



# 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

16th November 2023



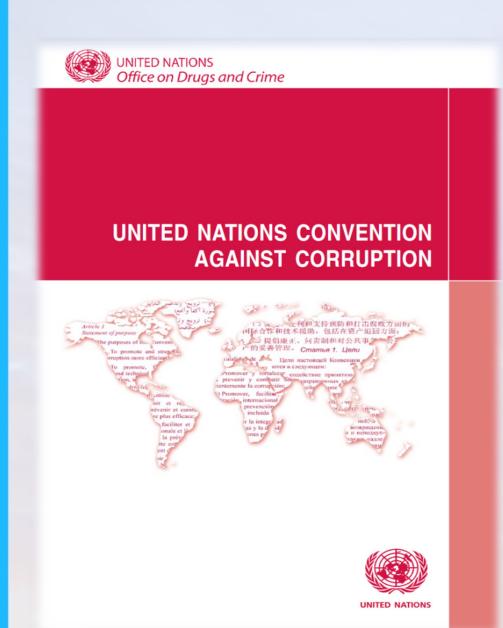
### History of Anti-Corruption Myanmar

1993)

- \*\* 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
- 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
- 165<sup>th</sup> member of UNCAC





THE ANTI - CORRUPTION LAW

7 August, 2013







## Structure of Anti- Corruption Commission Myanmar



**Commission Office** 

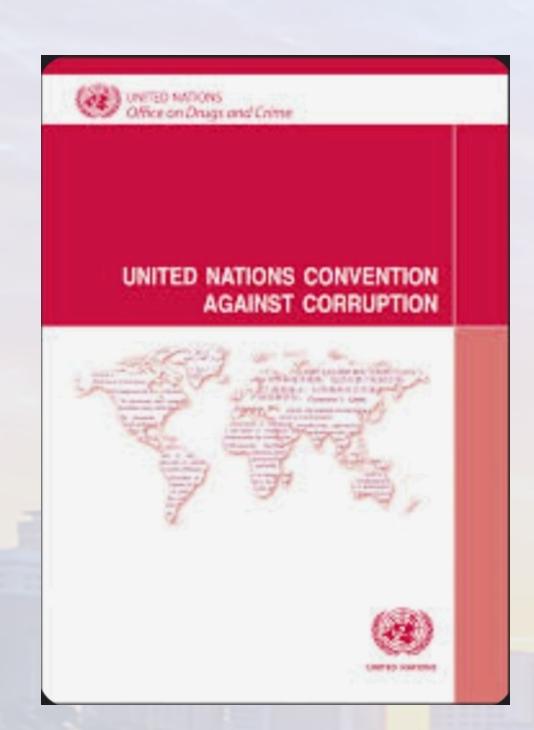
International Affairs and Prevention Department

**Investigation Department** 

**Administrative Department** 



### 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 1<sup>st</sup> cycle and 2<sup>nd</sup> 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



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော် အဂတိလိုက်စားမှုတိုက်ဖျက်ရေးကော်မရှင်

အဂတိလိုက်စားမှုတိုက်ဖျက်ရေးဥပဒေ

(၂၀၁၃ ခုနှစ်၊ ပြည်ထောင်စုလွှတ်တော်ဥပဒေ အမှတ်-၂၃။) ၁၃၇၅ ခုနှစ်၊ ဝါခေါင်လဆန်း ၁ ရက် (၂၀၁၃ ခုနှစ်၊ ဩဂုတ်လ ၇ ရက်)

