

REPUBLIC OF THE UNION OF MYANMAR ANTI-CORRUPTION COMMISSION

LAW ENFORCEMENT ON PREVENTION AND PERSECUTION

By

H.E. Mr. Kyaw Win Thein

Commissioner

Anti-Corruption Commission Myanmar

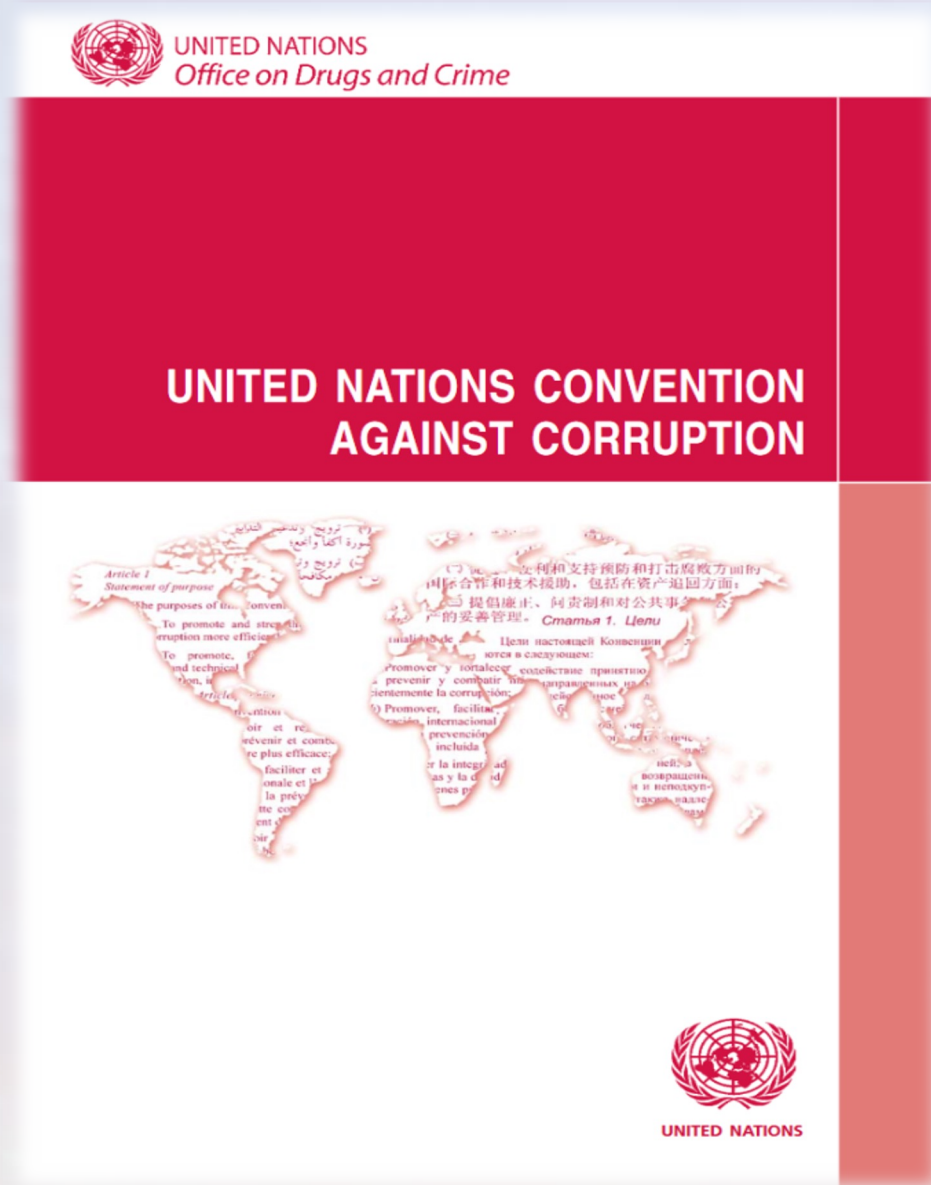
Jakarta, Indonesia

16th November 2023

History of Anti-Corruption Myanmar

- ❖ The Penal Code (1860)
- ❖ Myanmar Government Secrets Act (1923)
- ❖ The Public Property Protection Act (1947)
- ❖ Special Investigation Department Act (1951)
- ❖ The Defense Services Act (1959)
- ❖ Property Protection Act Relating to Matters (1963)
- ❖ Income Tax Law (1974)
- ❖ Law on Foreign Fishing Vessels (1989)
- ❖ Myanmar Marine Fisheries Law (1990)
- ❖ Commercial Tax Law (1990)
- ❖ The Saving Bank Law (1992)
- ❖ Narcotic Drugs and Psychotropic Substances Act (1993)
- ❖ Control of Anti- Money Laundering Law (2002)
- ❖ Anti -Trafficking in Persons Act (2005)
- ❖ Pyithu Hluttaw Election Law (2010)
- ❖ National Assembly Election Law (2010)
- ❖ The Regional Hluttaw or State Hluttaw Election Law(2010)
- ❖ The Central Bank of Myanmar Law (2013)
- ❖ The Civil Service Law (2013)
- ❖ Anti-Money Laundering Law (2014)
- ❖ Myanmar Fire Brigade Law (2015)
- ❖ The Forest Law(2018)
- ❖ Myanmar Police Force Act (2022)

