

UNCAC Review Recommendations: Thailand

No.	UNCAC Article	Recommendation(s) from the Executive Summary of the UNCAC Review Report	Addressed (Y/N)	Where is this addressed? Please provide details e.g. by legislation, policy (include specifics). Who is responsible (i.e. which agency)? Was technical assistance provided? If so, by whom?
UNCAC Chapter III. Criminalization and law enforcement				
8.	<p><i>15: Bribery of national public officials</i></p> <p><i>Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</i></p> <p><i>(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;</i></p> <p><i>(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.</i></p>	<p>A. Amend its legislation to ensure that the indirect commission of active bribery is subject to the same punishment as the direct commission of the offence; cover the promise, offering or giving of an undue advantage to third parties; as well as to remove the additional element of “wrongfully” discharging, omitting to discharge or delaying the performance of a duty in the office (art. 15 (a)).</p> <p>B. Ensure that indirect passive bribery continues to be criminalized. Should the judiciary not interpret the law accordingly in future cases, legislative clarification may be required (art. 15 (b)).</p>	N	
9.	<p><i>16: Bribery of Foreign Public Officials</i></p> <p><i>1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.</i></p> <p>...</p>	Criminalize active transnational bribery (art. 16, para. 1).	Y	The criminalization of active transnational bribery is enacted in Section 176 of the Organic Act on Anti-Corruption Act 2018 (OAC) attached hereto as Annex 1 .
10.	<p><i>17. Embezzlement, misappropriation or other diversion of property by a public official</i></p>	Establish a general offence of embezzlement and misappropriation of property by a public official (art. 17).	N	

	<i>Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.</i>			
11.	<p>18: Trading in Influence</p> <p><i>Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</i></p> <p><i>(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;</i></p> <p><i>(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.</i></p>	Consider criminalizing active trading in influence; and amending its passive trading in influence offence by removing the additional elements of the offence, covering the indirect commission of the offence, and the solicitation or acceptance of an undue benefit for the official or other person to abuse his or her supposed influence (art. 18 (a), (b)).	N	The NACC has proposed a draft bill to the Cabinet for considering criminalizing active trading in influence.
12.	<p>20: Illicit enrichment</p> <p><i>Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.</i></p>	Consider criminalizing illicit enrichment and establishing specific offences of active and passive bribery in the private sector (arts. 20, 21).	N	
13.	<p>23. Laundering of proceeds of crime</p> <p><i>1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</i></p>	A. Criminalize the possession or use of property, knowing, at the time of receipt, that such property is proceeds of crime; continue efforts to amend the legislation in this regard; and criminalize the acquisition of such property for all corruption offences (art. 23, subpara. 1 (b) (i)).	Y	The criminalization of the possession or use of property, knowing, at the time of receipt, that such property is proceeds of crime was enacted in Section 5(3) of the Anti-Money Laundering Act (AMLA) attached hereto as Annex 2 .

<p>a) (i) <i>The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;</i></p> <p>(ii) <i>The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;</i></p> <p>(b) <i>Subject to the basic concepts of its legal system:</i></p>	<p>[NB: footnote 7 in Thailand's Executive Summary for the Implementation Review Group (resumed seventh session) (14 – 16 November 2016, CAC/COSP/IRG/I/4/1/Add. 47): Development after the country visit: section 5(3) AMLA was amended to include the acquisition, possession or use of property, knowing, at the time of acquisition, possession or use of such property, that it is proceeds of crime.]</p>		
<p>(i) <i>The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;</i></p> <p>(ii) <i>Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.</i></p> <p>2. <i>For purposes of implementing or applying paragraph 1 of this article:</i></p> <p>(a) <i>Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;</i></p> <p>(b) <i>Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;</i></p> <p>(c) <i>For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;</i></p> <p>(d) <i>Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;</i></p> <p>(e) <i>If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.</i></p>	<p>B. Apply its money-laundering offences to all corruption offences; provide copies of its anti-money-laundering laws to the Secretary-General of the United Nations (art. 23, subparas. 2 (a), (b), (d)).</p>	<p>N</p>	

