 August 2016 and will come into force 180 days after its publication (middle of February 2017).
   - The CCAC continued to take actions to prevent and combat crimes of corruption and related fraud crimes within the activities of the public and the private sectors as previewed in its Organic Law.
   - The CCAC will continue to be part of the “Macau SAR Anti-Money Laundering Working Group” together with the others law enforcement entities under the supervision of the local FIU.
   - In order to provide better and always more updated skills to its staff in particular in the area of investigation, CCAC continues to send its staff to specific professional training. In this area the following courses/seminars/workshops were attended:
     - CCAC staff has attended a series of Computer Forensics Training in the period of 2015-2016.
     - CCAC staff has attended “CAMS” (Certified Anti-Money Laundering Specialists) training held in Hong Kong in September 2015. This specific training is considered to be the gold standard in AML certifications and is recognized internationally by financial institutions in general, governments and regulators as being part of a serious commitment to protect the financial system against money laundering.
CCAC staff participated in the “Workshop on Prevention and Fighting Money Laundering and Organized Crime: Assets Recovery” in Macao SAR organized by the local FIU and the Legal and Judicial Training Centre between 14 and 19 September 2015.

CCAC staff has attended the “EMC Forum” in Hong Kong in November 2015. It was a hands-on experience on learning how the EMC helps to redefine IT environment.

CCAC staff has attended ICAC (Independent Commission against Corruption) Chief Investigators Command Course which was held in Hong Kong in November 2015. This course aims to provide overseas participants to have a better understanding on Hong Kong laws and regulations, on ICAC’s investigations – case sharing – and to exchange experiences.

CCAC staff has attended the “Cellebrite Certified Training Course” held in Hong Kong in November 2015. The course was designed to be address for the intermediate and advance investigators / digital forensic examiners. It focuses on the use of Cellebrite’s UFED to perform file system extractions, physical extractions, password by passes and advance analysis of evidentiary items using the UFED Physical Analyzer software.

CCAC staff also attended the “VMWare vForum 2015” held in Hong Kong in December 2015. It is to be considered the largest and most influential virtualization, cloud computing and end-user computing conferences held across 19 cities in Asia Pacific region. It will get ready to immerse in technical and content rich sessions, labs covering the latest in virtualization, innovations in the data center for storage, networking, security, management, workforce mobility and hybrid cloud services.

The CCAC attended THE “Cisco Nexus 9000 Test Drive” held in Hong Kong in March 2016. This course focuses on development and operations of the Cisco Nexus 9000 Series Switches. With the participants learning how to configure and manage the Cisco Nexus 9000 Series Switches using the NX-OS CLI, Phyton scripts, bash shell, NX-API, and OpenFlow.

CCAC staff participated on the APG (Asia Pacific Group on Money Laundering) 2016 Assessor Training Workshop. This training was address to senior officials with legal, financial, regulatory or law enforcement / FIU responsibilities with significant practical experience in implementing AML/CFT requirements in their jurisdictions.

CCAC staff has attended the 4th Singapore Symposium on Casino Regulation and Crime 2016 which was held by the Singapore Casino regulatory Authority on 28 and 29 July 2016.

CCAC staff participated in the “Fraud and Public Corruption Investigation Course”, organized by the ILEA (International Law Enforcement Academy) in Bangkok from 12 to 18 July 2016. The course aimed to help participants to have better understanding of the concept of crime of public corruption, associated financial investigations and money laundering.

CCAC staff participated in the National Police University of China “CCAC’ Investigators Criminal Investigation Technology Course n. 2”, held in Shenyang from 6 to 13 September 2016.

CCAC staff attended the “Firearms and Close Protection Course” held in Hong Kong from August to September 2016. This course was provided by a security risk management company providing body guard training, protective services and intelligence.
2. Measures Being Planned to Implement UNCAC provisions
   - The legislative process of review of Law n. 2/2006 – Prevention and punishment of the crime of money laundering – is expected to be concluded before the end of 2016, under the supervision of the local FIU.
   - The establishment of a legislative framework for implementation of a cross-border cash declaration system is expected to be concluded before the end of 2016.
   - A feasibility study on criminalization of tax crimes in Macao – as a predicate offence of Money Laundering – is expected to be conducted on a short term.
   - In a medium-term it is being considered to establish a legal framework for the criminalization of tax offences.

   - There is a lack of expertise and knowledge amongst the instructors of international seminars and training courses in terms of being familiar with both the Macao SAR legal system and its practical problems.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
   - CCAC will continue to provide both domestic and international expert training to its staff in all the areas considered to be relevant to perform its duties.

C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
   Art. 43: International cooperation
   Art. 44: Extradition
   Art. 45: Transfer of sentenced persons
   Art. 46: Mutual legal assistance
   Art. 47: Transfer of criminal proceedings
   Art. 48: Law enforcement cooperation
   Art. 49: Joint investigations
   Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
21st Steering Group Meeting – Thimphu, Bhutan
8 November 2016

- The CCAC continued to cooperate with anti-corruption departments and the Department of Supervision from Hong Kong and China under the mutual case assistance mechanism.
- The CCAC continued to provide assistance and support for the evaluation work of the United Nations specialists regarding the fulfillment of obligations under the United Nations Convention against Corruption by the People’s Republic of China.
- The CCAC continued to promote and develop professional relations with several of his international counterparts and related entities.
- The CCAC has visited the Provincial People’s Procuratorate in Guangdong, China in February and August 2016, sharing experiences in investigations and in fighting corruption.
- The CCAC attended “The 9th Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA)”, held in Tianjing, China from 2016/05/10 to 2016/05/13. The Subject of this conference was: the Future of Anti-Corruption Authorities: Lessons Learned and Charting the Way Forward. Experts presented their approaches and experiences in the fields of criminal investigation, prosecution, prevention and international cooperation. The event provided a good opportunity to establish contacts, exchange information and experience on prevention issues, and further strengthen the CCAC’s international reputation.
- The CCAC participated in the “Fraud and Public Corruption Investigation Course”, organized by the ILEA (International Law Enforcement Academy) in Bangkok from 2016/07/12 to 2016/07/18. Participants had an opportunity to establish contacts, exchange information and experience with other Anti-Corruption Authorities on general criminal offences and money laundering matters.
- CCAC has attended the 4th Singapore Symposium in Singapore in July 2016. The Symposium brings together regulatory and enforcement agencies to share with one another, learn together and strengthen working relationships and personal friendships. This was especially useful for regulatory and enforcement agencies from Asia, where the casino industry and regulatory landscape are rapidly growing and evolving.

2. Measures Being Planned to Implement UNCAC provisions
- The CCAC plans to keep fulfilling the international standards in fighting corruption, namely those previewed under the United Nations Convention Against Corruption.
- CCAC will attend “The 10th China-ASEAN Prosecutors General Conference – International Cooperation on Fugitive Repatriation and Asset Recovery” to be held in Vientiane, Laos in November 2016.
- CCAC will attended “The 14th Shanghai Co-operation Organization Prosecutors General Conference” to be held in Sanya, Hainan in November 2016.
- CCAC has plans to keep updating its staff professional skills in this area namely through the participation on international seminars / workshops / events as well as keeping monitoring the local legal framework contributing to its adaptation to the international levels in the area of fighting corruption.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
   - International cooperation has been and it will continue to be a priority in the CCAC overall strategy. Being this, CCAC’s staff will continue to participate in the various international seminars and workshops with the aim to constantly increase its staff skills in the field of preventing and combating corruption.

D. UNCAC Chapter V: Asset Recovery

UNCAC Provisions:
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - The Law n.6/2016 – The Asset Freezing Legal Framework – was published in the Macau S.A.R. Government Official Gazette on 28 August 2016 and will come into force 180 days after its publication (middle of February 2017). This legal framework will allow Macau to better fulfill its obligations related with the United Nations Security Council Resolutions.
   - CCAC staff participated in the “Workshop on Prevention and Fighting Money Laundering and Organized Crime: Assets Recovery” in Macao SAR organized by the local FIU and the Legal and Judicial Training Centre between 14 and 19 September 2015.
   - The CCAC continued to attend UNCAC and IAACA (International Association of Anti-Corruption Authorities) events and asset recovery is one of the topics usually discussed on this forums.
   - The CCAC continues to cooperate with Macao FIU and other governmental departments, including law enforcement organizations, namely as a member of the Macao SAR AML/CFT Working group – Anti Money Laundering / Combating the Financing of Terrorism and asset recovery is one of the topics usually discussed on this forum.

2. Measures Being Planned to Implement UNCAC provisions
By continuing attending the UNCAC and IAACA (International Association of Anti-Corruption Authorities) events CCAC expects to develop its skills in terms of international cooperation when it comes to asset recovery matters.

CCAC will attend “The 10th China-ASEAN Prosecutors General Conference – International Cooperation on Fugitive Repatriation and Asset Recovery” to be held in Vientiane, Laos in November 2016.

CCAC will attend “The 14th Shanghai Co-operation Organization Prosecutors General Conference” to be held in Sanya, Hainan in November 2016.

The CCAC will continue to convene inter-departmental meetings within the Macau SAR Anti-Money Laundering Working Group – namely with the Macau FIU and other law enforcement organization.

The CCAC will continue to exchange relevant experiences with its counterpart’s institutions.

The CCAC will continue to actively participate in all UNCAC related international meetings / events.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

- Members of the interdepartmental working group for the review of UNCAC implementation will continue to attend to seminars and workshops directly or indirectly related with this subject that are promoted both by domestic and international institutions.

- The CCAC will continue to be an active member of the “Macau SAR Anti-Money Laundering Working Group” and to participate in all the seminars / workshops promoted on this framework, including those organized by the “Asia Pacific Group on Money Laundering” considered to be relevant on the asset recovery topic.

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative's knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC

- The CCAC has been an active participant in international seminars and workshops, specially within the Asian region, that are dedicated to increase general knowledge and staff skills in the field of preventing and combating corruption.
MALAYSIA

A. UNCAC Chapter II: Preventive Measures

UNCAC Provisions:
- Art. 5: Preventive anti-corruption policies and practices
- Art. 6: Preventive anti-corruption body or bodies
- Art. 7: Public sector
- Art. 8: Codes of conduct for public officials
- Art. 9: Public procurement and management of public finances
- Art. 10: Public reporting
- Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- Art. 12: Private sector
- Art. 13: Participation of society
- Art. 14: Measures to prevent money-laundering

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Malaysia’s implementation of Chapter II of UNCAC will be reviewed by Timor Leste and Swaziland during Year -1 of the Second Review Cycle (2016/2017)
   - Measures undertaken by Malaysia towards implementation of UNCAC Chapter II provisions since November 2015 include:-
     a. The Establishment of MACC-Anti-Corruption and Ethics (ACE) Centre:
        The preventative functions of the MACC provided for under Sec.7(c), (d), and (e) and its education functions under Sec. 7 (f) of the Act which are currently carried out by the MACC Community Education and MACC Inspection and Consultation Divisions have been amalgamated under the newly established MACC Anti-Corruption & Ethics Centre (or MACC-ACE) to spearhead MACC corruption prevention and educational efforts mainly to the private sector industries. MACC-ACE will serve as a platform and “one-stop” resource centre for these industries to exchange and share information, made accessible from its MACC ACE portal, on domestic and international anti-corruption best practices, governance and ethics for specific industries.
     b. Incorporation of elements of corruption prevention in primary and secondary school textbooks
The initiative is a long-term effort to instil values of integrity and corruption prevention among school students. It follows the government's realisation that efforts in providing education in corruption prevention will be more effective if corruption prevention elements are included in the education system.

The first batch of textbooks containing elements of corruption prevention is in the 2016 academic year, for standard 6. These textbooks are:
1. Islamic Education
2. Moral Education in Malay language
3. Moral Education in Tamil language
4. Moral Education in Chinese language

The elements, in the form of moral values and introduction to anti-corruption, aim to instil the feeling of detesting all forms of corruption.

c. Usage of ICT tools or technologies for the purposes of undertaking public information activities in the various forms described below:-

a. MACC FM - MACC.fm - My Anti-Corruption Channel
MACC Radio Streaming known as MACC.fm was launched on 9 December 2015 in conjunction with International Anti-Corruption Day. The objective of the radio broadcast is to strengthen anti-corruption efforts in enhance delivery of anti-corruption messages to the public through electronic medium continuously via advertisements, interviews, public discourse, songs, internal publications and others.

b. MACC Portal
The Official Portal of the MACC, accessible via http://www.sprm.gov.my, is the main communication medium for MACC in providing information to the media and the public. The portal displays the latest news, media statements, arrest statistics, the corruption offenders' 'Name and Shame' database for public view. A total of 11.09 million visitors have accessed to the portal as of 31 December 2014. The portal also provides an area for the public to forward any information on corruption offences. The public can lodge an official report in the Complaints Management Portal at <http://www.sprm.gov.my/cms.html>. Internal communication is carried out via e-mail in the dissemination of important and current information to MACC staff.

c. Official blog www.ourdifferentview.com
The official MACC blog was developed on 19 May 2010 and serves as a medium for the MACC to update on current issues to the community. A total of 176 articles have been uploaded to the blog and has recorded 326,412 visits.

d. The MACC Facebook page
The Facebook account is used due to its popularity among the youth group. The Facebook page highlights the latest and updated news on activities and anti-corruption efforts by the MACC that can be accessed at http://www.facebook.com/pages/SPRM/247689136935. As of 31 December, the MACC Facebook has a total of 150,232 friends.

e. MACC Twitter
The Twitter account, SPRM Malaysia, can be accessed at http://twitter.com/SPRMMalaysia. Similar to the Facebook, this platform is used to deliver the latest information on activities and programs of the MACC. To date, it has recorded 13,602 tweets with 23,824 followers.

f. MACC Flickr
This photo gallery page was initiated on 19 May 2010 that contains pictures of activities and programmes of the MACC nationwide. MACC Flickr can be accessed at http://www.flickr.com/photos/ourdifferentview/. There are 18,072 pictures uploaded with about 1.93 million views.

g. MACC YouTube
This social channel was created on 19 May 2010, comprising video clips of MACC activities, excerpts of speech related to corruption and anti-corruption ads. These materials can be viewed at http://www.youtube.com/odvmacc. A total of 458 videos were uploaded, with 370 registered members (subscribers) and viewed more than 173,021 times.

h. E-newsletter
The e-newsletter ‘MACCToday’ was published in English to spread information on anti-corruption to the local and international community.

i. WhatsApp chat
This up-to-date application is utilised by the MACC for prompt communication with interested parties of the MACC. This application also acts as a main communication medium with the media group.