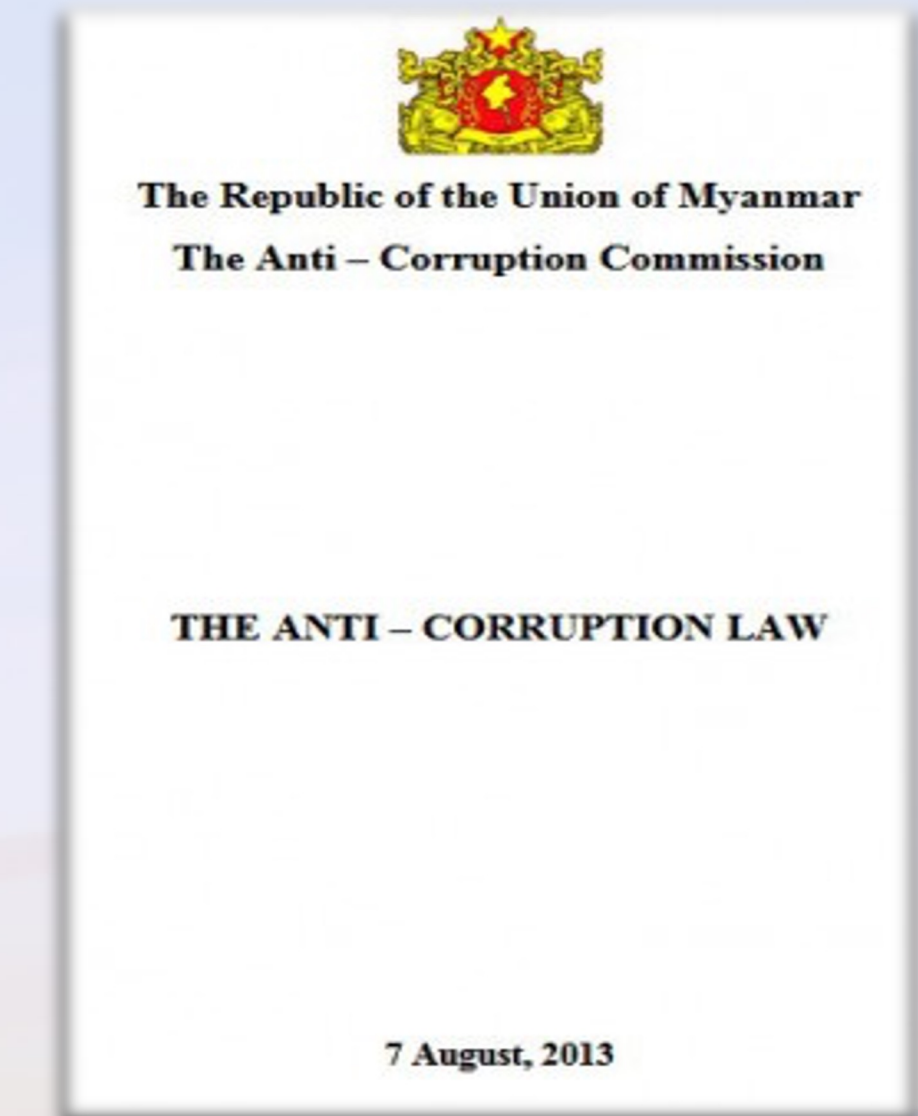
History of Anti-Corruption Commission Myanmar



UNCAC

- Signed in 2005
- Ratified on December 20, 2012
- 165th member of UNCAC

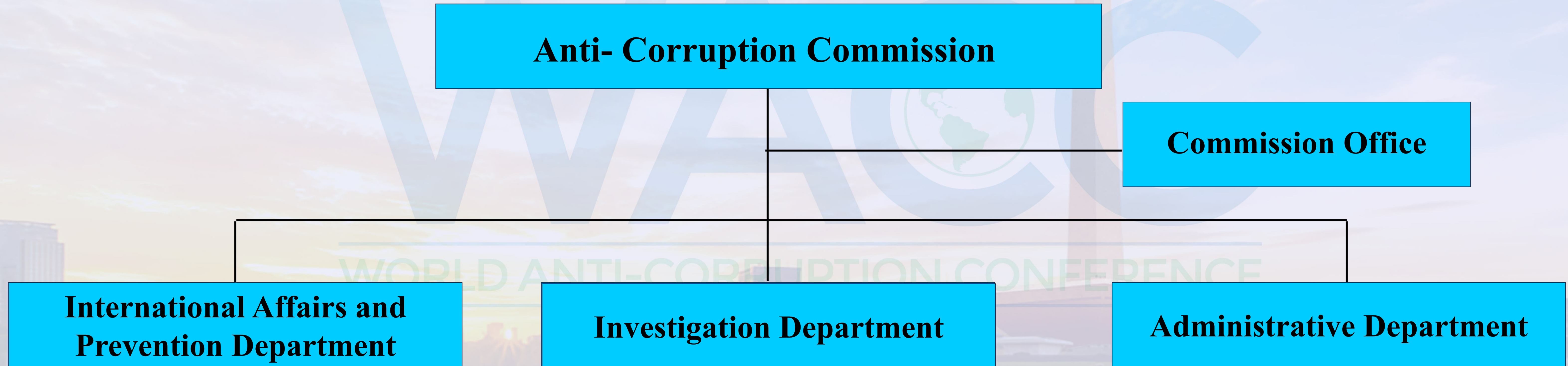
- Enacted Anti-Corruption Law in 2013
(Special Law with 73 sections)



