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International good practice in anti-corruption legislation

Query

What is international good practice when it comes to the content and scope of a national anti-corruption law? Please answer with reference to specific texts from national anti-corruption laws, with a preference for Asian countries.

Purpose

The purpose of this query is to inform our response to the new Cambodian anti-corruption law due this spring. It would be good to have other regional examples to compare with.

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Summary

The scope and content of legal instruments used to address corruption vary from country to country. They usually contain a definition of the various forms of corruption that are made illegal, provide for sanctions and penalties, outline specific rules of evidence for the investigation and prosecution of corruption charges and specify the powers of the institutions in charge of enforcing anti-corruption regulations. Some anti-corruption laws also provide for the establishment of special anti-corruption agencies.

Emerging good practice in this area includes prohibiting both active and passive forms of corruption for both the private and the public sectors, covering offences committed both within and outside the country, and introducing adequate criminal procedures regulating the detection, investigation and prosecution of cases. Anti-corruption legislation often provides a comprehensive legal framework that goes beyond provisions criminalising active and passive forms of bribery to cover issues such as access to information, conflict of interests, whistleblower protection, procurement, anti-money laundering regulations and freedom of expression.

An Asian Development Bank (ADB) regional overview of legal practices in Asia and the Pacific provides a good overview of regional standards in anti-corruption legislation. In Asia, elements of good practice in anti-corruption law have been developed in Hong Kong, Singapore and, to a certain extent, Malaysia. South Africa provides another example of anti-corruption legislation outside Asia which is often cited as a reference worldwide. It should be noted that these experiences are not necessarily replicable, and that great caution should be exercised when considering which elements of international good practice might be applicable in the particular case of Cambodia.

Author(s): Marie Chêne, U4 Helpdesk, Transparency International, mchene@transparency.org

Reviewed by: Robin Hodess Ph.D., Transparency International, rholless@transparency.org

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1 Good practice in anti-corruption law: General principles

There is broad consensus that prevention should be at the forefront of anti-corruption reforms, with long term interventions aimed at strengthening systems and controls, and promoting transparency, accountability and informed citizenry. While not a substitute for prevention, deterrence through effective law enforcement is also essential to break cycles of impunity and many countries have enacted of anti-corruption laws as a first and necessary step in combating corruption. Not only is a regime of effective legal sanctions important to punish corrupt individuals, it also reinforces prevention efforts, as the prospect of effective law enforcement may discourage potential offenders to indulge in corruption.

Overview of legislative avenues for anti-corruption

A prerequisite for effective law enforcement is to ensure that the legal and institutional architecture to prevent and punish corruption offences is in place. There are several legal instruments that can be used to penalise corruption related offences.

Civil and criminal laws

In many countries, civil and criminal law provisions regulate corruption related offences by including a definition of corruption offences as well as enforcement provisions. They typically consist of a list of practices and behaviours that are made illegal and provide for adequate sanctions and penalties that should also serve as a deterrent to would-be corrupt officials.

Definitions of offences should ideally cover the full range of corrupt practices, including bribery, nepotism, conflict of interest or favouritism in the awarding of contracts or provision of government benefits. As an indicator to assess the effectiveness of anti-corruption laws for example, the TI Source Book (Pope, J. 2009) suggests that criminal law should provide for at least six basic offences, including:

- Bribery of public servants (including judges; Members of the Legislature and Ministers);
- Soliciting or the accepting of gifts by public servants;
- Abuse of a public position for personal gain;

- Possession by a public servant of unexplained wealth (or of living beyond one's official salary);
- Secret commissions made to or by an employee or agent (covering private sector corruption);
- Bribes and gifts to voters.

As criminals find more innovative ways to enrich themselves and circumvent the law, some countries prefer to set out a general standard, broadly criminalising the “abuse of public office for private gain”(Messick R., Kleinfeld R., 2001). In practice however, such broad provisions leave room for technical debates and discretion in interpreting the law and can be easily invoked/applied selectively by political rivals to eliminate or discredit political opponents, especially in countries where enforcement institutions are weak.