14.	<p>24. Concealment</p> <p><i>Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.</i></p>	Consider extending the list of predicate offences for concealment to include all corruption offences (art. 24).	N	
15.	<p>25: Obstruction of Justice</p> <p><i>Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</i></p> <p><i>(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention...</i></p>	Establish a specific offence of obstruction of justice (art. 25 (a)).	Y	The offence of obstruction of justice was established in Sections 177 and 182 of the Organic Act on Anti-Corruption Act 2018 (OAAC) attached hereto as Annex 1.
16.	<p>26: Liability of Legal Persons</p> <p><i>1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.</i></p> <p><i>2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.</i></p> <p><i>3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.</i></p> <p><i>4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.</i></p>	Establish the criminal, civil or administrative liability of legal persons for participation in all corruption offences (beyond money laundering; art. 26, paras. 1 and 2); assess the sanctions available for legal persons in order to ensure that they are effective, proportionate and dissuasive (art. 26, para. 4).	N	Thailand has not established the criminal, civil or administrative liability of legal persons for participation in all corruption offences. However, the NACC established the criminal liability of legal persons for participation in bribery in Section 176, para.2 of the Organic Act on Anti-Corruption Act 2018 (OAAC) attached hereto as Annex 1. In addition, legal persons who participated in corruption are subject to the civil liability under Section 420 of the Civil and Commercial Code of Thailand.

17.	<p>27. <i>Participation and attempt</i></p> <p>.....</p> <p>3. <i>Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.</i></p>	Thailand may wish to criminalize the preparation for corruption offences (art. 27, para. 3).	N	
18.	<p>29. <i>Statute of limitations</i></p> <p><i>Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.</i></p>	Amend its legislation to suspend the statute of limitations also in cases in which the alleged offender has not yet been prosecuted and brought to court before he escapes (art. 29).	Y	The suspension of the statute of limitation was enacted in Section 7 of the Organic Act on Anti-Corruption Act 2018 (OAAC) attached hereto as Annex 1, Section 13 of the Procedures for Corruption And Malfeasance Cases Act (PCMC) 2016 attached hereto as Annex 3 and Section 25 of the Organic Act on Criminal Procedure for persons Holding Political Positions.
19.	<p>30: <i>Prosecution, Adjudication, and Sanctions</i></p> <p>1. <i>Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.</i></p> <p>...</p> <p>5. <i>Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.</i></p> <p>...</p> <p>10. <i>States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.</i></p>	A. Assess whether amending its legislation would lead to more proportionate sanctions (art. 30, para. 1).	N	
		B. Take into account the gravity of the offences concerned when considering early release or parole (art. 30, para. 5).	Y	In the provision of good time allowance or a parole to offenders who show good conduct, diligence, progress in education and work, the Department of Corrections also takes into account of their criminal behavior, type of offence, severity of cases and previous offence under Section 52 of the Corrections Act B.E. 2560 (2017) attached hereto as Annex 4 .
		C. Strengthen measures for the reintegration of offenders (art. 30, para. 10).	Y	The Department of Corrections established the Center for Assistance to Reintegration and Employment (CARE) to provide job opportunities for offenders who are released from a prison. The Department of Corrections also launched rehabilitation and pre-release programs with a collaborative effort from experts and therapists to provide social reintegration necessities including mental powerment, money management, career guidance, family reintegration and after-release support etc.

				The provision of welfare for offenders is subject to Section 40 of the Probation Act B.E. 2559 (2016) attached herewith as Annex 5 . Moreover, the Department of probation has effective measures for the reintegration of offenders such as community based probation centers, medical fee support, food allowance, living support, and etc.
20.	<p><i>31: Freezing, Seizure and Confiscation</i></p> <p>1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:</p> <p>(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which responds to that of such proceeds;</p> <p>(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.</p> <p>2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.</p> <p>3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.</p> <p>4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.</p> <p>5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.</p> <p>6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.</p> <p>...</p>	<p>A. Strengthen administration of frozen, seized or confiscated property (art. 31, para. 3).</p> <p>B. Establish the conviction-based confiscation of proceeds of crime that have been transformed or converted into other property in cases other than confiscation under the AMLA; and the confiscation of proceeds of crime that have been intermingled with property acquired from legitimate sources in cases other than forfeiture under the OACC (art. 31, paras. 4 and 5).</p> <p>C. Establish, under the Criminal Code, the confiscation of income or benefits derived from proceeds of crime, even if they have been transformed or converted, or from property with which such proceeds have been intermingled (art. 31, para. 6).</p> <p>D. Thailand may wish to establish rebuttable presumptions also in proceedings other than forfeiture under the OACC (art. 31, para. 8)</p>	Y	<p>Addressed in Sections 69, 83, 84 and 85 of the Organic Act on Anti-Corruption Act 2018 (OAAC) attached hereto as Annex 1. In doing so, the NACC established the Regulations on the Retention and Management of the Seized or Confiscated Property under the OAAC B.E.2562 (2019).</p> <p>The retention and management of the asset seized or frozen by an order of the Transaction Committee or the Secretary-General or the Court addressed in Section 57 of AMLA attached hereto as Annex 2.</p> <p>the definition of asset related to the commission of an offense which include money or asset obtained from the sale, distribution, or transfer in any manner, interests from money or asset obtained from an act which is predicate offense addressed in Section 3 of AMLA attached hereto as Annex 2.</p> <p>The Transaction Committee of AMLO shall have the power to order a provisional seizure or freezing of assets when there is a reasonable ground to believe that such assets may be transferred, distributed, moved, concealed or hidden. Then the petition filed by the public prosecutor submitted to Court and the application of the person claiming to be the owner or transferee is not tenable, the Court shall give an order that the asset be vested in the State which are stated in Sections 48 para 1 and 51 para 1 of AMLA attached hereto as Annex 2.</p>