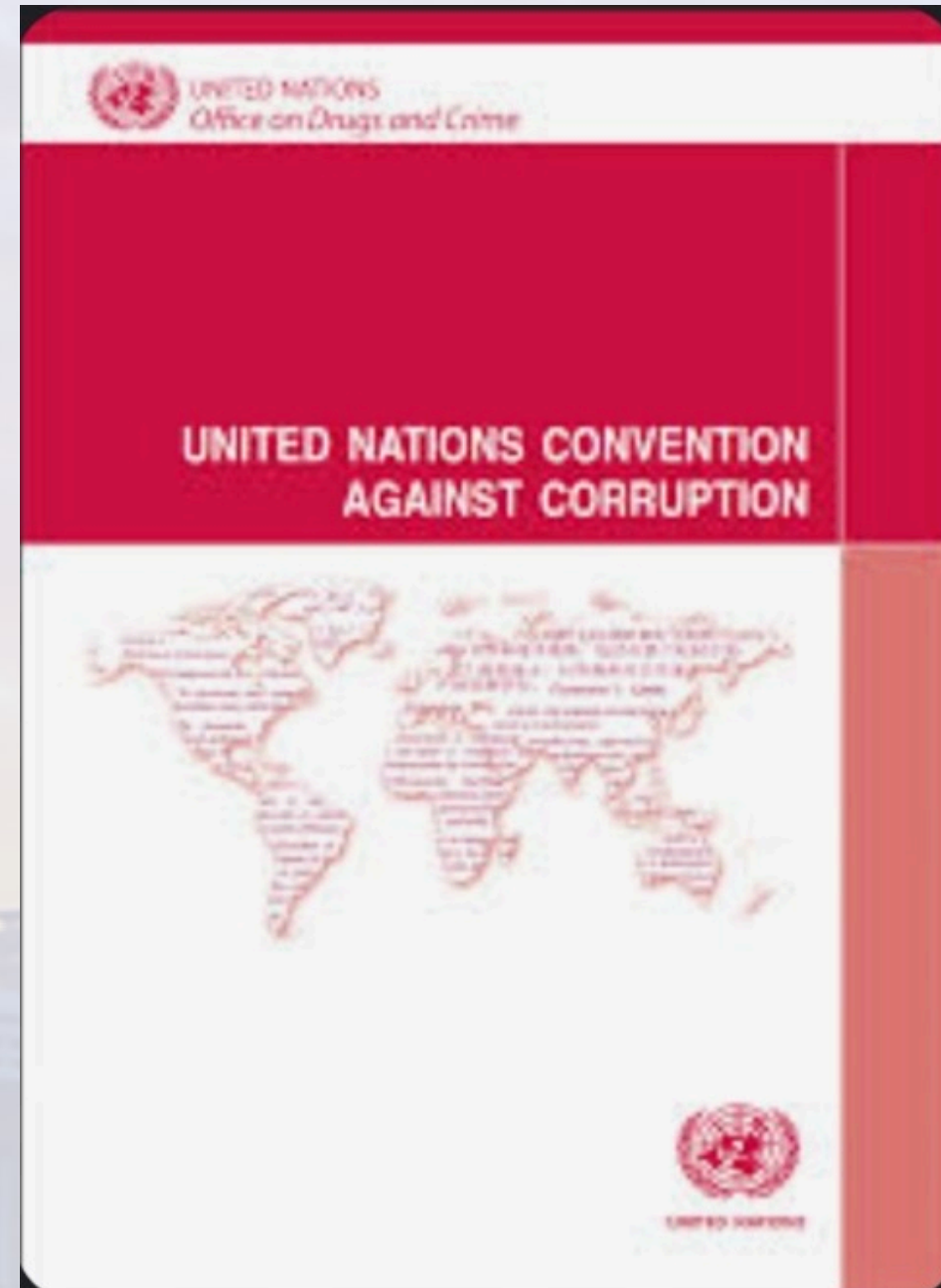
☐ Formed ACC Myanmar in 2014



Structure of Anti- Corruption Commission Myanmar



UNCAC member (1st Cycle and 2nd Cycle)



- ❖ **1st Cycle ;** Reviewing State Party, had to review Cambodia together with Togo, and was reviewed by Thailand and Burundi as the Under-Reviewed State. (34 recommendations)
- ❖ **2nd Cycle ;** Review process, Myanmar, as the Reviewing State Party, had to review Nigeria in conjunction with Ivory Coast. Myanmar also had to review the United Arab Emirates (UAE) in collaboration with Kuwait. In turn, Myanmar was reviewed by Iraq and Uzbekistan as the Under-Reviewed State. (35 recommendations)

Anti-Corruption Strategic Plan and Action Plan

- To implement the recommendations of 1st cycle and 2nd cycle of the review process UNCAC,
- The ACC has amended the Anti-Corruption Law five times.
- Formulating and implementing -
 - ❖ Anti-Corruption Strategic Plan of 2018-2021
 - ❖ New Strategic Plan of 2022-2025
 - ❖ Yearly Action Plan



Six Thematic Areas of Anti-Corruption Strategic Plan

Anti-Corruption Strategic Plan has been implemented with these missions;

- (a) Establishment of effective and strong foundations for awareness, corruption prevention, investigation, and prosecution;
- (b) Enhancement of integrity and professional capacity;
- (c) Improvement in cooperation with local and international organizations in corruption prevention and enforcement activities;
- (d) Effective protection of State monies, properties, and rights and interests of citizens;
- (e) Emergence of a corruption-free business environment;
- (f) Reducing bribery in the public service of government departments/organizations.

2023 Action Plan

2023 Action Plan are being developed and implemented as follows:

- (a) Development of policy framework;
- (b) Strengthening the legal framework;
- (c) Nationwide prevention of corruption;
- (d) Anti-Corruption awareness raising and enhancing integrity;
- (e) Institutional Capacity development;
- (f) Capacity development of staff;
- (g) International cooperation for corruption prevention and education programs and capacity building programs;
- (h) Monitoring and evaluation;
- (i) Formulation of Yearly Action Plan
- (j) Public Reporting

Main Function of Anti- Corruption Commission Myanmar

1. **Prevention**
2. **Awareness Raising**
3. **Investigation**



1. Prevention

❖ Law

- Enhance strong legislation.
- Ongoing activities involve reviewing the Anti-Corruption Law.
- Drafting law on whistleblower protection.

