

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
THAILAND**

ARTICLE 6

PREVENTIVE ANTI-CORRUPTION BODIES

THAILAND (FOURTEENTH MEETING)

**Interlinkages between preventive and law enforcement
approaches**

(The following information has been collected from Office of the National Anti-Corruption Commission (NACC), Office of Public Sector Anti-Corruption Commission (PACC), Royal Thai Police (RTP), Office of the Anti-Money Laundering Office (AMLO), Department of Special Investigation (DSI), Ministry of Justice)

4.Measures taken to establish policies, mechanisms (such as working groups, task forces or other ad hoc coordination groups) and/or standard operating procedures through which bodies mandated to prevent corruption (in accordance with article 6 of the United Nations Convention against Corruption) and law enforcement authorities (including those specialized in combating corruption through law enforcement) share information, evidence or intelligence relevant to corruption prevention, detection and/or investigation

One example of the task forces of bodies mandated to prevent corruption and law enforcement authorities is that Office of the NACC, in cooperation with the National Strategy Plan Driving Committee on the issues of Anti-Corruption and Misconduct (2018 - 2037) has prepared an action plan against corruption and misconduct phase 2 (2023 - 2027) as a tool to drive operations to achieve the further goal.

In this regard, the Anti-Corruption Operations Center is responsible for integrating and driving anti-corruption plans and promoting ethical in government agencies which are directly under the command of the Prime Minister and government agencies that are not affiliated with the Office of the Prime Minister, ministries or bureaus.

the Central Investigation Bureau has assigned the Anti-Corruption Division to create a project to develop a network of organizations against corruption and misconduct in the public sector by coordinating the work between 8 anti-corruption and misconduct organizations in the government sector, consisting of NACC, PACC, AMLO, State Audit Office of the Kingdom of Thailand, The Revenue Department, . Comptroller General's Department 1st Army Area, and the Police Anti-Corruption Division and Department under The Central Investigation Bureau. Its objective is to integrate into the work as an anti-corruption and misconduct network in accordance with government policy, for the prevention of corruption and misconduct against offenders.

With regard to the role of cooperation between office of the NACC and the Royal Thai Police, the Royal Thai Police, led by Police Anti-Corruption Division has driven an integrated project with Office of the NACC to combat corruption since the fiscal year 2015, continuing to the present.

Along with, ORGANIC ACT ON ANTI-CORRUPTION B.E. 2561 (2018). the NACC has the role of prosecuting state officials, persons or a group of persons who commit crimes related to corruption on duty, which the NACC may take the action on its own or send the issue to an agency related to the prevention and suppression of corruption for action. Police, by the Police Anti-Corruption Division, is one of the integrated agencies against

Prevention and suppression of corruption together with the NACC in operating according to the aforementioned legal framework in a concrete manner.

With regard to the role of cooperation between office of the NACC and Office of the Anti-Money Laundering Office (AMLO), the anti-corruption measures and action plans within the office of the AMLO shall be raised of one example of measures which have been set up to prevent and resolve corruption and misconduct problems. Those measures are designated to be implemented with the following actions:

1) Issuance of announcements on measures to prevent and resolve corruption and misconduct problems by enhancing transparency, morality, ethic and good governance of Anti-Money Laundering Office

2) Issuance of Office of the AMLO on measures to control and strengthen the conduct and discipline of Officials of AMLO by requiring superiors to control and supervise their subordinates with fairness, equality, and taking care of subordinates to perform duties with honesty, as well as strengthen and develop discipline under his subordinates.

Furthermore, Office of the AMLO is in the process of drafting 5year Anti-Corruption and Misconduct action Plan (2023 – 2027), which all agencies are required to take part in the plan to define plans, projects and activities to help driven prevention corruption and misconduct within the organization.

