REPORT
ON AWARENESS- RAISING POLICIES AND PRACTICES
AND
THE PUBLIC SECTOR AND PREVENTION OF CORRUPTIONS: CODE OF CONDUCTS
AND PUBLIC REPORTING


1-Awareness-Raising Policies and Practice:

The Royal Government of Cambodia (RGC) introduced the “Rectangular Strategy” - Phase II as the socio-economic policy agenda of the “Political Platform” of the RGC in the fourth legislature of the National Assembly. This strategy is to be implemented mainly through the National Strategic Development Plan (NSDP), will be our means to further pursue our vision of building a Cambodian society to enjoy peace, political stability, security and social order, and sustainable and equitable development, with strict adherence to the principles of liberal multi-party democracy, respect for human rights and dignity.

One of the core elements of the Rectangular Strategy is fighting corruption which constitute as a high priority task and is a part of good governance. We are aware that the Anti-Corruption Law (ACL), adopted and promulgated by Royal Kram on 17 April, 2010 provided an important legal instrument to fight corruptions more effectively.

The Rectangular Strategy also applied strict strategic measures to eliminate the roots of corruptions through interrelated actions below:

1. **Preventive Measures:** The RGC will continue to raise awareness on all aspects of corruption, including its causes, impacts and consequences and thus to encourage public participation in preventing and combating corruption. Concrete measures will also be pursued encourage all levels of government officials to adhere to dignity, morality, professionalism and responsibility in fulfilling their duties.

2. **Strengthening Accountability and Institutional Capacity:** The RGC will focus on improving its effectiveness in avoiding conflict between the public and private interests by adhering to the principle of incompatibility between functions, especially incompatibility between political and public servant positions; and between political or public servant positions and private activities. The RGC will also reduce and eliminate the use of public positions, influence and power which blur or bias the decision-making process.

3. **Public Support and Participation:** Public support and participation is sine-qua-non for effectively preventing, reducing and fighting corruption. In this context, the RGC will continue to further promote and protect the freedom, to seek to obtain and to disseminate information on corrupt cases in the media. However, this should be done in a credible and responsible manner by respecting the rights, honor and dignity of people involved while protecting national security and public order.

4. **Private Sector Participation:** The RGC will continue develop and pursue implementation of policies, legal and regulatory framework and procedures to protect the integrity of the private sector in order to prevent collusion and to ensure fair competition between private companies/enterprises by ensuring proper behavior, honorable conduct and dignity in all business transactions. The RGC will safeguard the balance between the rights and interests in the contract made between the public and private sector.

5. **Strengthening of Law Enforcement:** The RGC will take strict legal measures against the culprits in order to eliminate the culture of impunity, reduce corruption and increase public confidence.
With regard to the Anti-Corruption Law, comprising of 40 Articles taken from the Criminal Code and including 15 Articles from the Anti-Corruption Law, the goal is to root out corruptions via the public participation, education, prevention, law enforcement, and international cooperation. In addition, broad participation from all sectors has been included in the Strategic Planning of the National Anti-Corruption Council for 5-Year Term (2011-2015) and the Action Plan of the Anti-Corruption Plan for 2-Year Term ((2011-2012). It is our perspective that the broad participation from all sectors is a key to ensure integrity, accountability as well as the respect of human rights and transparency. The Anti-Corruption Unit has set forth a three pronged approach as three vital measures: 1- Public Education, 2-Prevention and Obstruction, and 3-Law enforcement and curbing graft offences, and backed by strategic partnership in term of cooperation regionally, internationally.

In the area of Rule of Law: The Kingdom of Cambodia, recognizes and fully abide by human rights stipulated in the UN Charter, the Universal Declaration of Human Rights and the Covenants and Conventions related to Human Rights, Women and Children's Rights. The Cambodian people have equal status before the law, enjoying the same rights and freedom and obligations regardless of race, color, sex, language, religious belief, political tendencies, national origin, social status, wealth or others. However, the exercise of personal rights and freedom by any individual shall not adversely affected the rights and freedom of the others. The exercise of such rights and freedom shall be in accordance with the law.

The Cambodian citizen have genuine freedom of expression of their ideas, freedom to receive information, freedom of publication and freedom of assembly but no one shall exercise his/her rights to infringe on the honor of others, or to affect the good customs and tradition of society, public order and national security. In connection to the media, there is a law on press regime providing the guidance for implementations.

2-The Public Sector and Prevention of Corruption: Code of Conduct and Public Reporting:

The RGC established several mechanisms and institutions with a concerted effort to fight against corruptions:

1. The Anti-Corruption Institution established by ACL, comprising 2 bodies, namely: the National Anti-Corruption Council to play an important role to fight against corruptions and is responsible to set forth the Strategic Planning for 5-Year Term (2011-2015) in which it is a guideline for the country political platform and the Anti-Corruption Unit which is responsible to formulate Action Plan for 2-Year Term (2011-2012) and it is an executive body with special authority or power to independently carries out day-to-day services.

2. National Audit Authority (NAA)
3. Ministry of National Assembly and Senate Relation and Inspection
4. Financial Inspection Committee (FIC) and the Financial Intelligence Unit (FIU) of the Ministry of Economy and Finance
5. Inspection Committees existing in the National Assembly, Senate and in all line Ministries and Institutions.