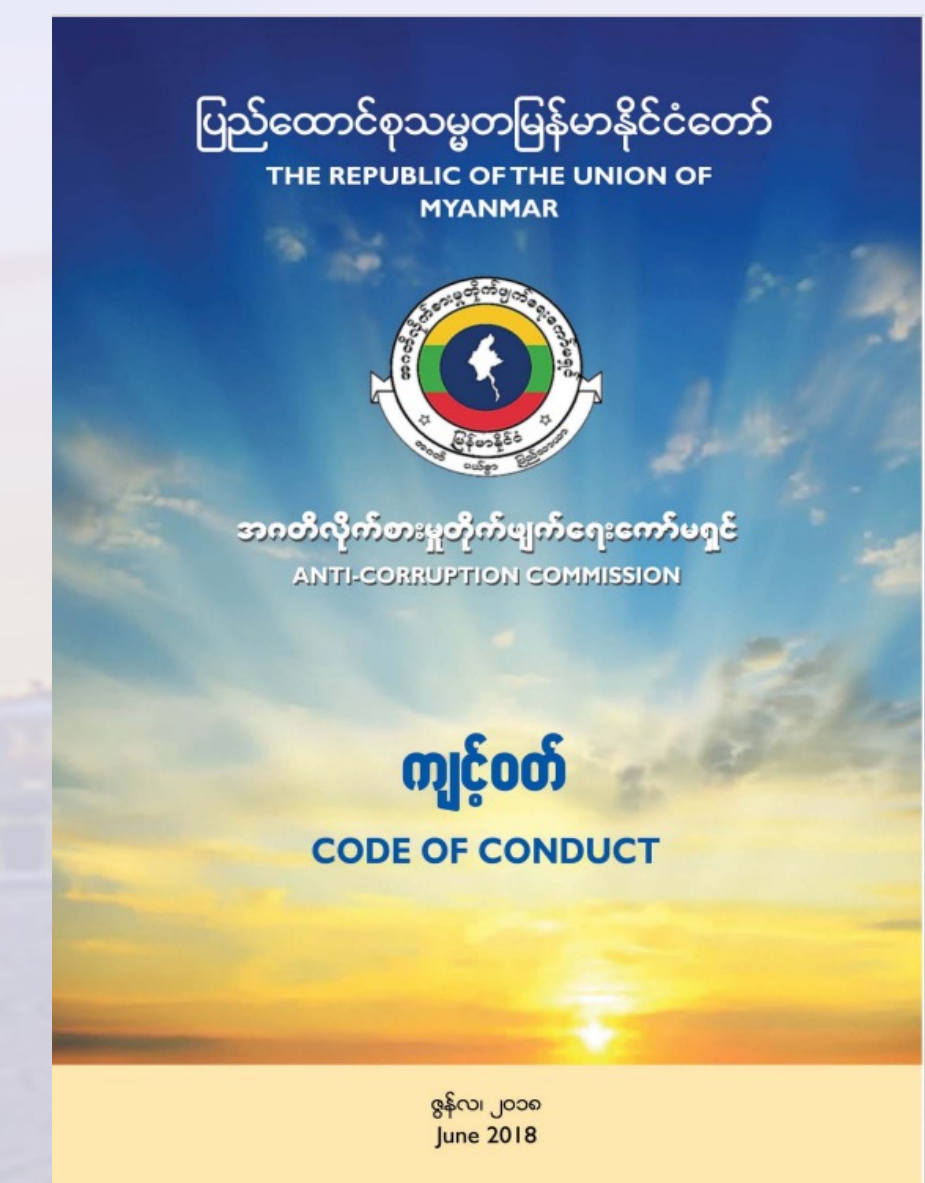
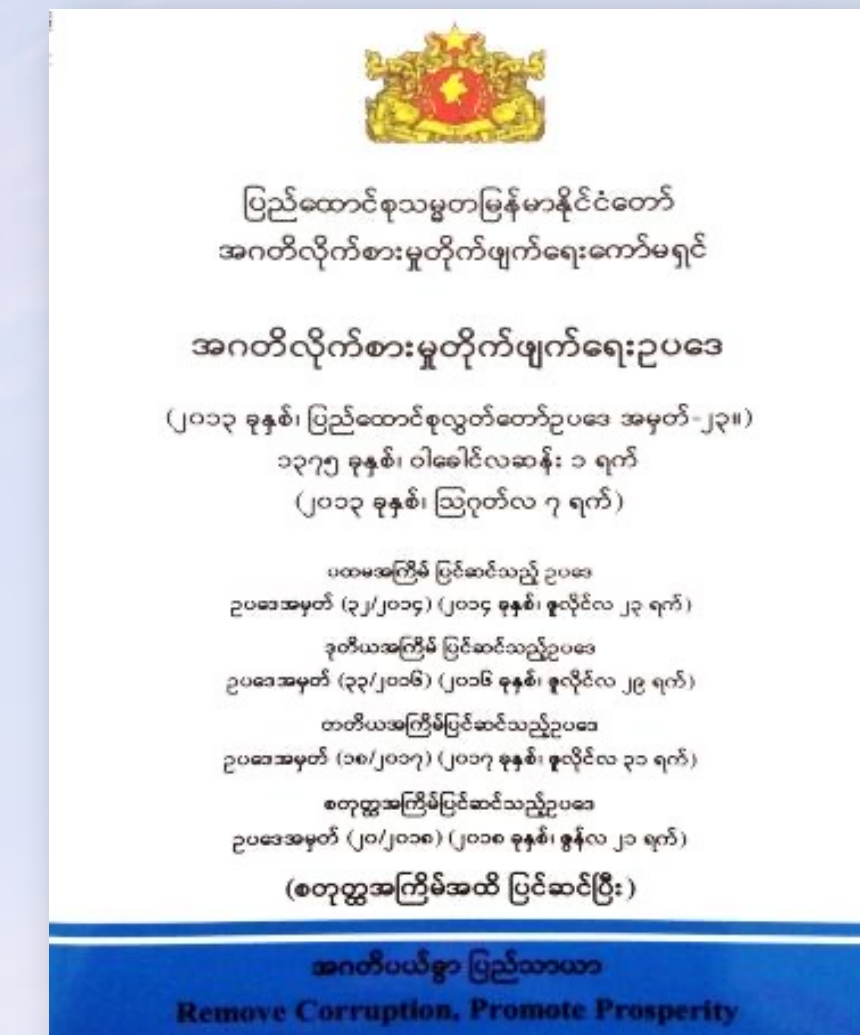
❖ Rules

- Drafting anti-corruption rule in alignment with the provisions of the law.