2. Measures Being Planned to Implement UNCAC provisions
   NIL

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   The Malaysian AML/CFT measures have been reviewed by FATF in 2015. Some of the key findings of the FATF Mutual Evaluation Report (2015) are as follows:
Malaysia’s robust policy framework for AML/CFT reflects strong political commitment and well-functioning coordination structures for AML/CFT and combating proliferation financing. Significant resources have been allocated to achieve the policy objectives.

Malaysia has largely up-to-date AML/CFT statutory instruments, generally well-developed policies, institutional arrangements, and implementation mechanisms. These elements provide the building blocks for overall good levels of compliance with the FATF Recommendations and a number of real strengths with effectiveness in AML/CFT measures.

Malaysia’s understanding of risk is sound, although improvements are needed in the assessment of TF risk to include more details for the private sector, and to deepen the assessment of ML risks from foreign sourced threats. Malaysia’s well-structured inter-agency cooperation framework has supported the assessment of ML/TF risk through two iterations of a NRA and other assessments, which have involve the private sector to some extent. Malaysia has integrated the outcomes of risk assessments into its policies and priorities and has reached out to reporting institutions with findings on risk, although the processes for disseminating risk findings should continue to be strengthened.

Malaysia develops and disseminates good quality financial intelligence to a range of LEAs. The well-resourced FIU produces high-quality intelligence; however, the take-up of their products by LEAs is mixed, but improving. Improvements are needed to ensure financial intelligence is used to target investigations for at least all of the high-risk crime types. Financial intelligence has added to TF and CT investigations, CT preventive measures, and the assessment of ML/TF risk.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

Art. 15: Bribery of national public officials
Art. 16: Bribery of foreign public officials and officials of public international organizations
Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
Art. 18: Trading in influence
Art. 19: Abuse of functions
Art. 20: Illicit enrichment
Art. 21: Bribery in the private sector
Art. 22: Embezzlement of property in the private sector
Art. 23: Laundering of proceeds of crime
Art. 24: Concealment
Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims
Art. 33: Protection of reporting persons
Art. 34: Consequences of acts of corruption
Art. 35: Compensation for damage
Art. 36: Specialized authorities
Art. 37: Cooperation with law enforcement authorities
Art. 38: Cooperation between national authorities
Art. 39: Cooperation between national authorities and the private sector
Art. 40: Bank secrecy
Art. 41: Criminal record
Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   NIL

2. Measures Being Planned to Implement UNCAC provisions
   Malaysia is still in the process of making amendments in the Malaysian Anti-Corruption Commission Act 2009 towards full implementation of the articles concerned as recommended by UNCAC Reviewing Experts on Malaysia’s implementation of Chapter III:
   • **Article 18- Trading in influence & Article 19 – Abuse of functions**: The MACC has proposed to criminalize the offence of “Misconduct in Public Office” to strengthen its MACC Act 2009 provisions;
   • **Article 20-Illicit enrichment**: The MACC Legal Advisor has been tasked to review the provisions of illicit enrichment under Section 36 of MACCA 2009; and
   • **Article 26-Liability of Legal Persons**: The MACC, in response to the assessment of the Reviewing Experts on Chapter III, has proposed “Corporate Liability” clause into the MACC Act 2009 akin to those of the UK Bribery Act 2010 and the FCPA provisions.

Amendments to legislation is subject to the Federal Constitution where a two-thirds absolute majority is required, this means that the relevant Constitutional amendment bill must be passed in each House of Parliament "by the votes of not less than two-thirds of the total number of members of" that House (Art. 159(3)).

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
   NIL

C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
   Art. 43: International cooperation
   Art. 44: Extradition
   Art. 45: Transfer of sentenced persons
   Art. 46: Mutual legal assistance
   Art. 47: Transfer of criminal proceedings
   Art. 48: Law enforcement cooperation
   Art. 49: Joint investigations
   Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   Malaysia, under the Malaysian Anti-Corruption Commission, is committed to enhance its MLA efforts by signing new MOUs with the following States Parties: (listed below from November 2015-June 2016)
   a) Anti-Corruption Commission of Bhutan
   b) Commission Anti-Corruption of Timor Leste
   c) Anti-Corruption Commission of Maldives
   d) Anti-Corruption Directorate with the Prosecutor General of Azerbaijan

   This has added the total number of MOUs on anti-corruption training and information exchange from 11 to 15 States Parties till June 2016.
   In the area of regional cooperation among the South-East Asian Region, such cooperation is being further enhanced by making the anti-corruption/law enforcement agencies under the South-East Asia Parties against Corruption (SEA-PAC) arrangements to be an entity associated with the ASEAN Charter and the same has been submitted through the ASEAN Secretariat on 1st October 2015.

2. Measures Being Planned to Implement UNCAC provisions
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
NIL

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
NIL

D. UNCAC Chapter V: Asset Recovery

UNCAC Provisions:
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
Malaysia’s implementation of Chapter V of UNCAC will be reviewed by Timor Leste and Swaziland during Year -1 of the Second Review Cycle (2016/2017)

2. Measures Being Planned to Implement UNCAC provisions
(To be considered in due process after the Review)

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
NIL

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
NIL
## E. Additional Developments

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts) NIL</td>
</tr>
<tr>
<td>2.</td>
<td>Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC Capacity Building Malaysia, through its Malaysia Anti-Corruption Academy (MACA) will be carrying out a Regional Training for Focal Point/Governmental Experts-2nd Review Cycle, 10-14 October 2016.</td>
</tr>
</tbody>
</table>
MONGOLIA

A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

   **Art. 5: Preventive anti-corruption policies and practices**

   Since the withdrawal of the “National Program to Combat Corruption and Strengthening Accountability and Justice” from discussion by the State Great Hural in 2015, the draft of the document was re-submitted to the Parliament. The Parliament adopted the “National Program to Combat Corruption and Strengthening Accountability and Justice” on 3 of November, 2016. In Article 2 of the National Program references international survey results such as Corruption Perception Survey and Global Corruption Barometer released by Transparency International as well as domestic surveys results such as Mongolian Corruption Index, Corruption Risk Assessment and Research on Corruption and Malfeasance Offences. Furthermore, the National Program mentions 46 recommendations stated in the review report of implementation of Chapter III and IV of UNCAC. Inclusion of aforementioned information as part of the National Program certifies the awareness and consideration of the Working Group and international experts during the drafting of the document. The document provides that the Head of the Standing Committee on Legal Affairs, Prime Minister and the Director General of IAAC obliged to submit for adoption the annual action plan of the National Program. In addition, the document contains amendments to the Anti-Corruption Law of 2014. The Article 21.1 stipulates that “the Great State Hural shall adopt the Anti-Corruption National Program and its action plan shall be adopted by a period according to the time period stipulated in the National Program”. Furthermore, the National Program states that “according to law, the public organizations and officials are obliged to implement the National Program and report the results to the relevant body”.

Page 102 of 169
The Article 5 of the National Program, specifies the implementation period, the phases and targeted outcome. According to this, the National Program shall be implemented for a period of 6 years in 2 phases. The document provides the detailed outcome of each phase. Furthermore, the Article 6 of the National Program provides the following 3 sources of funding:

- State and local municipal budget;
- Loan, trust fund and project fund to be provided by the donors and international organizations;
- other sources.

The Paragraph 7.1 of the Article 7 of the National Program provides that the President of Mongolia, the State Great Hural and the Government shall ensure the implementation of the Program and the courts, prosecutor’s office, the anti-corruption agency, government and non-government organizations, the media and the private sector shall implement the functions provided by the Program. In addition, the document stipulates that the President of Mongolia shall provide with the general management for those who is in charge of the organization of the implementation of the National Program. The Secretariat of the National Security Council shall implement the function of National Program Secretariat. According to this document the Government shall provide with the general management and coordination of the implementation of the National Program for those ministries, agencies, local administrations and local self-governing bodies.

IAAC adopted sectorial anti-corruption action plans on such sectors as health, education, construction and mining with the relevant government ministries.

Art. 10: Public reporting

The screening of draft laws and regulations to be adopted by the Parliament is regulated by a newly enacted Law on Legislations. According to Article 17 of Law on Legislations, the effectiveness of the drafts of the laws and regulations shall be assessed by methodology adopted by the government and if necessary, the relevant laws and regulations and its articles and sections shall be re-drafted. Article 19 of the Law states that the Central Administration Body in charge of legal affairs and the Secretariat of the State Great Hural shall provide conclusion respectively on whether the draft laws and regulations prepared by the Government and legislatures meet the requirements set by this law. The Government adopted “Methodology on Assessing Effectiveness of Draft Laws and Regulations” by its 59th Resolution of 2016. Section 4.10 of the Methodology provides the questions of the assessment to be based on. Of which, question 4.10.15 asks that “whether the draft contains articles that would create corruption or bureaucracy”. The General Administrative Law states that the effectiveness of draft administrative normative acts shall be assessed by the methodology to be adopted by member of the Cabinet in charge of legal affairs. Consequently, “the Methodology for Conducting Analysis on Effectiveness of Administrative Normative Act” was adopted by A/222th Resolution of the Minister for Justice on 1 July 2016. The Section 2.1 of the Analysis on Effectiveness provides the questions to be asked when conducting the assessment. Of which, the question 2.1.4 inquires that “whether the draft contains the regulations which may limit human rights, freedom and competitions, hinder economic, social and other activities
The General Administration Law was adopted on 19 June 2015 and enacted on 1 July 2016. The purpose of this law is to form the basic legal regulations for communication activities conducted by the administrative bodies, which implements power of an executive branch in the scope of public law with citizen and legal person in a way of issuing administrative act, administrative normative act or administrative contract. Furthermore, the Administrative Procedure Act was adopted on 4 February 2016 and enacted 1 July 2016. The purpose of this law is to regulate relations related to ensuring the protection against violation or potential violation of lawful interest of natural and legal person due to illegal activities of administrative organizations and resolving administrative case in the court according to the petition issued by competent person with right to represent public interest and administrative organization if stated in the law.

The General Administrative Law was enacted on 1 July 2016. The Chapter 9 of the Law provides the detailed regulation regarding the complaint issuance procedure. The Article 93 of the Law stipulates that the natural and legal person shall submit the complaint to the administration superior to the organization issued the administrative act or administrative organization in charge of resolving the complaint and if such organization does not exist, the complaint shall be submitted to the organization which issued the act. The Article 94 of the Law provides time periods for issuance and resolution of the complaint. According to this article, the complaint shall be submitted to the organization in charge of resolution within 30 days since the issuance of the administrative act was informed to the natural or legal person. If the statute of limitation is expired due to justifiable reason, the complaint can be recovered within 3 months since its expiry. The complaint shall be received as stated in the Law on Resolution of Complaint and Application Issued by Citizens to State Organizations and Officials and shall be resolved and responded within 30 days if not stated otherwise in the law. If necessary, the executive official of the administrative organization may extend the period for up to 30 days. The complaint issuer shall be informed on the extension of the complaint resolution period. The Article 96 of the Law states that the administrative organization in charge of resolution of the complaint shall suspend the enforcement of the administrative act in cases other than provided in the law by a request of the participant of administrative activity or natural and legal person whose lawful interest is affected. The suspended act shall be valid until the resolution of the complaint. The Article 99 of the Law specifies that the administrative organization which resolved the complaint shall inform and document the complaint issuer within 5 days since the issuance of the resolution in written. The Article 14 of Administrative Procedure Code provides that the administrative court shall resolve the petition if the administrative organization failed to accept or comply the decision of the organization which resolved the complaint or if the administrative organization failed to resolve the complaint within 30 days.

Art. 9: Public procurement and management of public finances

The Public Procurement Law does not cover procurement contracts financed by the Development Bank of Mongolia and in the road sector. Exclusions from the scope of this Law increased by two provisions by amendment of 5 Feb 2016: procurement related to organization of elections and procurement related to activities conducted by Future Inheritance Fund and Future Inheritance Fund Corporation. Those exclusions severely increases the corruption risk in those areas.

The splitting of works, goods and services should be avoided by law as much as possible. However, Article 8.6 of the Public Procurement Law provides that the purchaser may split the tender in to multiple packages for the purpose of promoting competition depending on purpose, assortment and geographical location as well as the same type and similarity. There is no activity or revision regarding this provision since the last meeting.
Provisions regulating the domestic preference in public procurement remain the same since the last meeting. Article 10.1.2 regulates the advantages to be offered to persons participating in the tender. It says that Citizen and legal person of Mongolia as well as foreign invested legal entities, the share not below the 50 per cent of which belongs to citizens of Mongolia and which is registered in Mongolia shall have advantage during the evaluation of tender materials. Also Article 9 of the Law strictly provides that foreign persons shall only be given permission to participate in the following tenders: works budgeted above MNT 10,000,000,001 as well as goods and services budgeted above MNT 100,000,001. The tenders which fall short of requirements regarding the cost estimates other than mentioned above are closed for foreign tenderers. Furthermore, Article 10\(^1\) states that if the goods to be supplied by the domestic manufacturer are of the same standard and quality, the foreign tenderers are prohibited from contract award. It also regulates that the Government of Mongolia shall adopt the list of goods to be purchased from domestic manufacturer. However, Article 9 is exempt from this list.

As regards strengthening the criteria for professionalism of evaluation committee members, no significant steps were made since the last meeting. Both the Public Procurement Law and Procedure on Organization, operation and formation of the evaluation committee adopted by the Minister for Finance provides that the staff of the Evaluation Committee shall be have professional qualification in the field of procurement. The Law further extents the requirement on qualification and says in its Article 47.3.1 that the member of the evaluation committee shall have professional qualification in field of procurement or of that goods, works and services. The remaining requirements relate to conflict of interest and duties of public official.