5.Policies, mechanisms and/or standard operating procedures through which bodies with mandates to prevent corruption (UNCAC article 6) and also conduct law enforcement operations related to corruption share intelligence, evidence or information internally within the designated body related to corruption prevention and/or detection

The NACC is Thailand's national central bureau in fostering collaboration with internal and external agencies in order to efficiently and uniformly implement the United Nations Convention against Corruption. Its duties and powers are in accordance with NACC's status as Thailand's national authority and focal point, and constitutionally conferred powers in leading anti-corruption efforts of the country and in coordinating with agencies with regard to transnational corruption cases, including asset recovery. In this regard, Office the NACC has continually devoted its efforts on enhancing relationships with counterparts, including Ministry of Foreign Affairs, Office of the Attorney General, Anti - Money Laundering Office, Royal Thai Police, Ministry of Justice, Office of the Public Sector Anti - Corruption Commission (PACC), *etc.*

Office of the PACC is considered as one of the main agencies that directly responsible for the prevention and suppression of corruption and operate as the center for coordinating with all relevant government agencies in order to set measures and integrate all the work with other government agencies to prevent and suppress corruption. According to the intent of the Administrative Measures on the Prevention and Suppression of Corruption Act, Office of the PACC act as a directing organization to resolve corruption and malfeasance problems by

establishing the National Anti-Corruption Center, which operates under the steering of national anti-corruption committee. The center is focusing for all sectors to integrate in solving corruption problems for sustainable results, as well as a mechanism for inspection, screening and report on the results of the inspection of the government agency on the cases relating to the prevention and suppression of corruption. According to the center, Office of the PACC as the secretary with duties and authority to coordinate actions, expedite, follow-up, supervise, inspect and evaluate the performance of government agencies, and take-action regarding the complaints from the public on corruption and misconduct.

Office of the AMLO has a mechanism in closely coordinate with office of the NACC to jointly investigate and gather evidence, which include cases that require international cooperation. Especially the case that Related to accepting bribes from foreign companies, which office of the NACC has considered as a good practice in international corruption cases, that cases will be referred to Office of the AMLO to investigate financial routes both domestically and internationally through the International Financial Intelligence Unit (The Egmont Group), which office of the AMLO is one of the member and financial intelligence information can be exchanged with more than 162 member countries around the world. Since 2020 - 2022, office of the AMLO has sent 18 requests for information on financial intelligence related to corruption to foreign countries and received 34 requests.

In addition, to enhance the efficiency and effectiveness of anti-money laundering, office of the AMLO together with the Thammasat University Research and Consulting Center conducted a national risk assessment on money laundering, financing terrorism and expanding weapons of mass destruction.

The results of the risk assessment on money laundering found that the predicate offenses with 5 highest risk are dishonesty against government positions, drugs, gambling with an amount of 5 million baht or more or online gambling, destruction of natural resources or the environment and defraud the public, which offenses of dishonesty against government positions and narcotics remain the predicate offenses compare to the results of the risk assessment in 2016.

6. Other measures or approaches taken to ensure that successes in and lessons learned from either the preventive or the law enforcement approach to corruption inform efforts in the other.

One of the most important examples of the success in the preventive or the law enforcement approach is the establishment of the Corruption Deterrence Center (CDC) in January 2022. It has been set up with the aim to monitor and assess the circumstances that may give rise to corruption in order to effectively deter and reduce corrupt practices in accordance with Article 35 of the Organic Act on Anti-Corruption B.E.2561 (2018). The legislative framework stipulates the transfer of undertaking to address corruption to agencies according to their respective duties and powers. The purpose is to develop a system for corruption risk analysis and assessment with the integration of data from all the sector. Accurate data can be used to deter and solve corruption problems systematically and achieve close integration in all dimensions, including data transmission, data analysis and rapid joint

operation with all relevant sectors when information indicative of corruption is uncovered. This is to build confidence in an effective corruption deterrence system, which will lead to the cooperation and concerted anti-corruption efforts on a large scale. The duties and powers of the CDC are as follows:

