



**Asia-Pacific
Economic Cooperation**

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Agenda Item: 10

Anti-Corruption and Transparency Reporting Template – Chinese Taipei

Purpose: Information
Submitted by: Chinese Taipei



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

APEC ANTI-CORRUPTION AND TRANSPARENCY (ACT) REPORTING TEMPLATE

ECONOMY:

Chinese Taipei

CALENDAR YEAR:

2014

LAST UPDATED:

April 28 2014

LEADERS' AND MINISTERS' COMMITMENTS

- **2010:** We agreed to enhance our efforts to improve transparency and eliminate corruption, including through regular reporting via ACT and other relevant fora on economies' progress in meeting APEC Leaders' commitments on anti-corruption and transparency.
- **2006:** Ministers endorsed APEC 2006 key deliverables on Prosecuting Corruption, Strengthening Governance and Promoting Market Integrity and encouraged member economies to take actions to realize their commitments. Ministers also encouraged all economies to complete their progress reports on the implementation of ACT commitments by 2007. Ministers welcomed APEC efforts to conduct a stocktaking exercise of bilateral and regional arrangements on anti-corruption in cooperation with relevant international and regional organizations, and encouraged member economies to fully participate in the stocktaking activities.

Objective: Where appropriate, to self-assess progress against APEC Leaders' and Ministers' commitments on anti-corruption, transparency, and integrity and to identify capacity building needs to assist the ACT to identify priority areas for future cooperation.

EXECUTIVE SUMMARY

1. Summary of main achievements/progress in implementing the commitments of APEC Leaders and Ministers on anti-corruption, transparency, and integrity since 2004.

- The enactment of the "Ethics Guidelines for Civil Servants" on August 1st, 2008 clearly defines the processing procedures for civil servant in property receipt, banquet entertainment, restriction on entertainers or lobbying conditions.
- Chinese Taipei revised the "Ethics Guidelines for Civil Servants" on July 30th, 2010 to add the interactive specifications for civil servants who need to involve in improper premises or to interact with interest-related persons.
- In order to motivate people to throw into volunteer work, Chinese Taipei has formulated the "Extension for the Integrity Volunteers Implementation Plan of the Agency Against Corruption, Ministry of Justice (hereinafter referred to as the AAC)" in 2011 to collaboratively promote integrity businesses with nationwide ethics units
- In 2011, Chinese Taipei prescribed the "Extension for Village Integrity Volunteers Platform Implementation Plan of the Agency Against Corruption, Ministry of Justice", in collaboration with ethics unit of each competent agency, to communicate with the public of grassroots, grasp the events concerning public interests and inspect conditions of major policy tasks implemented by each agency header, and to promote anti-corruption information in order to explore the hidden hardships and suffering people.
- Chinese Taipei promulgated the "Operation Guidelines on Registration and Inspections of Request and Lobby for the Executive Yuan and Its' Subordinate Organs" on September 4th, 2012 which came into force on September 7th, 2012, to make the request and lobby procedures systematic and transparent as well as to standardize its registration, in order to provide a clear distinction for the heads of agencies and related personnel to follow in dealing with related business.
- During the international anti-corruption period, Chinese Taipei convened an "2012 Integrity Governance Seminar" on November 22th, 2012 to research and discuss issues on the "Integrity Governance Strategies and Actions of Independent State", "Protection for Whistleblowers" and "How to Promote Anti-corruption Task Among International NGO.
- Chinese Taipei proposed a policy of "New Concept of Integrity - Based on the People's Interest" in 2013 to extend features of the "Ethics in Action" which switches the focus of "whistleblowing" in the past to the current "early warning" and comprehensively changes the government ethics culture under which the government ethics officers

are about to pay attention not only on whistleblowing but on reconstruction of partnerships within agencies. The ethics officials must "fully and comprehensively" participate in each procurement, engineering tendering, acceptance and inspection, co-organization as well as conduct assessment to people with high risk in the agency, in order to display "early warning" function and eliminate corruption and crime in the first place when malpractices are in prototype or uncompleted phase.

- As of March 2013, Chinese Taipei has planned, on the basis of the "New Concept of Integrity – Based on the People's Interest", to take root on agencies public servants, society and campus, and to plough deeply in campus as well as to enhance international advocacy.
- Starting from July 2013, the AAC has collaborated with the Customs Administration, Ministry of Finance to conduct integrity district forums to preach law implementation for customs colleagues in order to cultivate the habit of rejecting corruption.
- In 2013, Chinese Taipei has promoted rooting advocacy on campus to students under fourth grade by integrity volunteers through the way of storytelling to convey the importance of moral integrity.
- The AAC has collaborated with county and city governments to arrange courses under the coordination between ethics units and educational authorities to let prosecutors communicate the integrity law concept with school principals face to face during their relevant meeting periods in 2013.
- During the international anti-corruption period, Chinese Taipei convened an "2013 Integrity Governance Seminar" on December 9th, 2013 which invited experts and scholars of Transparency International to research and study how to enhance the indicators of international appraisals and the "Corruption Perceptions Index" and "Global Corruption Barometer" developed by Transparency International.
- Combining with the central ministries, local governments and Transparency International Chinese Taipei, the AAC hosted four times of "Administrative Transparent Forum" on April 25th, May 15th, May 18th and July 21st of 2013, respectively, which invited experts and scholars to research and discuss targeted businesses relating to public interests to consolidate the consensus of government department transparency.
- The letter promulgation of the "Recommended Practices for Agencies in Promoting Measures of Administrative Transparency" issued by the Ministry of Justice of Chinese Taipei on April 30th proposes strategies and practices with respect to the promotion of administrative transparency measures for government agencies reference.
- The letter promulgation of the "The Plan of Ethics Unit in Assisting Government Agencies to Promote Measures of Administrative Transparency" issued by the AAC governs all ethics units to deliberate the administrative transparent measures which is planned to be promoted. By now, there are 165 cases under control, and the industries of construction and funeral service will be listed as the priority items to be promoted in 2013 and 2014.
- Chinese Taipei completed the third and historically wide-range amendment of the "Act on Property-Declaration by Public Servants", in which the main contents include expanding the scope of public servants who shall disclose their property, tightening the timing and content of financial disclosure, changing the two-track system of the "Optional process for the Declaration of Property Trust and Development" to single-track of the "Property Declaration of Mandatory Trust", adding the system of "Mandatory Declaration of Property Changes", strengthening audit on declaration information, and adding administrative penalties to false property declaration which deliberately intends to conceal property and abnormal increase in property without justified reason or with unreasonable explanations or untruthful description. Such provisions have been amended and entered into effect on October 1st, 2008.
- To master the international anti-corruption trends, Chinese Taipei has actively participated in international anti-corruption meeting. Since its establishment in 2011, in addition to participating each meeting of APEC Anti-Corruption and Transparency Experts Task Force, Chinese Taipei also participated in seminar concerning topics of anti-money laundering, combating illegal trade and strengthening public-private sector cooperation, and published relevant systems and practices of our country; furthermore, it also participated in meeting relating to business ethics hosted by the APEC SME working Group as well as the conferences regarding public sector governance and anti-corruption issues organized by APEC Economic Committee and published reports of related systems and practices in our country. In addition, it has also sent representatives to attend IAACA Transparency International's annual meetings and seminars to exchange experiences with integrity organizations of other countries.

2. Summary of forward work program to implement Leaders' and Ministers' commitments.

- Continue to promote early warning action and construct anti-corruption mechanism in order to complete the system of "Corruption Prevention-Corruption Investigation-Further Corruption Prevention".
- Promote comprehensive advocacy to cultivate the consensus of civil servants habit in corruption rejection and the public zero tolerance of corruption.
- Root advocacy on campus through instilling concept of anti-corruption to students in order to cultivate their concept of moral integrity.

- The AAC has established a “Legislation Amendment Task Force of the Act on Recusal of Public Servants Due to Conflicts of Interest” and a “Legislation Amendment Task Force of Act on Property-Declaration by Public Servants” on November 7th, 2011 and March 20, 2013, respectively. Upon completion of both drafts amendment in July, 2013, they will be submitted to Executive Yuan for review and to Legislative Yuan for consideration.
- Continue to participate in international meetings and actively seek opportunity for organizing relevant international meetings in our country to facilitate the cross-border, inter-regional and inter-organization cooperation.

3. Summary of capacity building needs and opportunities that would accelerate/strengthen the implementation of APEC Leaders’ and Ministers’ commitments by your economy and in the region.

- Strengthen communication with legislators and explain the contents of the bill after the both amended drafts mentioned above are being submitted to legislative Yuan for consideration in order to gain support for the early approval for legislation so as to display the determination in promoting the “Sunshine Law”.

I. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO UNCAC PROVISIONS

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Take All Appropriate Steps Towards Ratification of, or Accession to, and Implementation of the UNCAC:

- Intensify our efforts to combat corruption and other unethical practices, strengthen a culture of transparency, ensure more efficient public management, and complete all appropriate steps to ratify or accede to, and implement the UNCAC.
- Develop training and capacity building efforts to help on the effective implementation of the UNCAC's provisions for fighting corruption.
- Work to strengthen international cooperation in preventing and combating corruption as called for in the UNCAC including extradition, mutual legal assistance, the recovery and return of proceeds of corruption.

I.A. Adopting Preventive Measures (Chapter II, Articles 5-13)

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RELEVANT UNCAC PROVISIONS

Chapter II, Articles 5-13 including:

- Art. 5(2) Establish and promote effective practices aimed at the prevention of corruption.
- Art. 7(1) Adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials that:
 - Are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;
 - Include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;
 - Promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;
 - Promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions.
- Art. 7(4) Adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.
- Art. 8(2) Endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.
- Art. 8(5) Establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials. Art. 52(5)/(6) [sharing the information on the financial disclosures that should be in place]
- Art. 10(b) Simplify administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities.
- Art. 12(2)(b) Promote the development of standards and procedures designed to safeguard the integrity of private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State.
- Art. 12(2)(c) Promote transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities.

- Art. 13(1) Promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

- **Article 5 (2):**
 1. To demonstrate the determination of anti-corruption as well as to gear with anti-corruption standards of global trends and international law, Chinese Taipei is now endeavouring for the approval of joining in the "United Nations Convention against Corruption" (hereinafter referred to as the UNCAC) and has clearly define the domestic legal effectiveness of UNCAC by enforcement act. In the future, Chinese Taipei will combine ethics units of various ministries and government agencies to implement the anti-corruption legal practices and policies constructed by UNCAC in order to prevent and investigate corruption more effectively, and thus enhance its international status.
 2. Since integrity is a core value of the government and that corruption will seriously destroy the government image, the Agency Against Corruption, Ministry of Justice, based on the goal of "Enhancing the corruption conviction rates, reducing corruption crime and protecting human rights" proposed the major policy of "New Concept of Integrity – Based on the People's Interest", in 2013 to implement the task of "Corruption Prevention-Corruption Investigation- Further Corruption Prevention", and follow the provisions of UNCAC to review the analysis of international integrity appraisal and the statistic data of corruption crimes to grasp the current integrity situation in order to, through the creation of a substantially transparent public environment, shape the universal social atmosphere of "zero tolerance of corruption", enhance the international integrity appraisals, create favourable investment environment so as to further enhance the country's competitiveness and construct a government trusted by people.
 3. Since its establishment, the AAC has actively launched investigation project from the grounds of enhancing national economy and people's Interest, and has completed 21 cases such investigation during the period of July 20th, 2011 to December 31st, 2013. The statistic results (by February 28th, 2014) show the AAC has investigated 52 corruptive cases, filed 50 cases to Prosecutors Office for investigation, exposed 472 cases of general criminals, 52 cases of administrative corruption, and traced 336 cases of administrative responsibility. In addition, the AAC also actively carries out project investigation on cases of "Criminal Embezzlement for Occupation Government-Owned Land" and "Water Pollution Inspection".
- **Article 7 (1):**
 1. Since March 2013, the AAC has planned, on the basis of the "New Concept of Integrity – Based on the People's Interest", to take root on agencies public servants, society and campus, and to plough deeply in campus as well as to enhance international advocacy.
 2. Combining with the central ministries, local governments and Transparency International Chinese Taipei, the AAC hosted four times of "Administrative Transparent Forum" on April 25th, May 15th, May 18th and July 21st of 2013, respectively, which invited experts and scholars to research and discuss targeted businesses relating to public interests to consolidate the consensus of government department transparency.
 3. Chinese Taipei has yearly organized "Special training of integrity prevention business" to provide appropriate and special knowledge in business prevention so as to improve the performance of ethics personnel.
 4. Chinese Taipei has established training programs with respect to laws of the "Civil Service Examination Act", "Civil Service Employment Act" and "Civil Service Promotion Act" (please refer to Chinese Taipei's ACT Interim Report in 2012), and the AAC has completed the review of digital presentation of "Create a Transparent and Ethical Society – Norms of Integrity and Ethics" in 2014 and have it serve as training materials to enhance the civil servant awareness to corruption risk when performing their duties.
 5. The AAC has planned serial training programs to upgrade profession knowledge for ethics personnel which incorporate "early warning "concept into training courses and strengthen corruption investigation sensitivity in order to cultivate comprehensive integrity talents. The training courses are designed according to seniority and rank which include new staff professional classes, junior and senior directors workshops, trainings for senior director of grade nine, research classes for senior director of grade nine, and trainings for junior and senior personnel and, in response to dedicated business needs, dedicated workshops for integrity prevention business, agencies maintenance works, general and special dedicated evidence collection workshops, and integrity business dedicated class, sessions to enhance business sensitivities in corruption investigation, in order to enhance ethics personnel awareness for uncover hidden risk of corruption.

- **Article 7 (4):**

1. The AAC and the Public Construction Commission (hereinafter referred to as the "PCC") of Chinese Taipei have jointly constructed the "Government Procurement Joint Audit Platform" in July 2013, in which the staff of the AAC not only shall take turn to login the government e-procurement network and processed the screening operation for abnormal procurement cases, but also have to regularly consolidate intelligent information which is worth of inspection and letter advise each ethics unit of competent authorities to continue such inspection, while the PCC will, through the Platform, submit batch data regularly or individual case irregularly of potentially abnormal procurement case to the AAC to conduct inspection.
2. Chinese Taipei has formulated the "Act on Recusal of Public Servants Due to Conflicts of Interest" to regulate public servants and their relatives in order to promote political integrity, correct political culture, establish standards for public servants to avoid due to conflict of interest and effectively deter corruption and improper benefits transfer.
3. According to provisions of Article 10 of the "Act on Recusal of Public Servants Due to Conflicts of Interest", public servants who are aware of the recusal obligation should cease to perform his official duty, and that duty shall be exercised by the duty agent, and shall notify in writing to Control Yuan or ethics units.
4. In accordance with the provisions of Article 9 and 15 of the "Act on Recusal of Public Servants Due to Conflicts of Interest", public servants or their relative parties shall not engage in transactions of sale, lease or contract with agencies they are serving or supervising. Those who are in violation of such requirements shall be fined at the amount of 1 to 3 time of transaction value.
6. Since March of 2013, the AAC has constructed a substantive transparent mechanism to stall all processes in the sun in accordance with the "New Concept of Integrity – Based on the People's Interest".
7. The letter promulgation of the "Recommended Practices for Agencies in Promoting Measures of Administrative Transparency" issued by the Ministry of Justice of Chinese Taipei on April 30th proposes strategies and practices with respect to the promotion of administrative transparency measures for government agencies reference.
8. The letter promulgation of the "The Plan of Ethics Unit in Assisting Government Agencies to Promote Measures of Administrative Transparency" issued by the AAC governs all ethics units to deliberate the administrative transparent measures which is planned to be promoted. By now, there are 165 cases under control, and the industries of construction and funeral service will be listed as the priority items to be promoted in 2013 and 2014.

- **Article 8 (2):**

1. The enactment of the "Ethics Guidelines for Civil Servants" on August 1st, 2008 clearly defines the processing procedures for civil servant in property receipt, banquet entertainment, restriction on entreaties or lobbying conditions.
2. Chinese Taipei revised the "Ethics Guidelines for Civil Servants" on July 30th, 2010 to add the interactive specifications for civil servants who need to involve in improper premises or to interact with interest-related persons.
3. Chinese Taipei promulgated the "Operation Guidelines on Registration and Inspections of Request and Lobby for the Executive Yuan and Its' Subordinate Organs" on September 4th, 2012 which came into force on September 7th, 2012, to make the request and lobby procedures systematic and transparent as well as to standardize its registration, in order to provide a clear distinction for the heads of agencies and related personnel to follow in dealing with related business.