ပထမအကြိမ် ပြင်ဆင်သည့် ဥပဒေ ဥပဒေအမှတ် (၃၂/၂၀၁၄) (၂၀၁၄ ခုနှစ်၊ စုလိုင်လ ၂၃ ရက်) ခုတိယအကြိမ် ပြင်ဆင်သည့်ဥပဒေ ဥပဒေအမှတ် (၃၃/၂၀၁၆) (၂၀၁၆ ခုနှစ်၊ စုလိုင်လ ၂၉ ရက်) တတိယအကြိမ်ပြင်ဆင်သည့်ဥပဒေ ဥပဒေအမှတ် (၁၈/၂၀၁၇) (၂၀၁၇ ခုနှစ်၊ စုလိုင်လ ၃၁ ရက်) စတုတ္ထအကြိမ်ပြင်ဆင်သည့်ဥပဒေ ဥပဒေအမှတ် (၂၀/၂၀၁၈) (၂၀၁၈ ခုနှစ်၊ စုန်လ ၂၁ ရက်) (စတုတ္ထအကြိမ်အထိ ပြင်ဆင်ပြီး)

အဂတိဝယ်စွာ ပြည်သာယာ temove Corruption, Promote Prosperity

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော် THE REPUBLIC OF THE UNION OF MYANMAR



<mark>အဂတိလိုက်စားမှုတိုက်ဖျက်ရေးကော်မ၅ွင်</mark> ANTI-CORRUPTION COMMISSION

> ကျင့်စတ် ODE OF CONDUCT



### 1. Prevention

### Corruption Prevention Unit – CPU

52 CPUs

38

Union Ministries / Institutions

14

Regional and State Governments

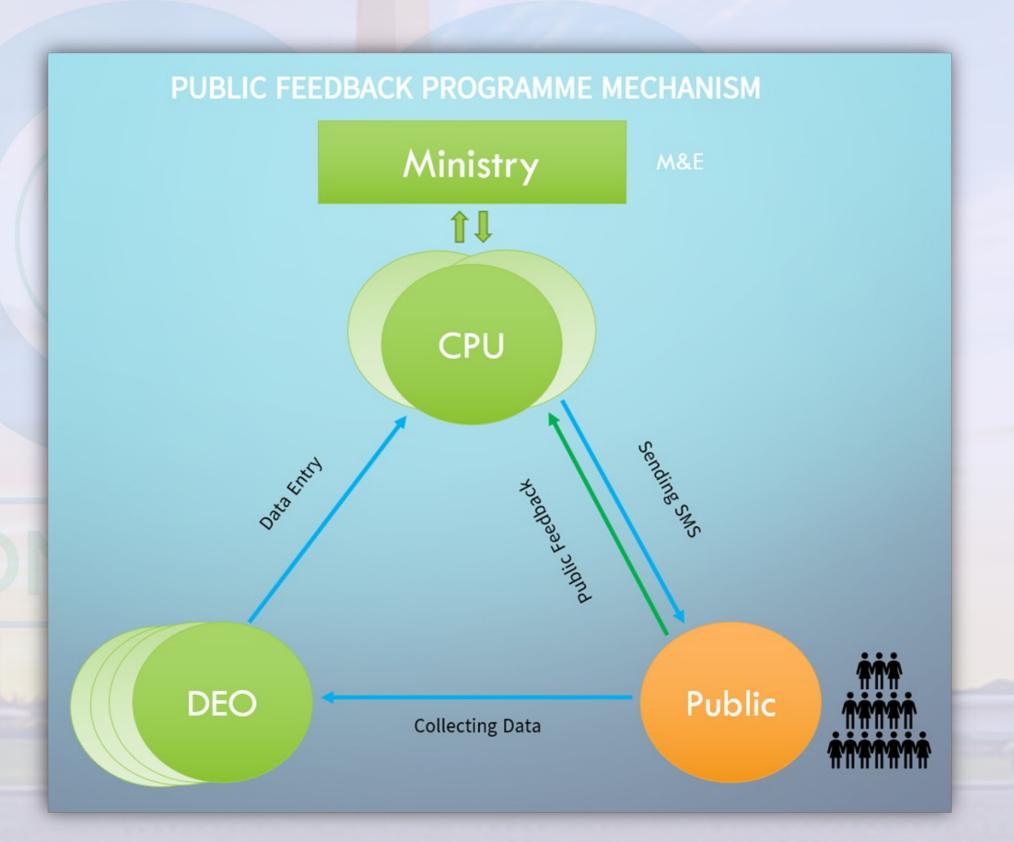
- > Six agendas of CPUs,
- (a) Develop terms of reference (TORS)
- (b) Develop the Standing Operating Procedures (SOPs)
- (c) Undertake Corruption Risk Assessments(CRA)
- (d) Developed Codes of Conduct (COC)
- (e) Organizing forums and discussions on preventing corruption
- (f) Use CPUs toolkit technology