According to the Article 57 of the Procurement Law, the official who violated this law shall be subject to sanctions specified in Civil Service Law if the misconduct has no criminal nature. The natural and legal person who violated this law shall be subject to Criminal Code and Law on Infringement. This article is amended on 4 December 2015 due to adoption of new Criminal Code and Law on Infringement. A slight change in the Article 57 of the Procurement Law have been introduced on 5 July 2015 which states that the budget governor who failed to comply Article 10\(^1\) (purchase from the domestic manufacturer) shall be imposed by a fine equal to15 amounts of monthly minimum salary.

**Art. 12: Private sector**

Article 4.6 of the National Program provides activities which support reduction of corruption risk and ensuring fair competition in the private sector. On 23 December 2015, IAAC and MNCCI jointly organized discussions on two separate topics: Corruption in Construction Sector and Corruption in Industrial, Commercial and Service Sector. As a result of the discussions, the participants have agreed to join the efforts for the following directions in order to reduce the corruption risk and eradicate cause of the corruption:

- Strengthen the governance system within the respective sectors and increase the role of NGOs and CSOs in decision making level;
- Reform the legal framework;
- Increase the role and participation of NGOs and CSOs in elaboration of sectoral laws and regulations.
Furthermore the participants proposed to elaborate action plan aimed at reforming legal framework of construction sector and facilitate the participation of NGOs, CSOs and research institutions. In addition, the participants proposed to disseminate news releases and interviews on the pressing issues present in the sector.

IAAC commissioned the following special editions of business journals: “VIP expert” and “Business and Development”. Business and Development is published quarterly by MNCCI and is targeted to private companies which have its membership. “VIP expert” is issued by a private media company and its subscribers are not limited to any particular group. The special editions of “Business and Development” and “VIP expert” was issued on January 2016 and December 2015 respectively. The entire edition of “VIP expert” was dedicated to the grand corruption and was disseminated to central and local government organizations as well as state or municipal owned enterprises.

The joint work plan was signed on 10 May 2016 by Mongolian National Chamber of Commerce and Industry, Mongolian Employers Federation, Ulaanbaatar Chamber of Commerce, Independent Authority Against Corruption, the Asia Foundation in order to cooperate within “Strengthening Democratic Participation and Transparency in Public Sector in Mongolia” Project for a period between 2016-2018. The following three main areas of cooperation included in the work plan:

1. To promote transparent, accountability, fair and ethical business principles and practices;
2. Monitoring of public organizations’ activities related to business activities;
3. To mobilize private sectors in the areas related to ethics and corruption prevention and to increase knowledge and awareness of businesses and their workers and employers.

According to the program, the parties will jointly conduct business meetings, discussions and trainings, develop proposal on establishing sound ethical practices in business entities, translate Corporate Social responsibilities ISO 26000 and organize training in order to impart the standards among business entities, conduct bureaucracy index survey and study possibilities to elaborate the content of the Corporate Governance Training Program etc.

IAAC introduced annual anti-corruption action plan in all state and municipally owned enterprises. At the end of each calendar year the action plans are evaluated by methodology designed for assessing such action plans. The evaluation is conducted by independent experts commissioned by IAAC.

Mongolian National Chamber of Commerce and Industry (MNCCI) conducts a training on foreign trade management for people with various types of professional background. The training continuous for a period of one year which is two semesters and awards certificate of foreign trade manager to successful trainees. In response to the request from IAAC, MNCCI introduced such topics as prevention from corruption and conflict of interests and code of conduct of the business entity in its curriculum starting from the class of 2015-2016.

Furthermore, IAAC is successfully negotiating with MNCCI and Mongolian Employers’ Federation in order to include topic on corruption and conflict of interests in the curriculum of the joint training on corporate governance organised by the aforementioned NGOs. The training is designed for members of the Board, executive managers, competent officials and other entrepreneurs.
### Art. 13: Participation of society

The youth campaign “Together for Fair Society” is organized by IAAC once every year. The campaign is organized according to the specific action plan and the developers of the plan consider the results of the previous year. The campaign’s plan is included in annual plan of IAAC. The purpose of the campaign is to explain the negative impact of corruption in society and teach the lessons and tools to prevent from such ill practices for youth aged between 16 to 25. The expected outcome of the campaign is to improve the understanding and strengthening the zero tolerance to corruption mind-set and anti-corruption behaviour of the youth.

IAAC covers in its training plan the public organizations with lower ratings according to the Integrity Assessment and the Mongolian Corruption Index and which is in category of high corruption risk. The content of the training is regularly updated and calibrated to the peculiarity of the activity conducted by the public organization.

Based on the findings of surveys conducted by IAAC and international organizations, IAAC identified health sector and organized campaign named “Expressing the Gratitude Correctly”. During the campaign period, the organizers conducted step by step measures to strengthen the transparency, provided technical assistance and organized training and workshop.

For the purpose of impart the knowledge on rule of law, IAAC published and disseminated handbook titled “Adventures of a Little Rabbit” to students of secondary schools. The handbook is accompanied by a board game with anti-corruption content.

IAAC elaborated and implemented specific program aimed at implementing anti-corruption measures and prevention activities in the Customs Service.

IAAC, after each anti-corruption training, conducts survey among participants in order to study and improve the effectiveness of the session. The results of the survey is presented to the executive manager on a regular basis.

As part of the Project on “Strengthening Anti-Corruption Agencies in Asia and the Pacific of Transparency International, the Independent Research Institute NGO conducted review on legal framework and activities of IAAC. The review is conducted according to the methodology adopted by Transparency International. The main purpose of the review was to make comparison of legal framework, independence, human and financial resource and capacity of IAAC with other seven anti-corruption agencies of the region based on the similar indicators and identify challenges as well as providing recommendations. The findings of the review are delivered and IAAC is working on the implementation of the recommendations.

The IAAC, the organizers are open to any cooperation from third party if the interests of third party is aligned with the goals set by the campaign. With support from UNDP Project on “Ensuring Transparency with Citizens’ Participation”, 16 short animation movies on anti-corruption legislations as well as handbook on anti-corruption monitoring for CSOs.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Measures Being Planned to Implement UNCAC provisions</td>
<td></td>
</tr>
<tr>
<td>3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions</td>
<td></td>
</tr>
<tr>
<td>4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II</td>
<td></td>
</tr>
</tbody>
</table>
### B. UNCAC Chapter III: Criminalization and Law Enforcement

**UNCAC Provisions:**

- Art. 15: Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
- Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
- Art. 18: Trading in influence
- Art. 19: Abuse of functions
- Art. 20: Illicit enrichment
- Art. 21: Bribery in the private sector
- Art. 22: Embezzlement of property in the private sector
- Art. 23: Laundering of proceeds of crime
- Art. 24: Concealment
- Art. 25: Obstruction of justice
- Art. 26: Liability of legal persons
- Art. 27: Participation and attempt
- Art. 28: Knowledge, intent and purpose as elements of an offence
- Art. 29: Statute of limitations
- Art. 30: Prosecution, adjudication and sanctions
- Art. 31: Freezing, seizure and confiscation
- Art. 32: Protection of witnesses, experts and victims
- Art. 33: Protection of reporting persons
- Art. 34: Consequences of acts of corruption
- Art. 35: Compensation for damage
- Art. 36: Specialized authorities
- Art. 37: Cooperation with law enforcement authorities
- Art. 38: Cooperation between national authorities
- Art. 39: Cooperation between national authorities and the private sector
- Art. 40: Bank secrecy
- Art. 41: Criminal record
- Art. 42: Jurisdiction

---

**Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015**
2. Measures Being Planned to Implement UNCAC provisions

*The Government of Mongolia has* submitted its request to the Parliament to suspend the enforcement of the new Criminal Code and Law on Infringement until 1 July of 2017 based on the justification that the preparation of enforcement of those acts is not fully accomplished. The Parliament passed the government request and suspended the enforcement until the said period. There is no new development within the framework of the current legislations on Chapter III questions since the last meeting.


4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
C. UNCAC Chapter IV: International Cooperation

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 43: International cooperation</td>
</tr>
<tr>
<td>Art. 44: Extradition</td>
</tr>
<tr>
<td>Art. 45: Transfer of sentenced persons</td>
</tr>
<tr>
<td>Art. 46: Mutual legal assistance</td>
</tr>
<tr>
<td>Art. 47: Transfer of criminal proceedings</td>
</tr>
<tr>
<td>Art. 48: Law enforcement cooperation</td>
</tr>
<tr>
<td>Art. 49: Joint investigations</td>
</tr>
<tr>
<td>Art. 50: Special investigative techniques</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

No new agreements were concluded between Mongolia and the foreign jurisdictions on criminal matters since the last meeting except the agreement with Hong Kong on transfer of convicted persons. The Ministry of Justice draft agreements on the criminal matter with the foreign jurisdiction is pending to be signed. In 2015, Independent Authority Against Corruption (IAAC) with support from UNDP published “Handbook on Mutual Legal Assistance on Criminal Case”. This handbook is the product of the cooperation between StAR Initiative and IAAC. The content of the handbook consists of legal and practical (in particular drafting the MLA request) aspects of the MLA on criminal matters. No MLA request have been received from or sent to the foreign jurisdiction since the last meeting.

2. Measures Being Planned to Implement UNCAC provisions

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
### D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

| 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015 |
| 2. Measures Being Planned to Implement UNCAC provisions |
| The Independent Authority Against Corruption (IAAC) of Mongolia is renewing its cooperation with StAR Initiative starting from November 2016. Within the frame of this cooperation, the two parties agreed to work on the development of investigation manual on corruption crime to be used by investigators and other law enforcement officials as well as shaping and conducting technical assistance for improving the inspection capacity of IAAC regarding the asset and income declaration of public officials. |
| 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions |
| 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V |
E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
## NEPAL

### A. UNCAC Chapter II: Preventive Measures

**UNCAC Provisions:**
- Art. 5: Preventive anti-corruption policies and practices
- Art. 6: Preventive anti-corruption body or bodies
- Art. 7: Public sector
- Art. 8: Codes of conduct for public officials
- Art. 9: Public procurement and management of public finances
- Art. 10: Public reporting
- Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- Art. 12: Private sector
- Art. 13: Participation of society
- Art. 14: Measures to prevent money-laundering

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
- Codes of conducts have been revised and made mandatory for CIAA officials
- Interaction programs with stakeholders have been conducted
- Community education programs at schools and colleges conducted
- Toll free number and CIAA App have been introduced for increasing accessibility of people
- Regular dissemination of information through webpage, facebook page, twitter, blogging and newspaper articles
- Revision of public procurement act and regulations
- Public service commission curriculum revised incorporating topics on ethics and morality

#### 2. Measures Being Planned to Implement UNCAC provisions
- Revision and amendments in CIAA Act and Regulations
- Revision and amendments in Corruption Prevention Act
- Intensifying various preventive and promotional measures more comprehensively

#### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

Changing societal perspectives on corruption prevention

B. UNCAC Chapter III: Criminalization and Law Enforcement

<table>
<thead>
<tr>
<th>UNCAC Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 15: Article 15. Bribery of national public officials</td>
</tr>
<tr>
<td>Art. 16: Bribery of foreign public officials and officials of public international organizations</td>
</tr>
<tr>
<td>Art. 17: Embezzlement, misappropriation or other diversion of property by a public official</td>
</tr>
<tr>
<td>Art. 18: Trading in influence</td>
</tr>
<tr>
<td>Art. 19: Abuse of functions</td>
</tr>
<tr>
<td>Art. 20: Illicit enrichment</td>
</tr>
<tr>
<td>Art. 21: Bribery in the private sector</td>
</tr>
<tr>
<td>Art. 22: Embezzlement of property in the private sector</td>
</tr>
<tr>
<td>Art. 23: Laundering of proceeds of crime</td>
</tr>
<tr>
<td>Art. 24: Concealment</td>
</tr>
<tr>
<td>Art. 25: Obstruction of justice</td>
</tr>
<tr>
<td>Art. 26: Liability of legal persons</td>
</tr>
<tr>
<td>Art. 27: Participation and attempt</td>
</tr>
<tr>
<td>Art. 28: Knowledge, intent and purpose as elements of an offence</td>
</tr>
<tr>
<td>Art. 29: Statute of limitations</td>
</tr>
<tr>
<td>Art. 30: Prosecution, adjudication and sanctions</td>
</tr>
<tr>
<td>Art. 31: Freezing, seizure and confiscation</td>
</tr>
<tr>
<td>Art. 32: Protection of witnesses, experts and victims</td>
</tr>
<tr>
<td>Art. 33: Protection of reporting persons</td>
</tr>
<tr>
<td>Art. 34: Consequences of acts of corruption</td>
</tr>
<tr>
<td>Art. 35: Compensation for damage</td>
</tr>
<tr>
<td>Art. 36: Specialized authorities</td>
</tr>
<tr>
<td>Art. 37: Cooperation with law enforcement authorities</td>
</tr>
<tr>
<td>Art. 38: Cooperation between national authorities</td>
</tr>
<tr>
<td>Art. 39: Cooperation between national authorities and the private sector</td>
</tr>
</tbody>
</table>
Art. 40: Bank secrecy
Art. 41: Criminal record
Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Punitive measures undertaken through investigation and prosecution of corruption cases relating to (a) bribery, (b) fake documents including fake educational certificates (c) illicit enrichment & (d) others
   - Efforts for monitoring of service delivery aftermath of earthquake by coordinating with various and law enforcement government agencies

2. Measures Being Planned to Implement UNCAC provisions
   - Corruption in public service delivery & developmental activities to be dealt with high priority
   - Use of 3I (IT, Intelligence and Intervention) for corruption prevention

   - Conviction rate
   - Investigation of illicit enrichment
   - Accelerating court proceedings on corruption cases

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
   Investigative capacity building