❖ Orders and Directives

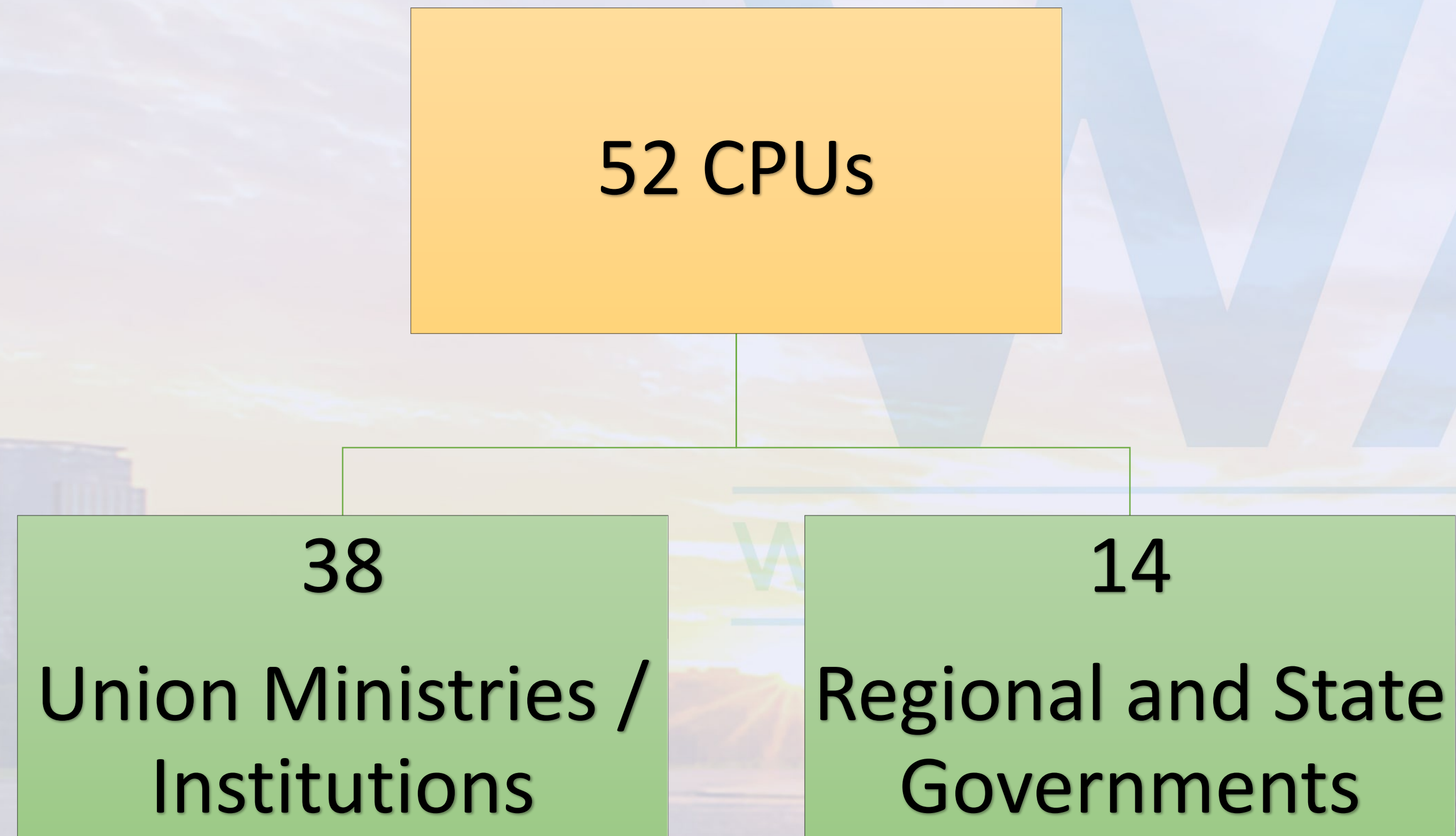
❖ Code of Conducts

❖ Providing Code of Conduct hand book to individual



1. Prevention

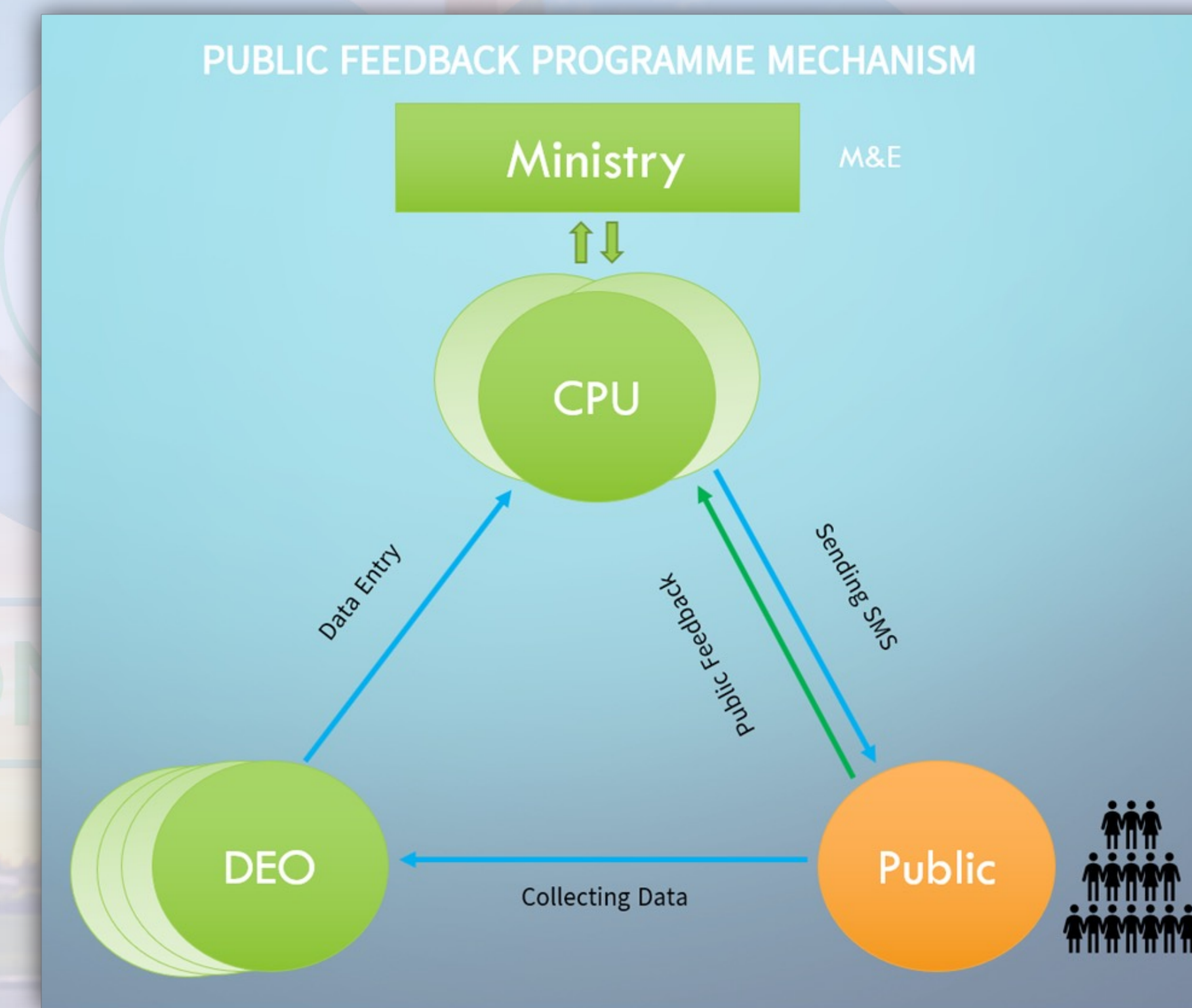
❖ Corruption Prevention Unit – CPU



- Six agendas of CPUs,
 - (a) Develop terms of reference (TORS)
 - (b) Develop the Standing Operating Procedures (SOPs)
 - (c) Undertake Corruption Risk Assessments(CRA)
 - (d) Developed Codes of Conduct (COC)
 - (e) Organizing forums and discussions on preventing corruption
 - (f) Use CPUs toolkit technology

❖ **Public Feedback Programme – PFP**

- This programme encompasses 32 Union Ministries and Organizations, enabling users to submit questions and receive responses via SMS, utilizing the Short Code “1111”.