### ❖ 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.



#### အဂတိလိုက်စားမှုတိုက်ဖျက်ရေး ပူးပေါင်းဆောင်ရွက်ခြင်းဆိုင်ရာ ကြေညာချက်



ပြည်ထောင်စု အောက်ပါ

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံ အဂတိလိုက်စားမှု တိုက်ဖျက်ရေးကော်မရှင် (ACC) နှင့် ပြည်ထောင်စု သမ္မတမြန်မာနိုင်ငံ ကုန်သည်များနှင့် စက်မှုလက်မှုလုပ်ငန်းရှင်များအသင်းချုပ် (UMFCCI) တို့သည် အောက်ပါ အချက်များကို သဘောတူညီကြပါသည်။

မိမိတို့အနေဖြင့် အဂတိလိုက်စားမှုများသည် စီးပွားရေးစဉ်ဆက်မပြတ် ဖွံ့ဖြိုးတိုးတက်မှုကို အဟန့်အတား ဖြစ်စေပြီး လူမှုဘဂလုံခြုံရေးနှင့် တရားမှုုတမှုကို ခြိမ်းခြောက်၍ တရားဥပဒေစိုးမိုးမှုနှင့် အစိုးရ၏ တာဂန်ခံနိုင်မှုတို့ကို ထိပါးစေသည်သာမက ပြည်သူလူထု၏ ယုံကြည်အားကိုးမှုကို လျော့ပါးစေကြောင်း အသိအမှတ်ပြုသည်။

မိမိတို့အနေဖြင့် ကဏ္ဍအသီးသီးတွင် အဂတိလိုက်စားမှုအသွင် အမျိုးမျိုးကို ပွင့်လင်းမြင်သာမှုတန်စိုး၊ တာဂန်သိမှ၊ တာဂန်ရှိမှ၊ သိက္ခာရှိမှ၊ ရဲရင့်မှ၊ တရားမှုတမှုနှင့် ဒီမိုကရေစီနည်းလမ်းများ ကိုင်စွဲ၍ စဉ်ဆက်မပြတ် တိုက်ဖျက်သွားမည့် သန္နိဌာန်များကို အတည်ပြုသည်။

မိမိတို့သည် အဂတိလိုက်စားမှု တိုက်ဖျက်ရေးကော်မရှင် (ACC) ၏ အဂတိလိုက်စားမှု တိုက်ဖျက်ရေး ဆောင်ရွက်မှုများ တောင့်တင်းခိုင်မာလာစေရေးအတွက် မိမိတို့အား လမ်းညွှန်ဆောင်ရွက်ပေးမှုများကို ထောက်ခံ အားပေးပါသည်။

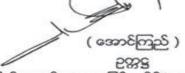
မိမိတို့အနေဖြင့် အောက်ပါလုပ်ငန်းစဉ်များကို အသုံးပြု၍ တက်ညီ လက်ညီ အတူတကွဝိုမို ပူးပေါင်းအားထုတ် ကြိုးပမ်းဆောင်ရွက်သွားရန် တောင်းဆိုလိုက်သည်။