C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
   - Art. 43: International cooperation
   - Art. 44: Extradition
   - Art. 45: Transfer of sentenced persons
   - Art. 46: Mutual legal assistance
   - Art. 47: Transfer of criminal proceedings
   - Art. 48: Law enforcement cooperation
   - Art. 49: Joint investigations
   - Art. 50: Special investigative techniques
1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Participation in international forums and seminars
   - Courtesy visits to friendly nations for extending international support and cooperation for corruption prevention

2. Measures Being Planned to Implement UNCAC provisions
   - Bilateral treaties on Mutual Legal Assistance and Extradition

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - Differences in legal framework and anti-corruption regimes in different nations

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
   - Joint investigation

D. UNCAC Chapter V: Asset Recovery

UNCAC Provisions:
   Art. 52: Prevention and detection of transfers of proceeds of crime
   Art. 53: Measures for direct recovery of property
   Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
   Art. 55: International cooperation for purposes of confiscation
   Art. 56: Special cooperation
   Art. 57: Return and disposal of assets
   Art. 58: Financial intelligence unit
   Art. 59: Bilateral and multilateral agreements and arrangements

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Strengthening of FIU at Nepal Rastra Bank

2. Measures Being Planned to Implement UNCAC provisions
   - Draft to revise and amend CIAA Act and regulations have been submitted to concerned authority
### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
- Detection of transfers of proceeds of crime

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
- Relevant trainings such as Target Identification, Financial Crime Investigation were conducted for personnel

### E. Additional Developments

#### 1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)
- Sharing through interaction among honorable commissioners and head of governmental bureaucracy
- Knowledge shared with focal persons of different governmental agencies

#### 2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
- Sharing of knowledge and experience with counterpart agencies of friendly nations during the visits of the honorable chief commissioner
- Discussion in the areas of mutual cooperation and support
### Philippines

**A. UNCAC Chapter II: Preventive Measures**

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. **Measure/s Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015**


On 23 July 2016, President Rodrigo R. Duterte issued E. O. No. 2, Series of 2016, more popularly known as the Freedom of Information EO, which gives the public “access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development,” subject to exception established by law and jurisprudence. The EO covers all offices attached or under the supervision/control of the executive department. Among the documents which the public can access through said issuance are government procurement contracts/records and Statements of Assets, Liabilities and Net Worth of public officials. The EO likewise affirms “a legal presumption in favor of access to information, public records and official records” and that “no request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President xxx.”

2. **Measure/s Being Planned to Implement UNCAC provisions**
In addition to the Freedom of Information EO, several legislators have filed/re-filed bills seeking to extend the coverage of the policy on freedom of information to all offices, agencies and instrumentalities of the national and local government.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

Respecting the Freedom of Information EO, the same only covers government offices, instrumentalities and agencies attached to or under the control/supervision of the executive department. Other branches of government as well as constitutional commissions cannot be compelled to disclose information under the Freedom of Information EO. Congress must enact legislation compelling these offices to disclose data/records to the public.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

It may be helpful for investigators and prosecutors of the Office of the Ombudsman (OMB) to attend a seminar/training briefing them on the scope/coverage of and exclusions in the Freedom of Information EO as this issuance may be helpful in securing relevant documents from executive offices in the course of evidence gathering and/or data verification.
B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

- Art. 15: Article 15. Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
- Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
- Art. 18: Trading in influence
- Art. 19: Abuse of functions
- Art. 20: Illicit enrichment
- Art. 21: Bribery in the private sector
- Art. 22: Embezzlement of property in the private sector
- Art. 23: Laundering of proceeds of crime
- Art. 24: Concealment
- Art. 25: Obstruction of justice
- Art. 26: Liability of legal persons
- Art. 27: Participation and attempt
- Art. 28: Knowledge, intent and purpose as elements of an offence
- Art. 29: Statute of limitations
- Art. 30: Prosecution, adjudication and sanctions
- Art. 31: Freezing, seizure and confiscation
- Art. 32: Protection of witnesses, experts and victims
- Art. 33: Protection of reporting persons
- Art. 34: Consequences of acts of corruption
- Art. 35: Compensation for damage
- Art. 36: Specialized authorities
- Art. 37: Cooperation with law enforcement authorities
- Art. 38: Cooperation between national authorities
- Art. 39: Cooperation between national authorities and the private sector
- Art. 40: Bank secrecy
- Art. 41: Criminal record
- Art. 42: Jurisdiction

Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
**On Arts. 25, 29 and 30: Abandonment of the Condonation Doctrine**

By Decision dated 10 November 2015 (the Decision) in the landmark case of *Ombudsman Conchita Carpio Morales v. Court of Appeals (Sixth Division) and Jejomar Erwin S. Binay, Jr.*, the Supreme Court *En Banc* abandoned the condonation doctrine in administrative cases. To recall, under the condonation doctrine, administrative/disciplinary charges filed against a local elective official must be dismissed if he or she is re-elected to office, as the re-election is deemed to be a condonation of his or her earlier infraction. Now that the condonation doctrine has been abandoned, the administrative/disciplinary proceedings against local elective officials must proceed notwithstanding their re-election to office.

**On Art. 29: Enactment of R. A. No. 10910**

This new law prescribes the increase in the prescription period – or the time when the government can formally charge and try the erring official for violation of the Anti-Graft and Corrupt Practices Act– from the 15-year period originally provided under the R. A. No. 3019 to 20 years.

2. Measures Being Planned to Implement UNCAC provisions

**On Arts. 15, 16, 17, 20, 21, 24, 31 and 40: Proposed amendments to Bank Secrecy and Anti-Money Laundering Statutes**

During his 1st State of the Nation address, President Duterte announced that he will ask Congress to: (a) relax/ease the Bank Secrecy Law, viz. Republic Act (R. A.) No. 1405; and (b) further strengthen the provisions of the Anti-Money Laundering Act, viz. R. A. No. 9160, as amended, so as to make it easier for law enforcement to apprehend criminals and corrupt officials by tracking down the proceeds of the crime. Among the versions of the bill seeking to relax the Philippines’ stringent bank secrecy statute is Senate Bill No. 1025.

**On Arts. 32 and 33: Proposed strengthening of the Witness Protection Program and the enactment of the Whistleblower Protection Act**

In the same speech, President Duterte also announced that part of his administration’s legislative agenda are: (a) the strengthening of the existing Witness Protection Program, with the Department of Justice oversees; and (b) enactment of the Whistleblower Protection Act, which is the subject of several bills such as House Bill No. 223 and Senate Bill No. 258. Specifically, under this bill, whistleblowers, their spouses, and relatives within the first civil degree by consanguinity or affinity will be given protection and benefits such as, but not limited to, access to safe houses, financial assistance and security detail.


   Again, almost all of the reforms/measures being proposed require the enactment of corresponding laws by Congress. Whether or not legislators will pass these statutes depends on a lot of factors, one of which is the current political climate/landscape.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III

   To implement the High Court’s ruling, the OMB issued Office Circular No. 17, Series of 2016, informing its investigators and prosecutors that in light of the Supreme Court’s aforementioned pronouncement, the condonation doctrine should no longer be considered in favor of any respondent public official on or after 12 April 2016, the date of finality of the Decision.
### C. UNCAC Chapter IV: International Cooperation

**UNCAC Provisions:**
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Arts. 43, 44, 45, 46 and 48: Philippine Extradition Law**

The Philippine Extradition Law, known as Presidential Decree No. 1069, has been in effect since 1977. So far, the Philippines has extradition treaties with Canada, Australia, Thailand, United States of America, Switzerland, South Korea, Indonesia, Hong Kong SAR and China.

In addition, the Philippines has agreements concerning the transfer of sentenced/convicted persons with Spain, Thailand and Hong Kong SAR.

#### 2. Measures Being Planned to Implement UNCAC provisions

**Arts. 43, 44, 45, 46 and 48: Extradition treaties submitted for ratification**

According to the Department of Foreign Affairs, extradition treaties with India, United Kingdom of Great Britain and Vietnam are pending ratification by the Senate.
### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

It is evident that the Philippines only has extradition treaties with a select number of countries. It is submitted that extradition’s effectiveness as a tool in law enforcement if the country executes more treaties/executive agreements with other countries.

Respecting the extradition treaties with India, United Kingdom of Great Britain and Vietnam, ratification thereof by the Senate depends on a lot of factors, one of which is the current political climate/landscape.

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

Based on experience, extradition and mutual legal assistance are seldom used as investigative tools in corruption cases. As such, investigators and prosecutors of the OMB should be required to attend seminar/training sessions on how extradition and mutual legal assistance may enhance their ability to gather additional evidence and/or expedite the apprehension of fugitives who have fled the jurisdiction.
### D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

<table>
<thead>
<tr>
<th>Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>To date, there have been no recent developments and activities in the Philippines pertaining to UNCAC provisions on asset recovery. The existing legal framework for asset recovery remains based on R. A. No. 1379.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Measures Being Planned to Implement UNCAC provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The OMB supports pending congressional bills seeking to amend its existing charter (R. A. No. 6770) by, among other things, strengthening its asset recovery functions. Specifically, the subject bill proposes to: (a) give the OMB the exclusive power to investigate/prosecute forfeiture cases; as well as (b) grant the OMB a 35% share in the proceeds from recovered/forfeited in favor of government. One such version of said bills, namely, House Bill No. 5046, was re-filed during the beginning of the 17th Congress. [Source: <a href="http://www.congress.gov.ph/press/details.php?pressid=9533&amp;key=Ombudsman">http://www.congress.gov.ph/press/details.php?pressid=9533&amp;key=Ombudsman</a>]</td>
</tr>
</tbody>
</table>
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

The primary challenge in asset recovery is that the process must go through the courts. Unfortunately, it is public knowledge that the judicial proceedings in the Philippines take several years to complete. Moreover, there is no clear mechanism/system for the maintenance and preservation of seized assets. As such, the recovered properties may have already fallen into disrepair or have been rendered unusable/unserviceable by the time the court resolves the forfeiture case and awards the same to the government.

Furthermore, the creation of a system for asset preservation and maintenance, similar to the one being administered by the US Marshalls in the United States, requires Congress' passage of corresponding legislation, the success of which again depends on various factors, including the current political climate/landscape.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V

Investigators and prosecutors of the OMB regularly undergo training/seminars on asset recovery, viz. methods in conducting lifestyle investigations, tracing the flow of ill-gotten proceeds, etc.
E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

The OMB has transmitted the materials, handouts and reports from the previous Steering Group Meeting and Regional Seminar to its Bureau of the Resident Ombudsman, which coordinates with other government agencies and the private sector in monitoring the continued implementation of the UNCAC, for its information, reference, safekeeping dissemination. Also, the attendees applied the knowledge learned/data gathered from the seminar in the performance of their duties as anti-graft investigators and prosecutors.

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC

As in the past, the OMB had sent several officials and officers to various regional and international workshops, seminars, trainings and conferences to share knowledge and experience with other countries.
Singapore

A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- As part of the UNCAC review process, whereby each State Party must perform the role of a reviewer, Singapore agencies have recently reviewed and sent an updated list of its UNCAC Reviewing Experts for the Second Cycle of the UNCAC Review on Chapter II (Preventive Measures) and V (Asset Recovery) to the UNODC Secretariat.

- The Corrupt Practices Investigation Bureau (CPIB), an independent agency tasked with the investigation and prevention of corruption in Singapore, conducted 68 corruption prevention talks for both private and public sectors reaching out to a total audience of 7449 people between 1 September 2015 and 31 July 2016. The CPIB works closely with other government agencies to conduct talks especially to new officers, and those whose work may expose them to opportunities for bribery and corruption. Recognising the importance of early prevention of corruption, the CPIB deepens its public education efforts with the youths who form the workforce of tomorrow. It organises regular Learning Journey Programmes for students from secondary schools to universities, inculcating the right values for life. The CPIB also collaborates with tertiary institutions to incorporate ethics and corporate governance modules in the undergraduate syllabus.

- As part of the CPIB’s outreach efforts to the public-at-large, an exhibition with the theme “Declassified – Corruption Matters” was organized by the Bureau and launched by Singapore’s Prime Minister Lee Hsien Loong in April 2016. The exhibition highlighted the CPIB’s history, selected cases and personal
experiences of CPIB officers, and was first displayed at the Singapore National Library and subsequently roved to the other regional libraries over a six-month period.

- The CPIB also leveraged upon social media platforms in the form of Facebook (www.facebook.com/cpibsg) and Twitter (@CPIBsg) to publicise cases of interest, create awareness and deter corruption. These initiatives had drawn positive responses from the public, garnering close to 2000 Facebook page likes since its launch.

- As part of the CPIB’s continued efforts to provide greater transparency and to promote a culture of zero tolerance against corruption, CPIB continued to release its corruption statistics for the year of 2015 to the media. The 2015 statistics showed that corruption remained under control in Singapore, with the number of cases registered for corruption investigations seeing a 3% decrease from the previous year.

- The Suspicious Transaction Reporting Office (STRO) of the Commercial Affairs Department (CAD), Singapore’s financial intelligence unit, provides guidance to various sectors to reinforce the importance of submitting Suspicious Transaction Reports (STRs) and to educate the participants on the severe consequences of committing money laundering offences. During these sessions, STRO will also provide guidance to the participants by sharing with them case studies and STR red flag indicators. Examples of such guidance are: Suspicious indicators on money laundering using trust companies, suspicious indicators on money laundering using corporate vehicles, suspicious indicators on detecting trade based money laundering, face to face outreach sessions to licensed trust companies and face to face outreach session to traders and declaring agents.

- Singapore remains committed to maintaining an anti-money laundering and countering the financing of terrorism (AML/CFT) regime fully aligned to the international standards recommended by the Financial Action Taskforce (FATF). Singapore's FATF mutual evaluation report was adopted by the FATF and will soon be published by the FATF.

- In line with our AML/CFT policy objectives, the Monetary Authority of Singapore (MAS) issued the revised Notices on the prevention of money laundering and terrorism financing (AML/CFT Notices) in 2015. The revisions are benchmarked against international best practices and the latest international standards set by the FATF. Many of the proposed changes formalise existing supervisory expectations and practices of FIs.