In the area of promoting integrity, honesty and responsibility among public officials, in accordance with its own institutional and legal system, the Code of Conducts are respectively issued:

1. Code of Conduct for Internal Auditors issued by the Ministry of Finance and Economy (MEF)
2. Code of Conducts for magistrates, released by the Supreme Council of Magistracy
3. Code of Conducts for Lawyers
4. Code of Conducts for the Anti-Corruption Unit (ACU), currently still in draft for revision
5. Prakas (Declaration) on Code of Conducts for General Inspectorate Officials of the National Bank of Cambodia
6. Prakas (Declaration) on authorization to utilize the Code of Conducts for Internal Auditors and Internal Auditors' Professional Standard, released by MEF
7. Anukret (Sub-Decree) on Code of Conducts for all Medical Doctors and health officials, released by the RGC
9. Sub-Decree No. 40, dated on 15 February, 2005 on an establishment and the functioning of the internal audit of the Ministries, Institutions and public enterprises.

Public Reporting:

In general, the Anti-Corruption Unit needs to build up capacity building and all fundamental ground for work necessary in order to resume duties in full capacity to tackle corruptions. Up to date, the 3 Sub-Decrees have been adopted:
1- Sub-Decree for the Organizing and Functioning of the ACU
2- Sub-Decree on the establishment of Logo and stamps for National Anti-Corruption Council and for the Anti-Corruption Unit.
3- Sub-Decree on Annual Budget and its management and utilities

Within the short period following its establishment, the ACU investigation officers were actively engaged in monitoring the timber bidding at 9 provinces and will continue to follow up the remaining bidding sessions as well as any irregularities of corrupt offences through out the country. Recently, the investigation was launched at the Office of the Social Affairs, Veteran and Youth Rehabilitation at the 24 provinces and city by the officials of the Anti-Corruption Unit.

As a result, one prosecutor in Pursat province and his 2 assistants, 02 Police Commissioners, one 3 Star Police General in charge of anti-drug committee and his associates were arrested and were all transferred to the court for its mandate. Also other 30 tax officers were put in administrative sanctions for their mal-practices.

Concerning the Pilot Project to set up the Preah Monivong Boulevard in Phnom Penh City as a clean street (Corruption Free), in which the survey took a few months to study feasibility and expect to have it completed soon. The 06 White Boxes for complaints are also installed along the route.

At the same time, the ACU has successfully come to the end in receipt of the Asset and Liability Declarations which opened from 01 January, 2011 till 07 April, 2011. The officials from the 38 Ministries, Institutions including the National Assembly and Senate of Cambodia, whose obligations required to declare their assets are totally 23,976 persons. The operation to handle this work has been produced satisfactory result, despite it is our first task.

Done in Phnom Penh on the 7th. Day of May, 2011
The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Cambodia to the United Nations (Vienna) and has the honour to draw the attention of the Government to the recommendations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption of the Conference of the States Parties to the United Nations Convention against Corruption.

At its first meeting held in Vienna from 13 to 15 December 2010, the Working Group recommended that its next meeting, to be held in Vienna from 22 to 24 August 2011, focus on the following topics:

(a) Awareness-raising policies and practices, with special reference to articles 5, 7, 12 and 13 of the Convention;

(b) The public sector and prevention of corruption: codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention);

and requested States parties to communicate their initiatives and good practices in the area of prevention of corruption, particularly those practices relevant to the specific topics indicated above, to the Secretariat.

The Secretary-General wishes to recall note verbale 2011/45 (A) of 18 March 2011, in which Governments were requested to submit pertinent information on their relevant initiatives and practices to the Secretariat, in order to support the Secretariat’s information-gathering activities related to chapter II of the Convention. The Secretary-General wishes to thank all States parties that have submitted relevant information and requests those that have not yet done so to provide material which would facilitate discussion on specific topics and, as requested by the Working Group, best assist States parties in implementing effectively those articles of the Convention relating to the prevention of corruption.

His Excellency,
Permanent Representative of Cambodia to the United Nations (Vienna)
The Secretary-General would be grateful if Governments would submit any pertinent information to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria, Fax: +43 1 26060 6711 or to e-mail: UNCAC.COP@unodc.org, at its earliest convenience, but not later than 13 May 2011.

26 April 2011

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In line with the Working Group’s recommendations, the Secretariat’s information-gathering activities related to chapter II of the Convention should concentrate on good practices and initiatives of States parties and the priority in gathering such information should be to facilitate discussion on specific topics as they are addressed at the meetings of the Working Group in a way that best assists States parties in implementing effectively those articles of the Convention relating to the prevention of corruption.

The Secretary-General would be grateful if the Government would send any pertinent information to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria, Fax: +43 1 26060 6711 or to e-mail: UNCAC.COP@unodc.org, at its earliest convenience, but not later than 30 April 2011.

18 March 2011

[Signature]
The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Cambodia to the United Nations (Vienna) and has the honour to draw the attention of the Government to the recommendations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/2 entitled “Preventive Measures”.

At its first meeting held in Vienna from 13 to 15 December 2010, the Working Group recommended that each of its future meetings focus on a specific and manageable number of substantive topics taken from chapter II of the Convention (CAC/COSP/WG.4/2010/7, paragraph 4 (a)). Accordingly, the Working Group recommended that its next meeting, to be held in Vienna from 22 to 24 August 2011, focus on the following topics:

(a) Awareness-raising policies and practices, with special reference to articles 5, 7, 12 and 13 of the Convention;

(b) The public sector and prevention of corruption: codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention).

The Working Group encouraged States parties to share their initiatives and good practices in the area of prevention of corruption, particularly those practices relevant to specific topics to be addressed at its future meetings (see paragraphs (a) and (b) above), and to communicate such initiatives and good practices to the Secretariat.

The United Nations Office on Drugs and Crime therefore seeks the cooperation of all States parties and Signatories to the Convention against Corruption in providing pertinent information on their relevant initiatives and practices to the Secretariat.

His Excellency
Permanent Representative of Cambodia to the United Nations (Vienna)