



**Ministry of Justice**  
**Agency Against Corruption**

**Overview**

November 2013





# An Overview of Agency Against Corruption

## Preamble

"People's trust is the government's most important asset, and corruption is the strongest erodent of this asset." — President Ma Ying-Jiou

Corruption can damage the rule of fairness, distort the allocation of resources, and also destroy the people's trust and their identification with the government. In his inaugural speech on May 20, 2008, the president pointed out one of the new administration's major tasks is to "restore political ethics to regain the people's trust in the government." He vowed: "The new government will push for clean politics and set new standards for the integrity and efficiency of officials. It will also provide a code for the interaction between the public and private sectors to prevent money politics."

In response to the people's aspirations, in keeping with the international trend, and in an effort to maximize the effectiveness of corruption prevention and corruption crackdown, President Ma declared in a media conference the establishment of the Agency Against Corruption (AAC) under the Ministry of Justice. On July 20, 2010, he personally presided over the AAC inauguration ceremony. He said he was determined to make politics clean as well as efficient, establish a clean homestead and ensure close cooperation among government agencies by thoroughly doing away with departmentalism so that the Republic of China will become a new paradigm of clean politics in Asia.

The degree of government integrity is decisive to a nation's competitiveness and, therefore, combating corruption and promoting clean politics has become a universal value. A country's success in sustained development rests on its net of multiple cooperation, but the government alone cannot do the job. It calls for concerted efforts of all walks of society and all agencies of the government to face up squarely the problems of social integrity, faithfulness and corruption. The

establishment of AAC has strengthened the integrity of government agencies and also fortified the work of corruption prevention and corruption crackdown. AAC has united the Civil Servants Ethics Units of all government agencies and all communities in its effort to arouse the people's awareness of the value of clean society and the need for promoting community faithfulness and government integrity.



## I. About AAC

AAC was established as a specific organization for synergizing the anti-corruption efforts. It is tasked with the responsibility for planning and implementing the government's anti-corruption policy by addressing both the symptoms (through law enforcement) and root causes (through corruption prevention). To remove the root of corruption (through education), it has effectively integrated the work of the various Civil Servants Ethics Units in keeping with a three-pronged strategy of combating corruption, preventing corruption and cracking down on corruption. At the same time, it seeks to shape an all-people anti-corruption culture in society in the hope of attaining three goals—cutting down the dereliction rate, raising the conviction rate, and protecting human rights. We are struggling for the day when public servants are "unwilling to corrupt, not necessary to corrupt, unable to corrupt, and dare not to corrupt."

### A. Organization and functions

#### 1. Organization chart

To plan policies on clean politics and carry out the tasks of combating corruption, preventing corruption, and cracking down on corruption, AAC has set up a Planning Division, a Corruption Prevention Division, a Malpractice Investigation Division, a Civil Service Ethics Division and three District Investigation Offices in northern, central and southern Taiwan. In addition, there are three supporting units –Secretarial Office, Personnel Office, and Accounting Office (which was expanded into the Accounting & Statistics Office on Jan 1, 2013). AAC is entitled to recruit 240 anti-corruption officers. (By now, it has employed 180 only.) AAC carries out its tasks in collaboration with Civil Service Ethics officers.



## 2. Functions

### A. Planning Division

Its functions include planning policy; formulating long- and medium-term plans; preparing and evaluating clean politics measures; promoting international cooperation and exchange; integrating and counseling on laws in AAC's charge; handling appointment, transfer, dismissal, performance-evaluation, promotion and demotion; preparing and implementing training plans, and carrying out disciplinary inspection on Civil Service Ethics officers.

### B. Corruption Prevention Division

Its duties include the formation of corruption-prevention laws and systems; review, audit and proposal on government agencies' anti-corruption efforts; implementation of the conflict-of-interest act, asset declaration by public officials; enforcement of ethics code for public servants, and publicity and education on clean politics and faithfulness in public agencies, among the people, at schools and in businesses and civic bodies.

### C. Malpractice Investigation Division

Its activities encompass the formation of laws and regulations, systems and measures; investigation in corruption-related crime; encouragement and protection for whistle-blowers, and corruption-crackdown administration.

#### D. Civil Service Ethics Division

Its operations cover the implementation and evaluation of annual work plans; assessment of Civil Service Ethics officer's performance; supervision on the work of Civil Service Ethics officers, evaluation of public offices' performance on protection of secrets, and ethics work of the Ministry of Justice.

#### E. Secretarial Office

It is in charge of keeping meeting minutes, official chops, documents and files; cashiering; taking care of finance e-management and procurements; doing PR work with parliament and the media; controlling janitors and drivers.