- The key changes to the AML/CFT Notices include:
  o New enterprise-wide ML/TF risk assessment requirements;
  o Enhanced requirements to identify and verify beneficial ownership of customers;
  o New category of Politically Exposed Persons relating to international organisations; and
  o Additional requirements for cross-border wire transfers exceeding S$1,500.
In tandem with the revised AML/CFT Notices, MAS also updated the respective Guidelines to the Notices to elaborate on our supervisory expectations. Further, MAS also stepped up industry engagement and published guidance to help FIs strengthen their AML/CFT controls3.

MAS has dedicated significant resources towards AML/CFT supervision and enforcement. In August 2016, MAS established an AML Department to provide dedicated supervisory focus, conduct more intrusive inspections of higher risk FIs, and intensify industry engagements to raise overall risk understanding and strengthen AML/CFT controls. In addition, a new Enforcement Department was also set up to centralise this function and to take decisive enforcement actions against FIs.

To signal the Public Service’s commitment against corruption, Public Service Division, in collaboration with CPIB, introduced in May 2016 the Public Service protocol for reporting on corruption. The protocol, which covers all public officers, provides clarity on how all public officers should report acts of corruption.

2. Measures Being Planned to Implement UNCAC provisions

The CPIB is in the process of developing an anti-bribery package which the private sector can use or adopt. The “Integrity Package” is a practical anti-corruption guidebook designed for private sector companies and businesses in Singapore, which includes essential knowledge on corruption in the local context, such as Singapore’s definition of corruption offences, anti-corruption laws and the corruption control framework. In addition, it presents a detailed corruption-prevention framework which business people can adopt to establish an effective anti-corruption management system within their company.

CPIB is the lead for the National Mirror Working Group (NMWG), with representatives of trade associations/councils from private sector on the standards development of the ISO 37001 on Anti-Bribery Systems. The standard aims to help small, medium and large organisations in instituting processes and systems in preventing bribery and promoting ethical business culture. The role of the NMWG is to formulate national viewpoints and consult stakeholders in the implementation of the standard.

The CPIB Corruption Reporting Centre, located centrally on Singapore’s Downtown Line, will be opening in December 2016. This is part of CPIB’s efforts to encourage members of the public to step forward and report corruption conveniently and discreetly in a friendlier and more comfortable environment.

### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

- CAD continues to conduct programmes for regional financial intelligence units (FIU), law enforcement agencies and regulators to strengthen their capacities to detect and investigate money-laundering offences. In March 2016, CAD hosted the annual International Economic Crime Conference. The conference was attended by enforcement officers from Australia, Malaysia as well as local agencies in Singapore and covered topics such as the use of financial intelligence in financial investigations, the essentials of financial investigation and interview techniques.

- As part of the amendments to the MAS AML/CFT Notices and Guidelines, MAS has conducted public consultations exercises as well as closed door briefings with the financial sector to seek their feedback and provide additional information on our supervisory expectations. Since the publication of the MAS’ AML/CFT Notices and Guidelines, MAS also conducted outreach to the private sector including speaking at the Association of Banks of Singapore’s annual Financial Crime Seminar in July 2015 to clarify and explain the scope of the revised MAS AML/CFT Notices and Guidelines.

- MAS had also conducted further engagement such as by working with the industry association of the banking, insurance and securities sector over 2015 and 2016 to further sensitize the industry to their ML/TF risks, and AML/CFT obligations.

- ACRA continues in its effort to raise the professionalism and competency of Registered Filing Agents (RFAs) on AML/CFT requirements. In May 2015, ACRA worked with professional bodies to provide AML/CFT guidance to RFAs through outreach sessions and issuance of new guidelines for the RFAs. In May 2016, ACRA and the Chartered Secretaries Institute of Singapore jointly organised the inaugural Conference for the RFAs sector, bringing together the regulators, industry leaders and experts to discuss issues relating to AML/CFT development, supervision and best practices.
B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

- Art. 15: Bribery of national public officials
- Art. 16: Bribery of foreign public officials and officials of public international organizations
- Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
- Art. 18: Trading in influence
- Art. 19: Abuse of functions
- Art. 20: Illicit enrichment
- Art. 21: Bribery in the private sector
- Art. 22: Embezzlement of property in the private sector
- Art. 23: Laundering of proceeds of crime
- Art. 24: Concealment
- Art. 25: Obstruction of justice
- Art. 26: Liability of legal persons
- Art. 27: Participation and attempt
- Art. 28: Knowledge, intent and purpose as elements of an offence
- Art. 29: Statute of limitations
- Art. 30: Prosecution, adjudication and sanctions
- Art. 31: Freezing, seizure and confiscation
- Art. 32: Protection of witnesses, experts and victims
- Art. 33: Protection of reporting persons
- Art. 34: Consequences of acts of corruption
- Art. 35: Compensation for damage
- Art. 36: Specialized authorities
- Art. 37: Cooperation with law enforcement authorities
- Art. 38: Cooperation between national authorities
- Art. 39: Cooperation between national authorities and the private sector
- Art. 40: Bank secrecy
- Art. 41: Criminal record
- Art. 42: Jurisdiction
As part of the review of Singapore’s implementation of the UNCAC chapters III (Criminalisation and law enforcement) and IV (International Cooperation), Singapore hosted a review team comprising reviewers from reviewing States Parties Lebanon and Swaziland, and representatives from the United Nations Office on Drugs and Crime (UNODC) to a country visit in April 2015, and worked with the review team to finalise and publish Singapore’s Executive Summary (July 2015) and full Country Review Report (July 2016). For Chapter III (Criminalisation and law enforcement), the review team positively noted that the legislation and operational practices of Singapore evidenced the effectiveness of its strict zero-tolerance approach to corruption, and that Singapore’s laws provided for a range of criminal and non-criminal sanctions which recognise the differences in the gravity of offences which was evidenced through cases and statistics. The efforts of law enforcement agencies in creating a culture of zero tolerance towards corruption through inter-agency cooperation and cooperation with the private sector were also recognised and deemed effective.

<table>
<thead>
<tr>
<th>2. Measures Being Planned to Implement UNCAC provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III</td>
</tr>
</tbody>
</table>
C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- As part of the review of Singapore’s implementation of the UNCAC chapters III (Criminalisation and law enforcement) and IV (International Cooperation), Singapore hosted a review team comprising reviewers from reviewing States Parties Lebanon and Swaziland, and representatives from the United Nations Office on Drugs and Crime (UNODC) to a country visit in April 2015, and worked with the review team to finalise and publish Singapore’s Executive Summary (July 2015) and full Country Review Report (July 2016). For Chapter IV (International Cooperation), the review team positively noted Singapore’s practice of flexibly interpreting the dual criminality requirement so as to render a wide measure of assistance, in flexibly and reasonably applying the evidentiary requirements for extradition leading to the expeditious surrender of persons to requesting states, and that Singapore has not refused any requests for MLA or extradition in relation to UNCAC offences.

- CPIB continued its active participation in various anti-corruption fora, including:
  - 6th Session of the UNCAC Conference of States Parties, Resumed 6th Session of the Implementation Review Group of the UNCAC and 4th Session of the Open-Ended Intergovernmental Expert Meeting to Enhance International Cooperation under the UNCAC (November 2015 – St Petersburg)
  - SEA-PAC Integrity Based Leadership Programme (November 2015 – Kuala Lumpur)
  - 11th SEA-PAC Annual Meeting (December 2015 - Bandar Seri Begawan, Brunei)
  - 1st Meeting of the Global Network of Law Enforcement Practitioners Against Corruption (December 2015 – Paris)
  - Australian Public Sector Anti-Corruption Conference (November 2015 – Brisbane)
  - G20 Anti-Corruption Working Group Meeting (Jan 2016 – Beijing, June 2016 – London)
  - 21st and 22nd APEC ACT Working Group Meetings (February 2016 – Lima, August 2016 – Lima)
  - Economic Crime Agencies Network Meeting (March 2016 – Brussels)
<table>
<thead>
<tr>
<th>Event</th>
<th>Location/Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>London Anti-Corruption Summit: Second Senior Representatives Meeting</td>
<td>April 2016 – London</td>
</tr>
<tr>
<td>FATF Working Group and Plenary Meetings</td>
<td>April 2016 – Paris, June 2016 – Busan</td>
</tr>
<tr>
<td>12th SEA-PAC Secretariat Meeting</td>
<td>April 2016 – Bandar Seri Begawan, Brunei</td>
</tr>
<tr>
<td>UNODC Regional Workshop on Promoting the Effective Protection of Witnesses and Reporting Persons in Corruption Cases</td>
<td>April 2016 – Bangkok</td>
</tr>
<tr>
<td>9th Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA)</td>
<td>May 2016 – Tianjin</td>
</tr>
<tr>
<td>7th Session of the Implementation Review Group of the UNCAC</td>
<td>June 2016, Vienna</td>
</tr>
<tr>
<td>10th Regional Seminar on Good Governance for Southeast Asian Countries</td>
<td>July 2016 - Yogyakarta</td>
</tr>
<tr>
<td>10th Session of the UNCAC Working Group on Asset Recovery</td>
<td>August 2016, Vienna</td>
</tr>
<tr>
<td>Regional Workshop on Liability of Legal Persons for Corruption Offences at the National and International Level</td>
<td>August 2016 – Bangkok</td>
</tr>
</tbody>
</table>

The CPIB has been active in its international capacity-building efforts. In 2016, the CPIB hosted South Africa’s Office of the Public Protector (February 2016), Maldives Agency Against Corruption (March 2016), Egypt’s Administrative Control Authority (April 2016); Taiwan Agency Against Corruption (May 2016) and the Government Inspectorate of Vietnam (July 2016) to customized study visits based on their areas of interest.

The Attorney General’s Chambers (AGC), which is Singapore’s Central Authority for mutual legal assistance, has processed numerous mutual legal assistance (MLA) and extradition requests, including international requests for evidence relating to investigation into or prosecution of transnational corruption offences.

AGC has actively participated in various international anti-corruption conventions, including, but not limited to, several FATF, APG and UNCAC meetings.

AGC has continued with its practice of conducting MLA and extradition case review discussions with several requesting States. During such discussions, AGC actively worked with the requesting States to see how they can satisfy Singapore’s requirements for the provision of MLA and extradition.

The Financial Investigation Group (FIG) of CAD and STRO contribute actively to discussions amongst law enforcement agencies and financial intelligence units on how to fight the money laundering threats at various fora, including meetings of the FATF, the Asia/Pacific Group on Money Laundering (APG), and the Egmont Group. STRO also proactively exchanges financial intelligence with its foreign counterparts, with a view to detecting money laundering from domestic or foreign predicate offences, and associated crimes. As of July 2016, STRO has entered into 34 Memorandum of Understanding/Letter of Undertaking on exchange of information with its foreign counterparts. FIG also proactively analyses all foreign requests for assistance received.
regardless of whether the predicate offences are committed within or outside Singapore, for possible money laundering offences. FIG will initiate a money laundering investigation if there is sufficient evidence to show that a money laundering offence has been committed in Singapore.

- CAD has access to the mechanisms of the International Criminal Police Organization (INTERPOL), of which the Singapore Police Force (SPF) is an active member, to exchange information with its foreign counterparts. In this regard, a key conduit is the 1-24/7 system, which facilitates communication amongst Interpol’s member states on matters related to criminal investigations, training and conferences.

### 2. Measures Being Planned to Implement UNCAC provisions

### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

- CAD continues to conduct programmes for regional financial intelligence units (FIU), law enforcement agencies and regulators to strengthen their capacities to detect and investigate money-laundering offences. In March 2016, CAD hosted the annual International Economic Crime Conference. The conference was attended by enforcement officers from Australia, Malaysia as well as local agencies in Singapore and covered topics such as the use of financial intelligence in financial investigations, the essentials of financial investigation and interview techniques.
## D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- As part of the UNCAC review process, whereby each State Party must perform the role of a reviewer, Singapore agencies have recently reviewed and sent an updated list of its UNCAC Reviewing Experts for the Second Cycle of the UNCAC Review on Chapter II (Preventive Measures) and V (Asset Recovery) to the UNODC Secretariat.
- STRO has regular interactions with the financial community, during which it obtains feedback on the latter’s concerns relating to the prevention, detection and reporting of money laundering activities. As of July 2016, STRO has entered into 34 Memorandum of Understanding/Letter of Undertaking on exchange of information with its foreign counterparts.
- AGC will be publishing a practitioner’s guide on asset recovery guide in Singapore. The guide provides practitioners with the relevant tools to draft asset recovery requests quickly and effectively, and includes template request forms and checklists to aid the request drafting process. This guide will be a useful compendium for requesting State drafting asset recovery requests to Singapore, including those arising out of UNCAC offences.

