

Questionnaire

Chapter 1-The United Nations Convention against Corruption (UNCAC) and the private sector

Background, it is important that States legislative and other measures contain sufficient detail to inform the private sector of the requirements and scope of application. In line with the principle of legal certainty, it is important to have clear provision outlining prohibited conducts and consequences to the private sector.

1(a) Please describe (cite or summarize) good practices and/or examples of measures taken by country to promote business integrity and/or reporting of corruption in the private sector in line with the United Nations Convention against Corruption.

Ans: Myanmar has enacted the Anti-Corruption Law and the Law prohibits bribery and corruption in the both the public and private sectors. Furthermore, the Anti-Corruption Commission has been established and implementing anti-corruption measures.

Myanmar has established the reporting mechanism to facilitate the reporting of corruption in the private sector. The ACC operates a dedicated hotline and email address for reporting corruption-related cases. This provides a confidential and accessible channel for individual to report corruption cases.

Myanmar has taken some measures to promote business integrity and reporting of corruption in the private sector in line with the United Nations Convention against Corruption. Some good practices and examples of these measures include:

- (a) **The Anti-Corruption Law:** Myanmar's Anti-Corruption Law applies to both public and private sector corruption and provides a legal framework for combating corruption. The law includes clear provisions outlining prohibited conduct and consequences for violating the law.

- (b) **Whistleblower Protection:** Myanmar's Anti-Corruption Law includes provisions for the protection of whistleblowers who report corruption in the private sector. This protection includes protection against retaliation, confidentiality, and legal immunity.
- (c) **Corporate Governance Code:** Myanmar's Securities and Exchange Commission has developed a Corporate Governance Code, which provides guidance to listed companies on good corporate governance practices, including anti-corruption measures.
- (d) **Corruption Prevention Unit (CPU):** The Directorate of Investment and Company Administration under the Ministry of Investment and Foreign Economic Relations conducts Corruption Prevention activities in accordance with Chapter (2) of the United Nations Anti-Corruption Convention and international standards in order to reduce corruption, which has a huge direct impact on the people, and to provide the services provided by the state government in accordance with the needs of the people in a more comprehensive manner.
- (e) **The Myanmar Centre for Responsible Business (MCRB):** The MCRB works with companies to promote responsible business practices and anti-corruption measures. It provides guidance and training to companies on issues such as anti-corruption policies, risk assessment, and stakeholder engagement.

Overall, these measures demonstrate Myanmar's efforts to promote business integrity and combat corruption in the private sector. However, there is still a need for further efforts to strengthen enforcement mechanisms and increase transparency in government decision-making.

As the Ministry of Commerce, in accordance with the United Nations Anti-Corruption Convention, to promote business integrity and/or to report corruption in the private sector, the following anti-corruption prevention processes are carried out based on (7) policies of the Anti-Corruption Law:

- (a) To identify corruption issues relating to departmental bribery -
 - (1) Informant; establishment of a complaint mechanism;
 - (2) Monitoring and evaluation;
 - (3) Surveying;
- (b) Investigating the civil service law to solve the problems found in accordance with the law; to carry out transfer and change according to the anti-corruption law.
- (c) To prevent and control the occurrence of corruption, to analyze the risk of corruption and implement prevention plans based on the findings of the survey.
- (d) Members of the Corruption Prevention Unit (CPU) shall comply with the Civil Service Act; to comply not only with rules and procedures, but also with higher moral standards and consistent compliance with employee ethics.
- (e) Analyzing the risk of corruption; (Corruption Risk Assessment)
- (f) Establishing and managing an internal reporting system that is accurate and complete in reporting corruption

- (g) In our Ministry, regarding the prevention of corruption, providing knowledge to employees so that they can see and understand the benefits not only for them but also for the organization.
- (h) Investigating and preventing the possibility of problems related to corruption by department;
- (i) When corruption occurs, we take actions in accordance with civil service law and regulations;
- (j) Planning long-term and short-term plans for preventing corruption;
- (k) Forming small support groups in order to carry out effectively and efficiently the tasks from the bottom up;
- (l) Preparing in order to submit a monthly the Corruption Prevention Unit-CPU report to the higher authority and the State Administration Council office.
- (m) We implement the cases sent by the Anti-Corruption Commission likewise the instructions of Minister and Deputy Minister.