Public Servant Sector

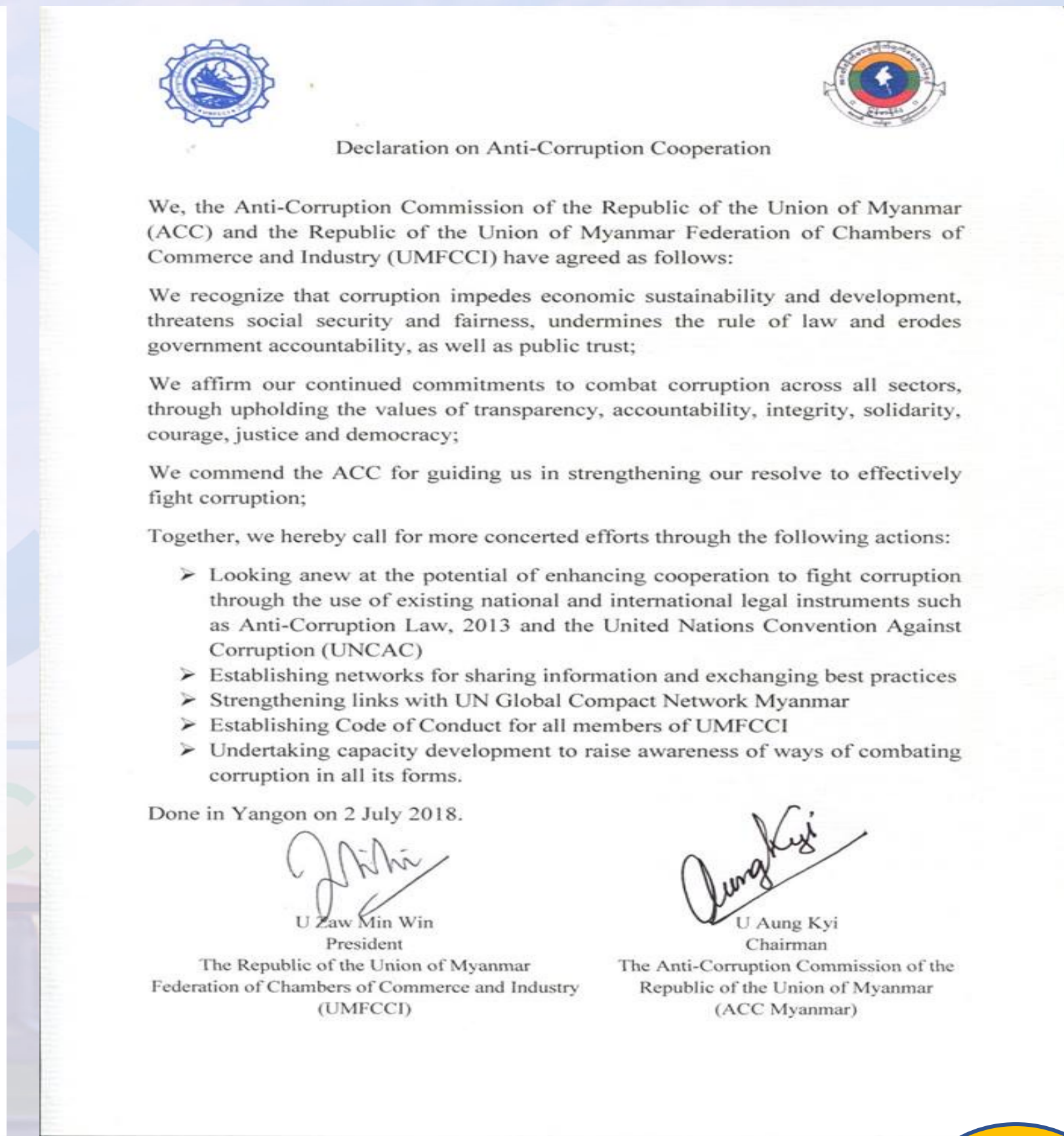
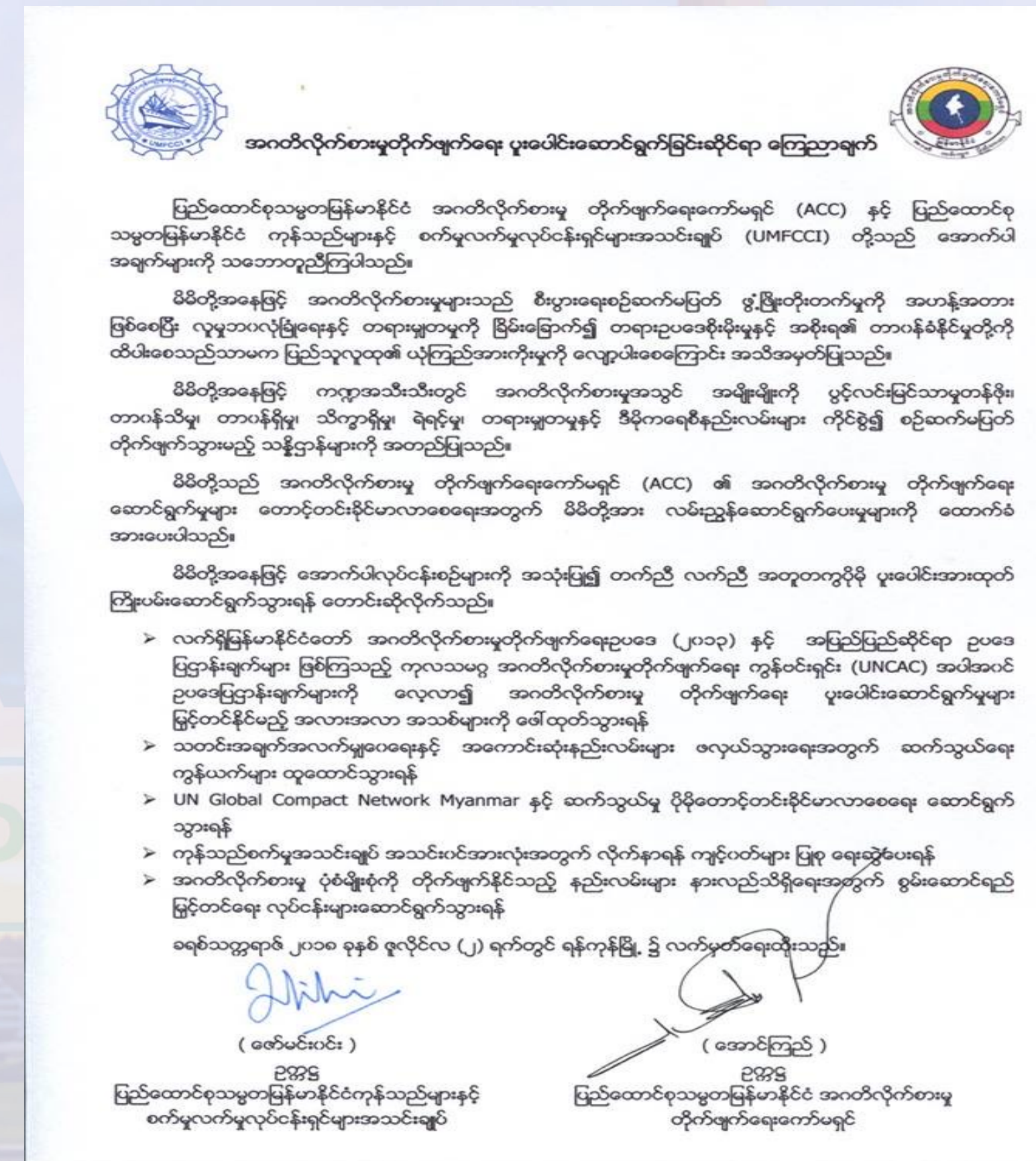
Conducting training in

- Civil Service Academies
- Training Centers of Ministries
- Region Government and Anti-Corruption Commission jointly held Awareness Programme on Corruption Prevention




The business enterprises & private sector

On 2-7-2018 in Yangon, the Anti-Corruption Commission of the Republic of the Union of Myanmar (ACCM) and the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) signed a declaration on anti-corruption cooperation between ACC Chairman U Aung Kyi and UMFCCI Chairman U Zaw Min Win.