#### F. Personnel Office

All personnel businesses.

#### G. Accounting & Statistics Office

Preparing AAC annual budget and budget statement; handling income and expenditure matters; reviewing procurement plans; and compiling statistics.

#### H. Northern, Central, and Southern Investigation Office

Gathering criminal evidence in the district; making analysis and investigation; carrying out other related investigations.

## **B. Anti-Corruption History**

In July 1953, all government agencies set up a Security Office for self-protection.

In 1963, the government proclaimed the Corruption Penalty Act for the Period of Suppressing Communist Insurgency. To strengthen the MOJ Investigation Bureau's anti-corruption capability, the security units of all agencies were put under the bureau's control, including their personnel

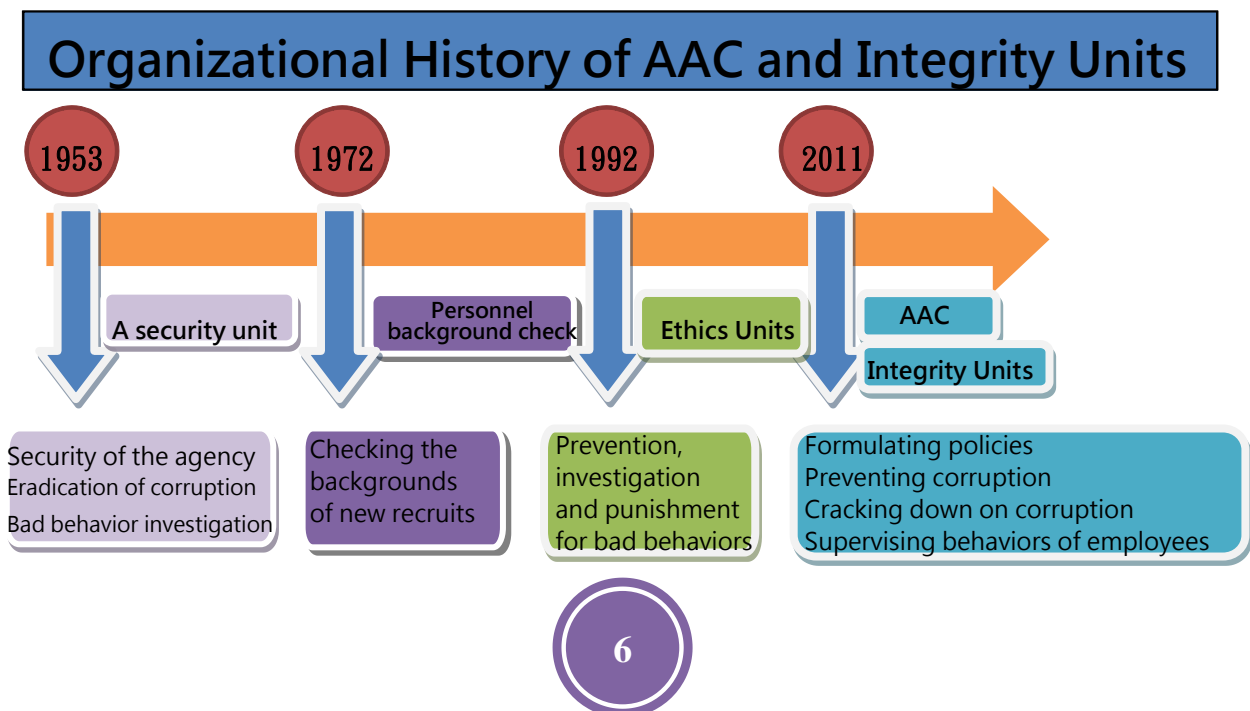
and activities. Their main task was the insurance of internal security.

In 1968, the Executive Yuan directed the Investigation Bureau to add the maintenance of political ethics to its activities, including suspected corruption and abuse of office for personal benefit by public servants, dereliction, and behaviors that cast bad reflection on the image of the government.

On August 1, 1972, the security unit of all agencies was changed into personnel check units to strengthen their security duties.

On July 1, 1992, the Statute for Setting up Civil Servants Ethics Unit was proclaimed. On September 16 of the same year, all personnel checking units were changed into Civil Servants Ethics Unit . The size of the new unit was commensurable to the size of the agency where it was based.

To carry out the various provisions of the UN Anti-Corruption Convention and to demonstrate the government's resolve for cracking down on corruption as aspired by the people, President Ma announced on July 20, 2010, the establishment of the Agency Against Corruption to take exclusive charge of the anti-corruption work including planning and crackdown. Its draft organic act passed after three readings the 7th meeting of the 7th session of the 7th-term Legislative Yuan on April 1, 2011. It was promulgated via a presidential decree on April 20. With approval of the Executive Yuan, AACs was established on July 20 of that year, marking a milestone in our country's anti-corruption history.