- **Article 12 (2) (b) and (C):**

1. The letter promulgation of the "National Integrity Building Action Plan" issued by Chinese Taipei on July 8, 2009 lists the "Corporate integrity promotion" as one of the specific act and proposes five specific strategies of "strengthen corporate governance and business ethics and promote relevant supporting measures to enhance corporate internal and external supervisions as well as the interests of employees," "promote corporate social responsibility, strengthen communication with enterprise and private sectors and consolidate anti-corruption consensus between enterprises and private sector", "guide and reward enterprises to establish ethical standards and internal control mechanisms", "establish evaluation mechanism for corporate governance, business integrity and ethics to facilitate the public and staff to oversee the business" and "strengthen the communication discussions with accredited international and multinational managers and staff to improve factors that hinder competitiveness", and all of which are to be handled by the Ministry of Economic Affairs and Financial Supervisory Commission.
2. The letter amendment regarding the specific strategy of "Corporate integrity promotion" in "National Integrity Building Action Plan" issued by Chinese Taipei on

December 28th, 2012 added two items of "strengthening the exploration, evidence collection and investigation for the clues of corporate corruption in order to establish a comprehensive mechanism for anti-corruption" and "strengthen the supervision of government management for public shares and promote the integrity of public shares business."

• **Article 13 (1):**

1. In order to motivate people to throw into volunteer work, Chinese Taipei has formulated the "Extension for the Integrity Volunteers Implementation Plan of the Agency Against Corruption, Ministry of Justice" in 2011 to collaboratively promote integrity businesses with nationwide ethics units.
2. In 2011, Chinese Taipei prescribed the "Extension for Village Integrity Volunteers Platform Implementation Plan of the Agency", in collaboration with ethics unit of each competent agency, to communicate with the public of grassroots, grasp the events concerning public interests and inspect conditions of major policy tasks implemented by each agency header, and to promote anti-corruption information in order to explore the hidden hardships and suffering people.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

1. The AAC combines with administrative agencies, judicial organs and civil society to promote the "National Land Safety Integrity Platform" in order to compiled national land safety intelligence for the competent authority to process and investigate.
2. After the establishment of the "Legislation Amendment Task Force of the Act on Recusal of Public Servants Due to Conflicts of Interest" on November 7th, 2011, Chinese Taipei has already held 16 times of legislation amendment task force meetings, in which the direction of amendment are: deliberating the applicable scope of public officials in this Act, defining the scope of relative parties, clarifying the definition of "non-property interests", adjusting the restriction which regulates the specific transaction between public officials or their relative parties and agencies served or supervised by the public officials to be more consistent with the principle of proportionality and the amount and level of fines for those who violate this Act and strengthening relevant data audit for cases which violate this Act. The draft amendment to the provisions of this Act is scheduled to be completed in June 2014 and be submitted to Executive Yuan for review.

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

Strengthen communication with legislators and explain the contents of amended draft of the "Act on Recusal of Public Servants Due to Conflicts of Interest" which is scheduled to be completed in June of 2014 and, upon the approval of Executive Yuan, submit it to legislative Yuan for consideration in order to gain support for the early approval for legislation so as to display the determination in promoting the "Sunshine Law".

I. B. Criminalization and Law Enforcement (Chapter III)

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RELEVANT UNCAC PROVISIONS

- Art. 15 Adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
 - The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.
- Art. 16(1) Adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.
- Art. 17 Adopt measures to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.
- Art. 20 Adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.
- Art. 21 Adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:
 - The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;
 - The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.
- Art. 27(1) Adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

- **Article 15:**
 1. The existing "Anti-Corruption Act" has prescribed penalties for civil servants who commit crimes of "Bribe breaches official duty" and "Bribe not breaches official duty" (see the Paragraph 1 and 2 of Article 11 in the "Anti-Corruption Act").
 2. The provisions of "Anti-Corruption Act" and the "Offenses of Malfeasance in Office" of Criminal Code have clearly prescribed penalties for civil servants who act against or breach the duty requirements, or accept bribes or other improper benefits.
- **Article 16:**

The Paragraph 2 of Article 11 in the existing "Anti-Corruption Act" prescribes that civil servants who commit crimes of behavior, request, contract or bribe delivery or other improper benefit shall be sentenced to imprisonment less than 3 years, or detention or as well as a fine of up to NT\$0.5 million. The Paragraph 3 of such Act prescribes that civil

servants who serve matters relating cross-trade, investment, or other commercial activities in mainland China, Hong Kong or Macau and commit the two crimes specified above (“Bribe breaches official duty” and “Bribe not breaches official duty”) shall be sentenced to imprisonment less than 5 years, or a fine of up to NT\$1 million in accordance with the provisions of previous 2 Paragraphs.

- **Article 17:**
The Article 4 to 6 of the “Anti-Corruption Act” have already prescribed provisions of severe penalties.

- **Article 20:**
After deliberating the provisions of Article 20 in UNCAC and other countries’ legislations, Chinese Taipei has updated the crime of civil servant’s property from unidentified sources in Article 6 (1) of the “Anti-Corruption Act” which stipulates that: “If the prosecutor has found the properties of suspected civil servants and their spouses or minor children have increased inconsistent with the income of the suspected civil servants during the investigation, the persecutor shall order the suspects to make statements for the origins of dubious property. Those who are incapable to explain or without justified reasons or explain untruthfully shall be sentenced to imprisonment less than 5 years or detention, or fined or along with a fine less than the sum of dubious property.”

- **Article 27 (1)**
Unless other provisions specified, the provisions of principal offender of Article 28, of abettor of Article 29 and of assessor of Article 30 in the Criminal Code of Chinese Taipei shall applicable to all crimes.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

I.C. Preventing Money-LaunderingContact Point: Name: Fan Yi-Kai Title: AgentTelephone Number: +886-2-25675586#2032 Fax Number: +886-2-25622086 Email Address: aac2032@mail.moj.gov.tw**RELEVANT UNCAC PROVISIONS**

- Art. 14(1) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons, that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering.
- Art. 14(2) Implement feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders.
- Art. 14(3) Implement appropriate and feasible measures to require financial institutions, including money remitters, to:
 - (a) include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;
 - (b) maintain such information throughout the payment chain; and
 - (c) apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS**Article 14 (1):**

Provisions of Paragraph 1 and 2 of Article 5 in the "Money Laundering Control Act" provide that: "The financial institutions referred to in this Act include the following organizations: 1. Banks 2. Trust and investment companies 3. Credit cooperative associations 4. Credit departments of farmers' associations 5. Credit department of fishermen's associations 6. Agricultural Bank of Chinese Taipei 7. Postal savings institutions 8. Negotiable instrument finance corporations 9. Credit card companies 10. Insurance companies 11. Securities brokers 12. Securities investment and trust enterprise 13. Securities finance enterprises 14. Securities investment consulting enterprises 15. Securities central depository enterprises 16. Futures brokers 17. Trust enterprises 18. Other financial institutions designated by the competent authorities for financial purpose. (Paragraph 1) Provisions of this Act are also applicable to the following financial institutions: 1. Jewellery retail businesses 2. Other financial institutions likely to be used for money laundering and designated by the Ministry of Justice in consultation with central competent authorities governing target businesses (Paragraph 2), therefore, it can be seen that major financial and Other financial institutions likely to be used for money laundering in our country have been included in the management of anti-money laundering system.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)**CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION**

II. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO APEC INTEGRITY STANDARDS (CROSS CHECK WITH I.A. ABOVE)

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LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: **Strengthen Measures to Effectively Prevent and Fight Corruption and Ensure Transparency by Recommending and Assisting Member Economies to:**

- Establish objective and transparent criteria that assure openness for merit, equity, efficiency for the recruitment of civil servants, and promote the highest levels of competence and integrity;
- Adopt all necessary measures to enhance the transparency of public administration, particularly with regard to organization, functioning and decision-making processes;
- Develop and implement appropriate public financial disclosure mechanisms or codes of conduct for senior-level public officials [SOM III: Guidelines];

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

1. Since March of 2013, the AAC has constructed a substantive transparent mechanism to stall all processes in the sun in accordance with the "New Concept of Integrity – Based on the People's Interest".
2. Combining with the central ministries, local governments and Transparency International Chinese Taipei, the AAC hosted four times of "Administrative Transparent Forum" on April 25th, May 15th, May 18th and July 21st of 2013, respectively, which invited experts and scholars to research and discuss targeted businesses relating to public interests to consolidate the consensus of government department transparency.
3. The letter promulgation of the "Recommended Practices for Agencies in Promoting Measures of Administrative Transparency" issued by the Ministry of Justice of Chinese Taipei on April 30th proposes strategies and practices with respect to the promotion of administrative transparency measures for government agencies reference.
4. The letter promulgation of the "The Plan of Ethics Unit in Assisting Government Agencies to Promote Measures of Administrative Transparency" issued by the AAC governs all ethics units to deliberate the administrative transparent measures which is planned to be promoted. By now, there are 165 cases under control, and the industries of construction and funeral service will be listed as the priority items to be promoted in 2013 and 2014.
5. Provisions of Article 2 and 6 of current "Act on Property-Declaration by Public Servants" have provided that high-level officials (such as the president, vice president, premiers and vice premiers of the five Yuans, and political appointees) should declare their assets and their financial disclosure information shall be available for the public to inspect and should be regularly published in the Government Gazette and Internet bulletin.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

1. Continue to view malpractice items of major business with each agency and develop a transparent manner through administrative procedures in order to improve the accessibility of public joint supervision.
2. The AAC has established a "Legislation Amendment Task Force of Act on Property-Declaration by Public Servants" on March 20th, 2013 and convened 8 times meetings to re-examine the mandatory disclosure system of public officials' property declaration, mandatory trust system and change reporting system. The amendment of the provisions of this Act which is scheduled to be completed in June of 2014 will be letter submitted to Executive Yuan for review and to Legislative Yuan for consideration in September.

2014

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

Strengthen communication with legislators and explain the contents of amended draft of the "Act on Property-Declaration by Public Servants" which is scheduled to be completed in September of 2014, and expect to complete its legislation before June, 2015 so as to display the determination in promoting the "Sunshine Law".

III. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO SAFE HAVENS (CROSS CHECK WITH I.C. ABOVE):

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Telephone Number: +886-2-25675586#2032 Fax Number: +886-2-25622086 Email Address: aac2032@mail.moj.gov.tw

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Deny safe haven to officials and individuals guilty of public corruption, those who corrupt them, and their assets:

- Promote cooperation among financial intelligence units of APEC members including, where appropriate, through existing institutional mechanisms.
- Encourage each economy to promulgate rules to deny entry and safe haven, when appropriate, to Officials and individuals guilty of public corruption, those who corrupt them, and their assets.
- Implement, as appropriate, the revised Financial Action Task Force (FATF) 40 Recommendations and FATF's Special Recommendations (Santiago Course of Action)
- Work cooperatively to investigate and prosecute corruption offenses and to trace freeze, and recover the proceeds of corruption (Santiago Course of Action)
- Implement relevant provisions of UNCAC. These include:
 - Art. 14 (Money laundering)
 - Art. 23 (Laundering of Proceeds of Crime)
 - Art. 31 (Freezing, seizure and confiscation)
 - Art. 40 (Bank Secrecy)
 - Chapter V (Asset Recovery)

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

The AAC has visited Hong Kong Independent Commission Against Corruption on July 13th, 2012 and January 23rd, 2014, respectively, Singapore Corrupt Practices Investigation Bureau on May 16th, 2013, Mainland China Supreme People's Procuratorate of the judiciary from August 5th to 9th of 2013, and Macau Commission Against Corruption and Public Prosecutions Office on August 29th to 31st of 2013 to discuss the establishment of contact window and the conference for jointly fighting against corruption and to confirm both sides mutual assistance willingness and mode of operation.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

IV. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO PRIVATE SECTOR CORRUPTION:

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LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Fight both Public and Private Sector Corruption:

- Develop effective actions to fight all forms of bribery, taking into account the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions or other relevant anticorruption conventions or initiatives.
- Adopt and encourage measures to prevent corruption by improving accounting, inspecting, and auditing standards in both the public and private sectors in accordance with provisions of the UNCAC.
- Support the recommendations of the APEC Business Advisory Council (ABAC) to operate their business affairs with the highest level of integrity and to implement effective anticorruption measures in their businesses, wherever they operate.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

1. For the continuation of the research achievement of the "Public Sector Whistleblower Protection Act", Chinese Taipei has entrusted Chinese Taipei Science and Technology Law Association to conduct the research for "Private Sector Whistleblower Protection Act" on November 18th, 2013.
2. The letter promulgation of the "National Integrity Building Action Plan" issued by Chinese Taipei on July 8th, 2009 lists the "Corporate integrity promotion" as one of the specific act and proposes five specific strategies of "strengthen corporate governance and business ethics and promote relevant supporting measures to enhance corporate internal and external supervisions as well as the interests of employees.", "promote corporate social responsibility, strengthen communication with enterprises and private sectors and consolidate anti-corruption consensus between enterprises and private sector", "guide and reward enterprises to establish ethical standards and internal control mechanisms", "establish evaluation mechanism for corporate governance, business integrity and ethics to facilitate the public and staff to oversee the business" and "strengthen the communication discussions with accredited international and multinational managers and staff to improve factors that hinder competitiveness", and all of which are to be handled by the Ministry of Economic Affairs and Financial Supervisory Commission.
3. The letter amendment regarding the specific strategy of "Corporate integrity promotion" in "National Integrity Building Action Plan" issued by Chinese Taipei on December 28th, 2012 added two items of "strengthening the exploration, evidence collection and investigation for the clues of corporate corruption in order to establish a comprehensive mechanism for anti-corruption" and "strengthen the supervision of government management for public shares and promote the integrity of public shares business."
4. The AAC governs nationwide ethics units to strengthen the advocacy of corporate integrity, business ethics and internal control system. Since 2013, the Ministry of Justice collaboratively handle the "Operating integrity and social responsibility of publicly traded company" with Financial Supervisory Commission.
5. Chinese Taipei Stock Exchange and the OTC promulgated the "Listed Companies Corporate Social Responsibility Practice Code" on February 8th, 2010
6. Chinese Taipei entrusted Chinese Taipei Corporate Governance Association to conduct corporate governance assessment certification for the applicants of publicly traded company.
7. The Association of Banks and Association of Bills amended the Practice Code for Governance of Bank and Bills Finance Business on October 19th and 23rd of 2009, respectively.
8. Chinese Taipei printed "SME business integrity handbook" and shot propaganda video of "Corporate integrity and ethics" in 2010 for the purpose of promoting corporate integrity and professional ethics.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

1. Combining with relevant agencies of the Financial Supervisory Commission and the Ministry of Economic Affairs, Chinese Taipei really implements relevant specific strategies in the "promoting corporate integrity" of "National Integrity Building Action Plan".
2. The AAC governs all ethics units to handle corporate integrity advocacy organization in order to root the concept of corporate integrity into business owners.

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

The concept about enterprise integrity has been implemented by our nation's highest administrative organ of the Executive Yuan together with relevant institutions through the way of "National Integrity Building Action Plan", to show our country's determination to promote business integrity and to ensure the ability of Chinese Taipei to fulfill the commitments.

V. ENHANCING REGIONAL COOPERATION

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LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Strengthen Cooperation Among APEC Member Economies to Combat Corruption and Ensure Transparency in the Region:

- Promote regional cooperation on extradition, mutual legal assistance and the recovery and return of proceeds of corruption.
- Afford one another the widest measure of mutual legal assistance, in investigations, prosecutions and judicial proceedings related to corruption and other offences covered by the UNCAC.
- Designate appropriate authorities in each economy, with comparable powers on fighting corruption, to include cooperation among judicial and law enforcement agencies and seek to establish a functioning regional network of such authorities.
- Sign bilateral and multilateral agreements that will provide for assistance and cooperation in areas covered by the UNCAC. (Santiago Course of Action) These include:
 - Art. 44 – Extradition
 - Art. 46 – Mutual Legal Assistance
 - Art. 48 – Law Enforcement Cooperation
 - Art. 54 – Mechanisms for recovery of property through international cooperation in confiscation
 - Art. 55 – International Cooperation for Purposes of Confiscation
- Work together and intensify actions to fight corruption and ensure transparency in APEC, especially by means of cooperation and the exchange of information, to promote implementation strategies for existing anticorruption and transparency commitments adopted by our governments, and to coordinate work across all relevant groups within APEC (e.g., SOM, ABAC, CTI, IPEG, LSIF, and SMEWG).
- Coordinate, where appropriate, with other anticorruption and transparency initiatives including the UNCAC, OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, FATF, the ADB/OECD Anticorruption Action Plan for the Asia Pacific region, and Inter-American Convention Against Corruption.
- Recommend closer APEC cooperation, where appropriate, with the OECD including a joint APEC-OECD seminar on anticorruption, and similarly to explore joint partnerships, seminars, and workshops with the UN, ADB, OAS, the World Bank, ASEAN, and The World Bank, and other appropriate multilateral intergovernmental organizations.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

1. For the purposes of strengthening corruption investigation energy and establishing business division, Chinese Taipei letter issued the "Operation Directions of Corruption Investigation Communication between the Agency Against Corruption and the Investigation Bureau of Ministry of Justice" in order to fully integrate corruption investigation resources, avoid duplication of investigations and, through requirements from upper level, management mechanism of middle level and executive practice of primary level, to construct mutual cooperation platform so as to reach the strategic goals of coordinated attack and cross fire network in fighting against the corruption crimes.
2. To master the international anti-corruption trends, Chinese Taipei has actively participated in international anti-corruption meeting. Since its inception in 2011, in addition to participating each meeting of APEC Anti-Corruption and Transparency Experts Task Force, Chinese Taipei also participated in seminar concerning topics of anti-money laundering, combating illegal trade and strengthening public-private sector cooperation, and published relevant systems and practices of our country; furthermore, it also participated in meeting relating to business ethics hosted by the APEC SME working Group as well as the conferences regarding public sector governance and anti-corruption issues organized by APEC Economic Committee and published reports of related systems and practices in our country. In addition, it has also sent representatives to attend IAACA Transparency International's annual meetings and seminars to exchange experiences with integrity organizations of other countries.