In addition to prohibiting various forms of corruption, criminal laws should also include adequate criminal procedures regulating the detection, investigation and prosecution of cases.

Specific anti-corruption laws

Other countries have adopted specific laws to introduce new anti-corruption legislation, review or replace obsolete regulations. Such anti-corruption laws provide a framework for a broad range of prevention measures and enforcement aspects, and in some cases, for the establishment of special anti-corruption agencies. These laws often provide for whistleblower protection and require public servants to disclose their income and assets.¹

Apart from defining and prohibiting different forms of corruption, anti-corruption legislation also usually outlines specific rules of evidence that can be used to facilitate investigation and prosecution of corruption charges, and specify the powers of the institutions and officials in charge of the anti-corruption law's implementation.

Comprehensive package of legal reforms

In many cases, laws criminalising corruption have neglected legal aspects that go beyond traditional criminal law provisions and may help corruption come

¹ A previous U4 Expert Answer has specifically focused on good practice in asset declaration regime (Chene, M., 2008).

to light. Laws directly regulating corruption offences should be complemented by a much wider range of legal provisions acting as a deterrent to corruption, with the view to creating a supportive environment for anti-corruption efforts.

These include provisions regulating access to information and freedom of information, requiring government to disclose information about its decisions and activities, freedom of expression and association, media freedom, conflict of interest laws and money laundering regulations. Many countries have also adopted whistleblower protection legislation to encourage witnesses to reveal corrupt practices without fear of retaliation². In some cases, anti-corruption efforts can also involve reforming libel law provisions, as some countries criminalise the publication of information that may tarnish the reputation of a government official. Further systemic measures aimed at directly or indirectly addressing corruption may involve reforming public procurement and public financial management regulations.

International instruments

International agreements also shape the scope and extent of anti-corruption legislation. As an international framework setting universal standards, the United Nations Convention against Corruption (UNCAC) offers the most comprehensive model legal framework for the prevention and punishment of corruption, providing international benchmarks that can help advance domestic reforms. The obligations of the parties include preventive measures, criminalisation of a wide range of offences, international cooperation and mutual assistance, technical cooperation and exchange of information as well as implementation mechanisms.

Guiding principles for drafting effective anti-corruption legislation

Tailoring the law to enforcement capacity

According to the World Bank, anti-corruption laws should match the enforcement capacity of the country's

2 A previous U4 Expert Answer has specifically focused on good practice in whistleblowing legislation (Chene, M., 2009).

institutions. In many developing countries, law enforcement institutions lack skills, resources, independence and capacity to effectively fulfil their mandate, compromising the effective implementation of the law (Messick R., Kleinfeld R., 2001). Making anti-corruption legislation work involves drafting a law which is easy to understand, simple to apply, demands little judgement in determining its applicability and does not give rise to many technical debates.

The World Bank suggests that this can be done by introducing "bright line rules" which are clearly defined rules or standards, composed of objective factors, which leave little or no room for varying interpretation. These rules are easy to understand and have a high deterrence value. For example, countries with weak enforcement institutions could consider the following bright line rules:

- Ban on the hiring of friends and family members regardless of qualifications;
- Ban on receiving gifts in excess of a small set value;
- Mandatory reporting of declarations of assets;
- Ban on holding directly or indirectly an interest in a corporation or other entity affected by employees' decision;
- Disclosure of any relationships with people and firms hired to whom an official awards a contract or concession.

A major benefit of such bright line rules is that they leave enforcers little room for discretion and ease the monitoring of compliance and enforcement. However, they come at the cost of flexibility and are likely to be less acceptable than more broadly worded standards.

When no bright rule can be defined, the World Bank suggests establishing a procedure for obtaining advance ruling as a way to reduce enforcers' discretion. This provides the possibility to ask a representative of the enforcement unit for an advance ruling on the legality of a proposed action. If, based on the fact disclosed, the enforcement authority concludes that the action does not constitute a violation of the law, the employee would be free from later prosecution.