Good practice or measures taken by our country are as follow:

- (a) Promote cooperation between national authorities, law enforcement agencies and private entities.
- (b) Introduce or strengthen the liability of legal persons.
- (c) Promote public-private communication, cooperation and partnership.
(e.g Corruption Prevention Unit)

1(b) What challenges (if any) did you encounter in developing and/or enforcing such measures?

Ans: Myanmar has enacted laws to address corruption in both public and private sectors. However, it is still required to increase more public awareness program to understand and abide the law strictly.

Myanmar faces a number of challenges in developing and enforcing measures to promote business integrity and combat corruption in the private sector. Some of these challenges include:

- (a) **Weak legal framework:** Myanmar's legal framework for combating corruption is still in the process of being developed, and the country faces challenges in implementing and enforcing anti-corruption laws.
- (b) **Lack of resources:** The government has limited resources to dedicate to anti-corruption efforts, which makes it difficult to investigate and prosecute corruption cases.
- (c) **Limited public awareness:** Many people in Myanmar are not aware of the negative impacts of corruption on their daily lives, and there is limited public support for anti-corruption measures.
- (d) **Inadequate institutional capacity:** Myanmar's institutions, including the police, judiciary, and civil service, are still in the process of reform, and there are challenges in building their capacity to effectively investigate and prosecute corruption cases.
- (e) **Lack of transparency:** The lack of transparency in government decision-making and the limited access to information make it difficult to hold officials accountable for their actions.

Addressing these challenges will require a sustained and coordinated effort by the government, civil society, and the private sector to strengthen anti-corruption measures, promote transparency and accountability, and build institutional capacity.

The challenges encountered in implementing are as follows:

- (a) Employees have not sufficient knowledge of anti-corruption law and the corruption prevention procedures.
- (b) Inadequate personnel to implement anti-corruption procedures.

1(c) Please describe the steps you took to overcome such challenges (if any).

Guidance on 1(a) and 1(b): Measures could, for example, include policies and/or law and regulations designed to achieve the following:

- Prevent bribery of national public officials, bribery of foreign public officials of public international organizations, and bribery in the private sector
- Promote private sector transparency
- Promote cooperation between law enforcement agencies and private entities
- Promote cooperation-between national authorities and private entities
- Prevent trading in influence
- Prevent conflicts of interest
- Prevent embezzlement of property in the private sector
- Promote the development of standards and procedures to safeguard the integrity of companies
- Ensure that companies have sufficient internal auditing and controls to assist in preventing and detecting acts of corruption
- Introduce or strengthen the liability of legal-persons
- Promote public-private communication cooperation and partnership (e.g., with business associations, networks, individual companies, small and medium-sized enterprises)

Ans: In order to promote business integrity and encouraging reporting of corruption, the awareness campaigns, capacity-building, training programs, workshops, educating businesses and individuals are necessary widely to conduct.

In order to overcome the challenges of promoting business integrity and combating corruption in the private sector, Government should provide some information on the steps taken by various stakeholders in Myanmar to. Some of these steps include:

- (a) **Strengthening the legal framework:** Myanmar is working to strengthen its legal framework for combating corruption by revising and enacting new laws, such as the Anti-Corruption Law and the Companies Law. This includes strengthening penalties for corruption offenses and increasing transparency in government procurement processes.
- (b) **Building institutional capacity:** Myanmar is working to build institutional capacity by providing training and support to officials in the police, judiciary, and civil service. This includes providing training on investigation and prosecution of corruption cases, building forensic capacity, and improving cooperation among different agencies.
- (c) **Increasing public awareness:** Civil society organizations and the media are working to increase public awareness of the negative impacts of corruption and promote transparency and accountability in government decision-making. This includes conducting public awareness campaigns, promoting access to information, and providing training and support to journalists and citizen journalists.
- (d) **Encouraging private sector engagement:** The private sector has an important role to play in promoting business integrity and combating corruption. Myanmar is working to encourage private sector engagement

through initiatives such as the Myanmar Centre for Responsible Business, which provides guidance and support to businesses on responsible business practices.

Overall, addressing the challenges of promoting business integrity and combating corruption in the private sector in Myanmar will require a sustained and coordinated effort by multiple stakeholders, including the government, civil society, the private sector, and the international community.

Steps taken to overcome such challenges are as follows:

- (a) Providing knowledge so that employees are aware of the corruption prevention process and are able to follow it; conducting discussions.
- (b) Conducting staff mobilization; expanded force allocation in staffing structure.
- (c) Organizing employees to know and follow the personnel laws and regulations and to work honestly and diligently.
- (d) Arranging for reasonable financial support for employees. (e) Planning social welfare for employees.