3. To gear with international standards and comply with the spirits of UN's Convention against Corruption and Convention against Transnational Organized Crime, Chinese Taipei has been working on the amendment of Extradition Act.
4. To gear with international standards, comply with the spirits of UN's Convention against Corruption and Convention against Transnational Organized Crime and to enhance the strength of Asia-Pacific region in combating crimes, Chinese Taipei has been working on the development of mutual legal assistance law.
5. In order to cooperate internationally so as to thoroughly deprive the criminal assets of perpetrators, Chinese Taipei has joined the ARIN-AP on January 18th, 2014.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

Continue to participate in international meetings and to comply with relevant operations and realizations of APEC's ACT-NET (Anti-Corruption and Enforcement Network).

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

our economic growth, by considering the following concrete actions: (f.) advance greater collaboration among law enforcement authorities, in combating corruption, bribery, money laundering, and illicit trade, through the **establishment of an APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET)** that will strengthen informal and formal regional and cross-border cooperation. (AELM).

Fighting Corruption and Ensuring Transparency (AMM 2013). We reaffirmed the importance and the need to enhance prevention and enforcement in addressing corruption, bribery and other financial crimes and illicit trade that imperil our security and prosperity agenda, including the safeguarding of public assets, natural resources, and human capital. We also reaffirmed our commitment to create ethical business environments that support sustainable economic growth, in particular by strengthening ethical standards, and we encouraged all stakeholders to implement APEC's high standard principles for codes of business ethics. We applauded the Anti-Corruption and Transparency Working Group (ACTWG)'s continued leadership in collaborating with other APEC fora. We further committed to establish among member economies an "APEC Network of Anti-Corruption Authorities and Law Enforcement Authorities (ACT-NET)", under the auspices of ACTWG to promote networking and foster relationship-building among anti-corruption and law enforcement officials who can assist one another in detecting, investigating and prosecuting corruption and domestic and foreign bribery, money laundering, and illicit trade cases; to provide a forum that can facilitate bilateral and multilateral discussions of such cases, as appropriate; and to facilitate the sharing of expertise and experiences in detecting, investigating and prosecuting such cases (see Annex D).

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

1. The letter promulgation of the "National Integrity Building Action Plan" issued by Chinese Taipei on July 8, 2009 lists the "Corporate integrity promotion" as one of the specific act and proposes five specific strategies of "strengthen corporate governance and business ethics and promote relevant supporting measures to enhance corporate internal and external supervisions as well as the interests of employees.", "promote corporate social responsibility, strengthen communication and with enterprises private sectors and consolidate anti-corruption consensus between enterprises and private sector", "guide and reward enterprises to establish ethical standards and internal control mechanisms", "establish evaluation mechanism for corporate governance, business integrity and ethics to facilitate the public and staff to oversee the business" and "strengthen the communication discussions with accredited international and multinational managers and staff to improve factors that hinder competitiveness", and all of which are to be handled by the Ministry of Economic Affairs and Financial Supervisory Commission.
2. The letter amendment regarding the specific strategy of "Corporate integrity promotion" in "National Integrity Building Action Plan" issued by Chinese Taipei on December 28th, 2012 added two items of "strengthening the exploration, evidence collection and investigation for the clues of corporate corruption in order to establish a comprehensive mechanism for anti-corruption" and "strengthen the supervision of government management for public shares and promote the integrity of public shares business."
3. The AAC governs nationwide ethics units to strengthen the advocacy of corporate integrity, business ethics and internal control system. Since 2013, the Ministry of Justice collaboratively handle the "Operating integrity and social responsibility of Publicly traded company" with Financial Supervisory Commission.
4. Chinese Taipei Stock Exchange and the OTC promulgated the "Listed Companies Corporate Social Responsibility Practice Code" on February 8th, 2010.
5. Chinese Taipei entrusted Chinese Taipei Corporate Governance Association to conduct corporate governance assessment certification for the applicants of publicly traded company.
6. The Association of Banks and Association of Bills amended the Practice Code for Governance of Bank and Bills Finance Business on October 19th and 23rd of 2009, respectively.
7. Chinese Taipei printed "SME business integrity handbook" and shot propaganda video of "Corporate integrity and ethics" in 2010 for the purpose of promoting corporate integrity and professional ethics.
8. To demonstrate the determination of anti-corruption as well as to gear with anti-corruption standards of global trends and international law, Chinese Taipei is now endeavouring for the approval of joining in the UNCAC, and has clearly define the domestic legal effectiveness of this UNCAC by enforcement act. In the future, Chinese Taipei will combine ethics units of various ministries and government agencies to implement the anti-corruption legal practices and policies constructed by UNCAC in order to prevent and investigate corruption more effectively, and thus enhance its international status.
9. To enable the reveal of illegal crimes within organs which has significant positive benefits to the AAC in exploring and investigating significant corruption cases as well as to the prevention of social decay and deterioration phenomenon, Chinese Taipei is now working on "Provisions Review Meeting for the Legislation of Whistleblower Protection Review Act" which is expected to be completed in June of 2013 and, upon the completion of this draft, it will be reported to Executive Yuan for review in order to complete

VI. OTHER APEC ACT LEADERS' AND MINISTERS' COMMITMENTS

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LEADERS' AND MINISTERS' COMMITMENTS

- **2005:** Ministers encouraged all APEC member economies to **take all appropriate steps towards effective ratification and implementation, where appropriate, of the United Nations Convention against Corruption (UNCAC)**. Ministers encouraged relevant APEC member economies to make the UNCAC a major priority. They urged all member economies to submit brief annual progress reports to the ACT Task Force on their APEC anti-corruption commitments, including a more concrete roadmap for accelerating the implementation and tracking progress. (See Section I Above, UNCAC)
- **2006:** Ministers underscored their commitment to **prosecute acts of corruption, especially high-level corruption by holders of public office and those who corrupt them**. In this regard, Ministers commended the results of the Workshop on Denial of Safe Haven: Asset Recovery and Extradition held in Shanghai in April 2006. Ministers agreed to consider developing domestic actions, in accordance with member economy's legislation, to deny safe haven to corrupt individuals and those who corrupt them and prevent them from gaining access to the fruits of their corrupt activities in the financial systems, including by implementing effective controls to deny access by corrupt officials to the international financial systems.
- **2007:** We endorsed a model **Code of Conduct for Business, a model Code of Conduct Principles for Public Officials and complementary Anti-Corruption Principles for the Private and Public Sectors**. We encouraged all economies to **implement these codes** and welcomed agreement by Australia, Chile and Viet Nam to pilot the Code of Conduct for Business in their small and medium enterprise (SME) sectors. (AELM, AMM)
- **2008:** We commended efforts undertaken by member economies to develop comprehensive anti-corruption strategies including efforts to restore public trust, ensure government and market integrity. We are also committed to **dismantle transnational illicit networks and protect our economies against abuse of our financial system by corrupt individuals and organized criminal groups through financial intelligence and law enforcement cooperation related to corrupt payments and illicit financial flows**. We agreed to further strengthen international cooperation to combat corruption and money laundering in accordance with the Financial Action Task Force standards. International legal cooperation is essential in the prevention, investigation, prosecution and punishment of serious corruption and financial crimes as well as the recovery and return of proceeds of corruption. (AELM, AMM)
- **2009:** We welcome the Anti-Corruption and Transparency Experts' Task Force's **Singapore Declaration on Combating Corruption, Strengthening Governance and Enhancing Institutional Integrity**, as well as the **APEC Guidelines on Enhancing Governance and Anti-Corruption**. We encourage economies to **implement measures to give practical effect to the Declaration and Guidelines**. (AMM)
- **2010:** We agreed to leverage collective action to **combat corruption and illicit trade** by promoting clean government, fostering market integrity, and strengthening relevant judicial and law enforcement systems. We agreed to deepen our cooperation, especially in regard to discussions on achieving more durable and balanced global growth, increasing capacity building activities in key areas such as combating corruption and bribery, denying safe haven to corrupt officials, strengthening asset recovery efforts, and enhancing transparency in both public and private sectors. We encourage member economies, where applicable, to **ratify the UN Convention against Corruption and UN Convention against Transnational Organized Crime and to take measures to implement their provisions, in accordance with economies legal frameworks to dismantle corrupt and illicit networks across the Asia Pacific region**. (AELM, AMM)
- **2011:** We will also take the following steps to increase convergence and cooperation in our regulatory systems: **Ensure implementation of our APEC anti-corruption and open government commitments by 2014 through deeper cooperation in APEC**. (AELM)
- **2012:** We strongly commit to fight against corruption to ensure openness and transparency in APEC. Acknowledging that corruption fuels illicit trade and insecurity and is a tremendous barrier to economic growth, the safety of citizens, and to the strengthening of economic and investment cooperation among APEC economies, **we endorse commitments on Fighting Corruption and Ensuring Transparency** (see Annex E). (AELM)
- **2013:** On Sustainable Growth with Equity: We agreed to take further steps toward empowering, engaging and opening opportunities for our stakeholders to fully participate in

the legislation process so as to help the exposure of major scandals.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

1. Combining with relevant agencies of the Financial Supervisory Commission and the Ministry of Economic Affairs, Chinese Taipei really implements relevant specific strategies in the "promoting corporate integrity" of "National Integrity Building Action Plan".
2. The AAC governs all ethics units to handle corporate integrity advocacy organization in order to root the concept of corporate integrity into business owners.
3. Continue to participate in international meetings and to comply with relevant operations and realizations of APEC's ACT-NET (Anti-Corruption and Enforcement Network).

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

The concept about enterprise integrity has been implemented by our nation's highest administrative organ of the Executive Yuan together with relevant institutions through the way of "National Integrity Building Action Plan", to show our country's determination to promote business integrity and to ensure the ability of Chinese Taipei to fulfill the commitments.



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/025

Agenda Item: 3

APEC Secretariat Report on Key Developments

Purpose: Information
Submitted by: APEC Secretariat



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

APEC Secretariat Report on Key Developments August 2014

Contents

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- 2. Key Outcomes of Senior Officials and Committee Meetings (2)**
 - Second Senior Officials' Meeting
 - Committee of Trade and Investment (CTI)
 - Economic Committee (EC)
 - Budget and Management Committee (BMC)
 - APEC Business Advisory Council (ABAC)

- 3. Developments within the Secretariat and Policy Support Unit (5)**
 - Key Staff Movements and Appointments
 - Project Management Unit (PMU)
 - Policy Support Unit (PSU)
 - Communications and Public Affairs

APEC Secretariat Report on Key Developments

August 2014

1. APEC 2014 PRIORITIES

In 2014, APEC's theme is "*Shaping the Future through Asia-Pacific Partnership.*" The priority areas include:

- Advancing regional economic integration;
- Promoting innovative development, economic reform and growth; and
- Strengthening comprehensive connectivity and infrastructure development.

2. KEY OUTCOMES OF SENIOR OFFICIALS AND COMMITTEE MEETINGS

Second Senior Officials' Meeting – Qingdao, China 14-15 May 2014

Under the priority area of Advancing Regional Economic Integration, SOM affirmed initiatives to strengthen regional economic cooperation by advancing the Free Trade Area of the Asia-Pacific (FTAAP) by endorsing the establishment of an information sharing mechanism on FTA/RTAs; beginning a review of the Capacity Building Needs Initiative; and formulation of a roadmap to reach the FTAAP.

Under the priority area of Promoting Innovative Development, Economic Reform and Growth, SOM continued to progress the development of proposals aimed at tangible outcomes in areas including: new economy, innovative growth, inclusive support and urbanisation, structural reform, regulatory coherence, green economy, blue economy, internet economy, food security, SMEs, anti-corruption, women, health, sustainable energy, environment, urbanization, forestry and disaster management would be included in the work program for the year. SOM undertook extensive discussion on the topic of middle income trap and tasked the economic Committee to incorporate this area into their work.

Under the third priority of Strengthening Comprehensive Connectivity and Infrastructure Development, SOM considered the work of the FotC on Connectivity, including progress on developing the Blueprint on Connectivity and progress on the Multi-Year Plan on Infrastructure Development and Investment. SOM also discussed progress of work underway in areas including: developing a higher education research centre; facilitating student mobility; emergency response travel facilitation; reviewing the APEC Business Travel Card; and cross-border education.

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Committee on Trade and Investment (CTI)

An overview of the work and achievements of the APEC **Committee on Trade and Investment (CTI)** and its 11 sub- fora and industry dialogues in 2013 can be found in the 2013 CTI Annual Report to Ministers.

For 2014, CTI discussed and agreed on a work program at its first meeting for 2014 in Ningbo, China from 24-25 February, that centred around five key areas that would contribute to APEC 2014 Priorities; namely:

- support for the multilateral trading system/World Trade Organisation (WTO);
- advancing regional economic integration (REI);
- strengthening connectivity and infrastructure development;
- expanding regulatory cooperation and advancing regulatory coherence; and
- contributions to APEC growth strategy and cross-cutting mandates.

□CTI had its second meeting in Qingdao, China from 10-11 May where the Committee advanced its work program and agreed on the following, amongst others:

- establishment of new CTI Friends of the Chair (FoTC) and the adoption of a work plan to progress and guide its work on strengthening Regional Economic Integration (REI) and Advancing the Free Trade Area of the Asia-Pacific (FTAAP).
- a proposal for an APEC Information Sharing Mechanism for regional trade agreements (RTAs)/free trade agreements (FTAs) comprising elements relating to (i) Enhancing access of information on RTAs/FTAs; (ii) Sharing and assessing information on WTO-plus elements of RTAs/FTAs; (iii) Holding annual dialogues and reports on RTAs/FTAs; and (iv) Reinforcing and intensifying use of WTO RTA transparency mechanism.
- a proposal on the APEC Strategic Blueprint for Promoting Global Value Chains (GVCs) Development and Cooperation and adoption of the Strategic Framework on Measurement of APEC Trade in Value-added under GVCs.
- Adoption of “manufacturing related services in supply chains/value chains” as a new next generation trade and investment issue for work in 2014 and 2015.
- a Capacity Building Plan to Improve Supply Chain Performance to advance Stage 3 of the systematic approach to the Supply Chain Connectivity Framework and Action Plan (SCFAP) and the establishment of the APEC Alliance for Supply Chain Connectivity (A2C2) to advise and assist in the capacity building.
- an Initiative on Asia-Pacific Model E-Port Network.
- APEC Strategic Plan on Capacity Building to Promote Trade and Investment that would help identify economies’ capacity building needs to advance APEC’s trade and investment agenda/commitments in a more systematic and focused manner.

More information can be found in the CTI Chair’s Report (Document 2014/SOM2/049).

The CTI will next meet in Beijing on 16-17 August.

Economic Committee (EC)

The first EC meeting, held in Ningbo, China, in February 2014 included two policy discussions on Ease of Doing Business and State of the Regional Economy and Its Policy Implications. The EC discussed the APEC New Strategy on Structural Reform (ANSSR), including the ANSSR mid-term progress report and various on-going capacity building activities to assist member economies with implementation of their ANSSR plans. The EC also conducted a 2014 APEC Economic Policy Report (AEPR) planning session. This year's topic is Good Regulatory Practices. The EC considered the work plans of the Competition Policy and Law Group (CPLG) and its five FotCs including: competition policy, regulatory reform, corporate law and governance, public sector governance and ease of doing business.

The next EC meeting will be held in Beijing, China on the margins of SOM3, and will be accompanied by several workshops:

- Economic Committee Ease of Doing Business through the Hague Conventions;
- Economic Committee International Regulatory Cooperation Workshop;
- Good Regulatory Practices: Public Consultations in the Internet Era Workshop;
- and
- APEC Ease of Doing Business (EoDB) 2014 Stocktake Workshop.