The TI Sourcebook outlines further guiding principles which should govern legal remedies against corruption

with regards to forms of corruption covered, sanctions and penalties, rules of evidence, etc (Transparency International, Pope, J., 2000).

Forms of corruption covered

Both active and passive forms of corruption should be regulated by the law. In other words, the crime of corruption should cover both the payment as well as the receipt of bribes. Anti-corruption laws should also apply to citizens in respect of offences committed both within and outside the country to adequately cover bribery of foreign officials. Similarly, anti-corruption offences should apply to the public and private sectors alike.

Sanctions and penalties

The law should provide for adequate sanctions and penalties. If sanctions and penalties are too light, it may not be worth bringing the case to court and the law would lose its deterrence function. If sanctions are unduly repressive, judges may avoid conviction. (In South Korea for example, a review of criminal law penalties concluded that penalties were too high, as public servants faced a minimum of 7 years imprisonment. As a result, judges were loath to convict).

All persons should be equal under the criminal laws which should be applied fairly to all. There should be clear guidelines on sentencing to ensure fair and consistent sentences between one offender and another, in proportion with the nature of the corrupt action.

Recovery of proceeds of corruption

Special provisions should also enable the recovery of the proceeds of corruption, as they often end up in the hands of third parties or out of the country. Criminal law should provide for the tracing, seizure, freezing and forfeiture of illicit earning from corruption, regardless of the jurisdiction in which they are located.

Prosecution

As an overarching guiding principle, anti-corruption laws should comply with international human rights standards and afford a fair trial to those accused of corruption.

As corruption cases can take a long time to come to light and are often extremely complex to investigate, the law should provide for adequate statutes of limitation (restricting the time within which an offence

can be prosecuted). In some countries, the statutes of limitation start to run from the day the offence was committed and not from the time when it was first brought to light. The period of the limitation should be long enough to allow sufficient time for investigation and prosecution of corruption offences. In Italy, for example, as the period of limitation is extremely short, accused persons are often covered by the statute of limitations by the time they fight appeals.

Evidence of corrupt acts is difficult to obtain as it occurs behind closed doors and both parties involved have a mutual interest in preserving secrecy.

Specific legal provisions can encourage parties to offences to come forward and offer evidence. In some countries, for example the United States, the first person involved in a corrupt transaction who blows the whistle is granted automatic immunity. Another approach can be to provide asymmetric sanctions and leniency for bribe givers and takers, with the view to breaking the pact of silence characterising corrupt arrangements. (Nell, M. and Graf Lambsdorff, J., 2007)

As actual evidence of corruption is hard to obtain, some laws do not require prosecutors to prove that the unaccounted-for wealth of a person in a position of trust was obtained illicitly, which is often referred to as reversing the burden of proof. Instead, they require individuals whose wealth and lifestyle are ostentatiously beyond the capacity of known sources of income to establish the origins of their wealth, and prove that it was acquired legitimately. The Inter-American Convention against Corruption, for example, requires state parties to establish as an offence a "significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions".

Mutual legal assistance

As many corruption cases involve a transnational dimension, provisions should also be made for mutual legal assistance through bilateral or multilateral arrangements for dealing with extraditions, illicit transfers of assets and repatriation of illicit gains.

Monitoring anti-corruption laws

Monitoring the implementation of anti-corruption legislation is also an important - and often neglected - dimension of successful anti-corruption efforts. It requires precise and fact-based data on corruption cases as well as appropriate data collection

mechanisms. Provisions for monitoring should be an integral component of the anti-corruption architecture and envisaged from the early stage of law development. Monitoring and evaluation efforts also allow identifying legal loopholes and enforcement gaps that can be addressed by subsequent legal reforms.