### 2. Measures Being Planned to Implement UNCAC provisions

### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
SRI LANKA

### A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

- Codes of conducts have been revised and made mandatory for CIAA officials
- Interaction programs with stakeholders have been conducted
- Community education programs at schools and colleges conducted
- Toll free number and CIAA App have been introduced for increasing accessibility of people
- Regular dissemination of information through webpage, facebook page, twitter, blogging and newspaper articles
- Revision of public procurement act and regulations
- Public service commission curriculum revised incorporating topics on ethics and morality

#### 2. Measures Being Planned to Implement UNCAC provisions

- Revision and amendments in CIAA Act and Regulations
- Revision and amendments in Corruption Prevention Act
- Intensifying various preventive and promotional measures more comprehensively

#### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

- Prolonged transitional period as a deterrent to corruption prevention initiatives
4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II
   Changing societal perspectives on corruption prevention

**B. UNCAC Chapter III: Criminalization and Law Enforcement**

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 15: Article 15. Bribery of national public officials</td>
</tr>
<tr>
<td>Art. 16: Bribery of foreign public officials and officials of public international organizations</td>
</tr>
<tr>
<td>Art. 17: Embezzlement, misappropriation or other diversion of property by a public official</td>
</tr>
<tr>
<td>Art. 18: Trading in influence</td>
</tr>
<tr>
<td>Art. 19: Abuse of functions</td>
</tr>
<tr>
<td>Art. 20: Illicit enrichment</td>
</tr>
<tr>
<td>Art. 21: Bribery in the private sector</td>
</tr>
<tr>
<td>Art. 22: Embezzlement of property in the private sector</td>
</tr>
<tr>
<td>Art. 23: Laundering of proceeds of crime</td>
</tr>
<tr>
<td>Art. 24: Concealment</td>
</tr>
<tr>
<td>Art. 25: Obstruction of justice</td>
</tr>
<tr>
<td>Art. 26: Liability of legal persons</td>
</tr>
<tr>
<td>Art. 27: Participation and attempt</td>
</tr>
<tr>
<td>Art. 28: Knowledge, intent and purpose as elements of an offence</td>
</tr>
<tr>
<td>Art. 29: Statute of limitations</td>
</tr>
<tr>
<td>Art. 30: Prosecution, adjudication and sanctions</td>
</tr>
<tr>
<td>Art. 31: Freezing, seizure and confiscation</td>
</tr>
<tr>
<td>Art. 32: Protection of witnesses, experts and victims</td>
</tr>
<tr>
<td>Art. 33: Protection of reporting persons</td>
</tr>
<tr>
<td>Art. 34: Consequences of acts of corruption</td>
</tr>
<tr>
<td>Art. 35: Compensation for damage</td>
</tr>
<tr>
<td>Art. 36: Specialized authorities</td>
</tr>
<tr>
<td>Art. 37: Cooperation with law enforcement authorities</td>
</tr>
<tr>
<td>Art. 38: Cooperation between national authorities</td>
</tr>
<tr>
<td>Art. 39: Cooperation between national authorities and the private sector</td>
</tr>
<tr>
<td>Art. 40: Bank secrecy</td>
</tr>
<tr>
<td>Art. 41: Criminal record</td>
</tr>
</tbody>
</table>
### Art. 42: Jurisdiction

#### Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
- Punitive measures undertaken through investigation and prosecution of corruption cases relating to (a) bribery, (b) fake documents including fake educational certificates (c) illicit enrichment & (d) others
- Efforts for monitoring of service delivery aftermath of earthquake by coordinating with various and law enforcement government agencies

#### Measures Being Planned to Implement UNCAC provisions
- Corruption in public service delivery & developmental activities to be dealt with high priority
- Use of 3I (IT, Intelligence and Intervention) for corruption prevention

- Conviction rate
- Investigation of illicit enrichment
- Accelerating court proceedings on corruption cases

#### Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III
- Investigative capacity building

### UNCAC Chapter IV: International Cooperation

**UNCAC Provisions:**
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

#### Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
- Participation in international forums and seminars
- Courtesy visits to friendly nations for extending international support and cooperation for corruption prevention
2. Measures Being Planned to Implement UNCAC provisions
   - Bilateral treaties on Mutual Legal Assistance and Extradition

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - Differences in legal framework and anti-corruption regimes in different nations

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
   - Joint investigation

### D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Strengthening of FIU at Nepal Rastra Bank

2. Measures Being Planned to Implement UNCAC provisions
   - Draft to revise and amend CIAA Act and regulations have been submitted to concerned authority

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - Detection of transfers of proceeds of crime

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
   - Relevant trainings such as Target Identification, Financial Crime Investigation were conducted for personnel

### E. Additional Developments
1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)
   - Sharing through interaction among honorable commissioners and head of governmental bureaucracy
   - Knowledge shared with focal persons of different governmental agencies

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
   - Sharing of knowledge and experience with counterpart agencies of friendly nations during the visits of the honorable chief commissioner
   - Discussion in the areas of mutual cooperation and support
THAILAND

A. UNCAC Chapter II: Preventive Measures

UNCAC Provisions:
  Art. 5: Preventive anti-corruption policies and practices
  Art. 6: Preventive anti-corruption body or bodies
  Art. 7: Public sector
  Art. 8: Codes of conduct for public officials
  Art. 9: Public procurement and management of public finances
  Art.10: Public reporting
  Art 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
  Art.12: Private sector
  Art. 13: Participation of society
  Art. 14 : Measures to prevent money-laundering

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

2. Measures Being Planned to Implement UNCAC provisions
   Procurement
   • Implementation of the draft Government Procurement Act, B.E. … to ensure efficiency and value in the performance of Government tasks. The draft act will also apply to State enterprises and regional administrative agencies.
   • The draft Government Procurement Act, B.E. … will require the making of a morality agreement between a procuring government agency and a bidder, and to report and give opinion and recommendations to the joint anti-corruption committee.
   • The draft Government Procurement Act, B.E. … will also give the committee power to consider complaints and appeals, in particular, it is intended to expedite proceedings for the consideration of appeals.
   • The CGD will organize training for observers on the implementation of such morality agreements and the relevant roles and duties of an observer according to the regulations on procurement.
   • The Draft Government Procurement Act B.E. ..... is currently under the second reading in the National Legislative Assembly (as of November 1st, 2016)
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:

Art. 15: Article 15. Bribery of national public officials
Art. 16: Bribery of foreign public officials and officials of public international organizations
Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
Art. 18: Trading in influence
Art. 19: Abuse of functions
Art. 20: Illicit enrichment
Art. 21: Bribery in the private sector
Art. 22: Embezzlement of property in the private sector
Art. 23: Laundering of proceeds of crime
Art. 24: Concealment
Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims
Art. 33: Protection of reporting persons
Art. 34: Consequences of acts of corruption
Art. 35: Compensation for damage
Art. 36: Specialized authorities
Art. 37: Cooperation with law enforcement authorities
Art. 38: Cooperation between national authorities
Art. 39: Cooperation between national authorities and the private sector
Art. 40: Bank secrecy
Art. 41: Criminal record  
Art. 42: Jurisdiction  

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Office of the Public Sector Anti-Corruption Commission**
- **Executive Measure in Anti-Corruption Act (No. 2) B.E. 2559 (2016)** was promulgated on the 27th of April B.E. 2559 (2016) which enhances the roles and duties of the PACC to, for instance, section 12 of the Act provides that the Office of Anti-Corruption in Public Sector shall:
  - carry out on claim; allegation that state official have committed an offence or got involved in corruption in public sector; or there is a cause to suspect that a state official has committed corruption in public sector; or there is an allegation with an interrogation official or proceeding a litigation against a state official as a result of corruption in public sector; or to conduct a fact inquiry requested by the National Anti-Corruption Commission.
  - coordinate and carry out the work in accordance with laws and regulations on executive measures in anti-corruption.
  - follow up and evaluate the result of the litigation and disciplinary actions against state official;

**Anti-Money Laundering Office**
- **Anti-Money Laundering Act (No. 5) B.E. 2558 (2015)** was promulgated on the 1st of October B.E. 2558 (2016) which amends predicate offences to be more in compliance with the UNCAC.

**National Anti-Corruption Commission**
The Organic Act on Counter-Corruption B.E. 2542 (2009), amended (No.3) B.E. 2558 (2015). The significant contexts of this amendment are as follows:
1) statute of limitation shall be suspended if an offender escapes during the prosecution or trial and in the case where a judgment is final and offender escapes;
2) prescribing an offence for a juristic person involved in bribing officials;
3) prescribing an offence for bribery of state officials of Thailand, state officials of foreign country, or officials of international organization;
4) prescribing an offence for a case of bribery of a state official of a foreign country which is an offence under UNCAC and;
5) the principle of value-based confiscation.
Office of the Attorney-General

Section 144 of the Penal Code includes indirect active bribery even though it is not directly prescribed. In the case where a person who offers a bribe to forward to an official, such person commits an offence as an "accomplice" or "user" under section 144 in conjunction with section 83 or section 84 of the Penal Code.

The Penal Code has been amended by the Act to amend the Penal Code (No. 22) B.E. 2558 (2015) promulgated in February B.E. 2558 (2015). Section 3 of this Act adds the following definition of "official". "Official" means a person prescribed by law to be an official or appointed by law to perform official duties whether it is on a regular or occasional basis and regardless of whether such person receives remuneration.

In the case of embezzlement and misappropriation, if an official who is not under the duty to purchase, manage or maintain an asset conducts an act of embezzlement and misappropriation, such conduct is not prescribed under the General Provision of the Penal Code in section 352-254 which contains a lighter sentence than the offence of embezzlement of official prescribed under section 157 of the Penal Code and a conduct of an accomplice is under section 86 in conjunction with section 147 of the Penal Code.

Art. 21: Bribery in the private sector

Office of the Attorney-General

The provisions relating to bribery in the private sector are prescribed in, for instance, Securities and Exchange Act B.E. 2535, Commercial Bank Act B.E. 2505, Competition Act B.E. 2542 including ethic code of agencies such as Securities and Exchange Commission.

Art. 23: Laundering proceeds of crime

Section 5 of the Anti-Money Laundering Act of 1999 provides, the followings as a money laundering offence, that whoever
(i) transfers, receives, or changes the form of an asset involved in the commission of an offence, for the purpose of concealing or disguising the origin or source of that asset, or for the purpose of assisting another person either before, during, or after the commission of an offence to enable the offender to avoid the penalty or receive a lesser penalty for the predicate offence; or
(ii) acts by any manner which is designed to conceal or disguise the true nature, location, sale, transfer, or rights of ownership, of an asset involved in the commission of an offence shall be deemed to have committed a money laundering offence
(iii) obtains, possess, or use an asset with the knowledge during obtaining, possessing or using that such asset is related to a commission of an offence (as amended by Anti-Money Laundering Act (No. 5) B.E. 2558 (2015)

Art. 26: Liability of legal persons
<table>
<thead>
<tr>
<th>Section 123/5 of the Organic Act on Counter Corruption (No. 3) B.E. 2558 prescribes an offence relating to the liability of legal persons.</th>
</tr>
</thead>
</table>
| **Art. 29: Statute of limitations**  
Section 61/1 of the Executive Measure in Anti-Corruption Act (No. 2) B.E. 2559 (2016) provides that: during the Criminal trial, if it is found that a defendant or excused escapes during the prosecution or trial, the time period such defendant or excused escapes shall not be counted as a part of the statute of limitation and upon the final judgment, if the defendant escapes, section 98 of the Penal Code shall not be applied. |
| **Art. 32: Protection of witnesses, experts and victims**  
Office of the Public Sector Anti-Corruption Commission may inform relevant agencies to provide a primary witness protection under the Executive Measure in Anti-Corruption Act B.E. 2551 section 53 and 54 which are in line with the proceeding under Witness Protection Act B.E. 2546. Notification of the Public Sector Anti-Corruption Commission on rules, measures and conditions of witness protection and the Regulation of the Public Sector Anti-Corruption Commission on primary protection under the Executive Measure in Anti-Corruption Act B.E. 2551 are also relevant. |
| **Art. 34: Consequences of acts of corruption**  
| 2. Measures Being Planned to Implement UNCAC provisions |
| **Art. 25: Obstruction of justice**  
The NACC is currently conducting a study on having a provision on an offence of obstruction of justice. |
| **Art. 36: Specialized authorities**  
AMLO is currently under the process of amending the law on proceeds of crime to vest on AMLO fund (as of the 3rd of November 2016) |
| Office of the Stock Exchange is of the view that corruption is an important matter which every sector shall jointly tackle and, thus, any prescription in a law relating to bribery in private sector shall be considered carefully to ensure that there is no overlapping between the existing provisions and to establish a measure between related agencies to allow an efficient use of resources and no burden to the private sector. |
4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III

C. UNCAC Chapter IV: International Cooperation

UNCAC Provisions:
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Office of the Attorney General**

Extradition Act B.E. 2551

Section 12. Execution of extradition request of a Thai national may be carried out in the following matters:

(1) When it is provided for in the extradition treaty between Thailand and the Requesting State;
(2) That person consents to the extradition; or
(3) It is the extradition under the condition of reciprocity that Thailand concludes with the Requesting State.

Section 13. Where the extradition request is submitted through the diplomatic channels, the Ministry of Foreign Affairs shall consider doing the followings:

(1) if it is of the opinion that the request will not affect the international relation and there is no other reason not to execute it, the request shall be submitted to the Central Authority for further action;
(2) if it is of the opinion that the request may affect the international relation or there is other reason that the request may not be executed, the Ministry of Foreign Affairs shall speedily propose such opinion together with the request for consideration of the Cabinet. Where the Cabinet concurs with such opinion, it shall consider making direction as deemed appropriate. If the Cabinet concurs with execution of the
extradition request, the Ministry of Foreign Affairs shall accordingly submit the matter to the Central Authority for further action under this Act.

**Art. 46: Mutual legal assistance**

Confidentiality

Section 39 of the Mutual Legal Assistance in Criminal Matters Act B.E. 2535 provides that the requesting agency shall comply with obligations that Thailand has with the Requested State on the use of information or evidence for the purposes specified in the request.

The requesting agency shall also comply with obligations that Thailand has with the Requested State on confidentiality of the requested information or evidence, unless such information or evidence is necessary for an open trial as a result of its investigation.

Mutual assistance on Criminal Matters (No. 2) Act B.E. 2559 (2016) amends the provisions on: central authority; search, confiscation and forfeiture; transfer of a person in prison for assistance in the prosecution or trial and; freezing, confiscation or forfeiture of asset and payment to replace asset forfeiture.

2. Measures Being Planned to Implement UNCAC provisions

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

**Office of the Public Sector Anti-Corruption Commission**

Having no international agreement in relation to witness protection by relocating a witness, expert, relative or a person who is close to the witness to another country.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV

**Office of the Attorney General**

Having several Memorandum of Understanding (MOUs) with Office of the Attorney General of other countries relating to exchange of personnel, training and study visits.

D. UNCAC Chapter V: Asset Recovery
### UNCAC Provisions:
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

**Office of the Attorney General**

Mutual Assistance on Criminal Matters (No. 2) Act B.E. 2559

Section 23 of the Act provides that in the case where a request, submitted from a foreign Party, to search, confiscate, forfeit and deliver objects for the purpose of evidence collection, a competent official shall proceed to request a Court order for a search warrant or confiscation order or forfeiture.

