

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY  
SAUDI ARABIA

ARTICLE 6

PREVENTIVE ANTI-CORRUPTION BODIES

SAUDI ARABIA (FOURTEENTH MEETING)

ترتبط هيئة الرقابة ومكافحة الفساد في المملكة بالملك مباشرة، وتتمتع بالشخصية الاعتبارية والاستقلال التام مالياً وإدارياً منذ إنشائها، وذلك وفقاً لما نص عليه الأمر الملكي الكريم رقم (٦٥/١) لعام ٢٠١١م، بما يضمن لها مباشرة عملها بكل حياد ودون تأثير من أي جهة كانت وليس لأحد التدخل في مجال عملها. كما أن الهيئة هي الجهة الرئيسية المكلفة بمنع الفساد ومكافحته من خلال تطبيق التدابير الوقائية وإنفاذ القانون في أن واحد للتصدي للفساد بفعالية، حيث أنه بصدر الأمر الملكي رقم (٢٧٧/١) لعام ديسمبر ٢٠١٩م، تم ضم كل من هيئة الرقابة والتحقيق (وهي الجهاز المعني سابقاً بالرقابة والتحقيق الإداري)، والمباحث الإدارية (وهو القطاع المعني سابقاً بأعمال الضبط والاستدلال المتصلة بجرائم الوظيفة العامة) إلى هيئة الرقابة ومكافحة الفساد، وإسناد جميع الاختصاصات التي كانت مسندة لهم في السابق إليها، بالإضافة إلى إنشاء وحدة تحقيق وادعاء جنائي في الهيئة تختص بالتحقيق الجنائي في القضايا الجنائية المتعلقة بالفساد المالي

والإداري، والذي من شأنه زيادة فعالية جهود مكافحة الفساد وسرعة تبادل المعلومات بشأن قضايا الفساد.

فيما يتعلق بالموضوع المزمع مناقشته والتدابير أو الخطوات المتخذة، يمكن أن تنظر الدول الأطراف في تضمين ما يلي:

- التدابير المتخذة لوضع السياسات والآليات أو أساليب التشغيل القياسية التي تتبادل من خلالها الهيئات المعنية بمكافحة الفساد (بحسب المادة ٦ من الاتفاقية الأممية) وسلطات إنفاذ القانون – بما في ذلك السلطات المتخصصة في مكافحة الفساد من خلال إنفاذ القانون – المعلومات أو الأدلة أو المعلومات الاستخباراتية ذات الصلة بمنع الفساد أو كشفه أو التحقيق فيه.

من أبرز جهود هيئة الرقابة ومكافحة الفساد لتعزيز التنسيق والتعاون بين الجهات الوطنية المتخصصة في سبيل تبادل المعلومات أو الأدلة ذات الصلة بمنع الفساد أو كشفه أو التحقيق فيه ما يأتي:

- توقيع عدد من مذكرات التفاهم واتفاقيات تبادل البيانات بين هيئة الرقابة ومكافحة الفساد وعدد من الجهات الحكومية، والحرص على تفعيل التقنية الحديثة في الاستفادة من الخدمات المقدمة من تلك الجهات في سبيل تسهيل الوصول إلى المعلومات وتبادل البيانات والخبرات، ومن ذلك الإدارة العامة للتحريات المالية برئاسة أمن الدولة، والبنك المركزي السعودي، وهيئة السوق المالية، بما يعزز من مكافحة الفساد المالي والإداري، وتحقيق الأهداف المرجوة من رؤية المملكة ٢٠٣٠.

- تشكيل لجنة وطنية برئاسة هيئة الرقابة ومكافحة الفساد وعضوية وزارة العدل، ووزارة التجارة، والهيئة العامة للزكاة والدخل، وذلك لتقديم الدعم



## **THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED**

### **BY SAUDI ARABIA**

#### **ARTICLE 6 UNCAC**

#### **PREVENTIVE ANTI-CORRUPTION BODY OR BODIES**

##### **SAUDI ARABIA (FIFTH MEETING)**

##### First: Review of the implementation of Article 6 of the United Nations Convention against Corruption

1. 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

In this regard The Kingdom of Saudi Arabia achieved the following:

Issued the National Strategy to Protect the Integrity and to Combat Corruption according to the decision of the Council of Ministers Nr. 43 on 19 February 2007, which included:

Establish an Anti-Corruption Commission with the following tasks:

- a. Following up the implementation of the National Strategy, as well as monitoring, assessing and reviewing its outcomes, and putting in place the program of action and implementation mechanisms thereof.
- b. Coordination of the efforts of both private and public sectors in monitoring and assessing the anti-corruption programs
- c. Receiving periodical reports and statistics from the entities working within the Commission competencies and examining as well as preparing analytical data thereof
- d. Collecting information, data and statistics in order to identify, classify, examine and exchange them with the competent authorities

The strategy also touched on the importance of the participation of civil society organizations in protecting the integrity and combat Corruption by

- a. The involvement of these organizations” according to their competence” in the study of the phenomenon of corruption and give their proposals to reduce corruption

- b. Urging professional and academic bodies such as Doctors, lawyers, engineers and accountants to provide their proposals about the (regulatory, financial, administrative) systems and submit their proposals about the development and modernization of them.
- c. Urging the chambers of commerce and industry on the preparation of plans and programs to sensitize the businessmen and traders of the dangers of corruption and its causes and effects and submit their proposals about the financial and business systems.