## **II. New Concept of Integrity – based on the people's interest**

As a specific organization for preventing and cracking down on corruption, AAC formulates its strategies from the practical standpoint so that they can be effective. Supervision and evaluation are made during the implementation. In formulating the strategies, AAC has to take into consideration the people's impression and benefits. Therefore, thought must be given to the people, i.e., the strategies must be based on the interests of the people.

### **A. Basic principles**

- 1. Making early planning**
- 2. Putting emphasis on implementation**
- 3. Guiding the implementation with evaluation**

### **B. Pivots of clean politics**

- 1. Cultivating public servants' habit of rejecting corruption**
- 2. Preceding corruption crackdown with corruption prevention**
- 3. Promoting the function of "ethics in action"**
- 4. Establishing vertical and horizontal systems for corruption eradication**
- 5. Involving all people in the undertaking**

### **C. Strategy and approach**

#### **1. Corruption prevention**

- a. **Publicity and education**

We cultivate the habit of rejecting corruption and make this as the ultimate goal. The medium-term goal is to make all civil servants unwilling to take bribes. And the short-term goal is to make them unable and dare not take bribes.

(1) Publicity of clean politics

- Publicity in government agencies (targeting all public servants).



- Publicity in society (targeting the social public).
- Publicity down the root (targeting 5th graders and higher-grade students).
- Publicity deep down the root (targeting pupils under 4th grade, including preschool kids).
- International publicity (targeting other nations to introduce our effort and achievements made in clean politics).



Director-General Chu Kung-Mao attended the APEC Healthcare Stakeholders Awareness High-Level Workshop: Fostering Ethical Environments in the Medical Device and Biopharmaceutical Sectors, and gave a speech in Bali on Sep 3, 2013

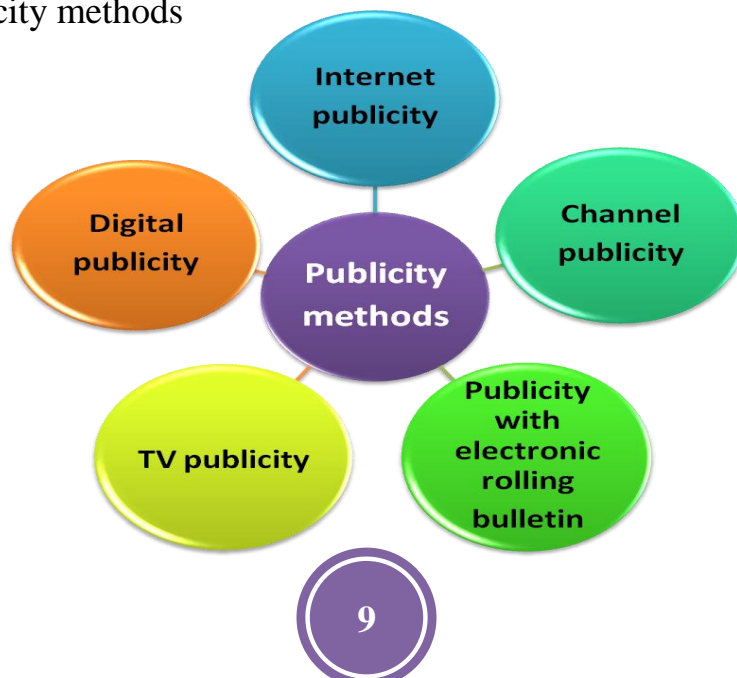


On October 7, 2013, Director-General Chu Kung-Mao received a visit from Prof. Vicha Mahakun (Commissioner of the National Anti-Corruption Commission, NACC) and delegations from Thailand to discuss anti-corruption issues.

(2) Publicity contents

- Legal cases of corruption.
- Norm of clean politics.
- Asset declaration.
- Removal from conflict of interest.
- Government Procurement Act.
- UN Anti-Corruption Convention and international anti-corruption trend.
- Anti-corruption and corruption crackdown strategy.
- View of life vs. view of value.
- Gender mainstreaming.
- Whistle-blower Protection Act and zero tolerance for corruption.

(3) Publicity methods



## b. System design

Developing an early warning system to forestall corruption and prevent public servants from falling foul of the law by mistake

- (1) Establishing a transparent system (putting everything under the sun)
- (2) Setting up a monitoring system.
- (3) Impounding all the gains from corruption (depriving the criminal's criminal niche).
- (4) Reinventing the culture of government agencies (reducing structural crime).
- (5) Upgrading the ethics (from whistle-blowing to corruption prevention in order to nib corruption in the bud).
- (6) Enforcing in-agency risk assessment (focusing on suspicious target).