SOM Steering Committee on ECOTECH (SCE)

The SCE met in Qingdao, China on 11 May. The matters considered at the meeting included:

- continuing work to review and agree revised ECOTECH Medium-term Priorities by SCE3;
- progress on the development of APEC capacity building guidelines, which are expected to be finalised at SCE3;
- endorsing the Report on Synergies on Cross Cutting Work in Economic and Technical Cooperation Fora prepared by the APEC Secretariat; and
- supporting a proposal from Indonesia to establish a Mainstreaming Ocean Related Issues (MOI) Initiative Steering Council, which would be further developed by Indonesia with a view to a final decision at SOM3 and having the Council established by CSOM 2014.

The next SCE meeting will be held in the margins of SOM3 in Beijing, China on 17 August 2014.

Budget and Management Committee (BMC)

In the first half of 2014, the Secretariat received a total of US\$6.5 million in voluntary contributions for APEC projects, as follows:

Total Voluntary Contributions in USD (as at 30 June 2014)			\$6,502,083
Untied Funds			\$1,781,920 (27%)
ASF General Fund	Australia	\$1,595,130	
TILF	New Zealand	\$186,790	
Tied Funds			\$4,720,163 (73%)
ASF ANSSR Sub-Fund	Australia	\$470,300	
ASF Energy Efficiency Sub-Fund	Japan	\$2,244,133	
ASF Supply Chain Connectivity Sub-Fund	United States	\$1,000,000	} Sub-total : \$2,005,730
	Australia	\$470,300	
	Chinese Taipei	\$200,000	
	Hong Kong, China	\$150,000	
	Singapore	\$100,000	
	New Zealand	\$85,430	

During the same period, the Secretariat received fixed members' contributions for 2014 totaling S\$4,530,200 and US\$652,900 to the Administrative Account and Operational Account respectively from 16 Member Economies.

Further to its first meeting of 2014 on 23 February in Ningbo, China, BMC held its second meeting of the year in the APEC Secretariat in Singapore on 24-25 July. The key matters considered at the BMC2 meeting included:

- reviewing the financial and staffing implications of the Secretariat's Communications and Public Affairs Strategic Plan and the Secretariat's proposal to develop phase 2 of the remote participation system;
- receiving the audited financial statements of the Secretariat for 2013 and its forecast expenditures for 2014;
- endorsing the Administrative Account Budget and Members' Contributions of 2015 for SOM to recommend for AMM's approval;
- endorsing a list of recommendations under the consultancy study for phase 2 of the financial realignment exercise of the Secretariat;
- finalising the modus operandi for coordinating voluntary contributions among member economies for APEC projects, including a revised formula for setting an aspirational target for untied project funds specifically, for SOM's approval; and
- expanding the pilot of a proposed new project prioritization and ranking system for use by all economies at the working group, sub fora and committee level during Project Session 1, 2015 to further test its feasibility and impact.

Details of the outcome of the BMC2 meeting will be provided in the BMC Chair's report to SOM3. The next BMC meeting will be held in the Philippines in 2015 before SOM1.

APEC Business Advisory Council (ABAC)

Third ABAC Meeting (Seattle, USA, 7-10 July)

The Third ABAC meeting was preceded by the 2nd Asia-Pacific Financial Forum (APFF) Symposium on 7 July which was organized around the theme “Building Integrated Financial Systems to Support the Growth of APEC’s Real Economy”.

During the meetings, Members reviewed and approved the text for the Draft ABAC Letter and Report to APEC Economic Leaders. ABAC urged APEC to intensify work to realize the Free Trade Area of the Asia-Pacific (FTAAP) and called for a roadmap to achieve this goal.

ABAC Secretariat presented a paper on *ABAC Advocacy Options*. It was agreed to strengthen ABAC-SOM interaction, among other measures.

ABAC endorsed a proposal on *Leveraging ABAC to Enhance Continuity in the APEC CEO Summit*. The paper recommends to ABAC two actions: 1) Develop a shared vision for the APEC CEO Summit to establish continuity from year-to-year; 2) Create a “CEO Summit Chair Emeritus Advisory Committee” comprising past CEO Summit Chairs.

An APEC China CEO Forum followed on 10-11 July. The Forum sought to promote business and economic communications between Chinese business leaders, officials and other stakeholders in China.

ABAC will hold two more meetings in 2014:

Fourth ABAC Meeting	4 - 7 November 2014	Beijing, China
APEC CEO Summit	8-10 November 2014	Beijing, China

More information on ABAC can be found at: <http://www.apec.org/Groups/Other-Groups/APEC-Business-Advisory-Council.aspx>.

3. DEVELOPMENTS WITHIN THE SECRETARIAT AND POLICY SUPPORT UNIT

Key Staff Movements and Appointments

Departures – since February 2014

<u>Name</u>	<u>Designation</u>	<u>Economy</u>
Mr Mikiharu Shimizu	Director (Program)	Japan
Mr Adam Hunt	Project Development Specialist	-
Ms Patricia D’Cotta	Staff Officer	-
Mr Chan Fun Jui	Web Manager/System Analyst	-

Arrivals – since February 2014

<i>Name</i>	<i>Designation</i>	<i>Economy</i>
Mr Joji Koike	Director (Program)	Japan
Mr Peter Logan	Online Communications Manager	-
Ms Patricia Gomez	Administrative Assistant - PSU	-

Project Management Unit (PMU)

The first project session for 2014 was completed in June 2014. A total of 125 concept notes were received and 27 of these progressed to the project approval stage. This represents a 22 per cent approval rate, which compares to an average approval rate of 55 per cent over last 5 years. Project session 2 commenced on 21 July. There is a significant increase in available funding compared to project session 1 (\$8,526,071 compared to \$4,732,711), although most of the additional funding is attached to ASF sub-funds and is thus ‘tied’ to particular priority areas.

Concept Note Prioritization and Ranking

BMC 2, 2014 (held on 24-25 July 2014) discussed expanding a pilot of a new system to prioritize and rank project concept notes. Under the expanded pilot, all economies could trial the new system at both her working group/ sub fora and committee level. It is anticipated that the expanded pilot could be undertaken during project session 1, 2015.

Revisions to Gender Guidelines in the APEC Project Guidebook

BMC 2, 2014 agreed to revise the gender guidelines in the APEC Project Guidebook. The purpose of the revisions is to ensure the guidelines contain the most up-to-date information and that more practical examples are included of how to incorporate gender into projects.

Revisions to the APEC Project Contract Template

The Secretariat has revised the APEC project contract template. The purpose of the revision is to incorporate new standard provisions that were previously not included (eg ‘conflict of interest’, ‘confidentiality’) and to make the template more useable for APEC Secretariat staff who prepare project contracts.

Staffing Issues

Ms Sarah Gleave has been selected to replace Mr Adam Hunt as project development specialist in the PMU. Ms Gleave is scheduled to start in mid-August 2014.

Policy Support Unit (PSU)

The PSU Annual Report 2013 with audited accounts is now available [online](#). PSU will present the annual survey results to the PSU Board meeting (Beijing, 19 August). The key outputs for SOM3 and Related Meetings include:

Connectivity Blueprint: PSU will present the second draft of the APEC Connectivity Blueprint during the SOM Review on Connectivity Blueprint (Beijing, 18 August 2014). SOM-FotC on Connectivity will convene the day after to address outstanding matters from the preceding day's discussion, if any, and the next steps of the Blueprint's development.

Bogor Goals Progress Reports and Dashboard: PSU will present the revised Bogor Goals Progress Reports and Dashboard to SOM3 for endorsement.

Shaping the Future through an Asia-Pacific Partnership for Urbanization and Sustainable City Development: PSU will circulate the draft final report of this study to Senior Officials prior to the policy dialogue on urbanization (Beijing, 19 August), an event which PSU is assisting China in. The project consultant will also present the preliminary findings.

Services and Manufacturing: Patterns of Linkages: PSU will present this policy brief to GOS (Beijing, 15 August).

PSU is also working on these projects:

For CTI	<ul style="list-style-type: none"> • Comprehensive Analysis on Enhanced Resiliency of Cross-Border Value Chains (Phase 2: Evaluation of value chain strength, and Phase 3: Evaluation of value chain connectedness) • Update of the 2013 Interim Assessment for Supply Chain Connectivity Framework Action Plan: External Indicators • Study on Promoting Products which Contribute to Sustainable and Inclusive Growth through Rural Development and Poverty Alleviation
For EC	<ul style="list-style-type: none"> • Ease of Doing Business – Interim Assessment 2009-2013 • Regulatory Reform - Case Studies on Promoting Innovation
For SFOM	<ul style="list-style-type: none"> • Regulatory Issues affecting Supply Chain Finance and SME Access • Innovation, Competitiveness and the Role of Fiscal Policies

For the most up-to-date monthly work program and electronic copies of PSU reports, please visit: www.apec.org/About-Us/Policy-Support-Unit/PSU-Products-Publications

Communications and Public Affairs

The Communications and Public Affairs Strategic Plan for 2014 – 2016 was approved by SOM in Qingdao.

Speeches

Between 1 May and 31 July 2014, Dr Alan Bollard delivered remarks on six occasions including to:

- J.P. Morgan, Asia Society, One Step Ahead Series entitled “Challenges to Global Competitiveness & Opportunities in Asia,” Hong Kong, China.
- Asia Monetary Policy Forum, Singapore.
- Opening address at APEC Tel Workshop and 9th IAC Forum, Singapore

Op-eds

An op-ed entitled “APEC prioritizes news growth drivers” was written by the APEC Secretariat Executive Director and published in China Daily on 17 May 2014.

An 25th anniversary op-ed entitled “America and APEC’s shared history and future” was written by former World Bank President, US Trade Representative and APEC pioneer Robert Zoellick in The Wall Street Journal on 15 May 2014.

Additional 25th anniversary op-eds were submitted to the Secretariat by Malaysia’s former Trade Minister and Thailand’s former Commerce Minister for publication closer to the 2014 APEC Economic Leaders’ Week, together with other forthcoming submissions.

Media Interviews and News Conferences

Fourteen media interviews were conducted between 1 May and 31 July with news organisations such as BBC, Bloomberg, CNN, CNBC, Channel News Asia, China Central Television and The Wall Street Journal. A news conference with the APEC Secretariat Executive Director and WTO Director-General was held alongside MRT in Qingdao on 18 May 2014.

News Releases

Thirty-four news releases were published between 1 May and 31 July 2014.

APEC Bulletin Articles

Between 1 May and 31 July 2014, three in-depth APEC Bulletin have been issued on a monthly basis highlighting APEC success stories and concrete benefits.

APEC Bulletin	Month	Forum	Published in Media
Green Towns in the Asia-Pacific	May 2014	EWG	Featured in Eco-Business.com and Asian Correspondent.
Enhancing SME Business Ethics in the Healthcare Industry	June 2014	SMEWG	Featured in Medical Devices Asia.
Recycling Old Patents Helps Rural Villagers Power Sustainable Industries	July	IPEG	TBA

APEC Secretariat Interviews with Leaders

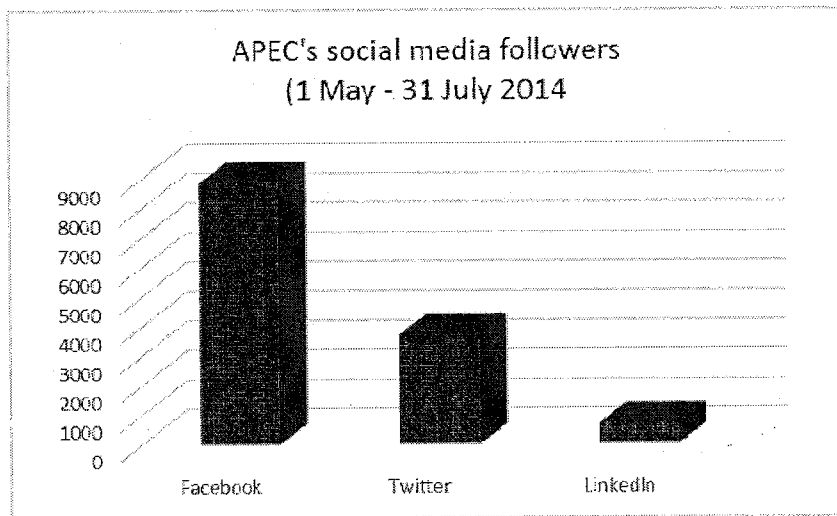
Two interviews were conducted with former New Zealand Prime Minister and UNDP Administrator Helen Clark and former Philippines President Fidel Ramos.

Social Media and Infographics

From 1 May until 31 July 2014, CPAU created the following infographics for use in social media, brochures, the website and presentations:

- APEC is Helping Reduce Costs for Importers and Exporters
- APEC at 25 Years
- SMEs in APEC Economies

APEC's social media following increased since 31 April:



CPAU provided support for members:

- Processed a total of 15 publications from all working groups and PSU, from the period spanning 1 May 2014 to 31 July 2014.
- Created Host Economy Communications Guidelines, approved by SOM 2.
- Participated in a US-ATAARI-funded capacity building workshops on communications for incoming host economies in the Philippines.



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/026rev1

Agenda Item: 5

Chinese Taipei's Progress on Implementation of the UNCAC

Purpose: Information

Submitted by: Chinese Taipei



APEC
CHINA 2014

**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

19th Anti-Corruption and Transparency Working Group Meeting

Chinese Taipei's Progress on Implementation of the UNCAC

1. Localize United Nations Convention Against Corruption

Chinese Taipei is devoted to internalize the United Nations Convention Against Corruption (UNCAC), for developing the draft of implementing UNCAC with domestic legal effects. The anti-corruption regulations are also examined for their compliance with the intent of the Convention to put the anti-corruption regulations and policies into practice as disclosed in the Convention.

In order to fully implement the anti-corruption tasks stipulated in the UNCAC, Chinese Taipei actively develop policies against corruption in accordance with our condition of member economy government. In addition, the mechanism of "prevention, investigation, further prevention" and the principle of "proceeding corruption investigation with corruption prevention" were established to accomplish the goals of reducing corruption crimes, increasing conviction rates and protecting human rights.

2. Strengthen preventive anti-corruption strategies and approaches

To comply with Article 5 of UNCAC, preventive anti-corruption policies and practices, when there are suspicions of corruption crimes, warning should be issued in time to stop the crime before it happens. For administrative violations or criminal offenses, integrity offices team up with other agencies for further prevention to complete the system of "prevention, investigation, further prevention". As of June 2014, there were 280 cases of warnings issued and 484 cases of further prevention.

3. Establish Joint Member Economy Government Procurement Auditing Platform

The Joint Member Economy Government Procurement Auditing Platform was established in July 2013 to filter and analyze suspicious procurement projects and take preventative measures as corruption clues so that anti-corruption and corruption investigation can be conducted simultaneously.

4. Promote corporate integrity

In order to improve ethical conducts in food safety and promote corporate social responsibility, Chinese Taipei Integrity Building Action Plan was established to promote regulations on corporate integrity. In addition to the Ministry of Economic Affairs, the Ministry of Transportation, the Ministry of Finance, Ministry of Finance and Financial Supervisory Commission, Ministry of Health and Welfare is also added as the agency responsible for health affairs to promote corporate integrity through administrative measures to strengthen the social responsibility of food manufacturers.

5. Complete the draft of Whistleblower Protection Act to protect corruption crimes or misconducts that affect the member economy government's reputation, and conduct legislative study on Private Sector Whistleblower Protection Act

The Whistleblowers Protection Act was drafted to protect those who report public sector corruption crimes or misconducts that affect the member economy government's reputation. Protection mechanisms include identity protection, personal safety and work guarantee. A whistleblower protection review meeting is also planned to ensure proper implementation.

Private sector corruption crimes may affect public interests and people's livelihood. Legislative studies on Private Sector Whistleblower Protection Act are also underway to determine the feasibility.

6. Actively integrate the power of eradicating corruption

In order to integrate the power of eradicating corruption, Chinese Taipei is actively strengthening cooperation among prosecutorial agencies, Investigation Bureau, and Agency

Against Corruption, and integrating the economy-wide 1,144 member economy government ethics agencies and 3,000 member economy government ethics staffs. The mechanism will precisely identify the evidence to fully protect human rights, and improve efficiency and effectiveness of the investigation into corruption.

7. Actively promote the confiscation of illegal proceeds from corruption crimes

In recent years, Chinese Taipei is actively promoting policies on confiscating illegal proceeds, including 1. Establish exclusive mechanisms for confiscating illegal proceeds and strengthen lateral connection with prosecutorial agencies; 2. Establish inter-departmental connection and seize the golden time for such confiscation; 3. Integrate financial information to improve the effectiveness of confiscation; 4. Create win-win with instant pricing change. In the first half of 2014, the illegal proceeds confiscated prior to conviction reached \$2.1 million USD. The effective confiscation of illegal proceeds from corruption crimes may prevent all possibilities of such crimes.