Civil society can play a crucial role in monitoring the implementation of anti-corruption legal instruments, especially in independently monitoring or participating in the implementation review of anti-corruption laws and conventions. NGOs can participate in the monitoring process or produce alternative reports. So-called shadow reporting provides a civil society perspective on the implementation of national laws, as well as on progress made towards the domestication of international conventions.

Regular review of the legal framework

Anti-corruption legislation, including laws of evidence and adequacy of existing penalties, should be reviewed periodically to remove loopholes and deal with unanticipated problems by introducing amendments and, if necessary, new legislation.

2 Country examples of anti-corruption laws

Overview of regional standards in anti-corruption legislation

Within the framework of the ADB-OECD Anti-Corruption Initiative for Asia and the Pacific, the ADB conducted a review of anti-corruption legal instruments and institutional mechanisms in 21 countries³ in 2004. This review provides a good overview of the regional standards in anti-corruption legislation, from which elements of good practice can be derived (ADB, 2004).

³ Countries reviewed included Australia, Bangladesh, Cambodia, Cook Islands, Fiji Islands, Hong Kong, China, India, Indonesia, Japan, Republic of Kazakhstan, Republic of Korea, Kyrgyz Republic, Malaysia, Mongolia, Nepal, Pakistan, Papua New Guinea, Philippines, Samoa, Singapore, Vanuatu

Criminal provisions

Most of the 21 countries reviewed have established legislation sanctioning corrupt practices, including active and passive bribery, and have defined the constituent elements of the offence. Countries such as Singapore, Hong Kong and China have extended the criminalisation of active and passive bribery to Members of Parliaments. The scope of criminal provisions varies across countries for political corruption and bribery of foreign officials, which are not covered in all legislations. Only a few countries including Australia, Japan, Korea and Singapore criminalise active bribery of foreign officials.

Illicit enrichment – broadly defined as wealth out of proportion to a public official's remuneration - is criminalised in many countries. Countries such as India, Malaysia, Pakistan, Nepal and The Philippines have shifted the burden of proof to the accused.

While anti-money laundering provisions are also in place - or being established - in most countries, only a few countries provide for corruption as a predicate offence. Hong Kong, China, Indonesia and Singapore require financial intermediaries to exercise vigilance and have established reporting mechanisms that impose an obligation on financial organisations to declare suspicious transactions. Some countries have extended the criminalisation of money laundering to legal persons such as banks. However, fines are generally considered too low to act as a deterrent considering the level of wealth of some of these actors.

Sanctions and penalties

All countries punish corruption offences with fines and/or prison terms. Most countries have limited monetary sanctions to a ceiling that is often determined in relation to the amount paid as a bribe. As complementary sanctions to fines and imprisonment, some countries (Fiji Islands, South Korea, Malaysia, and Pakistan) have enacted regulations disqualifying offenders from holding office in the public service.

The responsibility of legal persons for corruption has not been defined in all countries. Only countries such as Australia, Japan and South Korea hold legal persons legally liable or impose civil and administrative liabilities by imposing sanctions in addition (and not on the condition of) a possible conviction of the natural person who committed the offence. Civil and administrative sanctions against legal persons can include disqualification from bidding for government contracts.

Legal instruments criminalising corruption in some countries (e.g. Hong Kong, China, Indonesia, Malaysia and Singapore) further include provisions allowing (or requiring) the confiscation of ill-gotten assets and the proceeds of corruption. The authority to freeze assets during the investigation phase complements these provisions in most countries.

Procedural means to detect, investigate and prosecute corruption

Important legal reforms have also taken place in the region to address procedural means to detect, investigate and prosecute corruption.

Law enforcement institutions

In some countries, existing law enforcement structures have been complemented by specialised anti-corruption agencies. Most well-known examples of successful centralised anti-corruption agencies are found in Hong Kong and Singapore. However, there is a broad consensus that these experiences are not necessarily replicable. These agencies benefitted from a particular convergence of factors and conditions that few developing countries enjoy. Other countries have introduced measures to enhance the independence and competence of law enforcement authorities in charge of investigating and prosecuting corruption, including inter-agency cooperation.