## 2. Corruption Investigation

Focusing on high-level corruption, putting the emphasis on structural crime, and encouraging self-surrender in less serious cases.

### a. Digging out the root source of a corruption case

- (1) Internal and external information on corruption crime reflected by the Civil Servants Ethics Unit in an agency.
- (2) Accusation made by people.
- (3) Evidence discovered during examination of asset reports.
- (4) New discovery from scrutinizing violation of the conflict-of-interest act.
- (5) Media reports.
- (6) Violation of law found in influence-peddling registration.
- (7) Investigation requested by a prosecutorial organization.
- (8) Intelligence exchange between Investigation Bureau and a police organization.

- (9) Evidence found in scrutinizing a special case.
- (10) Violation of law discovered in a special audit.
- (11) Discovery by gearing the whistle-blower protection act to zero tolerance.
- (12) Call for punishing bribing business operator made by the operator of a rightful business.

b. Early investigation

- (1) Sophisticated investigation to raise the crime conviction rate.
  - Active and preemptive gathering of evidence.
  - Wire-tapping to grasp criminal evidence.
  - Early investigation and analysis made by a AAC prosecutor at the request of a district court prosecutor.
  - Views from an expert to make up for the deficiency of expertise (putting experts from different fields under one roof).
  - Assuring the evidence gathered having reached the threshold of crime (taking into consideration of a judge's discretionary evaluation of evidence).
- (2) Making news release if allowed under the principle of secret investigation.
- (3) Establishing horizontal command connection with district court prosecutors in charge.
- (4) Establishing horizontal connection with Investigation Bureau workers.

### 3. Further prevention of corruption

Using the strategy of further prevention to establish a new mechanism and stem the loopholes in order to induce public servants to fulfill their duties with courage and to carry out the ideals of "preventing corruption, eradicating corruption and further prevention of corruption."

### Establishing a “further preventing corruption mechanism”

- Assigning a case number to every administrative and criminal corruption eradication case
- Studying corruption further prevention by civil service ethics offices and AAC's functional divisions
- Getting the head of the agency's approval of the corruption re-preventing measures
- Keeping tabs on the effectiveness of the corruption further preventing measures
- If ineffective, trying to make improvement until they have become perfect

### Examining the further prevention corruption measures

- Preventing armchair measures made by civil service ethics offices

### Control system for further prevention corruption

- Making sure the measures are worked out in time

### Posting the further prevention cases on Internet for learning by all organizations

- D. Using the IT system to carry out performance control**
- E. Increasing the expertise and establishing an honest and efficient teamwork**

### III. Conclusion

The AAC has been walking into the crowd with a new blueprint of plans. It has made one publicity effort after another in a bid to influence their thinking deeper and deeper. This is intended to form in the people the habit of rejecting corruption and make it zero tolerant. Hence, corruption can be exposed at any time. AAC is seeking to build a new corruption-prevention mechanism to disable unsavory public servants' attempt to take bribes.

As the combat against corruption has been made into a partnership undertaking, a crossfire has been formed. All partners are advancing hand-in-hand and toward the same goal, so the anti-corruption force has grown immensely.

True, further-preventing corruption is like locking the barn after sheep have been stolen, but it is still imperative to prevent the theft recurring. Only when an ironclad system is constructed, can we expect the benefit of clean politics

"Ethics in action" has enabled us to substitute early warning for traditional whistle-blowing. This allows us to nib corruption in the bud and prevents public servants from falling foul of the law by a misstep. In the end, this will reduce the workload of prosecutors and judges, save the government from the damage to its image, and win it the trust of the people.

True, the full-range, all-directional participation by Civil Servants Ethics Unit colleagues in the fight will increase their burden, but step by step we can make great achievements after several years if we can carry on with patience and perseverance.

Clean politics is a remote goal, and only when we work and move forward can we hope to reach this goal. Corruption is an abject act condemned by all. We do not have the right to work or not to work against it. The only choice for us is to move forward and forward with courage. We hope all people can join us in the struggle so that we can see the blue sky and bright horizon in the nearest future.



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廉能是政府的核心價值  
Cleanness and effectiveness are the  
government's core-values,

貪腐足以摧毀政府形象  
Corruption will destroy its images,

公務員應堅持廉潔，拒絕貪腐  
Civil servants should uphold integrity and  
refuse corruption.



法務部 廉政署

AGENCY AGAINST CORRUPTION, MINISTRY OF JUSTICE

廣告