	<p>8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.</p>			
21.	<p>32: Protection of witnesses, experts and victims</p> <p>1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.</p> <p>...</p> <p>3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.</p> <p>...</p> <p>5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.</p>	<p>Strengthen witness protection measures, consider concluding agreements for international relocation, and enable the views and concerns of victims to be presented also when a victim does not act as witness (art. 32, paras. 1, 3, 5).</p>	N	
22.	<p>33: Protection of Reporting Persons</p> <p>Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.</p>	<p>Consider strengthening measures to protect reporting persons (art. 33).</p>	Y	<p>To strengthen the protection of reporting persons, the NACC signed the Memorandums of Agreement with relevant agencies including the Royal Thai Police and the Rights and Liberties Department, Ministry of Justice on 19 July 2013 and 19 April 2022 respectively.</p>

23.	<p><i>34. Consequences of acts of corruption</i></p> <p><i>With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.</i></p>	Strengthen measures to address the consequences of corruption (art. 34).	Y	The consequences of corruption could be addressed under Sections 82 - 84 of the Organic Act on Anti-Corruption Act 2018 (OAC) attached hereto as Annex 1.
24.	<p><i>37: Cooperation with Law Enforcement Authorities</i></p> <p><i>1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.</i></p> <p><i>2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.</i></p> <p><i>3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.</i></p> <p>...</p> <p><i>5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.</i></p>	A. Take further measures to encourage offenders to collaborate with justice; and consider mitigating punishment of collaborators with justice in corruption cases (art. 37, paras. 1 and 2).	Y	The encouragement of offenders to collaborate with justice is addressed in Sections 134 and 135 of the Organic Act on Anti-Corruption Act 2018 (OAC) attached hereto as Annex 1.
		B. Consider granting immunity from prosecution to collaborators with justice also in cases not involving state officials, or when state officials are not being prosecuted (art. 37, para. 3).	N	
		C. Consider concluding agreements concerning collaborators with justice at the international level (art. 37, para. 5).	N	

25.	<p><i>38: Cooperation between national authorities</i></p> <p><i>Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:</i></p> <p><i>(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or</i></p> <p><i>(b) Providing, upon request, to the latter authorities all necessary information.</i></p>	<p>Further strengthen cooperation between its public authorities and its authorities responsible for investigating and prosecuting criminal offences (art. 38).</p>	Y	<p>In terms of investigation, the NACC has continuously strengthened cooperation with corruption investigative agencies including the Royal Thai Police, the Anti-Corruption Division Police, the Department of Provincial Administration, and the Office of Public Sector Anti-Corruption Commission in order to provide capacity building training, exchange of intelligence, coordinate and conduct a joint investigation and arrest. Regarding the prosecution of criminal offenses, the NACC is in close cooperation with the Office of Attorney-General, the responsible authority for the prosecution of corruption cases.</p>
26.	<p><i>41: Criminal Record</i></p> <p><i>Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.</i></p>	<p>Thailand may wish to take previous convictions in another State into consideration in criminal proceedings (art. 41).</p>	N	
27.	<p><i>42: Jurisdiction</i></p> <p><i>1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:</i></p> <p><i>(a) The offence is committed in the territory of that State Party; or</i></p> <p><i>(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.</i></p> <p><i>2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:</i></p>	<p>A. Thailand may wish to establish its jurisdiction over all corruption offences committed by nationals or stateless persons who have their habitual residence in Thailand; against a national or against the State; without requiring a prior request for punishment (art. 42, paras 2 (a), (b) and (d)); or when the alleged offender is present in its territory and it does not extradite him solely because he is a national (art. 42, para. 3); or over corruption offences other than money-laundering when the alleged offender is present in its territory and it does not extradite him (art. 42, para. 4).</p>	N	