Chapter 2: Engaging the private sector

Background Anti-corruption programmes, commonly referred to as compliance programmes, are a primary tool used by companies to advance ethical business practices. They provide a framework for articulating the values, policies and procedures used by a company to educate its employees and to prevent, detect and counter corruption in its business operations.

2(a) Please describe (cite or summarize) good practices and/or examples of measures taken by your country to promote integrity through anti-corruption programmes in the private sector.

Ans: As an Anti-Corruption Commission, we are implementing measures to combat corruption in the private sector. On July 2nd, 2018, the Chairman of the Anti-Corruption Commission and the Chairman of the Union of Myanmar Federation of Chambers of Commerce and Industry signed and announced a declaration of cooperation in anti-corruption.

On October 19th, 2018, the Anti-Corruption Commission released Notification No. 14/2018, which outlines basic factors for developing strong business ethics and establishing appropriate control methods to prevent corruption in private business organizations.

To establish strong anti-corruption foundations, Corruption Prevention Units (CPUs) were formed in 38 Union Ministries/Institutions and 14 Region/State Governments. This cooperation aims to promote the integrity of public organizations and reduce corruption throughout the country. In 2019, 3 tasks and 6 agendas for corruption prevention were established.

Under the 6 agendas for corruption prevention, the Corruption Prevention Unit (CPU) has set up measures to verify if businesses working with government departments have developed a code of conduct for preventing corruption. This includes not accepting unethical businesses in procurement, sales, and construction matters. Additionally, corruption prevention forums and discussions have been facilitated to avoid misunderstandings between departmental officials and relevant private business operators. The aim is to create a corruption-free business community in private business organizations and protect businesses from the possibility of bribery and corruption.

Myanmar has been promoting transparency, accountability, and ethical business conduct, such as establishing Myanmar Global Compact Network (MGCN), Due Diligence and Compliance Procedures and Collaboration with Government and Civil Society.

In order to encourage private sector entities to implement due diligence measures to prevent corruption, promoting transparent financial reporting, anti-money laundering measures, and conducting background checks on business partners are being conducted. Taxation system has also gradually changed from Official Assessment System (OAS) to Self Assessment System (SAS) and online payment.

The Directorate of Investment and Company Administration (DICA) established the Corruption Prevention Unit (CPU) and is involved in anti- corruption initiatives, to prevent corruption related to business activities.

The CPU team uses the Public Feedback Program (PFP) by sending questions via SMS to customers who obtained the services from DICA and resolving the needs and suggestions that were raised by the public.

The Myanmar Companies Online (MyCO) which is an electric company registration system and investment monitoring software can reduce direct access to the public and prevent corruption.

The Corruption Prevention Unit (CPU), Our Ministry of Commerce surveyed to the businessmen who come to the Department for services whether they were comfortable with the services or not using the Public Feedback Programme-PFP.

To improve reputation through anti-corruption programs in the private sector, our ministry has transparently informed the information to private entrepreneurs in accordance with procedures.

Good practices or measures taken by our country are as follows:

- (a) Provide appropriate reporting channels (eg. Public Feedback Programme - PFP)
- (b) Encourage public reporting of efforts to prevent and counter corruption in the private sector

2.(b) Please describe (cite or summarize) good practices and/or examples of measures you have used to encourage transparency, public reporting and/or public participation through your anti-corruption programmes (both for the public and private sectors).

Ans: As an Anti-Corruption Commission, we are implementing measures to combat corruption in the private sector. On July 2nd, 2018, the Chairman of the Anti-Corruption Commission and the Chairman of the Union of Myanmar Federation of Chambers of Commerce and Industry signed and announced a declaration of cooperation in anti-corruption.

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unethical businesses in procurement, sales, and construction matters. Additionally, corruption prevention forums and discussions have been facilitated to avoid misunderstandings between departmental officials and relevant private business operators. The aim is to create a corruption-free business community in private business organizations and protect businesses from the possibility of bribery and corruption.

In order to encourage transparency and public participation in anti-corruption programs, the measure including the Enacting Access to Information Law(2016), Performing Public Awareness Campaigns and Establishing Citizen Engagement Platforms are being conducted.