**Anti Money Laundering Office**

Anti-Money Laundering Act B.E. 2542 as amended by Anti-Money Laundering Act (No. 5) B.E. 2558:

Section 3 of the Act provides the definition of "proceeds of crime" as

1. Money or assets obtained from a commission of an offence which is a predicate offence or money laundering offence or from a support or assistance of such commission of a predicate offence or money laundering and shall include money or assets spent or obtained for the use of or support of the commission of an predicate offence or money laundering;
2. Money or money of assets obtained from the distribution, sale, transfer of any means of money or assets under (1) or;
3. interest of the money or asset under (1) or (2)

Regardless of whether and a number of times the assets under (1), (2) or (3) has been transformed and regardless of the ownership.

### 2. Measures Being Planned to Implement UNCAC provisions
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
   Office of the Attorney-General requests a technical assistance from UNODC in organizing workshops in different topics relating to the implementation of Art 50 of the UNCAC.

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
## TIMOR-LESTE

### A. UNCAC Chapter II: Preventive Measures

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 5: Preventive anti-corruption policies and practices</td>
</tr>
<tr>
<td>Art. 6: Preventive anti-corruption body or bodies</td>
</tr>
<tr>
<td>Art. 7: Public sector</td>
</tr>
<tr>
<td>Art. 8: Codes of conduct for public officials</td>
</tr>
<tr>
<td>Art. 9: Public procurement and management of public finances</td>
</tr>
<tr>
<td>Art. 10: Public reporting</td>
</tr>
<tr>
<td>Art. 11: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</td>
</tr>
<tr>
<td>Art. 12: Private sector</td>
</tr>
<tr>
<td>Art. 13: Participation of society</td>
</tr>
<tr>
<td>Art. 14: Measures to prevent money-laundering</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

   - Timor-Leste representative participate in UNCAC working group meeting on prevention in Vienna
   - Participate in a new Global Conference on Anti-Corruption Reform in Small Island States. Organized by UNODC in cooperation with the Government of Mauritius. Discuss Comparative practices for countering corruption through the public procurement process in small islands.
   - Participate in the World Bank conference on financial disclosure by public officials “Innovative approaches to Financial Disclosure. Given the growing attention to financial disclosure mechanisms worldwide and the importance of strengthening collaboration with anti-money laundering practitioners.
   - Round table discussion with the Political Party “Contribution Political Party to Ensure the Integrity and Sovereignty of the State”.
   - Establishment of CAC’s internal mechanism on ethics and integrity
   - Establishment of database on corruption eradication and prevention in CAC
   - Draft of the National Strategy of Anti-Corruption is ongoing
   - Legal assessment and implementation review of UNCAC recommendations related to preventive measures
- Submitted to the Parliament a draft anti-corruption law, including a comprehensive system of asset declaration
- CAC organic law and special regime approved by the Council of Ministers and promulgated by the President of Republic under the government decree-law no 23/2015 and decree-law no 24/2015 on July 29th 2015. Since November the implementation of those two decree-law took place and it is ongoing.
- In a submission to the decree law, no 23/2015, the CAC staffs are dubbed "Anti-Corruption Specialists" and the spirit of the decree laws are to strengthen the procedures of recruitment, retention, retirement of the anti-corruption specialists.
- CAC conducts the second "Corruption perception Survey" and the key findings will be presented and published at the commemoration of international Anti-Corruption day on 9th December. The purpose of the survey is to understand public opinion on corruption or views on the roles of the Anti-Corruption Commission (CAC) and Judicial Institutions.
- Continue disseminates the result of the survey to the government entities.
- CAC conduct series of town hall meetings, workshops, and seminars, religious groups, youth groups, women groups, teachers and school administrators across the country aiming to build their capacity of preventing corruption in the agencies.
- Organized Corruption Risk Management (CRM) round table discussion with the National Procurement Commission (NPC), National Development Agency (AND), Ministry of Finance and Ministry of Infrastructures on "Preventing in Procurement Procedures and Practices" to the Procurement and finance officer in the all line minister.
- Organized roundtable discussion with community leaders in Preventing and Combating Corruption in all municipalities across the Country.
- Continue organized Training of Trainers (TOT) entitles "STUDENTS ARE THE TEACHER FOR PREVENTING CORRUPTION" for university students.
- Continue organized Training of Trainers (TOT) Entiles "WOMEN’S ROLES IN FIGHING CORRUPTION" for women’s organizations.
- Strengthened "INTEGRITY KIOSK" at the universities. The integrity kiosks are established with the initiative of the students to create a free-corruption campus with integrity and honesty. The students fund the kiosks and responsible for day to day operations.
- Conducts Monitoring and Inspection to the government, especially Rural Employment and School Infrastructure project in all municipalities.
- Continuously provides regular Anti-Corruption training to the newly recruit of public servants at the National Institute of Public Administration.
- Provides training together with the Ministry of State Administration to the District Administrators on the Anti-Corruption Measures and practices in the process of pre-decentralization of Municipalities.
• Together with United Nations Office of Drugs and Crime (UNODC) provided training on “Budget Monitoring” the civil society organizations and media.
• CAC has been involved in the working group for the reform of procurement systems in Timor-Leste

2. Measures Being Planned to Implement UNCAC provisions

• Conduct the NATIONAL INTEGRITY ASSESMENT with the Government entities.
• Conduct the INSTITUTIONAL CAPACITY ASSESMENT for Anti-Corruption Commission (CAC), Attorney General and Court with the assistance of the United Nations Office of Drugs and Crimes UNODC
• Introduce “Business Integrity Act” in the private Sector.
• Develop “National Anti-Corruption Strategy”
• Training of Trainers for Community Leaders, students and women groups.
• Conduct Anti-Corruption Prevention workshops for the public servant.
• Formalize institutional cooperation with universities on prevention and public awareness.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

• The Anti-Corruption legal framework is not yet complete regarding preventive measures
• An asset declaration system is not yet in place
• Lack of transparency in procurement and public expenditure mechanism
• Lack of publicly available information
• Codes of conduct are often disregarded

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II

• In-house Training for Anti-Corruption Specialists focus on Research Methodology
• Training on administrative justice and public procurement
• Training of Trainers for students, youth leaders, community leaders on the role to prevent corruption in their agency / institution
• Training on Strategic Management of anti-corruption programmes

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:
Art. 15: Article 15. Bribery of national public officials
Art. 16: Bribery of foreign public officials and officials of public international organizations
| Art. 17 | Embezzlement, misappropriation or other diversion of property by a public official |
| Art. 18 | Trading in influence |
| Art. 19 | Abuse of functions |
| Art. 20 | Illicit enrichment |
| Art. 21 | Bribery in the private sector |
| Art. 22 | Embezzlement of property in the private sector |
| Art. 23 | Laundering of proceeds of crime |
| Art. 24 | Concealment |
| Art. 25 | Obstruction of justice |
| Art. 26 | Liability of legal persons |
| Art. 27 | Participation and attempt |
| Art. 28 | Knowledge, intent and purpose as elements of an offence |
| Art. 29 | Statute of limitations |
| Art. 30 | Prosecution, adjudication and sanctions |
| Art. 31 | Freezing, seize and confiscation |
| Art. 32 | Protection of witnesses, experts and victims |
| Art. 33 | Protection of reporting persons |
| Art. 34 | Consequences of acts of corruption |
| Art. 35 | Compensation for damage |
| Art. 36 | Specialized authorities |
| Art. 37 | Cooperation with law enforcement authorities |
| Art. 38 | Cooperation between national authorities |
| Art. 39 | Cooperation between national authorities and the private sector |
| Art. 40 | Bank secrecy |
| Art. 41 | Criminal record |
| Art. 42 | Jurisdiction |

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Participate in the Regional Workshop on Liability of Legal Persons for Corruption Offences at the National and International Level. Organized by UNODC
   - Timor-Leste representative consist of 2 Senior Investigators from CAC, 1 Prosecutor from Office of Prosecutor General and 1 Staff from Ministry of Justice attended the workshop on Promoting the Effective Protection of Witnesses and Reporting Persons in Corruption Cases.
### Measures Being Planned to Implement UNCAC provisions

- Establish a joint team between investigators for improving investigations quality tracing and recovering stolen assets
- Formalize institutional cooperation between all police forces

### Issues, Challenges and Constraints in the Implementation of UNCAC Provisions

- Lack of legislation on corruption and bribery private sector
- Lack of implementation of witness protection law
- Anti-Corruption legal framework is not yet completed

### Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III

- Specialized training on Basic Computer and Digital Evidence
- Specialized training in computer forensics and digital evidence (Level 2) for investigators
- Training on Advance Computer Forensic and Digital Evidence for investigators and IT staff
- Interpol Malware analysis training
- Special training in economic and financial crimes for OPG, CAC, PSIC and other justice institutions
- Investigation techniques, training for the investigator on financial crimes, computer forensic, fraud of construction
C. UNCAC Chapter IV: International Cooperation

<table>
<thead>
<tr>
<th>UNCAC Provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 43: International cooperation</td>
</tr>
<tr>
<td>Art. 44: Extradition</td>
</tr>
<tr>
<td>Art. 45: Transfer of sentenced persons</td>
</tr>
<tr>
<td>Art. 46: Mutual legal assistance</td>
</tr>
<tr>
<td>Art. 47: Transfer of criminal proceedings</td>
</tr>
<tr>
<td>Art. 48: Law enforcement cooperation</td>
</tr>
<tr>
<td>Art. 49: Joint investigations</td>
</tr>
<tr>
<td>Art. 50: Special investigative techniques</td>
</tr>
</tbody>
</table>

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Established formal institutional Cooperation with Malaysia Anti-Corruption Commission (MACC) on Preventing and Combating Corruption.
   - Establish Formal Institutional Cooperation with KPK Indonesia
   - A state party to the convention on the Transfer of Sentenced person among Portuguese Speaking Countries.
   - State Party to the Convention on Mutual Legal Assistance in Criminal Matters amongst Portuguese Speaking Countries.
   - State Party to the Convention on Extradition among Portuguese Speaking Countries.

2. Measures Being Planned to Implement UNCAC provisions
   - The Central Authority for Judicial Cooperation to be established in the Prosecutor General Office (in Compliance with Art. 19, Law no 15/2011
   - Timor-Leste is not yet a member of STAR-INTERPOL Global Focal Point on the Corruption and Asset Recovery.
### 3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
- Lack of resource to implement conventions signed
- Lack of resources to undertake joint-investigation and mutual legal assistance (MLA)

### 4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV.
- Training on drafting request for Mutual Legal Assistance (MLA)

### D. UNCAC Chapter V: Asset Recovery

**UNCAC Provisions:**
- Art. 52: Prevention and detection of transfers of proceeds of crime
- Art. 53: Measures for direct recovery of property
- Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
- Art. 55: International cooperation for purposes of confiscation
- Art. 56: Special cooperation
- Art. 57: Return and disposal of assets
- Art. 58: Financial intelligence unit
- Art. 59: Bilateral and multilateral agreements and arrangements

### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
- Timor-Leste representatives to Vienna for participation in UNCAC Working Group meeting on Asset Recovery.
- Strengthened the cooperation on Information and expertise exchange between the Anti-Corruption Commission (CAC), Financial Intelligence unit (FIU) and the prosecutor Office on confiscation, freezing and recovery of stole assets.
- Discuss about the mechanism with the prosecutors regarding return and disposal of assets

### 2. Measures Being Planned to Implement UNCAC provisions
- The Recovery Authority will be established in the Prosecutor General Office
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   - Lack of Specialist Legislation on Asset Recovery

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V
   - Specialized simulation training on financial investigation and asset recovery

E. Additional Developments

1. Member’s Report on dissemination and domestic use of the initiative’s knowledge products and events (Members are requested to report on how they have shared internally and used the Initiative’s (recent) learning events in their internal anti-corruption efforts)

2. Member’s Report on measures taken to share knowledge and experience with other countries, including to help strengthen the capacity of developing countries to implement the UNCAC
   - Timor-Leste has been drawn to perform the review of Malaysia together with Swaziland as the other reviewer in the first year of the second review cycle. The review will address the implementation of Chapter II of the Convention on Preventive measures and Chapter V on asset recovery.
   - Timor-Leste government expert will participate in training – UNCAC Implementation Review Mechanism Cycle 2 in Malaysia.
# VIET NAM

## A. UNCAC Chapter II: Preventive Measures

### UNCAC Provisions:
- **Art. 5**: Preventive anti-corruption policies and practices
- **Art. 6**: Preventive anti-corruption body or bodies
- **Art. 7**: Public sector
- **Art. 8**: Codes of conduct for public officials
- **Art. 9**: Public procurement and management of public finances
- **Art. 10**: Public reporting
- **Art. 11**: Strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
- **Art. 12**: Private sector
- **Art. 13**: Participation of society
- **Art. 14**: Measures to prevent money-laundering

### Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015

Since the 20th Steering Group Meeting in November 2015, Vietnam Government has continued to strengthen the anti-corruption measures. In terms of legal framework improvement, Vietnam has started the comprehensive revision of the Law on Anti-corruption (LAC). Regarding corruption prevention, Vietnam continued to accelerate the propagation of anti-corruption legal documents; strengthened public administration reform and public servants and public service mechanism reform; strengthened the measures for ensuring openness and transparency in the performance of the state administrative agencies, and measures for ensuring transparency in asset and income disclosures by public servants; focused more on the responsibility of heads of agencies, organisations, units in anti-corruption works within their own agencies, organisations or units; enhanced the role and responsibilities of society in anti-corruption; continued to integrate the anti-corruption contents into education and training curricula of educational institutions from the secondary education level upwards.

### Legal framework improvement
- On 12/7/2016, Government held the National Conference for Reviewing 10 Years’ Enforcement of LAC. At the Conference, the Prime Minister requested that the Party’s executive committees and administrative governments at all levels continue to strengthen the Party’s leadership and State’s management in anti-corruption works. The Prime Minister assigned the Committee for Drafting the Amended LAC to study thoroughly the shortcomings and loopholes in policies and legal provisions, which were drawn out and synthesized through the
review, as well as the recommendations and option proposals, in order to be able to select out the most appropriate measures to include into the Draft Amended Anti-corruption Law.