The National Anti-Corruption Commission was established according to the Royal Order Nr. 65/a on 18 March 2011, and was granted full independence from all government bodies. The National Anti-Corruption Commission was organized according to the decision of the Council of Ministers Nr. 165 on 2 May 2011 in order to protect integrity and to combat financial and administrative corruption in all its forms and manifestations. To this end, the Commission holds the following competencies:

- Following and implementing the orders and instructions relating to the common public and the citizens interests to ensure the compliance therewith.
- Investigating all forms of financial and management corruption within the public contacts, operating and maintenance contracts, and other contracts relating to the common public and the citizens interests at the entities working within the competencies of the Commission, and conducting the necessary regular procedures regarding any contract deemed corrupted or was entered into or is being executed with contravention to the rules and regulations applicable provisions.
- Communicating detected irregularities and violations relating to financial and management corruption to the watchdog or investigation agencies as the case may require, along with notifying the Chairman of the Commission to which the contravener affiliates, and the Commission shall have the access to the investigations developments and shall follow up the flow of measures undertaken in this respect, and requests the authorities to conduct whatsoever precautionary or conservatory procedures in accordance with the system's requirements regarding anyone who, through strong evidences and proofs was proved to have committed deeds that fall under corruption. In all cases, the Commission must report such irregularities and violations of any entities working within the competencies of the Commission that it deemed as having institutional dimension, to the King for further action.
- Working on meeting the objectives set forth in the National Strategy to Protect Integrity and Combat Corruption, and following up the implementation thereof with the authorities, as well as monitoring assessing, and reviewing its outcomes, and putting in place the program of action and implementation mechanism thereof.

- Promoting the efforts of both private and public sectors, adopting plans and programs for the purpose of protecting integrity and combating corruption, and follow up the implementation and assessment of the outcomes.
- Following up the recovery of stolen money and returns as a result of crimes of corruption, with the authorities
- Reviewing the work approaches and measures at the entities working within the Commission competencies, for the purpose of identifying the points of weakness leading to corruption , and working on addressing them to ensure the Commission objectives and implementing the competencies.
- Recommending the necessary systems and policies to hold back and combat corruption and conducting a regular review of systems and relevant regulations, to identify its sufficiency, with the view to developing the system, and providing reports regarding its implementation.
- Establishing the necessary controls regarding submitting financial disclosures, and functional oath performance for some staff categories in the kingdom, and reporting such to the King to consider the approval.
- Following up the extent to which the entities working within the Commission competencies, are carrying out their duties towards the enforcement of the systems criminalizing financial and management corruption, and working on enhancing the accountability principle, regardless of the personality or position of the contravener.
- Following up the implementation of commitments stipulated in the international agreements relating to protecting integrity and combating corruption, to which the Saudi Arabia is a party.
- Providing direct communication channels with the public to receive their complaints related to corruption behaviors, and verifying such reports, then taking the necessary actions in this respect.
- Working together with the respective entities, and civil society organizations to enhance the realization of the sense of citizenship, and the significance of protecting the public funds, facilities and properties, to ensure the proper management and maintenance.
- Receiving periodical reports and statistics from entities working within the Commission competencies as per the requirements of the Commission and examining it as well as preparing analytical data, and then taking the necessary action.
- Supporting the researches and studies relating to protecting integrity and combating corruption, along with urging the relevant authorities, specialized research centers and civil societies to contribute to that.
- Conducting studies and benchmarking relating to the effects of corruption on development and social collaboration.

- Collecting information, data and statistics relating to corruption, analyzing and setting up databases and information systems relating.
- Raising awareness of the concept of corruption, establishing and identifying the risks and impacts, as well as demonstrating the importance of protecting integrity, promoting self-censorship, and intolerance with corruption, along with promoting civil society organizations and mass media to cooperate and contribute to that matter.
- Representing the Kingdom in the international conferences and forums relevant to transparency, protection of integrity and combating corruption, as well as cooperating with regional and international authorities and organizations working in this field.
- Organizing conferences, seminars and training courses on transparency, integrity and combating corruption.

b. Increasing and diffusion awareness about the prevention of corruption

The organization of the Commission Provides the following: Recommending the necessary systems and policies to hold back and combat corruption and conducting a regular review of systems and relevant regulations, to identify its sufficiency, and develop and report thereof as per the regular measures.

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

1. According to Article 2 of the Regulation of the Anti-Corruption Commission:

“The Commission is directly associated with the King, has a legal status, and complete administrative and financial separation insuring its work impartially, without being influenced by any authority and without any intervention by anybody in its work’.

2. According to Article 7 of the Regulation of the Anti-Corruption Commission:

“The president is to take over the supervision on achieving the goals and implementing the specializations on the Commission, the financial and administrative supervision on the Commission and its staff as well as managing its affairs and he is to have the following authorities”

- a. Supervision of the implementation of the financial and functional regulations of the Commission and directing to the King to decide whether to accredit them.
- b. Issuance of the administrative regulations and the organizational structure of the Commission.

- c. Representing the Commission before the public and private organizations.
- d. Supervision on implementing the Commissions project budget and directing it to the King to decide whether to accredit it.
3. The training manual was adopted by the decision of the President of the National Anti-Corruption Commission, where the Commission's employee gets a course or more each year. The Commission encourages the study scholarship MS and Ph.D. programs according the need of the commission. The training is considered as mandatory.

The Commission has prepared a training program in combating corruption in coordination and cooperation with the Institute of Public Administration which is the Academic entity in charge for the training of state employees. The Commission is currently preparing an MS program in combating corruption in collaboration with the Institute of Public Administration.

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

The Secretary-General of the United Nations was informed of the Deposit of the instrument of ratification of the UN Convention Against Corruption about the name and the address of the National Anti-Corruption Commission, according to the Royal order Nr. m/5 on 23 January 2013 which stated that the Ministry of Foreign Affairs shall inform the Secretary- general of the United Nations of the name and address of the National Anti-Corruption Commission according to Paragraph 3, Article 6 of the Convention.