The Anti-Corruption Strategic Plan (2022-2025) has been formulated and is implementing the anti-corruption activities attached to the annual action plans. The Strategic Plan includes prevention, educating awareness and investigating and taking action. The Corruption Prevention Unit (CPU) have been set up in every department and state and region. Public Feedback Programme-PFP has also implemented to prevent and combat petty corruption.

The Directorate of Investments and Companies has posted a public notice on the department's website to inform businessmen that using the Public Feedback Program (PFP) for anti-corruption and better services.

According to the program, the SMS campaign has been implemented since December 2022, and the needs and suggestions sent by the public are being addressed.

To prevent corruption, DICA has suggested mailboxes, uses DICA Feedback. Software to be able to give suggestions regarding the department's activities, and has established websites, names, and e-mail addresses where complaints can be made.

The Ministry of Commerce has been implemented the Corruption Prevention Unit (CPU) for the difficulties in the business in the PFP, the businessmen who come to

our Department. The difficulties in their business operations in the Public Feedback Programme -PFP, and then, if they report any difficulties, they will be able to solve and help.

Anti-corruption programs (for both the public and private sectors) are transparent; here are some things we used to encourage public participation:

- (a) The state-owned newspaper informs all private entrepreneurs of correct and accurate news but notifications through the website.
- (b) Emphasis on the responses of private entrepreneurs,

Good practices or measures taken by the private sector are as follows:

- (a) Raise awareness of business integrity
- (b) Encourage the private businesses to establish anti-corruption policies, procedures and/or programmes
- (c) Promote training and education on anti-corruption in the private sector (eg. Corruption Risk Assessment Workshops)

2(c) What was the impact of the measures described above (2a and 2b)?

Ans: In performing PFP programme, we can get the feedback from Public and Private Sector such as difficulties, strength and weakness of the services of our department via PFP Web Portal.

The impacts of implementing CPU and PFP are improving the services provided by the department, reducing minor corruption, increasing employee performance by improving ethics and behavior, and strengthening trust between the public and the department.

As described in 2a and 2b, through the implementation, the possibility of bribery and corruption in relation to business activities can get the benefit to the building

trust between government organization and public. And then, we can reduce the corruption and prepare the weakness by the department as possible.

The above measures (2a and 2b) are known to be effective.

The impact of the measures is as follows:

- (a) Private sector is now able to access a direct channel to report issues regarding anti- corruption cases.

2(d) What challenges (if any) did you encounter in Implementing the measures above (2a and 2b)?

Guidance on 2(a) and 2(b): Measures and good practices could, for example, include those designed to:

- Raise awareness of business integrity
- Encourage the private sector to establish anti-corruption policies, procedures and/or programmes
- Promote training and education on anti-corruption in the private sector
- Provide trainings or guidance, or develop model anti-corruption programmes or policies for companies to use and adapt
- Provide appropriate reporting channels
- Encourage public reporting of efforts to prevent and counter corruption in the private sector

Ans: In performing PFP programme, some customer send relevant feedback for the services. But some of them don't know the aim of the programme and send out of their other personal data which is not concerned. However, the related departments in ministry accepts all the person who are sending complaints and also replys by the telephone.

We have encountered challenges in requesting the essential information from entrepreneurs who were willing to offer it as well as those who were unwilling to allow

us to send advice regarding the services obtained from the department under the PFP program through the SMS campaign.

In implementing the above (2a and 2b), the information was transparently informed, but the private entrepreneurs encountered the challenges of finding out the information lately. Therefore, notification should be informed one month in advance.

Chapter 3: Using sanctions and incentives

Background: While effective sanctions for corruption offences are required under the United Nations Convention against Corruption, the Convention also recognizes the essential role of incentives that encourage and reward corporate self-reporting and preventive efforts.

Part A-Sanctions

3(a) Please describe (cite or summarize) good practices and/or examples of sanctions used to strengthen business integrity and/or reduce corruption in the private sector in your country.

Ans: In order to reduce corruption in the private sector, public employees, private entrepreneurs, and the general public have been educated to understand and respect the anti-corruption law and procedures. Violation of the rules of the law will be carried out according to the law.

Good practices or sanctions used in our country are as follows

- (a) Incarceration or other criminal sanction of natural persons who have committed an offence of corruption
- (b) Confiscation of proceeds of corruption for both companies and individuals

- (c) Suspension and/or debarment of contractual partners from government processes
- (d) Reputational damages to hold wrongdoers publicly accountable

3(b) What were the main challenges (if any) your country faced in enforcing these sanctions?