1. Collect whistleblowing information and news about corruption or incidents that may imply corruption from various channels of the NACC Office, government agencies, the private sector, civil network, social media and mass media, both domestically and internationally.
2. Monitor, analyze and assess the situation promptly when an incident that may lead to corruption or implies that there may be corruption occurred, and propose recommendations for preventive actions to deter and resolve issues to the NACC Secretary-General to consider directing or assigning relevant NACC Bureaus for further undertaking.
3. Assign NACC Regional Office and NACC Provincial Office to survey, inspect, monitor, and assess corruption situations in all areas to promptly prevent corruption.
4. Cooperate with government agencies, the private sector and civil society to prevent corruption as well as coordinate operations as assigned by the NACC or the Secretary-General.
5. Perform other tasks as assigned by the NACC or the Secretary-General

Another example in this matter is the Police Anti-Corruption Division of the Royal Thai Police which has received budget support from the NACC in implementing a project to strengthen the prevention and suppression of corruption and misconduct caused by the actions of government officials or where government officials are involved in the commission of an offense by field visit to collect the procurement data of local government organizations across the country.

Benefits received in order to deter individuals or a group of people who find channels for corruption in procurement and to find clues about corruption and connection of groups of people in bidding process. By storing it in the form of Big-data to be stored as investigation data in the future if there is an actual corruption case. In the future, the system can be developed database to link with related agencies and to reduce damage from fraud to happen.

In the prevention and suppression of corruption and misconduct, the Police Anti-Corruption Division has adhered to and complied with the ORGANIC ACT ON ANTI-CORRUPTION B.E. 2561 and the Criminal Code, in which the arrest of government officials who commit offenses against their position from received clues about corruption from the public or those who have suffered from the actions of government officials have come to complain on their own.

The suppression of corruption and misconduct goes hand in hand with public relations to make society aware that government agencies are not indifferent to those who commit corruption and misconduct, by dissemination of information showing the results of corruption and misconduct acts will be punished by law and cause those who think to do such as will fear of committing an offense.

The other example is from Office of the PACC which has driven corruption risk assessment in 2 main areas, including the policy corruption risk assessment for large-scale project operations and corruption risk assessment of government agencies, which both actions addressed UNCAC inquiries from States Parties about good practices, lessons and challenges in evaluating the effectiveness of anti-corruption measures and policies.

On 23 February 2021, a Cabinet Resolution approved a national reform plan on the prevention and suppression of corruption and misconduct by assigning office the PACC holding the main responsible by joining with relevant agencies such as Bureau of the Budget, State Audit Office of the Kingdom of Thailand, National Economic and Social Development Council, Comptroller General's Department, Office of the Public Sector Development Commission and Public Sector Audit Evaluation Committee of each ministry jointly set the criteria and guidelines. As well as, creating a "Corruption Risk Assessment Guide for Policies in the Operation of Large Projects", which is considered an important tool in driving the assessment of corruption risk in the implementation of large projects. The operational framework for the fiscal year 2023 is as follows:

1) Granting budget units that will request an expenditure budget allocation for the fiscal year B.E. 2566 "Items in the investment budget amount of 500 million baht or more with procurement" must conduct a corruption risk assessment of the project, together with proposing appropriate risk management measures, submitted to the Bureau of Budget together with the request.

2) The Bureau of Budget must be considered the risk management plan for budget allocation.

3) Office of the PACC together with the inspection agency (State Audit Office of the Kingdom of Thailand and Public Sector Audit Evaluation Committee) monitors the implementation of large-scale projects.

In the matter of the success in the preventive or the law enforcement approach, Thailand would like to raise the success of the Department of Special Investigation (DSI), under the Ministry of Justice which have undertaken 58 corruption-related cases during 2017-2022. The cases in responsibility of the DSI shall be a complex criminal case that requires special inquiry, investigation and special collection of evidence, a criminal case which has or might have a serious effect upon public order and moral, national security, international relations or the country's economy or finance, a criminal case which is a serious transnational crime or committed by an organized criminal group, a criminal case in which influential person being a principal, instigator or supporter, a criminal case in which the Administrative Official or Senior Police Officer, who is neither the Special Case Inquiry Official nor Special Case Officer, is the suspect as there is reasonable evidence of crime committed, or being the alleged culprit, or being the accused.