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/027

Agenda Item: 5

KPK Indonesia Recent Progress in Implementing the UNCAC

Purpose: Information
Submitted by: Indonesia



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

KPK INDONESIA RECENT PROGRESS IN IMPLEMENTING THE UNCAC

19th APEC Anti-Corruption and Transparency Working Group Meeting

Beijing, 13th August 2014

1. Continuous effort to implement the UNCAC recommendations

Indonesia was a country under-review in the 1st session of the 1st cycle (2010) and the reviewing process completed in 2012. During the 2nd year of the 1st cycle, Indonesia was reviewing country for Iran. As a country under review, Indonesian government has been given their utmost effort to fully cooperate with the reviewing parties and the Secretariat. Respected government institutions, academics and NGOs were involved in the whole reviewing process. To this end, since the completion of the cycle 1 of the UNCAC review mechanism, Indonesia has taken significant steps and initiatives to further comply with the provisions and to fully adopt the proposed recommendations. Based on the recommendations taken from the country reviews, Indonesian government were then formulated strategic approach and measures to translate each recommendation into strategic action and tangible results. The respective approaches were then translated into national grand strategy on combating corruption. The grand strategy has been transformed into annual set of actions and operational strategy that cover all stakeholders, namely government ministries, agencies and authorities. To signify and enforce the implementation, the President will issue a decree or regulation each year. This is to ensure that every ministry and agency has their own target and outcome to prevent and eradicate corrupt practices within their authority and jurisdiction. This year, Indonesia will be focusing its efforts to increase governance in law enforcement authorities. In addition, Indonesia also had been appointed to review Kyrgyzstan and Haiti for the 1st cycle and is waiting for the 2nd review cycle that will commence in 2015.

2. Enforcement measures and achievements

KPK's continuing effort to fulfill its mandate in prosecuting corrupt conducts is portrayed through numbers of case that has been investigated and prosecuted each year. Despite limited human resources, the commission has been able to finish 49 pre-investigation cases by June 2014. During January to June this year, KPK investigated 30 cases and brought 18 cases to the court. As a year-to-year comparison, in 2013 KPK investigated and prosecuted 70 and 41 corruption cases. To give a glimpse of the accomplishment, KPK had investigated 383 cases

and prosecuted 325 cases during this past 10 years or around 30 cases each year. From this figure we summarized that around 30% of the cases is corruption in procurement, 45% bribery and facilitation payments and 10% involving fraud and misuse of state budget. KPK has won all these cases even though most of it has to go through the appeal and cassation process.

3. Better synergies with other institutions

“Two heads are better than one”. KPK applies the old saying by initiating and developing cooperation and synergy with numerous government institutions. The synergy between KPK and these institutions is essentially needed in order to accelerate and strengthen the effectiveness of anti-corruption efforts in the country. During 2013-2014, KPK has been signed joint statement on strengthening cooperation with the Indonesian Judicial Commission, Witness and Victim Protection Agency, National Police Commission and the Attorney General’s Commission. By signing the statement, each institution expressed their commitment to implement good governance and transparency while establishing anti-corruption program within their jurisdiction. To this extent, KPK will be providing assistance and consultation for the implementation of the anti-corruption programs to these agencies. Current prototypes of the program are including whistleblower protection, guideline for the asset declaration and gratification control.

4. KPK Radio and TV Streaming

KPK has launched its radio streaming in 2013 and we will launch the television program on 17 August 2014 to the public. By the launching of these streaming programs, the agency is hoping to target wider audience and to reach more people outside Indonesia major cities. We are fully aware that we should be able to utilize technology and the massive power of the media nowadays. The agency will use the channel to air and spread anti-corruption message and our unique awareness programs. More than that, KPK will be using this resource to inform and publicize its work and accomplishment to the public. We are aware that the investigation and trial process involve sensitive information which needs to be secured and guided. By having our own media channel and resources, we would like to ensure that the public will be able to obtain and access trusted and most updated information about our recent work and activities in combating and preventing corruption.



**Asia-Pacific
Economic Cooperation**

2014/SOM2/ACT/028

Agenda Item: 1

Key Notes for ACT Meetings

Purpose: Information

Submitted by: China



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

Key Notes for ACT Meetings

Wednesday, 13 August—Friday, 15 August 2014
Beijing, China

1. MEETING DATES

The Ministry of Supervision, P. R. China is honored to welcome delegates to the 19th APEC Anti-Corruption & Transparency Working Group (ACTWG) meeting which will be held on Wednesday, 13 August, the High-Level APEC Anti-Corruption Workshop on Combating Business Bribery on Thursday, 14 August and the 1st ACT-NET Meeting on Friday, 15 August in Beijing, China.

2. MEETING VENUE

The ACTWG meeting, the High-Level Workshop and the ACT-NET Meeting will be held at:

Conference Room 2

Beijing Hotel, Beijing

NO.33 East Chang'an Avenue

Beijing, China

3. LUNCH

Lunch will be supplied at **East 33 Restaurant**, Raffles Beijing Hotel. You will be guided by our staff members and should take the **lunch coupon** with you. The coupons will be distributed to delegates during the morning session of ACTWG meeting.

4. GROUP PHOTO

A group photo will be taken inside the meeting venue at 9:30-9:40 August 14th, right after the opening session of the workshop.

5. WELCOME RECEPTION

Date: Thursday, 14 August 2014

Time: 18:00 to 19:30

Venue: 4th floor, Hepingmen Roast Duck Restaurant

Dress: Formal

All delegates are invited to attend the Welcome Reception hosted by Mr. HUANG Shuxian, Minister of Supervision. **Please get yourself prepared for dinner immediately after the end of the**

workshop. Shuttle buses will drive you to the reception venue at 17:10. You should return to Beijing Hotel with the same bus. Below is the arrangement for taking shuttle buses:

No.	Delegate	Staff
No. 1 Bus	VIP delegates	Mr. ZHOU Congyuan, 13488659784
No. 2 Bus	Australia, Brunei, Canada, Chile, Chinese Taipei, Hong Kong, China, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, PNG, Peru, Philippines, Russia, Singapore	Mr. MIN Zhule, 13651343750 Mr. TANG Jie, 13810157194
No. 3 Bus	Thailand, US, Vietnam, UK, OECD, ADB-OECD, IACA, UNDP, UNODC, World Bank, TI China, ABA	Ms. JIA Luan, 13651373784 Ms. WANG Nan, 13671399190

6. ON-SITE REGISTRATION

For delegates who have not registered via the online portal, please contact with your DAO or the staff from Ministry of Supervision of China to verify your delegate status and go to the Registration Center for on-site registration.

To guarantee timely issuance of ID badges and smooth access to the meeting venue, it is highly recommended that on-site registrations should be made at least 1 day prior to the beginning of the ACT meetings.

7. CONTACT US

Room 7025, Building A, Beijing Hotel

Mobile Phone: 86-10-18201049790; 86-10-13701236597



**Asia-Pacific
Economic Cooperation**

2014/SOM2/ACT/029

Agenda Item: 10

Anti-Corruption and Transparency Reporting Template - Peru

Purpose: Information

Submitted by: Peru



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

APEC ANTI-CORRUPTION AND TRANSPARENCY (ACT) REPORTING TEMPLATE

ECONOMY: PERU

CALENDAR YEAR: 2014

LAST UPDATED: AUGUST, 2014

LEADERS' AND MINISTERS' COMMITMENTS

- 2010: We agreed to enhance our efforts to improve transparency and eliminate corruption, including through regular reporting via ACT and other relevant fora on economies' progress in meeting APEC Leaders' commitments on anti-corruption and transparency.
- 2006: Ministers endorsed APEC 2006 key deliverables on Prosecuting Corruption, Strengthening Governance and Promoting Market Integrity and encouraged member economies to take actions to realize their commitments. Ministers also encouraged all economies to complete their progress reports on the implementation of ACT commitments by 2007. Ministers welcomed APEC efforts to conduct a stocktaking exercise of bilateral and regional arrangements on anti-corruption in cooperation with relevant international and regional organizations, and encouraged member economies to fully participate in the stocktaking activities.

Objective: Where appropriate, to self-assess progress against APEC Leaders' and Ministers' commitments on anti-corruption, transparency, and integrity and to identify capacity building needs to assist the ACT to identify priority areas for future cooperation.

EXECUTIVE SUMMARY

1. Summary of main achievements/progress in implementing the commitments of APEC Leaders and Ministers on anti-corruption, transparency, and integrity since 2004.

- Improvements in the regulatory framework and institutional environment as for transparency and sworn declaration of property and income.
- Strengthening of ethics in public office.
- Reform of civil service.
- Partnership between the public sector and companies through integrity commitments.
- Peru's incorporation to the Open Government Partnership.
- National Anti- Corruption Plan 2012-2016.

2. Summary of forward work program to implement Leaders' and Ministers' commitments.

- Peru is defining its "country programme" to join the OECD.
- In 2012 Peru went through an evaluation concerning the implementation of chapter III "Criminalisation and Law Enforcement" (arts. 15-42) and chapter IV "International Cooperation" (arts. 44-50) of UNCAC for the evaluation term 2010-2015. The evaluation was made for the Plurinational State of Bolivia and Ecuador.
- Regional Seminar on Protection for the Reporter in the criminal and administrative fields (March, 2014). The World Bank sponsored the event which had the participation of senior authorities of the public sector and corporate sectors of Latin America.
- Work meetings with the OECD working group on bribery, business leaders, Congress members, and the media (June-July, 2014). They were held with the support of the British Embassy, and the International Governance and Risk Institute (GovRisk) within the process of incorporation of Peru as a "full member" of the Anti-Bribery Group.

3. Summary of capacity building needs and opportunities that would accelerate/strengthen the implementation of APEC Leaders' and Ministers' commitments by your economy and in the region.

- The High Level Anti-Corruption Commission established by Executive Decree No. 016-2010-PCM was made official by Law No. 29976 (2012). This commission brings together the public sector, the corporate sector and the civil society.
- At national level, 23 anti-corruption regional commissions and 2 boards of interagency coordination have been established to fight corruption.
- By Executive Resolution No: 061-2014 -RE, of April 24, 2014, Peru declared its national interest to exercise the Presidency of the Asia Pacific Economic Cooperation (APEC) in the year 2016, including the organization of the XXIV Summit Meeting of APEC Leaders and related meetings to be held in the years 2014, 2015 and 2016.

I. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO UNCAC PROVISIONS

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Take All Appropriate Steps Towards Ratification of, or Accession to, and Implementation of the UNCAC:

- Intensify our efforts to combat corruption and other unethical practices, strengthen a culture of transparency, ensure more efficient public management, and complete all appropriate steps to ratify or accede to, and implement the UNCAC.
- Develop training and capacity building efforts to help on the effective implementation of the UNCAC's provisions for fighting corruption.
- Work to strengthen international cooperation in preventing and combating corruption as called for in the UNCAC including extradition, mutual legal assistance, the recovery and return of proceeds of corruption.

I.A. Adopting Preventive Measures (Chapter II, Articles 5-13)

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: Email Address: ssilva@pcm.gob.pe

RELEVANT UNCAC PROVISIONS

Chapter II, Articles 5-13 including:

- Art. 5(2) establish and promote effective practices aimed at the prevention of corruption.
- Art. 7(1) Adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials that:
 - Are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;
 - Include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;
 - Promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;
 - Promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions.
- Art. 7(4) Adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.
- Art. 8(2) Endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.
- Art. 8(5) Establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials. Art. 52(5)/(6) [sharing the information on the financial disclosures that should be in place]
- Art. 10(b) Simplify administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities.
- Art. 12(2)(b) Promote the development of standards and procedures designed to safeguard the integrity of private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State.
- Art. 12(2)(c) Promote transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the

establishment and management of corporate entities.

- Art. 13(1) Promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

- Adoption in January 2013 of Law No. 29976 that gives the rank of law to the decree that established the High Level Anti-Corruption Commission (CAN Anticorrupción¹).
- Adoption in January 2013 of the "Civil Service Law" (Ley No. 30057) and its Regulations (Executive Decree No. 040-2014-PCM). These legal instruments regulate the process of joining the civil service based on the principles of meritocracy and equity, introducing an order in the administrative career as a fundamental basis not only to have an effective public administration, but also as a tool to prevent corruption.
- Adoption of Law No. 30161 regulating the sworn declaration of income and assets for public officials and civil servants.
- Adoption in April 2012 of an Action Plan for the admission of Peru to the Open Government Partnership. In such plan, several commitments were made concerning transparency and access to public information, public integrity, citizen participation, e-government, and improvements of public services. Currently, this plan is being updated.
- Adoption of control actions within the terms of the Directive 04-2007-CG/GDES "Accountability of Heads of State Offices".
- Adoption of Directive 001-2010-PCM/SGP "Guidelines for the implementation of a Standard Portal of Transparency in the entities of the public administration" (Ministerial Resolution 200-2010-PCM).
- Amendments to the Regulations of the Law on Transparency and Access to Public Information (Executive Decree No. 070-2013-PCM) in order to strengthen active and passive transparency. This way, the range of information that public entities must publish in their portal of transparency gets wider, and an automatic register of requests to access public information was established in public entities, and a series of actions for the retrieval of information is established, as well as the digitalisation of documents and organisation and preservation of information.
- Adoption of the National Plan on Administrative Simplification 2013-2016, detailing the necessary actions, goals, indicators, terms, and public entities responsible for the plan enforcement (Ministerial Resolution N° 048-2013-PCM).
- In 2013 Peru received the international certification as "Compliant country" by the Extractive Industries Transparency Initiative (EITI). The purpose of this initiative – created by the strategic partnership of governments, corporations, and civil society groups – is inform the citizens about the payments made by extractive industries (mining, oil, and gas) and the monies received by the Governments for the extraction of the country resources, so that those economic resources may be used to foster development. This way, Peru has become the first American country to receive such certification
- Development of the contest "The extra formality" that allowed to identify – with the help of the public – and correct the most cumbersome procedures in Peruvian public administration (Executive Decree No. 074-2013-PCM).

¹ Originally the CAN Anticorrupción was established by Executive Decree No. 016-2010-PCM of January 28, 2010, however, this rule was declared null and void when Law No. 29976 was enacted.

- Implementation of the records of disciplinary administrative procedures related to acts of corruption (REPRAC) and the publication of the first two reports.
- Commitment for Integrity: document signed by the representatives of the Ministry of Health, the Social Security Agency (ESSALUD), OSCE, PROÉTICA, High Level Anti-Corruption Commission, and the Managers affiliated to COMSALUD. This commitment encourages the compliance of the rules of ethical corporate conduct, free of corruption, and ensures the appropriate use of public resources in public procurement within the health sector, improving the quality of the public expense oriented to social inclusion. As a result of this commitment for integrity, the Chamber of Commerce of Lima expelled the company Dentilab as a sanction for having introduced a forged precautionary measure to win a public tender.
- Adoption of Directive 001-2009-PCM/SGP "Guidelines for the promotion of the Ethics Code in Public Office with the public agencies within the Executive Branch" (Ministerial Resolution 050-2009-PCM).
- To promote integrity of public officials, the High Level Anti-Corruption Commission on December 9 (International Day against Corruption) gave awards to those public officials who have shown an ethical conduct in the performance of their duties. This award ceremony was held pursuant to the provisions of Ministerial Resolution N° 298-2012-PCM.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- A preliminary bill is being processed for the establishment of a National Authority for Transparency and Access to Information in order to ensure the full exercise of these rights. The bill is under review by the Committee for the Follow-Up of the Open Government Plan, and it will then be sent to the High Level Anti-Corruption Commission for a final review.
- A draft version of the Regulations for Law No. 30161 on the presentation of sworn declarations of assets and income of public servants and officials.
- The preparation of a Manual on Ethical Guidelines intends to advise public employees in the correct application and implementation of the Ethical Code in the Public Office, and related rules.
- The Bill No. 1268-2012-CR "Law regulating the sworn declaration of interest of persons in the service of the State" has been introduced in the Congress of the Republic.
- The Bill No. 1269-2012-CR on Management of Interests has been introduced to the Congress of the Republic.

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

2014

I. B. Criminalization and Law Enforcement (Chapter III)

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: _____ Email Address: ssilva@pcm.gob.pe

RELEVANT UNCAC PROVISIONS

- Art. 15 Adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
 - The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.
- Art. 16(1) Adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.
- Art. 17 Adopt measures to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.
- Art. 20 Adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.
- Art. 21 Adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:
 - The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;
 - The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.
- Art. 27(1) Adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS*Bribery of national public officials (article 15 item a)*

- Arts. 397 and 398 of the Penal Code regulate the offences of generic active bribery and specific active bribery.
- In order to expressly include in these penal types, the element "directly or indirectly" and the element of benefit "resulting in the advantage for another person or entity other than a public servant or official" (third party benefit), a bill under number 1131/2011-CR to adjust the penal code to the UNCAC, was introduced to the Congress of the Republic on May 17, 2012.