- လက်ရှိမြန်မာနိုင်ငံတော် အဂတိလိုက်စားမှုတိုက်ဖျက်ရေးဥပဒေ (၂၀၁၃) နှင့် အပြည်ပြည်ဆိုင်ရာ ဥပဒေ ပြဌာန်းချက်များ ဖြစ်ကြသည့် ကုလသမဂ္ဂ အဂတိလိုက်စားမှုတိုက်ဖျက်ရေး ကွန်ဗင်းရှင်း (UNCAC) အပါအဂင် ဥပဒေပြဌာန်းချက်များကို လေ့လာ၍ အဂတိလိုက်စားမှု တိုက်ဖျက်ရေး ပူးပေါင်းဆောင်ရွက်မှုများ မြှင့်တင်နိုင်မည့် အလားအလာ အသစ်များကို ဖေါ် ထုတ်သွားရန်
- သတင်းအချက်အလက်မျှဂေရေးနှင့် အကောင်းဆုံးနည်းလမ်းများ ဖလှယ်သွားရေးအတွက် ဆက်သွယ်ရေး ကွန်ယက်များ ထူထောင်သွားရန်
- UN Global Compact Network Myanmar နှင့် ဆက်သွယ်မှု ပိုမိုတောင့်တင်းခိုင်မာလာစေရေး ဆောင်ရွက် သွားရန်
- ကုန်သည်စက်မှုအသင်းချုပ် အသင်းပင်အားလုံးအတွက် လိုက်နာရန် ကျင့်ပတ်များ ပြုစု ရေးဆွဲပေးရန်
- > အဂတိလိုက်စားမှု ပုံစံမျိုးစုံကို တိုက်ဖျက်နိုင်သည့် နည်းလမ်းများ နားလည်သိရှိရေးအတွက် စွမ်းဆောင်ရည် မြှင့်တင်ရေး လုပ်ငန်းများဆောင်ရွက်သွားရန်

ခရစ်သက္ကရာဇ် ၂၀၁၈ ခုနှစ် ဇူလိုင်လ (၂) ရက်တွင် ရန်ကုန်မြို့ ၌ လက်မှတ်ရေးထိုးသည်။



ဗိုက်ဗ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံကုန်သည်များနှင့် စက်မှုလက်မှုလုပ်ငန်းရှင်များအသင်းချုပ်



ဉ်တ္တဋ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံ အဂတိလိုက်စားမှု တိုက်ဖျက်ရေးကော်မရှင်





#### Declaration on Anti-Corruption Cooperation

We, the Anti-Corruption Commission of the Republic of the Union of Myanmar (ACC) and the Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) have agreed as follows:

We recognize that corruption impedes economic sustainability and development, threatens social security and fairness, undermines the rule of law and erodes government accountability, as well as public trust;

We affirm our continued commitments to combat corruption across all sectors, through upholding the values of transparency, accountability, integrity, solidarity, courage, justice and democracy;

We commend the ACC for guiding us in strengthening our resolve to effectively fight corruption:

Together, we hereby call for more concerted efforts through the following actions:

- Looking anew at the potential of enhancing cooperation to fight corruption through the use of existing national and international legal instruments such as Anti-Corruption Law, 2013 and the United Nations Convention Against Corruption (UNCAC)
- Establishing networks for sharing information and exchanging best practices
- Strengthening links with UN Global Compact Network Myanmar
- ➤ Establishing Code of Conduct for all members of UMFCCI
- Undertaking capacity development to raise awareness of ways of combating corruption in all its forms.

Done in Yangon on 2 July 2018.

Min Win

The Republic of the Union of Myanmar
Federation of Chambers of Commerce and Industry
(UMFCCI)

U Aung Kyi Chairman

The Anti-Corruption Commission of the Republic of the Union of Myanmar (ACC Myanmar)



- The Notification released by the Anti-Corruption Commission on 19<sup>th</sup> 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 10<sup>th</sup> 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.