Some countries have equipped their law enforcement agencies with special investigative powers and tools to uncover evidence of corruption. For example, the Anti-Money Laundering agency in the Philippines and the National Accountability Bureau in Pakistan are empowered to access information about bank accounts. In Hong Kong, China, Korea, Malaysia and Nepal, the search of bank records and seizure of documents is also permitted.

Detecting and investigating corruption

In terms of reporting obligations, some countries (e.g. the Fiji Islands) make it mandatory to report any corruption committed by a public servant, and have criminalised failure to report. In other countries (e.g. Hong Kong, China, Malaysia and Singapore), only public officials are under such an obligation. Japan restricts the duty to report to incidents that have occurred while the official was acting in his/her official capacity.

Some countries have introduced reward systems to encourage informants to report corrupt acts. Informants

are rewarded either with cash or exemption from criminal prosecution. South Korea, for example, rewards reports on corruption up to approximately EUR 160,000 and allows for mitigating or remitting penal and disciplinary sanctions against whistleblowers who are themselves involved in the act. Mongolia, Nepal and the Philippines absolve the criminal responsibility of bribe givers and their accomplices upon disclosure of cases where bribes are given to public officials.

Many countries have adopted regulations to provide informants with legal or physical protection from retaliation. Many countries such as India, Korea, Malaysia and Nepal ensure informants confidentiality or anonymity. South Korea goes further and has penalised disclosure of the informer's identity or any information leading to its discovery. Malaysia and Singapore exempt informers from administrative, criminal or civil charges if the information was disclosed in good faith. However, only South Korea and some Australian jurisdictions have enacted specific provisions concerning corruption under which dismissal and other discriminatory actions are subject to reinvestigation.

A growing number of countries in the region are in the process of establishing whistleblower protection to protect citizens reporting corruption from reprisals. Hong Kong, China, Korea and the Philippines have also enacted protection laws or programmes for witnesses whose personal safety or well-being may be at risk.

Some countries (e.g. Mongolia) require all public officials to declare their income and assets within thirty days of assuming their position, to further submit such declarations on an annual basis, and impose a duty of reviewing, monitoring, and publishing these declarations of selected public office holders.

Prosecution of corruption

Other attempts to facilitate investigation and prosecution of corruption include amending rules for collecting evidence, limiting regime of immunities and improving mechanisms applicable to obtain and provide mutual legal assistance.

In terms of the rule of evidence, Nepal, Singapore and Hong Kong have enacted provisions that reverse the burden of proof in corruption cases to the suspect. In the Philippines, when a public officer has acquired property during his incumbency that is manifestly disproportionate to his lawful earnings, such property is presumed *prima facie* to have been unlawfully acquired

and is confiscated unless the official can prove its legitimacy.

In many countries, high ranking civil servants and members of parliament enjoy immunity privileges which can constitute major obstacles to the prosecution of corruption. Some countries have adopted impeachment procedures and limitation of immunities for corruption offences.

Some countries (e.g. the Philippines) provide for impeachment procedures and allow removal from office of high ranking officials such as the president, vice-president, ombudsperson, members of the supreme court etc. upon impeachment for and conviction of corruption and bribery. Pakistan recognises legislators as public office holders' against whom criminal proceedings can be initiated and Malaysia maintains that no special immunities apply to politicians.

Regional cooperation in terms of international legal assistance remains extremely limited in the region. Hong Kong, China, Japan and South Korea provide legal assistance on a case-by-case basis and on the condition of reciprocity. Malaysia and Singapore have enacted legislation that allows their government to negotiate with other countries to establish such agreement in corruption proceedings.

Specific good practice examples

Good practice examples of anti-corruption laws have been developed in Singapore, Hong Kong and to some extent in Malaysia. Outside Asia and the Pacific, the South African anti-corruption law is also credited to be an innovative piece of legislation.