Bribery of national public officials (article 15 item b)

- The regulation of this conduct is prescribed in articles 393, 394 and 395 of the Penal Code that sets the penal types of proper passive bribery, improper passive bribery, and specific passive bribery, respectively.
- In order to expressly include in the first paragraph of article 393 and article 394 the element “directly or indirectly” and ensure that the cases of indirect receipt be covered under such provision, a new bill No. 1131/2011-CR has been introduced.

Bribery of foreign public officials and public international organisations officials (article 16 item 1)

- This conduct is regulated in article 397-A of the Penal Code. This article was added by Law No. 29316, on January 14, 2009, as part of the implementation of the United States – Peru Trade Promotion Agreement.
- Bill No. 1131/2011-CR seeks to amend the previously cited article in order to cover the benefits generated in favour of “another entity” and prescribes that the acts of the foreign public official or an international public organisation have to be those inherent to his/her “office, function, or the activity they perform”.
- It should be added that on June 10, 2011, by article 2 of Law No. 29703, an amendment was made in our legislation with article 393-A that sets the type of international passive bribery (article 16 item 2 of UNCAC).

Embezzlement, wrongful appropriation or other forms of illegal use of assets by a public official (article 17)

- The provisions related to embezzlement, wrongful appropriation or other forms of the illegal use of assets by public officials, are located in articles 387-389 of the Penal Code regulating the offences of intentional and negligent embezzlement, illegal use of public assets and embezzlement, respectively.
- There is at jurisprudential level, the Plenary Agreement No. 04-2005/CJ-116, adopted by the Criminal Division of the Supreme Court of Justice which sets definitions of the most important elements of the offence of embezzlement. Such definitions are binding precedents.

Illicit Enrichment (article 20)

- The offence of illicit enrichment is typified in article 401 of the Penal Code. In this penal type, while it does not say that the difference is “substantial” such idea is understood because it regulates the increase in the assets or when the personal economic expense is “noticeably higher” than a regular expense or personal wealth.
- This is also regulated at constitutional level by article 41 item 2 of the Political Constitution.
- Currently, there is a regulatory framework ruling the presentation of sworn declarations. It is Law No. 30161, Law on Sworn Declarations of assets and income of public servants or officials, published on January 28, 2014.

Participation and attempt (article 27, paragraph 1)

- Our legislation describes several forms of participation in a crime in the general section of the Penal Code (Chapter IV, articles 23-27). Likewise, it regulates the attempt in

article 16 of the Penal Code. These several forms of participation apply to the penal types of corruption of national and foreign officials.

It should be noted that in order to strengthen the effect of these rules, the following additional measures have been taken:

- Law No. 30111, published on November 26, 2013, adds the penalty of fine for corruption crimes. It establishes a fine ranging from 180 to 730 day-fines. The amount is calculated in relation to the daily income of the public servant or official.
- There is an ongoing campaign "*Streets without corruption, safe roads*", sponsored by the High Level Anti-Corruption Commission, intended to generate means of proof (recordings) as evidence of the offence of passive bribery (traffic police, transport municipal inspector) and generic active bribery (public transportation drivers) in order to ensure an effective penalty avoiding impunity.
- Such campaign is organised as part of the Pact for Integrity in the field of traffic and public transportation, signed on February 20 this year, between the Ministry of the Interior (Police), the prosecution office, the President of the Ministers Council, and the Foundation Transitemos.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- Bill No. 1131/2011-CR on the adaptation of the Penal Code to UNCAC, introduced to the Congress of the Republic on May 17, 2012.
- Bill No. 03491/2013-CR, Law of the new Penal Code, introduced to the Congress of the Republic on May 14, 2014.
- The regulations for Law No. 30161 (Sworn declarations of income and assets for public officials and servants) are under way (the regulations will be adopted in September this year)

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

- A unified system of collection of consolidated and disaggregated statistics is required.
- Learn good practices and learnt lessons.

I.C. Preventing Money-Laundering

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: Email Address: ssilva@pcm.gob.pe

RELEVANT UNCAC PROVISIONS

- Art. 14(1) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons, that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering.
- Art. 14(2) Implement feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders.
- Art. 14(3) Implement appropriate and feasible measures to require financial institutions, including money remitters, to:
 - (a) include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;
 - (b) maintain such information throughout the payment chain; and
 - (c) Apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

On April 19, 2012, the Legislative Decree No. 1106 was issued to prevent and effectively fight money laundering. Among other measures, it strengthens control over the entry and exit of the country, and it includes the notaries public as those obliged to report to the Financial Information Unit (FIU). It also states the crime of money laundering is a single independent crime, and establishes the Register of Foreign Exchange Brokers.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)**CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION**

II. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO APEC INTEGRITY STANDARDS (CROSS CHECK WITH I.A. ABOVE)

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: _____ Email Address: ssilva@pcm.gob.pe

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Strengthen Measures to Effectively Prevent and Fight Corruption and Ensure Transparency by Recommending and Assisting Member Economies to:

- Establish objective and transparent criteria that assure openness for merit, equity, efficiency for the recruitment of civil servants, and promote the highest levels of competence and integrity;
- Adopt all necessary measures to enhance the transparency of public administration, particularly with regard to organization, functioning and decision-making processes;
- Develop and implement appropriate public financial disclosure mechanisms or codes of conduct for senior-level public officials [SOM III: Guidelines];

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

- Adoption in January 2013 of the "Civil Service Law" (Ley No. 30057) and its Regulations (Executive Decree No. 040-2014-PCM). These legal instruments regulate the process of joining the civil service based on the principles of meritocracy and equity, introducing an order in the administrative career as a fundamental basis not only to have an effective public administration, but also as a tool to prevent corruption.
- Amendments to the Regulations of the Law on Transparency and Access to Public Information (Executive Decree No. 070-2013-PCM) in order to strengthen active and passive transparency. This way, the range of information that public entities must publish in their portal of transparency gets wider, and an automatic register of requests to access public information was established in public entities, and a series of actions for the retrieval of information is established, as well as the digitalisation of documents and organisation and preservation of information.
- Law No. 30057 of the Civil Service sets forth the rules for disciplinary action and sanction procedures applicable to all civil servants, including those who decide to stay in the labour regimes 276 and 728, and in a supplementary way for special careers. Thus, it intends to uniformize and improve the regulatory framework of the disciplinary regime and sanction procedures in the public sector, applicable to all persons working for a public company or institution, and in conformity with the principles of reasonability and proportionality.
- To promote integrity of public officials, the High Level Anti-Corruption Commission on December 9 (International Day against Corruption) gave awards to those public officials who have shown an ethical conduct in the performance of their duties. This award ceremony was held pursuant to the provisions of Ministerial Resolution N° 298-2012-PCM.
- Dissemination of the new rules (Regulations) concerning transparency and access to information among all officials responsible for access to public information (FRAI) and responsible for portals, through live broadcasting for municipal and district governments throughout the country.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- Preparation of the Manual of Ethical Guidelines to assist the public servant in the correct application and enforcement of the Ethics Code in the Public Office and related rules.
- A preliminary bill is being processed for the establishment of a National Authority for Transparency and Access to Information in order to ensure the full exercise of these rights. The bill is under review by the Committee for the Follow-Up of the Open Government Plan, and it will then be sent to the High Level Anti-Corruption Commission for a final review.

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

III. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO SAFE HAVENS (CROSS CHECK WITH I.C. ABOVE):

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: _____ Email Address: ssilva@pcm.gob.pe

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Deny safe haven to officials and individuals guilty of public corruption, those who corrupt them, and their assets:

- Promote cooperation among financial intelligence units of APEC members including, where appropriate, through existing institutional mechanisms.
- Encourage each economy to promulgate rules to deny entry and safe haven, when appropriate, to Officials and individuals guilty of public corruption, those who corrupt them, and their assets.
- Implement, as appropriate, the revised Financial Action Task Force (FATF) 40 Recommendations and FATF's Special Recommendations (Santiago Course of Action)
- Work cooperatively to investigate and prosecute corruption offenses and to trace freeze, and recover the proceeds of corruption (Santiago Course of Action)
- Implement relevant provisions of UNCAC. These include:
 - Art. 14 (Money laundering)
 - Art. 23 (Laundering of Proceeds of Crime)
 - Art. 31 (Freezing, seizure and confiscation)
 - Art. 40 (Bank Secrecy)
 - Chapter V (Asset Recovery)

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

Money laundering

Legislative Decree No. 1106 (articles 1,2, 10) rules:

- On determining crimes or sources for money laundering, among them, the crimes against public administration included in the Penal Code, as well as an open clause to cover all the crimes that generate illicit proceeds (except for the acts of receiving stolen property, set forth in article 194 of the Penal Code)
- That money laundering is a single crime, and that source crimes, according to our legislation, may be committed inside or outside of Peru's jurisdiction.
- On the penal type of self-laundry.

Attachment, seizure and confiscation

- Article 102 of the Penal Code describes the penal type of confiscation. Recently, Law No. 30076 published on August 19, 2013, amends article 102 of the Penal Code in order to introduce in our criminal legislation the confiscation of illicitly obtained goods.

- By Legislative Decree No. 1104, published on April 19, 2012, the penal type of loss of the right of property or "non-conviction-based confiscation" was added to our legislation for, among others, the cases of corruption. This type allows for the recovery of illicitly obtained assets, even though the defendant is fugitive or dead or the penal action has expired, or when after the criminal proceedings have ended, the proceeds of the crime are found.
- The current 2004 Criminal Proceedings Code is in force at national level for all corruption cases, and it orders attachment (article 302) and confiscation (art. 316) of the proceeds of crime (article 316).
- Currently, the Legislative Decree No. 1104 created the National Commission of Confiscated Assets, under the control of the President of the Ministers Council, which is the competent authority for the reception, register, qualification, custody, security, preservation, administration, rent, assignment for temporary or final use, disposition or sale in public auction of the objects, instruments, items, or proceeds of crimes against the State.

Bank secrecy

In Peru, there is bank secrecy, which may be lifted only by a court order, the Prosecutor General, a congressional inquiry committee, or the Superintendent of Banking and Insurance, in the exercise of their duties of supervision (art. 2 item 5 of the Political Constitution of Peru, arts. 235 and 236 of the Criminal Proceedings Code of 2004, and Law No. 26702).

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

Bill No. 2569/2013- CR. This bill contributes to prevention and fight against money laundering as well as strengthens the financial intelligence unit (FIU), introduced to the Congress of the Republic on August 28, 2013. The bill intends to give the FIU access to information protected by bank secrecy, tax information privacy, and stock-exchange confidentiality, since the activities of that unit are limited because it does not have the authority to unrestrained access such protected information.

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

IV. IMPLEMENTATION OF ANTI-CORRUPTION COMMITMENTS RELATING TO PRIVATE SECTOR CORRUPTION:

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: Email Address: ssilva@pcm.gob.pe

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Fight both Public and Private Sector Corruption:

- Develop effective actions to fight all forms of bribery, taking into account the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions or other relevant anticorruption conventions or initiatives.
- Adopt and encourage measures to prevent corruption by improving accounting, inspecting, and auditing standards in both the public and private sectors in accordance with provisions of the UNCAC.
- Support the recommendations of the APEC Business Advisory Council (ABAC) to operate their business affairs with the highest level of integrity and to implement effective anticorruption measures in their businesses, wherever they operate.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

- Commitment for Integrity: document signed by the representatives of the Ministry of Health, the Social Security Agency (ESSALUD), OSCE, PROÉTICA, High Level Anti-Corruption Commission, and the Managers affiliated to COMSALUD. This commitment encourages the compliance of the rules of ethical corporate conduct, free of corruption, and ensures the appropriate use of public resources in public procurement within the health sector, improving the quality of the public expense oriented to social inclusion.
- In 2013 Peru received the international certification as "Compliant country" by the Extractive Industries Transparency Initiative (EITI). The purpose of this initiative -- created by the strategic partnership of governments, corporations, and civil society groups -- is inform the citizens about the payments made by extractive industries (mining, oil, and gas) and the monies received by the Governments for the extraction of the country resources, so that those economic resources may be used to foster development. This way, Peru has become the first American country to receive such certification.
- Several documents on integrity were signed in the areas of health, justice, traffic and public transportation, with the participation of institutions of the public and private sectors, and the civil society.
- Campaign "I report corruption", organised by the High Level Anti-Corruption Commission with the purpose of encourage and disseminate corruption reporting among the citizenry. The campaign includes a Reporting Manual, where there is clear and easy to understand information on the specific reporting mechanisms in place in the relevant criminal and administrative institutions. Besides, a "Centre for Report Orientation" was created (Hotline 0 - 800 - 17090), which has the purpose of advising citizens who want to report alleged corruption acts in the public administration.
- "Practical Guide on citizen reporting corrupt acts and other offences against public ethics": a document prepared by the Ombudsman Office and intended for those interested in getting to know the current legal mechanisms in place for reporting corruption acts and other offences related to corrupt acts.
- Preparation by the High Level Anti-Corruption Commission of the Reporting Manual -- to empower the citizenry..

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- Commitment for Integrity within the construction sector (Ministry of Housing and Construction)
- Draft bill on Individual Criminal Liability of Legal Persons, adopted by the High Level Anti-Corruption Commission by Agreement No. 31-2013 in December of that year. Such preliminary bill will be discussed and approved by the Ministers Cabinet and then sent to the Congress of the Republic in the form of a bill.
- Bill on Citizen Control and Supervision.

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

V. ENHANCING REGIONAL COOPERATION

Contact Point: Name: Susana Silva Hasembank Title: General Coordinator of the High Level Anti-Corruption Commission

Telephone Number: 2197000 ext. 7119 Fax Number: _____ Email Address: ssilva@pcm.gob.pe

LEADERS' AND MINISTERS' COMMITMENTS

Santiago Commitment/COA: Strengthen Cooperation Among APEC Member Economies to Combat Corruption and Ensure Transparency in the Region:

- Promote regional cooperation on extradition, mutual legal assistance and the recovery and return of proceeds of corruption.
- Afford one another the widest measure of mutual legal assistance, in investigations, prosecutions and judicial proceedings related to corruption and other offences covered by the UNCAC.
- Designate appropriate authorities in each economy, with comparable powers on fighting corruption, to include cooperation among judicial and law enforcement agencies and seek to establish a functioning regional network of such authorities.
- Sign bilateral and multilateral agreements that will provide for assistance and cooperation in areas covered by the UNCAC. (Santiago Course of Action) These include:
 - Art. 44 – Extradition
 - Art. 46 – Mutual Legal Assistance
 - Art. 48 – Law Enforcement Cooperation
 - Art. 54 – Mechanisms for recovery of property through international cooperation in confiscation
 - Art. 55 – International Cooperation for Purposes of Confiscation
- Work together and intensify actions to fight corruption and ensure transparency in APEC, especially by means of cooperation and the exchange of information, to promote implementation strategies for existing anticorruption and transparency commitments adopted by our governments, and to coordinate work across all relevant groups within APEC (e.g., SOM, ABAC, CTI, IPEG, LSIF, and SMEWG).
- Coordinate, where appropriate, with other anticorruption and transparency initiatives including the UNCAC, OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, FATF, the ADB/OECD Anticorruption Action Plan for the Asia Pacific region, and Inter-American Convention Against Corruption.
- Recommend closer APEC cooperation, where appropriate, with the OECD including a joint APEC-OECD seminar on anticorruption, and similarly to explore joint partnerships, seminars, and workshops with the UN, ADB, OAS, the World Bank, ASEAN, and The World Bank, and other appropriate multilateral intergovernmental organizations.