- 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".
- 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



### 2. Awareness Raising

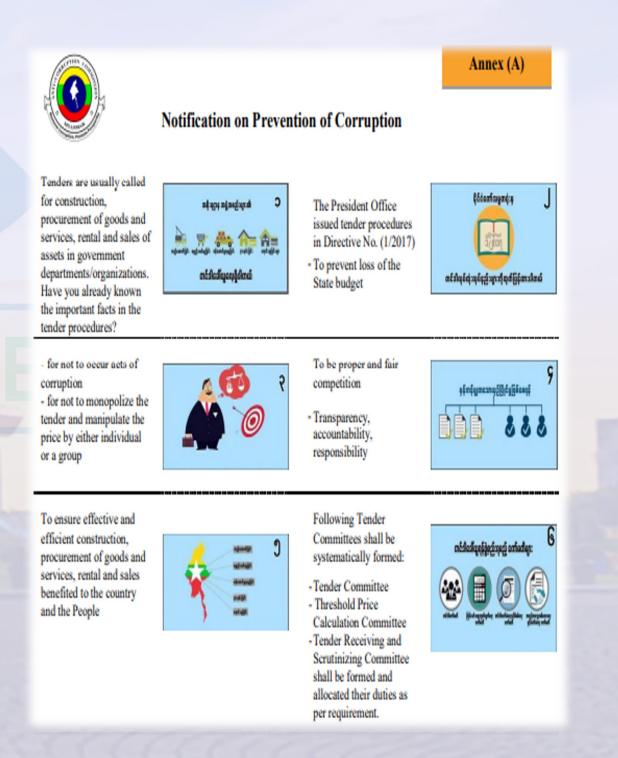
- \* Regard to raising awareness, the Anti-Corruption Commission Myanmar is committed to continuous awareness campaigns.
  - o Promoting public awareness through state-owned news media channels, including Myanmar Radio and Television.
  - o Illustrated songs, movies, and animations.
  - o Publish informative articles in state-owned newspapers













### \* Edutainment Programme, Youth Integrity Camps and Youth Talks

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









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



## 3. Investigation

### Investigation Mechanism

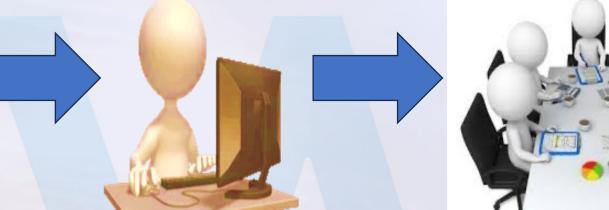


- State Administration Council (President Office)
- Parliament (Hluttaw)
- Complaint
- Credible Information



Register Case Management

System



Complaint Review working group Committee



**Commission Meeting** 

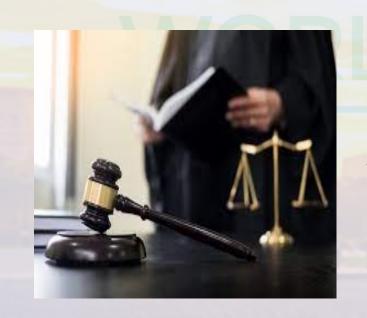


**Investigat**ion



**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 Coruption: 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 vet



### **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.

### Signing MoU

GIV

(Vietnam)

15-10-2015

SIA (Laos)

1-1-2018

ACA (India)

7-10-2020



NAC 1

NACC(Thailand)
1-2- 2017

MOU Signing Ceremon



ACRC (Korea)

30-5-2018

SIGNING CEREMONY

HISDORASHIN OF PARRIETANING

HIS ANTI-CORRETENCEMENDONOUT HE THE ANGIONE OF PARRIET

HIS ANTI-CORRETENCEMENDONOUT HE THE FAMILY OF PARRIET

PARRIET HE ANTI-CORRETENCE

ANTI-CO

ACU(Cambodia)

22-11-2022



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





### 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

H.E. Mr. Kyaw Win Thein

Commissioner

**Anti-Corruption Commission** 

The Republic of The Union of Myanmar

Office No. 56, Zayahtani Road, Nay Pyi Taw

kyawwinthein5075682@gmail.com

www.accm.gov.mm