Singapore

Singapore's Prevention of Corruption Act (PCA) was enacted in 1960, defines several offences, establishes the Corrupt Practices Investigation Bureau charged with investigating corruption within the public sector and makes provisions for investigation and prosecution of corruption offences.

The law explicitly **defines corruption** in terms of various forms of "gratification" and combines extensive prevention measures with severe sanctions and penalties. Any offer, undertaking, or promise of any gratification considered as corrupt by the law constitutes an offence under the PCA. This means that a person can be found guilty of corruption even though he/she didn't actually receive the bribe, as the intention

constitutes sufficient grounds for conviction. Persons who offer or accept a bribe on behalf of another person can also be prosecuted and convicted of corruption. The law applies to citizens with respect to offences committed both within and outside the country.

In terms of **sanctions**, any person found guilty of offering, accepting or obtaining a bribe can be fined up to USD 100,000 or sentenced to up to five years' imprisonment or both. In addition, any person found guilty of accepting illegal gratification can be imposed a penalty equivalent to the amount of bribes accepted in addition to any other punishment imposed by the court. In addition, the court is also empowered to confiscate the property and pecuniary resources which a convicted person cannot satisfactorily account for.

In terms of **procedural means of investigation and prosecution**, the PCA provides extensive powers to the Corrupt Practices Investigation Bureau (CPIB), including:

- The power to investigate not just the suspect, but also the suspect's family or agents and to examine their financial and other records;
- The power to require the attendance of witnesses for interview;
- The power to investigate any other sizable offence which is disclosed in the course of a corruption investigation.

The law enforcement agency is also given powers of arrest and search arrested individuals, as well as investigates bank accounts, share accounts or purchase account of any suspect (Jon S.T. Quah, 2001).

For detailed provisions of Singapore's legal framework please see the [page on law and enforcement](#) on the website of the Corrupt Practices Investigation Bureau.

Hong Kong

Hong Kong's Prevention Of Bribery Ordinance 1970 (POBO) is a comprehensive piece of legislation that covers **all types of bribery** both in the public and the private sectors. It defines several corruption related offences including possession by a public servant of unexplained property.

In terms of **sanctions**, a person convicted of an offence is subject to a fine and a maximum penalty of seven

years' imprisonment. Sanctions may include the confiscation of assets and the law also confers power on the court to prohibit the employment of convicted persons.

The **Independent Commission Against Corruption (ICAC)** was established in 1974 with a strong mandate promoting a three pronged approach of effective law enforcement, education and prevention. The law provides for the investigation of offences, including the power to obtain information, restrict the disposal of property, requiring witness to answer questions on oath, restraining properties suspected to be derived from corruption, search premises, and requires the surrender of travel documents to prevent suspects from fleeing the jurisdiction. ICAC has established a strong reputation for thorough investigations, successful prosecutions and a tough crack down on large scale corruption.

For the detailed provisions of Hong Kong's legal framework please see the [page on law and enforcement](#) on the website of the ICAC.

While model pieces of legislation on paper, there is a broad consensus that the Hong Kong and Singapore experiences are not easily replicable. These contexts benefitted from a quite unusual convergence of factors including sufficient resources, strong political support, a supportive pre-existing body of laws and an independent and effective court system.

Malaysia

The **Anti-Corruption Act 1997** is an important legal instrument establishing an anti-corruption agency with functions ranging from investigation to instruction, advice and education. It provides for offences and penalties for private and public sector corruption, including active and passive bribery, attempted corruption and abuse of office, corruption through agents and intermediaries, corruption in public procurement and electoral corruption.

Powers of investigation conferred under this law include that of requiring lawyers to disclose information, the interception of communications and the surrender of travel documents to prevent investigated suspects from fleeing abroad. Provision is also made for the forfeiture of property proved to be the subject-matter of an offence. This law is applicable to citizens and permanent residents of Malaysia in respect of offences committed outside the country as well.