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

- International cooperation, especially judicial cooperation and extradition, is regulated in the seventh book of the Penal Procedure Code. The article 508 states that the statute applicable to the relations of Peruvian authorities with foreign authorities or with the International Criminal Court in this field is set forth by the international treaties signed by Peru; otherwise, the principle of reciprocity applies within a framework of respect for human rights, while extradition is regulated in articles 513-527.
- An important decision in this respect is the extradition of citizen Dan Gabriel Cohen, ex magistrate of Israel, accused in his native country for receiving bribery from the company SIEMENS to favour the purchase of two electric turbines, each for a price of 100 million euros. Likewise, he was charged with obstruction of justice and for having participated in a real estate fraud to sell land surrounding the Ashod electric power station, in southern Israel, at prices high above the market. He arrived in Peru on

2014

September 7, 2005. In 2011, Peruvian administration refused to authorise the extradition (Executive Resolution N° 014-2011-JUS) but the current administration, acting on the new anticorruption policy, extradited him (Executive Resolution N° 023-2013-JUS) sending a clear message that our country is not, and never will be, a safe haven for corrupt people.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION

VI. OTHER APEC ACT LEADERS' AND MINISTERS' COMMITMENTS

Contact Point: Name: _____ Title: _____

Telephone Number: _____ Fax Number: _____ Email Address: _____

LEADERS' AND MINISTERS' COMMITMENTS

- **2005:** Ministers encouraged all APEC member economies to take all appropriate steps towards effective ratification and implementation, where appropriate, of the **United Nations Convention against Corruption (UNCAC)**. Ministers encouraged relevant APEC member economies to make the UNCAC a major priority. They urged all member economies to submit brief annual progress reports to the ACT Task Force on their APEC anti-corruption commitments, including a more concrete roadmap for accelerating the implementation and tracking progress. (See Section I Above, UNCAC)
- **2006:** Ministers underscored their commitment to **prosecute acts of corruption, especially high-level corruption by holders of public office and those who corrupt them**. In this regard, Ministers commended the results of the Workshop on Denial of Safe Haven: Asset Recovery and Extradition held in Shanghai in April 2006. Ministers agreed to consider developing domestic actions, in accordance with member economy's legislation, to deny safe haven to corrupt individuals and those who corrupt them and prevent them from gaining access to the fruits of their corrupt activities in the financial systems, including by implementing effective controls to deny access by corrupt officials to the international financial systems.
- **2007:** We endorsed a model **Code of Conduct for Business, a model Code of Conduct Principles for Public Officials and complementary Anti-Corruption Principles for the Private and Public Sectors**. We encouraged all economies to implement these codes and welcomed agreement by Australia, Chile and Viet Nam to pilot the Code of Conduct for Business in their small and medium enterprise (SME) sectors. (AELM, AMM)
- **2008:** We commended efforts undertaken by member economies to develop comprehensive anti-corruption strategies including efforts to restore public trust, ensure government and market integrity. We are also committed to **dismantle transnational illicit networks and protect our economies against abuse of our financial system by corrupt individuals and organized criminal groups through financial intelligence and law enforcement cooperation related to corrupt payments and illicit financial flows**. We agreed to further strengthen international cooperation to combat corruption and money laundering in accordance with the Financial Action Task Force standards. International legal cooperation is essential in the prevention, investigation, prosecution and punishment of serious corruption and financial crimes as well as the recovery and return of proceeds of corruption. (AELM, AMM)
- **2009:** We welcome the Anti-Corruption and Transparency Experts' Task Force's **Singapore Declaration on Combating Corruption, Strengthening Governance and Enhancing Institutional Integrity, as well as the APEC Guidelines on Enhancing Governance and Anti-Corruption**. We encourage economies to implement measures to give practical effect to the Declaration and Guidelines. (AMM)
- **2010:** We agreed to leverage collective action to **combat corruption and illicit trade** by promoting clean government, fostering market integrity, and strengthening relevant judicial and law enforcement systems. We agreed to deepen our cooperation, especially in regard to discussions on achieving more durable and balanced global growth, increasing capacity building activities in key areas such as combating corruption and bribery, denying safe haven to corrupt officials, strengthening asset recovery efforts, and enhancing transparency in both public and private sectors. We encourage member economies, where applicable, to ratify the **UN Convention against Corruption and UN Convention against Transnational Organized Crime and to take measures to implement their provisions, in accordance with economies legal frameworks to dismantle corrupt and illicit networks across the Asia Pacific region**. (AELM, AMM)
- **2011:** We will also take the following steps to increase convergence and cooperation in our regulatory systems: **Ensure implementation of our APEC anti-corruption and open government commitments by 2014 through deeper cooperation in APEC**. (AELM)
- **2012:** We strongly commit to fight against corruption to ensure openness and transparency in APEC. Acknowledging that corruption fuels illicit trade and insecurity and is a tremendous barrier to economic growth, the safety of citizens, and to the strengthening of economic and investment cooperation among APEC economies, **we endorse commitments on Fighting Corruption and Ensuring Transparency** (see Annex E). (AELM)
- **2013:** On Sustainable Growth with Equity: We agreed to take further steps toward empowering, engaging and opening opportunities for our stakeholders to fully participate in

our economic growth, by considering the following concrete actions: (f) advance greater collaboration among law enforcement authorities, in combating corruption, bribery, money laundering, and illicit trade, through the establishment of an APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) that will strengthen informal and formal regional and cross-border cooperation. (AELM).

Fighting Corruption and Ensuring Transparency (AMM 2013). We reaffirmed the importance and the need to enhance prevention and enforcement in addressing corruption, bribery and other financial crimes and illicit trade that imperil our security and prosperity agenda, including the safeguarding of public assets, natural resources, and human capital. We also reaffirmed our commitment to create ethical business environments that support sustainable economic growth, in particular by strengthening ethical standards, and we encouraged all stakeholders to implement APEC's high standard principles for codes of business ethics. We applauded the Anti-Corruption and Transparency Working Group (ACTWG)'s continued leadership in collaborating with other APEC fora. We further committed to establish among member economies an "APEC Network of Anti-Corruption Authorities and Law Enforcement Authorities (ACT-NET)", under the auspices of ACTWG to promote networking and foster relationship-building among anti-corruption and law enforcement officials who can assist one another in detecting, investigating and prosecuting corruption and domestic and foreign bribery, money laundering, and illicit trade cases; to provide a forum that can facilitate bilateral and multilateral discussions of such cases, as appropriate; and to facilitate the sharing of expertise and experiences in detecting, investigating and prosecuting such cases (see Annex D).

MEASURES UNDERTAKEN TO IMPLEMENT COMMITMENTS

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

CAPACITY BUILDING NEEDS AND OPPORTUNITIES THAT WOULD ACCELERATE/STRENGTHEN IMPLEMENTATION OF COMMITMENTS BY YOUR ECONOMY AND IN THE REGION



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/030

Agenda Item: 5

**Report on Anti-Corruption Progress and
Development on Implementing the UNCAC and
Other Initiatives Related to Anti-Corruption and
Transparency**

Purpose: Information
Submitted by: Thailand



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**



19th APEC Anti-Corruption and Transparency Experts
Working Group Meeting
Beijing - China, 13th - 14th August, 2014



**AGENDA 05: Report on Anti- Corruption Progress and Development on
Implementing the UNCAC and other Initiatives Related to Anti-Corruption and
Transparency**

Mr. Chair

Distinguished members of the APEC ACT Experts Working Group,
Ladies and gentlemen,

Thank you for giving Thailand the opportunity to report on our progress and development on implementation of the UNCAC and other related anti-corruption initiatives.

First of all, I would like to take this opportunity to provide certain clarification concerning the current political situation in Thailand. Following a change in Thailand's national administration on 22 May 2014, the Royal Thai Army has taken control of national administration through the establishment of the National Peace and Order Maintaining Council or the "NCPO" in short. The rationale which prompted the change in national administration stemmed from the escalating political unrest in Thailand beginning late 2013, which had been threatening national security and creating difficulty for public administration. The primary goal of the NCPO is to ensure a prompt return to normalcy in Thailand, as well as full and sustainable democracy.

The NCPO's competency and scope of work will be based on a 3-Phase Roadmap. The First Phase is to resolve urgent problems, expedite national administration, and setting the groundwork for a comprehensive national reform process aimed at fostering reconciliation and understanding among the Thai people. The Second Phase, which is currently under implementation, involves implementing a provisional constitution,

setting up a National Legislative Assembly (NLA) and a Reform Council, selecting a new Prime Minister, and drafting a new Constitution, all within a timeframe of one year. The third and final phase will be the holding of elections under a fully-fledged democratic system. This Roadmap has been initiated and the NCPO has now moved onto the second phase. The temporary constitution has been announced and members of the national legislative assembly have been appointed to propose new laws and amend existing laws as deemed necessary.

Mr. Chair,

The NCPO recognizes and has on many occasions announced its strong intention to tackle corruption, which is a serious and urgent problem that adversely affects the country in many aspects. The move was strongly welcomed and supported by the public and private sectors and civil society. To support the NCPO's objective of eradicating and mitigating corruption, the National Anti-Corruption Commission of Thailand, is carrying out two key initiatives as follows:

First, the NACC has submitted to the NCPO that the National Legislative Assembly pushes forward the amendments of relating laws to increase effectiveness in corruption prevention and suppression, and, in particular, to comply with the country's obligations under the UN Convention against Corruption (UNCAC). Among other things, the proposed amendments are aimed at improving the effectiveness and efficiency in law enforcement by in areas such as forfeiture of corrupt proceeds and international cooperation in criminal matters. The NACC has also proposed the criminalization of foreign bribery, which is a mandatory provision as specified under Article 16 of the UNCAC.

Second, the NACC is taking on an important role in acting as the primary agency that pushes forward the implementation of the second phase of the National Strategy on

Anti-corruption. This national-level strategy serves as a blueprint to coordinate and empower the cohesive efforts of all sectors in working together to combat and prevent corruption.

The essence of the Strategy is to develop the integrated prevention and suppression of corruption by focusing on inculcation of culture of integrity, morality and ethnicity, and raising awareness of the adverse impacts of corruption among children and youths, as well as, promoting research and legislative development to ensure that Thai anti-corruption laws are relevant to contemporary needs.

Additionally, the Strategy emphasizes the importance of public participation, due to the fact that effective anti-corruption mobilization needs collaboration from both state and private sectors. The Strategy also focuses on fostering international collaboration such as developing effective mutual legal assistance mechanisms that meet international standards. All in all, the NACC will continue to take a leading role in ensuring that the Strategy is being put into tangible action. We are optimistic that the current developments in the area of anti-corruption in the country will lead to significant positive outcomes in the very near future, thus strengthening both Thailand's resolve and ability to combat the problem of corruption.

Mr. Chair,

Fellow APEC-ACT delegates,

In concluding my report, I would like to reassure that Thailand is investing serious and continuous efforts in developing and improving anti-corruption mechanisms to enhance the effectiveness of our anti-corruption regime. I would like to reiterate the importance Thailand attaches to being a part of APEC ACT Experts Working Group and we look forward to our future collaboration in combating corruption. Thank you very much for your kind attention. ///



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/031

Agenda Item: 9

**Thailand's Update on the 2nd Capacity-Building
Workshop on Designing Best Models on
Prosecuting Corruption and Money Laundering
Cases Using Financial Flow Tracking Techniques
and Investigative Intelligence for Effective
Conviction and Asset Recovery to Promote Regional
Economic Integration**

Purpose: Information
Submitted by: Thailand



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

**19th APEC Anti-Corruption and Transparency Experts
Working Group Meeting
Beijing - China, 13th - 14th August, 2014**

AGENDA 07: Thailand's update on "2nd Capacity-Building Workshops on Designing Best Models on Prosecuting Corruption and Money Laundering Cases Using Financial Flow Tracking Techniques and Investigative Intelligence for Effective Conviction and Asset Recovery to Promote Regional Economic Integration".

Thank you Mr. Chair,

As you may recall from last year, this very first Multi-Year Project of ACT-Working Group is a joint collaboration between the Public Prosecutor's Office of Chile and the Office of the National Anti-Corruption Commission of Thailand. The goal of this Multi-Year Project is to produce a handbook of best practices in investigating and prosecuting corruption with money laundering as well as recovering the proceeds of such crimes.

Two main workshops had been planned to be organized – first by Chile and then by Thailand – to collect the relevant information and best practices to be compiled in the form of handbook. A tentative third workshop is proposed to be hosted back to back with the first ACTWG meeting next February by our colleagues from the Philippines to provide an opportunity for experts and practitioners from APEC member economies to review the full draft handbook before its final publication and circulation to all APEC members.

After the success of the first workshop held in Santiago, Chile last June, the project has now moved toward the next phase, across from South-East Pacific region to South-East Asia. The second workshop will be held in the city of Pattaya, Thailand, during 22-24 September. We expect the number of participants to be around 150, of which 50 representatives will from fellow APEC economies.

Ladies and Gentlemen, please allow me to briefly explain the significance of curriculum of the Thailand workshop, which will focus on the sharing of effective techniques and legal measures in recovering stolen assets both domestically and from

abroad. The two-and-a-half-day workshop will include presentations and stimulated trainings by experts from highly-respected international organizations and fellow APEC member economies.

Ladies and Gentlemen, the coming into force of the UN Convention against Corruption has brought about a paradigm shift in the global approach to tackling corruption. In what is regarded as a groundbreaking innovation, the convention dedicated a full chapter – Chapter V – to highlight the importance of taking away the proceeds of crime from perpetrators of corruption to compensate for the injuries suffered by victims, in addition to putting the perpetrators behind bars.

However, despite these positive changes in theoretical approach, we have to admit that the concept of asset recovery remains relatively new and complex to law enforcement in most of the APEC economies.

The workshop in Pattaya is therefore carefully designed and structured in a way that will increase the understanding of participants with regard to the entire cycle of the asset recovery process, and more importantly to understand how the asset recovery process is complementary to the traditional approach to investigate corruption.

To be more specific, we have developed a workshop curriculum that will cover the 3 main phases for asset recovery:

1. First and foremost, asset recovery practitioners need to be able to identify suspicious assets and how to trace them.
2. Second, when these dirty assets have been accurately identified, they must be effectively and efficiently frozen and seized to prevent them from being transferred or laundered beyond the reach of law enforcement.
3. Thirdly, upon the verdict of the court, these stolen assets will be forfeited to the state or returned to victims. Experts will be invited to share effective confiscation models, including the much-discussed Non-Conviction Based (NCB) forfeiture.

Invitation letter and the general information for participants will be circulated to the ACT members soon. Thank you very much for your kind attention and we look forward to welcoming you and your colleagues to this much anticipated workshop in Thailand next month! ///



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/033

Agenda Item: 9

Introduction to Transparency International-China

Purpose: Information
Submitted by: TI-China



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**

Introduction to TI-China

HAN Jingyang

Chair of TI-China

August 13, 2014

Transparency International China



- In Nov. 2011, we became a formal member of TI, with the name of Transparency International China
- Governance body: Board members meeting
- 9 board members
 - University scholars
 - Lawyers
 - Journalists...



Outline



- Cooperation with TI
- International Exchange on Anti-Corruption
- Anti-Corruption Research

1. Cooperation with TI



- Participate in TI movement through the Regional Program Meeting and Annual Membership Meeting
- Regional Program Meeting
 - Working plan
 - Anti-Corruption experience sharing
 - Anti-Corruption program
- Annual Membership Meeting
 - TI-Strategy 2015
 - Voting for TI's Chair, board members and individual members
 - Anti-Corruption index, e.g. CPI



1. Cooperation with TI



□ Draft Global Corruption Report on China



□ Edit the newsletters of "China Integrity Outlook" and "New Developments of TI"

透明国际动态
www.transparency.org

- 2006年10月13日
- 2006年10月13日
- 2006年10月13日
- 2006年10月13日
- 2006年10月13日



1. Cooperation with TI



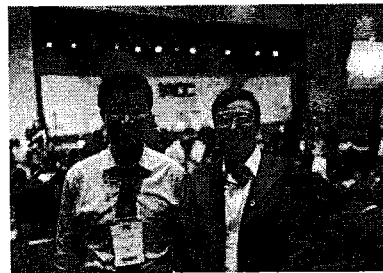
□ Strengthen communication through visits

- a strong anti-corruption expert network
- excellent anti-corruption measures on sports



2. International Exchange on Anti-Corruption

□ Active in International Anti-Corruption Conference



2. International Exchange on Anti-Corruption

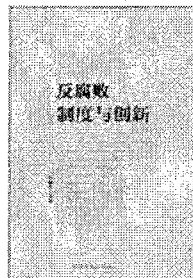
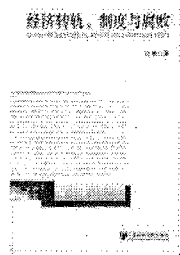
□ Translate TI source book, Business Principle on Countering Bribery and Teaching Integrity to Youth



3. Anti-Corruption Research



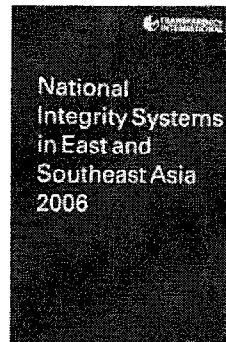
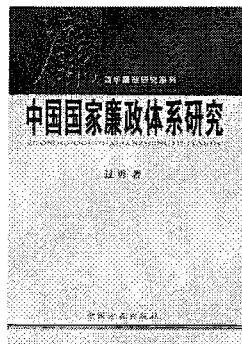
- Deepen research on anti-corruption and publish several books: *Economic transition, Institutions and Corruption*, *Anti-Corruption System and Innovation* and *Preventing Corruption*.



3. Anti-Corruption Research



- Undertake the National Integrity System Project in China and finish the NIS Chinese Study



3. Anti-Corruption Research



- ❑ Conduct anti-corruption research of the 2008 Beijing Olympic Games



Thank you!



