

26th Anti-Corruption and Transparency Working Group Meeting

Chinese Taipei's Progress on Implementation of the UNCAC

I. Aligning with United Nations Convention Against Corruption

In 2015, Chinese Taipei formulated and enacted the Act to Implement the United Nations Convention against Corruption to incorporate rules and norms set forth in this convention into the legal system and policies of Chinese Taipei. Experts, scholars and government authorities at all levels jointly reviewed the implementation status of United Nations Convention against Corruption (hereafter referred as the "UNCAC"), as well as the formulation, amendment, or rescission of supervisory laws pursuant to the Act to Implement UNCAC. The implementation status of UNCAC will be disclosed in the government report later this year and it is further planned to invite foreign experts and scholars in August to conduct reviews and offer opinions and suggestions on how to implement UNCAC in Chinese Taipei.

II. Strengthening the Authority of Preventive Anti-Corruption Bodies

To carry out the spirit of Article 6 of UNCAC, the establishment of preventive anti-corruption bodies, Chinese Taipei is actively deliberating bills pertaining to the exercise of powers by government ethics officers. These bills aim to guarantee the independence of staffing and exercise of powers by such officers in order to enable them to fully and effectively perform their functions. Meanwhile, the bills clearly stipulate the purposes, principles, contents, scope, and procedures pertaining to the exercise of powers by government ethics officers in conformity to the intent and spirit of legal principles and the rules and norms set forth in UNCAC.

III. Strengthening the Preventive Anti-corruption Policies and Methods

(I) Continued indicator research and firm grasp of the pulse of public opinion and international trends

Chinese Taipei has established a Government Program Information Platform to embrace the spirit of formulating and implementing anti-corruption policies

set forth in Article 5 of UNCAC. Year after year, public opinion surveys on integrity related issues are conducted to gain a firm grasp of the pulse of public opinion. In addition, various international indicators including the Corruption Perceptions Index, Index of Economic Freedom, Global Corruption Barometer, and Asian Intelligence are constantly monitored. Chinese Taipei also implements integrity evaluations for government agencies and commissions research to facilitate the creation of a comprehensive research tool to monitor, assess, and analyze integrity governance by central and local government agencies. The goal is to enable agencies to identify and assess integrity risks through internal self-inspections and external expert evaluations with a view to enhancing relevant systems and operational efficiency and achieving corruption and malfeasance prevention.

(II)Implementation of a Code of Conduct for Civil Servants and Creation of Government Paradigms

Chinese Taipei has formulated Ethics Guidelines for Civil Servants as a code of conduct in conformity with the spirit of UNCAC Article 8 “Codes of Conduct for Public Officials” and Article 12, Paragraph 2, Clause (e) governing prevention of conflicts of interests of public servants. Clear regulations, reporting and recording procedures with regard to received gifts, banquets and entertainment, lobbying and influence peddling, and other government ethics related matters have been formulated. Codes of Conduct for different categories of civil servants are in place to ensure uprightness and ethical conduct. This includes Rules for Anti-Corruption Workers, Regulations For The Implementation Of The Self-discipline Of Judges At The Courts Of All Levels, Code of Ethics for Judges, Regulations Governing Social Contacts and Wealth, Management by Judges, Prosecutor Duty Assessment Regulations, Implementation Regulations Governing Prosecutor Evaluations, Code of Ethics for Prosecutors, Implementation Regulations Governing Full Assessment of Prosecutors, Professional Code of Ethics for Corrective Personnel of the Ministry of Justice, and Code of Ethics for Procurement Personnel.

(III) Minimization of Integrity Risks and Establishment of a Preventive Anti-Corruption Mechanism

Chinese Taipei has formulated a Clean Government Reform Program to embrace the spirit of UNCAC Article 9, which prescribes the establishment of risk management and internal control systems for public procurement and management of public finances. High-risk factors in the field of integrity are identified through a close scrutiny of services of all agencies that are vulnerable to corruption and malfeasance with reference to past corruption cases. A preventive anti-corruption system is established through the five stages of data collection, education and training, inspections (or audits), anti-corruption measures (formulation of effective anti-corruption measures and creation of anti-corruption guidelines) with the goal of minimizing integrity risks associated with services of all agencies that are vulnerable to corruption and malfeasance and preventing malpractices.

(IV) Encouragement of Social Engagement and Promotion of Consensus on Transparency and Zero Tolerance for Corruption

Chinese Taipei promotes anti-corruption education for all in conformity with the spirit of UNCAC Article 10 “Enhancement of the Transparency of Public Administration” and Article 13, Paragraph 1, Clause (b) and (c) governing effective access to information by the public and raising public awareness of threats posed by corruption. Transparency measures are adopted to safeguard public rights and interests and raise the reach of public scrutiny. Cooperative relationships with NPOs, experts and scholars in different fields are formed through recruitment of anti-corruption volunteers, compilation of anti-corruption related educational materials and videos, encouragement of colleges and universities to offer integrity and anti-corruption related courses, organization of anti-corruption related discussion forums, symposia, and conferences to strengthen consensus on zero tolerance for corruption and disseminate anti-corruption and pro-integrity information via multiple channels.

(V) Strengthening of Corporate Integrity and Forging Consensus on

Anti-Corruption in the Private Sector

Chinese Taipei carries out governance evaluations for TWSE/TPEX listed companies, urging them to compile CSR reports, conduct actual reviews of quarterly financial statements and audits of the internal control systems in conformity with the spirit of UNCAC Article 12, which prescribes the strengthening of accounting and auditing standards in the private sector, promotion of transparency among private entities, and guarantee of proper auditing procedures for the books and records of private enterprises. In addition, discussion forums, conferences, and professional seminars on corporate integrity and ethics are held to promote relevant concepts and direct the attention of business owners to issues associated with the control of corporate risks, encourage enterprises to formulate appropriate code of ethics and monitoring mechanisms, and educate them on the prohibition of bribery of foreign government agency personnel.

IV. Encouraging Social Engagement, Strengthening of Corruption Eradication Capabilities, and Implementation of Whistleblower Protection and Incentives

- (I) In 2017, Chinese Taipei granted a total of NT\$ 23,983,333 in informant rewards in 21 cases upon review pursuant to the Anti-Corruption Informant Rewards and Protection Regulation in conformity with the spirit of UNCAC Article 13, Paragraph 1 which stipulates the active participation of individuals and groups outside the public sector in the fight against corruption and to raise public awareness.
- (II) The Ministry of Justice of Chinese Taipei has already completed a draft of the Whistleblower Protection Act in accordance with the legislative intent of UNCAC Article 33 governing protection of reporting persons. Conferences on this topic were also held on December 28, 2017 and January 12, 2018, attending experts and scholars jointly discussed the feasibility and solutions to merged legislation in the public and private sectors.