South Africa

South Africa's anti-corruption law is credited to have teeth, suggesting strong political will and commitment for addressing corruption at the time of its enactment. The act is supported by other legislative instruments such as the Public Finance Management Act, the Promotion of Access to Information Act and the Protected Disclosures Act.

The **Prevention and Combating of Corruption Act 2004** criminalises corruption in the public and private sector and codifies specific offences, such as attempted corruption, extortion, active and passive bribery, bribing a foreign official, abuse of office and money laundering, making it easier for courts to use the legislation. It even covers gambling and sporting events (like paying a referee to make sure one side wins). Sanctions against people found guilty of corruption include heavy fines, long jail sentences (with a maximum penalty of life imprisonment) and/or prohibition to work for government.

The act imposes upon individuals in authority (e.g. a municipal manager or a bank manager) a duty to report corruption and other crimes listed in the Act involving SAR 100,000 or more to the police. If they don't, they will be guilty of a crime. The act also provides numerous other important provisions, such as protection of witnesses and incentives for whistleblowing. Please see the website of the [National Anti-Corruption Forum](#) for a useful [guide to the act and its components](#).

The Cambodian anti-corruption legal framework

Cambodia faces major governance and anti-corruption challenges and many reports confirm that corruption has pervaded almost every sector of Cambodian public life, with a system of patronage deeply entrenched in society. All forms of corruption appear to be present in the country. A 2009 U4 Expert Answer provides an overview of corruption and anti-corruption efforts in the country. (U4/Transparency International, Chêne, M., 2009).

The legal and institutional framework to address corruption is extremely rudimentary, as indicated by the country's poor performance in most areas assessed by the 2008 Global Integrity report.

However, some legal provisions that could have an impact on corruption are present on paper. This is despite the long-awaited enactment an anti-corruption

law. Corruption is criminalised in the provisional Criminal Code, and covered in particular by Article 38. Actual and attempted corruption conducted by any political official, civil servant, military personnel or official agent for the Cambodian parties are criminal offences. The law, however, does not cover the bribing of a foreign public official. Cambodia became a party to the UNCAC in 2007. The Government has also adopted the ADB/OECD Corruption Action Plan for Asia and the Pacific.

According to the Business Anti-Corruption Portal, there many other legislative gaps that compromise anti-corruption efforts:

- There is no freedom of Information law to guarantee access to information. In principle, an Archives Law grants public access to documents that are not harmful to national security, but in practice the government strictly controls what is open to the public.
- The state does not effectively protect against conflicts of interest, and although the Constitution prohibits government members from involvement in trade and industry, public officials commonly abuse their position for commercial privileges.
- In the absence of an anti-corruption law, Cambodian law does not provide for whistleblower protection.
- Procurement laws have not yet been passed, and the procurement legal framework consists of a set of piecemeal decrees and guidelines.
- Lacking resources, expertise, and political will, anti-corruption efforts have still a long way to go in Cambodia. The upcoming enactment of long awaited anti-corruption legislation constitutes only a first step in this direction and is no substitute for a comprehensive preventative approach, backed by firm political commitment against corruption.

3 Links

<http://www.transparency.org/publications/sourcebook>

<http://www1.worldbank.org/prem/PREMNotes/premnote58.pdf>

<http://www.u4.no/helpdesk/helpdesk/query.cfm?id=207>

<http://www.u4.no/helpdesk/helpdesk/query.cfm?id=160>

http://www.icgg.org/downloads/59_Lambsdorff%20and%20Nell.pdf

<http://www.adb.org/Documents/Books/Anti-Corruption-Policies/Anti-corruption.pdf>

<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN028070.pdf>

<http://www.u4.no/helpdesk/helpdesk/query.cfm?id=197>

<http://report.globalintegrity.org/Cambodia/2008>

<http://www.business-anti-corruption.com/country-profiles/east-asia-the-pacific/cambodia/snapshot/>