- The Notification released by the Anti-Corruption Commission on 19th October 2018
- designated basic principles to develop and practice principally sound business ethics and appropriate internal control measure in private entities for prevention of corruption





The Republic of the Union of Myanmar
The Anti-Corruption Commission
 The Notification Order No. (14/2018)
 The 10th Waxing Day of Thadingyut, M.E. 1380
 (19 October 2018)

Designating basic principles for preparation and practice of principally sound business ethics and appropriate internal control measures related to corruption prevention in private entities

The Anti-Corruption Commission hereby issues the Notification according to sub-section 72(b) of the Anti-Corruption Law, 2013.

1. Sub-section 16(q) of the Anti-Corruption Law indicates one of the duties of the Commission as “Issuing an order to any private entities to be developed and applied a work-related code of conduct strongly based on the preventive corruption”.
2. Accordingly, the Commission hereby designate the following principles to be based not only in preparation and practices of principally sound business ethics but also in taking appropriate internal control measures to prevent corruption in private entities:
 - (a) To set up strong and effective policy for the fight against corruption and to get the commitment of highest management on the policy;
 - (b) To effectively assess, identify and evaluate on corruption risk assessment;
 - (c) To take more precise and comprehensive measures in vulnerable and high risk of corruptions;
 - (d) To include not only one’s own business but also all other linking value change processes into the fight against corruption;
 - (e) To keep records and accounts systematically and correctly;
 - (f) To pursue human resources development policy helpful to the fight against corruption;
 - (g) To keep reliable reporting mechanism for enabling to report the doubt of corruption;
 - (h) To keep regular monitoring and evaluation system on activities related to prevention of corruption.

Sd./-
 Aung Kyi
 Chairman
 The Anti-Corruption Commission

❖ Edutainment Programme, Youth Integrity Camps and Youth Talks

- Edutainment Program at Basic Education Schools in Nay Pyi Taw and four major cities.



- Youth Integrity Camps in Nay Pyi Taw and Mandalay.
- Developed Integrity and Anti-Corruption Modules, which have been distributed to relevant Ministries/Organizations, including the Ministry of Education.
- Providing education for young students, including organizing Youth Talks

3. Investigation

Investigation Mechanism



- State Administration Council (President Office)
- Parliament (Hluttaw)
- Complaint
- Credible Information

Register

Case Management System

Complaint Review working group Committee

Commission Meeting

Investigation

Investigation Report

Court Decision

Prosecution Regional High Court

First Information Report (FIR) Police Station

Office of the Attorney General

Commission Meeting

Taking Actions

- ❖ Complaints submitted in person, by post, or via email are accepted, verified, and processed in accordance with legal provisions.
- ❖ From 2014 to October 2023, the Commission received 36,305 complaints.
- ❖ These include 65 former political persons, 21 high-ranking officials, 80 officials, 84 staff, 18 public servants and 34 individuals. In total, 302 people are facing prosecution under the Anti-Corruption Law, and departmental actions have been taken against 2684 civil servants.
- ❖ Total of 114 cases led to the loss of state funds due to corruption,
- ❖ The loss of State funds due to Corruption: 262,876 million Kyats, 13,326,746 US dollars and 225,930.69 Euro. Furthermore, 232,485.11 million Myanmar Kyats and 4,044,640.35 US dollars have been confiscated and deposited as public funds.
- ❖ In Myanmar, seized money and items can be retained as public funds, but the corresponding value has not been determined yet.

International Cooperation



SEA-PAC (ASEAN-PAC)

- Myanmar joined in 2013.



International Association of
Anti-Corruption Authorities
(IAACA) in 2006.



International Anti-Corruption Academy
(IACA) in 2019.

Office of the Attorney General of the Russian
Federation 29-6- 2023

Signing MoU

GIV
(Vietnam)
15-10- 2015



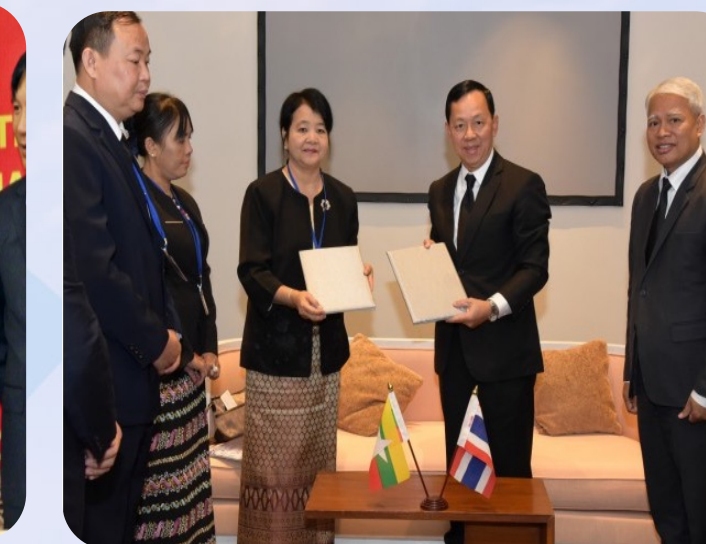
SIA (Laos)
1-1-2018



ACA (India)
7-10- 2020



NACC(Thailand)
1-2- 2017



ACRC (Korea)
30-5- 2018

ACU(Cambodia)
22-11- 2022



Challenges and Ways Forward

- ❖ Numerous challenges facing in ACC Myanmar.
- ❖ The escalation of cross-border financial crimes, including money laundering and online financial crimes.
- ❖ To combat these issues, technical assistance is required.
- ❖ Additionally, cooperation is needed for matters pertaining to civil liability, asset recovery, and asset declaration.
- ❖ To ensure the adaptability of professionals, it is also necessary to invest in training and education.
- ❖ Addressing these issues requires international cooperation.
- ❖ Together, we can work towards a future defined by transparency, accountability, and clean governance.



CONTACT INFO

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WACC

Thank You

WORLD ANTI-CORRUPTION CONFERENCE