Ans: The main challenges are to fully comply the anti-corruption law and increase whistleblower protection and etc.

Lack of knowledge on anti-corruption law.

3(c) What steps did you take to overcome those challenges (if any)?

Guidance on 3(a): Sanctions could, for example, include any of the following:

- Monetary sanctions for legal persons (companies) liable for the participation in an offence of corruption
- Incarceration or other criminal sanction of natural persons (individuals) who have committed an offence of corruption acting on behalf of a company
- Confiscation of proceeds of corruption for both companies and individuals who acted on their behalf
- Contract remedies and other means to communicate and enforce anti-corruption contractual provisions
- Suspension and/or debarment of contractual partners from government processes
- Denial of government benefits fiscal or otherwise)
- Liability for damages and compensation of victims of corruption
- Reputational damages to hold wrongdoers publicly accountable
- Any other type of sanctions not listed above

Ans: We will inform the public sector in how to use Public Feedback programme Web portal to reduce corruption in the private sector.

Conducting continuous education in order to be aware of and comply with the anti-corruption prevention law.

Part B- Incentives

3(d) Please describe (cite or summarize) good practices and/or examples of incentives used to strengthen business integrity and/or reduce corruption in the private sector in your country.

Ans: The Whistleblower Protection Law is drafting and it provides safeguards for individuals who disclose corruption-related information in good faith. Whistleblowers are protected from retaliation and may receive rewards for reporting corruption. The draft may include safeguards to protect whistleblowers from retaliation and provides for confidentiality and anonymity when reporting corruption.

The following are good practices used to reduce corruption in the private sector in our country:

- (a) Providing information to ensure accuracy and fairness.
- (b) prescribed procedure; instructions Complying with laws.
- (c) Organizing to ensure that employees are aware of the civil service laws and regulations that must be followed.

When illegally traded goods were seized based on reports/information, the informer get rewards according to the value of seized goods.

3(e) What is the main impact of such incentives?

Guidance on 3(d): Incentives could, for example, include any of the following:

- Penalty mitigation-encourages self-reporting of offences, credits companies' preventive efforts
- Procurement preference-rewards good practice through procurement preference

- Preferential access to benefits-rewards good practice with preferential access to government benefits and/or services
- Reputational benefits-encourages good practice through public recognition
- Whistle-blower protection and awards-encourages reporting of potential violations by individuals
- Any other types of Incentives not listed above

Part C- Additional measures

3(f) Please describe (cite or summarize) good practices and/or examples of any additional measures used to strengthen business integrity and/or reduce corruption in the private sector in your country.

Guidance on 3(f): Additional measures could, for example, include any of the following:

- Integrity pacts-written agreements between government agencies and companies to strengthen integrity in public procurement, usually overseen by an independent monitor
- Collective action-collaborative initiative that bring companies and other relevant stakeholders together to prevent and counter corruption and raise stands of business integrity
- Public sector reform-civil service and/or regulatory reforms that reduce the opportunities for corruption
- Public education-activities that raise public awareness of corruption and its harmful effects

Ans: Good practices or measures by the private sector are as follows:

- (a) As a leading organization of private sector businesses, The Republic of The Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) is working together with Anti-Corruption Commission

Myanmar to increase awareness on anti- corruption and held Seminar on Prevention of Corruption.

- (b) UMFCCL also formed the Responsible Business and Natural Resources Development Committee (RBRD) and working on for better coordination, cooperation, with related agencies and increase performance regarding good practices and upholding business integrity.
- (c) Private sector is participating in related activities such as Anti-Money Laundering and Anti-Illicit Trade to improve business environment.

Additional Information

Is there any other information that you wish to share which has not been addressed by the previous questions?

Ans: In order to prevent the corruption, the Ministry of Planning and Finance is undertaking its duties in accordance with the Anti-corruption Commission's guidelines.

As a method of education and prevention for anti-corruption, there have been lectured in internal courses regarding with corruption and the code of conduct and ethics has been developed and distributed.

In Ministry of Commerce, it has already organized the Corruption Prevention Unit (CPU) and prescribed its functions. The CPU works on review and revise of the potentialities of corruption risk assessment. To have corruption related information, measures including placing mailbox at the department, creating website and e-mail address have been carried out. And the awareness of corruption and its harmful effects has been raised at the meetings which was hold monthly.