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/032

Agenda Item: 9

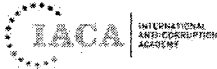
International Anti-Corruption Academy (IACA)

Purpose: Information

Submitted by: IACA



**19th Anti-Corruption and Transparency
Experts' Working Group Meeting
Beijing, China
13 August 2014**



International Anti-Corruption Academy (IACA)


19th APEC ACT Working Group Meeting
Beijing, People's Republic of China

Ms. Elisabeth Neckel
13 August 2014

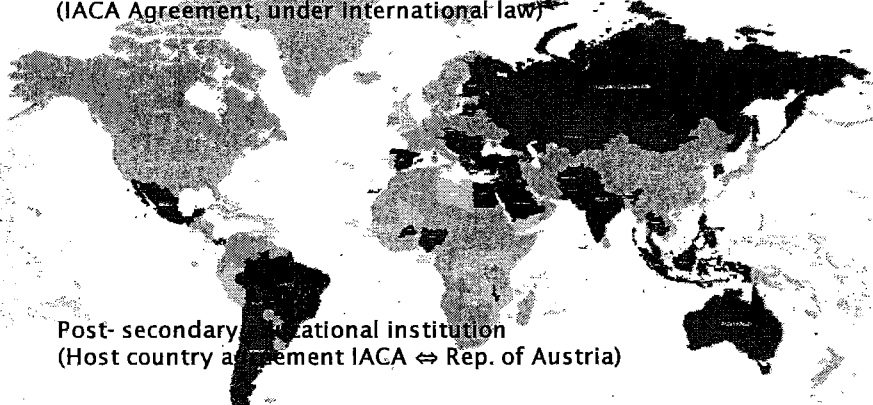
Empowering Professionals



IACA PARTIES & SIGNATORIES




**Intergovernmental Organization; effective 8 March 2011
(IACA Agreement, under international law)**



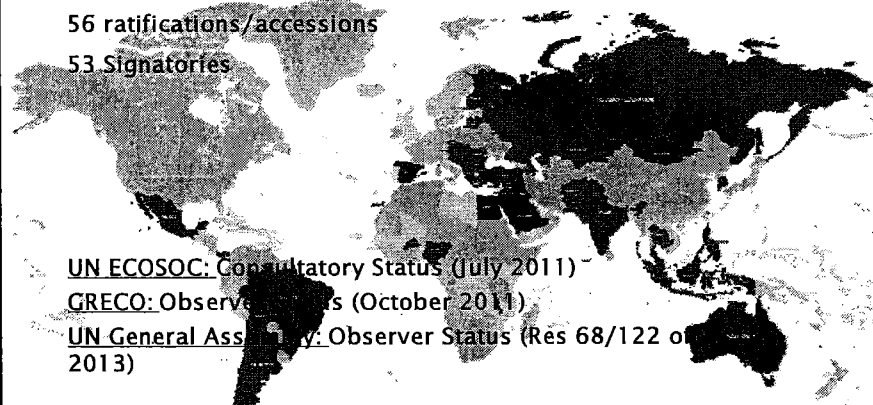
**Post-secondary educational institution
(Host country agreement IACA ↔ Rep. of Austria)**

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IACA PARTIES & SIGNATORIES



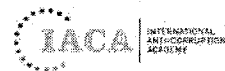
In total:
56 ratifications/accessions
53 Signatories



UN ECOSOC: Consultatory Status (July 2011)
GRECO: Observer Status (October 2011)
UN General Assembly: Observer Status (Res 68/122 of 2013)

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IACA PARTIES & SIGNATORIES



	PARTIES	Signature	Notification / Accession (d)	Entry into force
03	Afghanistan		29 Mar 2013 (d)	24 May 2014
03	Albania	03 Sep 2010	21 Sep 2012	20 Nov 2013
05	Argentina	07 Sep 2010	15 Nov 2014	15 Mar 2015
04	Armenia		16 Jan 2010 (d)	12 Jan 2014
06	Austria	16 Nov 2010	18 Nov 2012	17 Aug 2013
06	Austria	04 Sep 2010	22 Dec 2010	08 Mar 2013
07	Azerbaijan		09 Sep 2012 (d)	04 Nov 2013
08	Bolivia (Plurinational State of)	03 Sep 2010	20 Jul 2012	10 Sep 2012
09	Bosnia and Herzegovina		16 May 2014 (d)	16 Jun 2014
10	Brazil	22 Dec 2010	04 Jul 2012	20 Aug 2013
11	Bulgaria	07 Sep 2010	21 Aug 2011	02 Dec 2013
13	Burkina Faso	15 Dec 2010	22 Jun 2013	26 Aug 2013
14	Cambodia		16 Dec 2014 (d)	16 Dec 2014
14	Chile	02 Sep 2010	11 Jul 2012	09 Sep 2012
15	Croatia	14 Dec 2010	24 Sep 2013	22 Nov 2013
17	Cyprus	02 Sep 2010	19 Aug 2011	14 Oct 2011
17	Czech Republic	14 Sep 2010	05 Jun 2012	05 Aug 2013
18	Egypt		24 Mar 2012 (d)	23 Jun 2012
19	Finland		27 Jun 2014 (d)	26 Aug 2014
20	France	04 Sep 2010	27 Sep 2011	26 Jun 2013

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IACA PARTIES & SIGNATORIES



	PARTIES	Signature	Notification / Accession (d)	Entry into force
21	India		29 May 2013 (d)	29 Jun 2014
22	Indonesia	02 Dec 2010	18 Sep 2012	17 Nov 2012
24	Iraq	02 Dec 2010	07 Dec 2014	06 Dec 2014
24	Israel	28 Dec 2010	27 Sep 2012	26 Nov 2012
25	Jordan	02 Sep 2010	05 Jun 2014	29 Aug 2014
25	Kazakhstan		05 Dec 2012 (d)	03 Feb 2014
27	Latvia		10 Jun 2011 (d)	14 Jun 2012
26	Lithuania	02 Sep 2010	12 Sep 2011	10 Nov 2011
26	Lithuania		22 Mar 2014 (d)	23 May 2014
29	Luxembourg	02 Sep 2010	11 Dec 2012	08 Feb 2013
43	Malawi		09 Jun 2014 (d)	07 Aug 2014
22	Malaysia	02 Sep 2010	25 Nov 2011	24 Jun 2012
44	Mali		21 Mar 2011 (d)	20 May 2011
24	Mexico	02 Sep 2010	14 Oct 2011	12 Dec 2011
25	Moldova		07 Sep 2011 (d)	14 Jun 2013
23	Montenegro	02 Sep 2010	10 Apr 2012	09 Jun 2012
37	Nigeria	30 Dec 2010	14 Dec 2012	12 Jun 2013
38	Pakistan		20 Feb 2012 (d)	20 Apr 2012
39	Panama	02 Sep 2010	12 Dec 2012	12 Jun 2013
40	Philippines	02 Sep 2010	23 Jun 2013	26 Sep 2013

Empowering People


IACA PARTIES & SIGNATORIES


INTERNATIONAL
ANTI-CORRUPTION
ACADEMY

	PARTIES	Signature	Restoration, Accession (to)	Entry into force
21	Republic of Korea	29 Dec 2010	15 Dec 2011	13 Feb 2012
22	Republic of Moldova	28 Dec 2010	06 Feb 2012	28 Apr 2012
23	Romania	28 Sep 2010	06 Aug 2011	08 Dec 2011
30	Kazakh Federation	29 Dec 2010	01 Mar 2011	30 Aug 2011
41	Saudi Arabia		26 Apr 2011 (to)	24 Jan 2012
45	Serbia	02 Sep 2010	01 Dec 2011	20 Jan 2012
47	Macao	28 Dec 2010	24 Nov 2011	24 Sep 2012
49	Slovenia	09 Sep 2010	11 May 2011	10 Jul 2011
49	Spain		14 Oct 2011 (to)	14 Dec 2011
50	Syrian Arab Republic	02 Sep 2010	09 Dec 2011	03 Dec 2011
73	Thailand		01 May 2011 (to)	08 Jul 2011
52	The former Yugoslav Republic of Macedonia	02 Sep 2010	03 Nov 2011	02 Jan 2012
54	Turkey	28 Dec 2010	26 Sep 2011	27 Sep 2012
54	European Public Law Organization	02 Sep 2010	11 Nov 2010	08 Mar 2011
65	International Centre for Migration Policy Development	28 Dec 2010	02 Jan 2011	08 Mar 2011
56	International Organization for Migration		21 Jan 2012 (to)	23 Mar 2012

Empowering Professionals.

IACA PARTIES & SIGNATORIES


INTERNATIONAL
ANTI-CORRUPTION
ACADEMY

57	Benin	02 Sep 2010		
58	Cabo Verde	02 Sep 2010		
59	Democratic Republic of the Congo	04 Dec 2010		
60	Greece	28 Dec 2010		
61	Kenya	02 Sep 2010		
62	Libya	02 Sep 2010		
63	Mali	02 Sep 2010		
64	Mozambique	23 Dec 2010		
66	Peru	02 Sep 2010		
66	Portugal	02 Sep 2010		
67	Senegal	02 Sep 2010		
68	Togo	02 Sep 2010		
69	Uganda	02 Sep 2010		
70	United Kingdom of Great Britain and Northern Ireland	02 Sep 2010		
71	Yemen	02 Sep 2010		
72	Zambia	02 Sep 2010		

Empowering Professionals.

MoU/COOPERATION AGREEMENTS

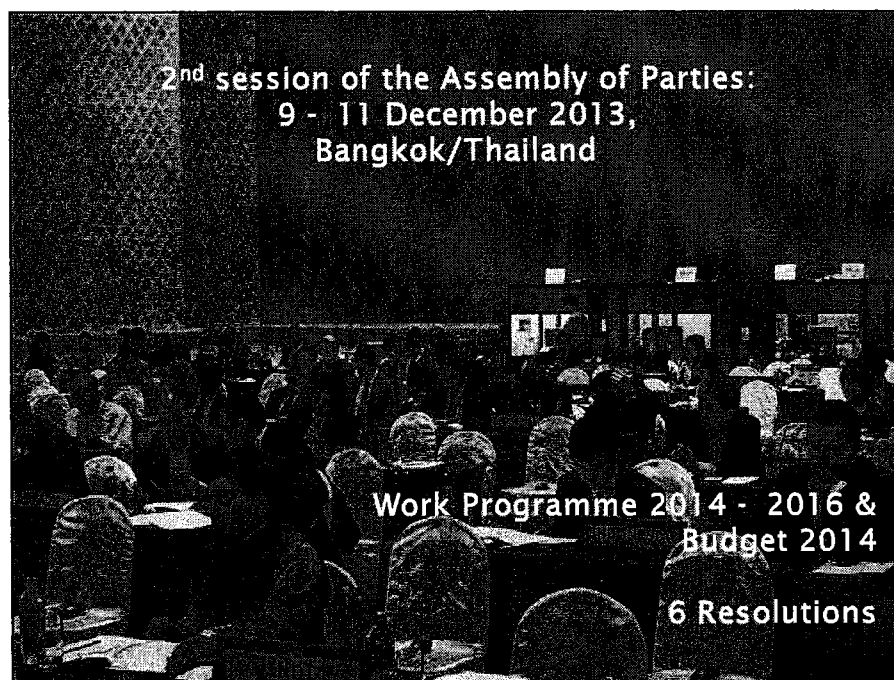


- Cooperation Agreement between the United Nations and IACA
- Int. Association of Anti-Corruption Authorities (IAACA)
- European Partners Against Corruption (EPAC incl. EACN)
- Dep. of State Admin. & Human Resources of the President of the Russian Federation
- Basel Institute on Governance (BiG)
- Organization of American States (OAS)
- National Anti-Corruption Commission (NACC) of Thailand
- International Development Law Organization (IDLO)
- World Bank (INT)
- Organization for Security and Co-operation in Europe (OSCE)
- World Economic Forum (WEF)
- International Ombudsman Institute (IOI)
- Global Organization of Parliamentarians against Corruption (GOPAC)
- Transparency International (TI)
- Organisation for Economic Co-Operation and Development (OECD)

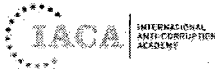
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Slide 8






PROGRAMMES & ACTIVITIES




1. Standardized trainings and research activities
2. Tailor- made trainings and research activities
3. (Inter- disciplinary) Academic degree programmes
4. Platform for **dialogue** & networking (alumni association, special events, and conferences)
5. AC think tank & benchmarking activities

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International Anti- Corruption Summer Academies

2011 - 2014

 **IACA** | INTERNATIONAL ANTI-CORRUPTION ACADEMY


THE SUMMER ACADEMY

Interdisciplinary Curriculum




- During the ten-day course of study, participants develop an understanding of the legal, economic, criminological, sociological, psychological, and cultural issues of corruption in a globalized world.
- Lectures are taught by internationally renowned professors and top anti-corruption practitioners.
- Together they provided the most up-to date knowledge on the complex phenomena of corruption and shared their best practices with the participants, in order to bridge the gap between science and practise.

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 **IACA** | INTERNATIONAL ANTI-CORRUPTION ACADEMY

Roundtables, Teambuilding, and Social Events

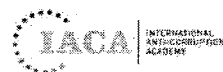


Complementing the academic side of the programme, it also includes:

- Roundtable Discussions
- Teambuilding activities
- Two excursions
- Various social events



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Global Participation

This year, IACSA brought together 70 participants from a multitude of fields and over 50 countries around the globe, selected on the basis of standardized criteria.

The international environment, the variety of professional and cultural backgrounds, and the time spent together with like-minded colleagues contributed to the effectiveness of the academic programme, and stimulated the generation of new ideas.

The Alumni Association serves as a platform to strengthen these new contacts after the course.




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Slide 17




Anti-Corruption in the Infrastructure Sector Training


 INTERNATIONAL ANTI-CORRUPTION ACADEMY


ANTI-CORRUPTION IN THE INFRASTRUCTURE SECTOR TRAINING

Interdisciplinary Curriculum

- The goal of this three-day training at the Academy devotes special attention to the infrastructure sector and the pivotal stages prone to corruption in infrastructure projects.
- During these three days, mechanisms of corruption, involvement of different stakeholders, costs of corruption, and key elements for a successful anti-corruption strategy in the infrastructure sector will be addressed.
- Designed for public officials, project managers and supervisors, contractors, and infrastructure experts from around the world.




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 INTERNATIONAL ANTI-CORRUPTION ACADEMY

Open enrollment seminars/trainings

- Procurement Anti-Corruption Training, 1 - 26 September 2014 (closed)
- Anti-Corruption in the Infrastructure Sector Training, 22 - 24 September 2014 (closed)
- Summer Academy, July 2015 (open from January 2015 on)
- Legal Incentives for Corporate Integrity, Spring 2015 (tba)
- "Best of" Series, Summer 2015 (tba)


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INTERNATIONAL ANTI-CORRUPTION ACADEMY

MACS

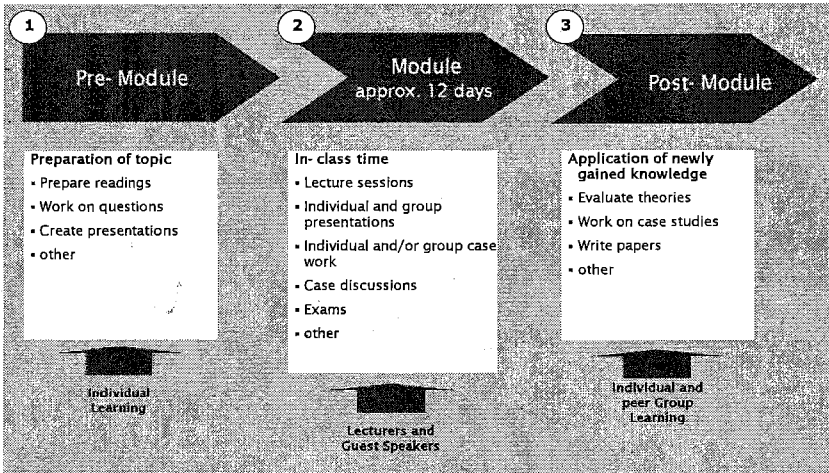
Master in Anti- Corruption Studies



INTERNATIONAL ANTI-CORRUPTION ACADEMY


MACS Didactic Design

> This structure enables participants to study while working full-time. Language of Instructions will be English.



1	2	3
Pre- Module	Module approx. 12 days	Post- Module
Preparation of topic <ul style="list-style-type: none"> • Prepare readings • Work on questions • Create presentations • other 	In- class time <ul style="list-style-type: none"> • Lecture sessions • Individual and group presentations • Individual and/or group case work • Case discussions • Exams • other 	Application of newly gained knowledge <ul style="list-style-type: none"> • Evaluate theories • Work on case studies • Write papers • other
Individual Learning	Lecturers and Guest Speakers	Individual and peer Group Learning

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 **IACA** | INTERNATIONAL ANTI-CORRUPTION ACADEMY

MACS MODULE OVERVIEW

Module I Concepts and Theories of Corruption	Module II Corruption and Economics	Module III Politics and Corruption	Module IV Business and Corruption
Module V Anti-Corruption and the Law	Module VI Enforcement	Module VII Prevention	Master Thesis

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Thank you for your attention!

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