

Press Release of the Ministry of Justice

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Today (5th of May 2015) the Legislative Yuan passed the third reading of the “Taiwan to Adopt the United Nations Convention against Corruption Bill” and “Act to Implement United Nations Convention against Corruption Draft”, demonstrating Taiwan’s determination to fight corruption. With current global anti-corruption trends and international legal standards, we aim to effectively prevent and eradicate corruption.

The United Nations Convention against Corruption (UNCAC) was adopted by the United Nations General Assembly on 31 October 2003 and entered into force on 14 December 2005. It is comprised of 71 Articles, divided into 8 Chapters, and there are currently 175 signatory states. The aim of the Convention is to guide and provide governments with anti-corruption laws and policies that cover criminalization and law enforcement, international cooperation, asset recovery, mechanisms for implementation, as well as preventive measures against corruption. It aims to promote countries around the world to work together on the issue of corruption.

In order to actively promote the implementation of the laws and policies that this Convention entails, the Executive Yuan has domesticized the provisions of the Convention so that the Convention has domestic legal status. The Convention defines "Bribery in the private sector" (Article 21) as "the promise, offering or giving ... of an undue advantage ... for the person himself or herself or for another person". Examples include a bribery case of a well-known domestic enterprise and the outbreak of food safety incidents, both triggering outside attention to private sector governance problems. The Convention urges the strengthening of both regulations and preventative measures in the private sector (Article 12). It says to enhance accounting and auditing standards in the private sector as well as relevant code of conduct and procedures. Furthermore, civil, criminal or administrative penalties must be enacted upon conduct that does not comply with regulations. This will help the private sector to foster

ethical behaviour and promote honesty and integrity in its commercial activities. Therefore, implementation of this Convention is significant in anti-corruption criminal policies.

After the Implement Act enters into enforce, should there be any discrepancies in national laws and administrative measures, governments at all levels must add, amend or abolish relevant legislation within three years, as well as improve administrative measures. Therefore, all levels of government should engage in self-review so any violations of the Convention can immediately be corrected or improved. With regard to the effective recovery of crime proceeds and cross-border corruption, the Convention has the chapter of "International Cooperation", which covers the recovery of overseas assets illegally obtained from corruption and the extradition of criminals. In order to coordinate matters related to mutual legal assistance, the Ministry of Justice has drafted the "International Criminal Justice Mutual Assistance Act" and revised the "Law of Extradition" to establish a more comprehensive legal basis of international criminal justice mutual assistance, which enable more effective and timely recovery of stolen money and extradition of criminals. In addition, in order to make publicly known and let people inspect, government should periodically publish anti-corruption reports that include the analysis of environment, risks, trends, etc. with regard to corruption, and the assessment of the effectiveness of anti-corruption policy measures.

The Agency Against Corruption, Ministry of Justice will rely on the provisions set by the Convention and actively promote each anti-corruption law and policy. Furthermore, the Agency will coordinate with all levels of government to implement the anti-corruption legal framework established by the Convention.