

Why Is It Necessary to Establish an Anti-Corruption Agency?

**Building a New Era of Clean Government and a
Society Founded on Integrity**



**Ministry of Justice
Republic of China (Taiwan)**

Why do we need a specialized anti-corruption agency?

Strengthening the capacity to combat and prevent corruption

The Agency Against Corruption (AAC), Ministry of Justice of the Republic of China (Taiwan) initially will have three missions:

- draft national anti-corruption policies;
- develop public education programs; and
- strengthen related preventive mechanisms.

Thereafter, under the direct supervision of public prosecutors, AAC personnel vested with the same powers as judicial police will take action to address alleged cases of government corruption. The AAC is an agency dedicated to enhancing government integrity and upholding social justice.

Meeting the public's expectations

Public opinion polls conducted over the past two years in Taiwan indicate that more than 70 percent of the people support the establishment of an agency dedicated to promoting government integrity. As a result, the government has taken concrete steps to realize this expectation.

Conforming with global standards

Articles 6 and 36 of the United Nations Convention against Corruption, which were adopted by the General Assembly of the United Nations (UN) in 2003, call for signatories to establish one or more government agencies dedicated to combating and preventing corruption. Although Taiwan is not a signatory of the convention, Article 141 of the ROC Constitution echoes the spirit of the convention as well as the fundamental principles of the UN Charter. As a member of the international community, Taiwan

has a moral obligation to uphold the precepts of the convention. In this light, the establishment of the AAC offers the world affirmation of our commitment to combating and preventing corruption.

Guiding principles

Addressing both the symptoms and root causes of corruption

First and foremost, the AAC will put more emphasis on education and prevention rather than investigation. The agency's operations will follow a cycle of "prevention, investigation and further prevention" with an aim to continuously improve related education and preventive mechanisms.

Public servants violating ethics guidelines or laws will have to face administrative and/or judicial punishments, thereby deterring other public servants.

Afterwards, the AAC will reassess the corruption risk management mechanism to determine whether improvements need to be made.

Expanding the governance of integrity to the private sector

The focus of the AAC's anti-corruption work will expand to include unethical behavior by the private sector and not just by the public sector. Therefore, it will cover corruption by the private sector and by those commissioned to carry out public projects. The AAC will make its best endeavors to prevent both the receiving and the offering of bribes.

The anticipated differences and effects following the establishment of the AAC

The establishment of the AAC is to bring about three major changes.

Serving as Taiwan's sole specialized anti-corruption agency

Firstly, the AAC will be the first agency ever to possess the legal mandate to fight corruption. It will be Taiwan's sole organization that meets the requirements of the UN Convention against Corruption, as it will be fully empowered to draw up policies as well as to take action to better prevent and investigate corruption. For Taiwan, this symbolizes its commitment to upholding international standards and enhancing its reputation as a nation founded on integrity.

Launching the mechanism for in-house public prosecutors

Secondly, the AAC's establishment marks the first time that officials of the headquarters or district investigation units of an agency will be directed by public prosecutors and enabled to exercise law enforcement powers. With this new model, prosecutors will be involved in the investigation of suspected corruption cases, enabling them to collect evidence at an early stage.

Creating an Advisory Committee

Thirdly, a Government Ethics Advisory Committee will be established to strengthen the transparency and monitoring of the AAC's operations. Composed of citizens of high repute, the committee will work to ensure that the AAC makes no misjudgments or delays and refrains from engaging in cover-ups, thus reinforcing its independence and neutrality.

The AAC is expected to achieve three goals.

First, strengthen existing mechanisms for eradicating and preventing corruption: The AAC's responsibilities will include drawing up, adjusting and implementing relevant policies; preventing corruption; educating the public on fighting corruption; and investigating and prosecuting corruption cases.

Taiwan needs a multi-channel approach, one that addresses both the instances of corruption and their root causes, integrates the elements of public participation and education, and metes out punishment for such behavior. Only then can a highly effective public-private network be formed to comprehensively attack and reduce corruption.

Second, enhance the conviction rate of corruption cases: The close interaction of prosecutors and officials from the AAC with officers from the civil service ethics units familiar with bureaucratic culture and operations can be expected to result in more precise assessments of intent to violate rules and laws, as well as higher effectiveness of investigators securing crucial evidence. In the end, such integration can enhance the power of Taiwan's law enforcement system to detect and prosecute offenders, with a greater likelihood that convictions and appropriate punishments will be handed down.

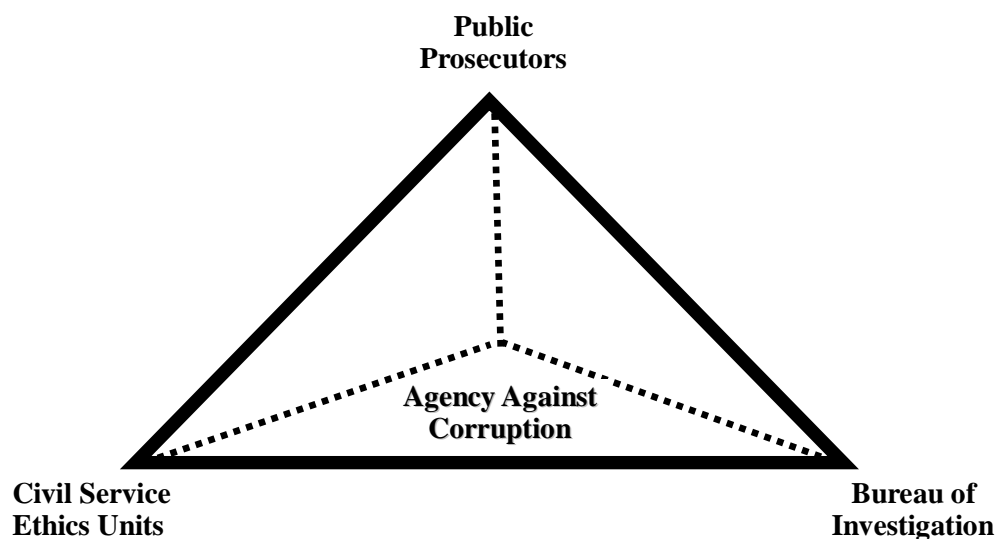
Third, further safeguard human rights in Taiwan: The agency, which will be guided by strict principles, will neither pursue just high-profile cases nor seek to amass a high volume of cases. Rather, it will strive to maintain accurate and correct procedures, with a commitment to establishing a framework and a tradition that sustains its integrity.

When the AAC takes legal action to combat corruption, it will neither make public nor release information about the cases. In addition, it will

refrain from making inflammatory statements. Instead, it will make its best endeavors to safeguard the rights of the persons under investigation and the reputations of the agencies they serve.

A new national integrity system

In the future, the operations of the AAC will extend beyond those of the Prosecutors' Office, the Bureau of Investigation and civil service ethics units. The addition of the AAC, with its comprehensive anti-corruption mandate, to these other three agencies will help form a system like a pyramid:



Creating a new era of government integrity

Taiwan needs a specialized anti-corruption agency. The establishment of the Anti-Corruption Agency represents an important milestone in Taiwan's pursuit of government integrity. Its creation bears testimony to

the government's commitment to fostering a clean and honest society, uplifting the people's quality of life, and strengthening the foundation for Taiwan's sustainable development.

It is expected that the AAC will coordinate its efforts with the ongoing restructuring of the central and local governments. At this historic juncture, the public's support will exert a strong impact on the success of its mission, reflecting the people's determination to combat corruption and creating a new era of government integrity. The Anti-Corruption Agency needs your concern and support.