- The Draft Amended LAC were publicized for comments from various agencies, organizations, unions and citizens and has recently been submitted by the Government to the National Assembly’s Judicial Committee for consideration. Some new remarkable points of the Draft include (1) expanding the anti-corruption scope to cover also the private sector; (2) improving provisions on openness, transparency and conflict of interest, sticking to responsibility of heads of agencies, organizations and units; (3) supplementing regulations in order to further control assets and incomes of public officials, public servants and some other types of persons holding position and powers, especially those in public companies, credit institutions and investment funds; and (4) supplementing regulations on evaluating and measuring the corruption situation and anti-corruption works.

- Ministry of Finance and Government Inspectorate of Vietnam (GIV) issued Joint Circular No. 70/2016/TTLT-BTC-TTCP dated 06/5/2016 to regulate the establishment, management and usage of Commending and Rewarding Fund for Anti-corruption. This Fund will be managed by GIV for commending and rewarding the agencies, organizations and individuals who make achievements in corruption prevention, detection and handling.

Preventive anti-corruption measures

Propagating laws on anti-corruption:

- Agencies, ministries, industries and provinces continued to implement the Project “Propagating Laws on Preventing and Fighting Against Corruption and the UN Convention Against Corruption among cadres, public servants, employees and citizens from 2012 to 2016” (Project No. 4061), including the periodical organization of training courses on anti-corruption laws, the strengthening of public service ethics and the participation in the Competition “Good Examples in Anti-corruption” launched on newspapers.

- On 14/3/2016, GIV organized the National Conference for preliminarily reviewing 2 years of implementing the Directive No. 10/CT-TTg dated 12/6/2013 on integrating the anti-corruption contents into the education curricula in all education and training institutions from 2013-2014. After two years of implementation of the Directive No. 10, most of central ministries, industries, within their responsibilities, instructed the implementation of this Directive, developed the teaching materials for education and training institutions under their management, and trained the teachers, trainers and managers. The most remarkable outcome was the Directive’s synchronized and effective implementation at secondary schools and provincial Departments for Education and Training.

Public administration reform:

- Government issued the Decree No. 20/2016/NĐ-CP dated 30/3/2016 regulating the National Database on Administrative Punishment.

- Ministries, industries, provinces accelerated administrative procedure reform, to further facilitate the citizens and enterprises: those agencies carried out the Plan for Focal Administrative Procedures Reform in 2016, continued to carry out activities in order to fulfill
the Government’s 25 Resolutions on simplification of administrative procedures at all state management sectors, continued to check up, simplify and publicize the administrative procedures in all industries, sectors in accordance with the Government’s regulations, especially the administrative procedures of such key sectors as land, business, construction, tax, custom, investment etc.

- On 12/4/2016, the Center for Community Support Development Studies (CECODES), the Vietnam Fatherland Front and the United Nations Development Program (UNDP) jointly released the Report on Provincial Governance and Public Administration Performance Index (PAPI). This is the fifth PAPI survey with the random selection and direct interviews of nearly 14,000 citizens.
- On 26/4/2016, Ministry of Home Affairs announced the Satisfaction Index for Public Administrative Service 2015 (SIPAS 2015) which reflects the citizens and organisations’ satisfaction on the services of State administrative agencies in 2015. The survey was conducted for 06 administrative procedures. Through this Index, State administrative agencies could identify their strength, weakness in providing administrative services to citizens, organisations as well as understand citizens and organisations’ needs therefrom finding out the appropriate solutions for improving and enhancing the quality of the public administrative services provided by them.

Implementation of Codes of Conducts, Regulations on Professional Ethics and Regulations on Working Position Shift

- Ministries, industries and provinces organised the implementation of codes of conducts for cadres, public servants and employees in executing their official duties and in social relations; for the first 6 months of 2016, those agencies examined the implementation of the codes and regulations in 1,126 agencies, organisations, units and timely detected, corrected the faults and sanctioned 22 cadres, public servants and employees for violating codes of conducts, regulations on professional ethics.
- Industries and agencies at all levels implemented the regulations on working position shift. For the first 6 months of 2016, working position shift was conducted over 3,810 cadres, public servants and employees.

Participation of the society in anti-corruption

- In February 2016, GIV, in coordination with UNDP Office in Vietnam, organized the Certificate Award Ceremony and Training Workshop for Awarded Projects under the “Vietnam Anti-corruption Initiative Replication Program (VACI Replication Program)”. Those awarded projects are being carried out within timeframe of 01 year.

Anti-corruption monitoring and evaluation

- On 06/6/2016, under the framework of Project on Pilot Application of Korean Anti-corruption Initiative Assessment Indicators funded by KOICA-UNDP, the Inspector General of GIV approved “Set of Anti-corruption initiative assessment indicators for Provincial People’s Committees”. In 2016, Vietnam pilots the application of the indicators upon provincial governments nation-wide.

2. Measures Being Planned to Implement UNCAC provisions

Vietnam plans to focus on the following activities in the coming time:
• Continue with the finalization of the Draft Amended LAC for its submission to the National Assembly for approval.
• Continue to strengthen the propagation, popularization of and education on anti-corruption laws.
• Continue to enforce asset declaration and supervise the execution of asset declaration.
• Strengthen the inspections on the public duty fulfillment responsibility and the post-inspection supervision, verification and settlement; actively propose the unplanned inspections when detecting the corruption signs.
• Continue to punish determinedly and timely corruption behaviors; study the measures for recovering thoroughly the appropriated and lost proceeds under the State, collective and individual ownership.
• Strengthen the role and responsibility of Vietnam Fatherland Front, social organizations, business associations, industrial and professional associations, especially the role and responsibility of press and media agencies, and of each cadre, party member and citizen in anti-corruption.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
• Resources for the implementation are limited.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter II
Some capacity building needs:
• Needs for resources for realizing the anti-corruption initiatives proposed by communities and enhancing the awareness and participation of communities in anti-corruption;
• Needs for technical and resource support for training skills and profession of inspection, supervision, investigation, prosecution, and judgment in corruption cases, especially foreign-related corruption cases;
• Training needs for officials of State Bank and other anti-money laundering agencies.

B. UNCAC Chapter III: Criminalization and Law Enforcement

UNCAC Provisions:
Art. 15: Article 15. Bribery of national public officials
Art. 16: Bribery of foreign public officials and officials of public international organizations
Art. 17: Embezzlement, misappropriation or other diversion of property by a public official
Art. 18: Trading in influence
Art. 19: Abuse of functions
Art. 20: Illicit enrichment
Art. 21: Bribery in the private sector
Art. 22: Embezzlement of property in the private sector
Art. 23: Laundering of proceeds of crime
Art. 24: Concealment
Art. 25: Obstruction of justice
Art. 26: Liability of legal persons
Art. 27: Participation and attempt
Art. 28: Knowledge, intent and purpose as elements of an offence
Art. 29: Statute of limitations
Art. 30: Prosecution, adjudication and sanctions
Art. 31: Freezing, seizure and confiscation
Art. 32: Protection of witnesses, experts and victims
Art. 33: Protection of reporting persons
Art. 34: Consequences of acts of corruption
Art. 35: Compensation for damage
Art. 36: Specialized authorities
Art. 37: Cooperation with law enforcement authorities
Art. 38: Cooperation between national authorities
Art. 39: Cooperation between national authorities and the private sector
Art. 40: Bank secrecy
Art. 41: Criminal record
Art. 42: Jurisdiction

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   - Vietnam is in the process of revising the criminal law, criminal proceedings law and anti-corruption law toward criminalizing the corruption behaviors as required by UNCAC, especially corruption behaviors in private sector, bribery of foreign officials and officials of public international organisations.
   - Prime Minister issued the Directive No. 12/CT-TTg dated 28/4/2016 directing all levels, industries and functional agencies to strengthen the detection and settlement of corruption cases.
   - Central Steering Committee for Anti-corruption issued Plan No. 16-KH/BCĐTW dated 09/5/2016 on examining and supervising the case inspections; prosecuting, investigating, prosecuting and judging the corruption and economic crime cases which are serious, complicated and concerned by the society. The General Secretary - Head of the Committee, issued the Decision No. 17-QĐ/BCĐTW to establish 07
missions for examining and supervising the case inspections; prosecuting, investigating, judging the corruption and economic crime cases which are serious, complicated and concerned by the society.

- In May 2016, GIV and the Party’s Central Internal Affairs Committee co-organized the Conference for preliminarily reviewing the implementation of Regulations on coordination between the two agencies. In the coming time, the two agencies will focus on focal missions such as: researching and proposing the major viewpoints, policies and orientations of the Party regarding inspection, citizen reception, complaint and denunciation settlement and anti-corruption; cooperating to study and recommend a model agency in charge of investigating corruption crimes; organizing courses for training anti-corruption skills and profession and exchanging experiences; instructing the coordination between the Party’s provincial Internal Affairs Committees and Provincial Inspectorates, etc.

- For the first 06 months of 2016, investigation agencies of the People’s Public Security Force assumed to 173 cases, 481 defendants for the corruption crimes, among which: 105 cases and 335 defendants shifted from 2015; 68 cases and 146 defendants newly prosecuted (loss of 393 billions VND and 838 m² land; recovered and returned to the state budget 117.8 billions VND (accounting for 30%)). 51 cases and 185 defendants were concluded investigation and transferred for prosecution; 04 cases and 13 defendants were temporarily suspended investigation; 04 cases and 03 defendants were suspended investigation; 07 cases and 21 defendants were settled in other ways (changing the crimes, merging cases, transferring to other agencies for assuming etc.); 107 cases and 259 defendants are under investigation.

2. Measures Being Planned to Implement UNCAC provisions

Vietnam plans to carry out the following activities in the coming time:

- Continue to review, study and further improve the related legal system.
- Strengthen the inspections on the public duty fulfilment responsibility and the post-inspection supervision, verification and settlement; actively propose the unplanned inspections when detecting the corruption signs.
- Continue to punish determinedly and timely corruption behaviors; study the measures for recovering thoroughly the appropriated and lost proceeds under the State, collective and individual ownership.


Vietnam identified several key challenges in full compliance with the UNCAC requirements such as: dissimilarities between the country’s regulations and laws and UNCAC on criminal policies, criminal proceedings for corruption behaviors, and liability of legal persons.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter III

Some capacity building needs:

- Training needs to strengthen the capacity for officials of public security and prosecution agencies, and courts.
• Needs for resources to organize the symposiums for researching, revising, supplementing the anti-corruption regulations.

### C. UNCAC Chapter IV: International Cooperation

**UNCAC Provisions:**
- Art. 43: International cooperation
- Art. 44: Extradition
- Art. 45: Transfer of sentenced persons
- Art. 46: Mutual legal assistance
- Art. 47: Transfer of criminal proceedings
- Art. 48: Law enforcement cooperation
- Art. 49: Joint investigations
- Art. 50: Special investigative techniques

#### 1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
- Vietnam continued to strengthen international cooperation in anti-corruption, especially in criminal legal mutual assistance with related countries.
- GIV continued to carry out the bilateral anti-corruption cooperation activities as well as proactively participated in multilateral anti-corruption cooperation fora in the region such as APEC ACTWG, SEA-PAC, ADB/OECD Anti-corruption Initiative for Asia and the Pacific, etc. Vietnam also participated in the networks of regional law enforcement agencies such as APEC ACT-NET, Asia – Pacific Law Enforcement Network of the ADB/OECD Anti-corruption Initiative for Asia and the Pacific.
- On 12/4/2016, the Center for Community Support Development Studies (CECODES), the Vietnam Fatherland Front and the United Nations Development Program (UNDP) jointly released the Report on Provincial Governance and Public Administration Performance Index (PAPI). This is the fifth PAPI survey with the random selection and direct interviews of nearly 14,000 citizens.
- On 5/8/2016, GIV and Embassy of the United Kingdom to Vietnam signed the Contract on sponsoring the Project “Supporting Vietnamese Government to review and improve the Vietnam’s legal framework on anti-corruption in doing business in order to improve the business environment and promote transparent and sustainable growth”.

#### 2. Measures Being Planned to Implement UNCAC provisions
In the coming time, Vietnam will continue to strengthen and expand the international anti-corruption cooperation activities, especially cooperation in criminal legal mutual assistance with related countries; study and apply the international good and appropriate practices to enhance the effectiveness of the anti-corruption works of Vietnam; continue to conduct researches to further improve the legal framework as well as consider the possibility of signing new agreements on bilateral legal mutual assistance.
3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter IV
   • Training needs to strengthen the capacity for officials of public security and prosecution agencies, and courts.

D. UNCAC Chapter V: Asset Recovery

UNCAC Provisions:
   Art. 52: Prevention and detection of transfers of proceeds of crime
   Art. 53: Measures for direct recovery of property
   Art. 54: Mechanisms for recovery of property through international cooperation in confiscation
   Art. 55: International cooperation for purposes of confiscation
   Art. 56: Special cooperation
   Art. 57: Return and disposal of assets
   Art. 58: Financial intelligence unit
   Art. 59: Bilateral and multilateral agreements and arrangements

1. Measures Undertaken to Implement UNCAC provisions since the 20th Steering Group Meeting in November 2015
   • Vietnam has actively studied the mechanisms for recovering the proceeds of crime in general and the proceeds corruption in particular during the process of comprehensively revising the laws on criminal, civil and administrative proceedings.

2. Measures Being Planned to Implement UNCAC provisions
   • Vietnam will continue to actively study the mechanisms for recovering the proceeds obtained from criminal acts in general and the proceeds obtained from corruption acts in particular during the process of comprehensively revising the laws on criminal, civil and administrative proceedings.

3. Issues, Challenges and Constraints in the Implementation of UNCAC provisions
   • Current situations: mechanisms for recovering the illegal proceeds have not been clearly regulated.

4. Capacity Building Seminar Topics and Training Needs to Strengthen the Implementation of Chapter V.
   • Needs for organizing symposiums on mechanisms for recovering the proceeds of crime in general and the proceeds of corruption in particular.