

On The Best Way to Implement The United Nations Convention Against Corruption

Since the approval of China's signatory to the United Nations Convention Against Corruption (shortened as the Convention hereafter), 24 departments in China including legislative, executive and judicial organs have taken effective measures according to their respective duties to meet the requirements prescribed in the Convention in earnest and made importance progress. The following are what they have done in implementing the Convention.

1. On the Establishing Preventive Anti-Corruption Organizations

It is prescribed in Article 6 of the Convention, "Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; (b) Increasing and disseminating knowledge about the prevention of corruption." According to the requirement of the Convention and taking into consideration the actual conditions of China's anti-corruption, we are doing active preparations on the principles of addressing both symptoms and root causes, implementing comprehensive prevention, attaching equal importance to punishment and control as well as prevention for the establishment of the State Bureau of Corruption Prevention, a national exclusive organization on the prevention of corruption, which will be soon made public.

2. On Preventive Measures Taken Against Money Laundering

Preventive measures against money laundering are prescribed in Article 14 of the Convention. To meet the requirements prescribed in the aforesaid Article and improve the prevention and punishment of money laundering acts, Law Against Money Laundering of the People's Republic of China was approved after deliberation at the 24th session of the Standing Committee of the 10th National People's Congress held on October 31, 2006. This law establishes such systems as discerning clients' identities, preserving records, reporting large-amount and suspicious deals and launching inner-supervision, and affirms the proceeds in violation of law obtained from embezzlement and bribery crimes as the key targets for supervision and control in relation to anti-money laundering, which will play an important role in preventing corruption.

3. On Private Sector's Work of Preventing and Combating Corruption

Prevention of corruption in the private sector is prescribed in Article 12 of the Convention. According to the requirements prescribed in the Convention, on the one hand, we have started specialized work in preventing and controlling commercial bribery and improved investigation of cases concerning commercial bribery. On the other hand, the State Administration of Industry and Commerce, in conjunction with departments concerned, is working out solutions to preventing and punishing bribery occurring in business activities sponsored by the private sector. They have set self-disciplinary norms for managers in the private sector to observe so as to help shape up self-disciplinary mechanism and sound business ethics in the private sector.

4. On Introducing Incorruptible Education in Primary and Secondary Schools As Well As Universities

Measures concerning social participation in preventing and combating corruption are prescribed in Article 13 of the Convention. According to the requirements set in the Convention, departments like the Ministry of Education are actively introducing ethics and integrity education in primary and secondary schools as well as universities and made public Comments by the Ministry of Education on Introducing Ethics and Integrity Education in an All-Round Way in Primary and Secondary Schools and Universities, making clear the general requirements, ways and means to introduce the aforesaid education in these schools and universities.

5. On Conviction and Law-Enforcement

Conviction and law-enforcement are prescribed in Chapter 3 of the Convention. According to the requirements set in the Convention, on the one hand, the Standing Committee of the National People's Congress are working at revising relevant contents of Criminal Law in conjunction with China's actual conditions, for example, the essential conditions for bribery crimes. The Supreme People's Court and the Supreme People's Procuratorate have jointly drawn up Suggestions on the Issues of Laws Applicable to Criminal Bribery-Taking Cases so that bribe-taking criminals are dealt with more severely. On the other hand, departments concerned are studying the ways to further protect reporters, witnesses, identifiers and victims, revise Code of Criminal Procedures and readjust criminal policies.

6. On International Cooperation in Combating Corruption

Prescribed in Chapter 4 of the Convention are the ways and contents of international anti-corruption cooperation such as extradition, mutual legal assistance and law enforcement cooperation. According to the requirements of the Convention, China has signed extradition agreements with Spain and other countries on the basis of respecting each other's sovereignty. Aside from participating in the Anti-Corruption Action Plan of the Asian-Pacific region, it has hosted the Asian-Pacific

Anti-Corruption Conference. The Supreme People's Procuratorate has taken the lead in initiating the International Association of Anti-Corruption Authorities with the aim to promote the implementation of the Convention and international cooperation in combating embezzlement and bribery and held its first annual conference and member-state congress. The Sino-US Joint Liaison Group on Law Enforcement Cooperation established between China and the US has brought law enforcement cooperation in combating corruption within the scope of its work and conducted regular exchanges on relevant issues. Serious study and exploration have been made side by side with some other countries on technical assistance within the framework of the Convention. At the same time, to promote closer judicial cooperation among State Parties to the Convention, we are earnestly drafting the Law of Mutual legal assistance of the People's Republic of China so as to make clear the contents of the objectives, ways and circumstances of mutual legal assistance.

7. On Recovery of Overseas Assets

Prescribed in Chapter 5 of the Convention are regulations on the recovery of overseas assets and the mechanism for international cooperation. According to the requirements of the Convention, the Supreme People's Procuratorate is drafting in conjunction with departments concerned regulations guiding the actions taken to recover corruption assets transferred overseas so as to establish an interactive working mechanism under the guidance of the aforesaid regulations.

8. Our Suggestions

All State Parties to the Convention, based on their respective national conditions, should lose no time to meet the relevant requirements of the Convention and strengthen their efforts to prevent and combat corruption. At the same time, they should develop in a positive manner international cooperation and exchanges in the field of combating corruption on the basis of respecting one another's sovereignty, equality and mutual benefit.