	<p>(a) The offence is committed against a national of that State Party; or</p> <p>(b) The offence is committed by a national of that State Party of a stateless person who has his or her habitual residence in its territory; or</p> <p>(c) The offence is one of those established in accordance with article 23, paragraph 1(b)(ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph 1(a)(i) or (ii) or (b)(i), of this Convention within its territory; or</p> <p>(d) The offence is committed against the State Party.</p> <p>3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.</p> <p>4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.</p> <p>5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.</p>	<p>B. Thailand is encouraged to continue consulting with other States parties also exercising their jurisdiction with a view to coordinating actions (art. 42, para. 5).</p>		
<p>UNCAC Chapter IV. International cooperation</p>				
<p>28.</p>	<p>44. Extradition</p> <p>1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the</p>	<p>A. Thailand may wish to grant the extradition for offences that are not punishable under its own domestic law (art. 44, para. 2).</p> <p>B. Endeavour to expedite extradition procedures and simplify evidentiary requirements relating thereto (art. 44, para. 9).</p>		

	<p><i>domestic law of both the requesting State Party and the requested State Party.</i></p> <p><i>2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.</i></p> <p>...</p> <p><i>9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.</i></p> <p>...</p> <p><i>11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.</i></p> <p>...</p> <p><i>15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.</i></p> <p>...</p>	<p>C. Review its legislation to make mandatory the principle aut dedere aut judicare (art. 44, para. 11).</p>		
		<p>D. Include in its legislation the discriminatory purpose of the request, among the grounds for refusing extradition (art. 44, para. 15).</p>		
<p>29.</p>	<p>46. Mutual legal assistance</p> <p><i>1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.</i></p> <p>...</p>	<p>A. Take the necessary measures to allow for the recovery of assets (art. 46, subpara. 3 (k)).</p>		
		<p>B. Thailand may wish to spontaneously transmit information also in the context of mutual legal assistance (art. 46, para. 4).</p>	<p>Y</p>	<p>The transmission of information in the context of mutual legal assistance was</p>

<p>3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:</p> <p>...</p> <p>(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention....</p> <p>4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.</p> <p>...</p> <p>9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;</p> <p>(b) State Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature of matters for which the cooperation or assistance sought is available under other provisions of this Convention;</p> <p>(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.</p> <p>...</p> <p>13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall</p>			enacted in Section 138 attached hereto as Annex 1.	
	C. Provide, in the absence of dual criminality, mutual legal assistance that does not involve coercive action; Thailand may wish to also provide a wider scope of assistance (art. 46, para. 9).			
	D. Notify the Secretary-General of the United Nations of the central authority and acceptable languages for mutual legal assistance (art. 46, paras. 13 and 14).	Y		The NACC has already notified the Secretary-General of the UN of the central authority and acceptable languages for mutual legal assistance in 2020. Please find the information of the Thailand Central Authority and acceptable languages on the Competent National Authorities Directory.
	E. Thailand may wish to accept oral requests; assess whether allowing for direct communication between central authorities outside of the scope of mutual legal assistance treaties and INTERPOL would facilitate cooperation (art. 46, paras. 13 and 14).			
	F. Provide for the disclosure of exculpatory information or evidence in proceedings other than those stated in the request (art. 46, para. 19).			
	G. For legal certainty, establish a provision ensuring the confidentiality of incoming requests for mutual legal assistance (art. 46, para. 20).			
	H. Although consultations are held as a matter of practice before assistance is refused or postponed, it is recommended that Thailand specify the matter in its domestic law or procedure (art. 46, para. 26).			

encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

*...
19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.*

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of

	<p>confidentiality, it shall promptly inform the requesting State Party.</p> <p>21. Mutual legal assistance may be refused:</p> <p>(a) If the request is not made in conformity with the provisions of this article;</p> <p>(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;</p> <p>(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;</p> <p>(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.</p> <p>...</p> <p>25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.</p> <p>26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.</p> <p>...</p>			
30.	<p>47. Transfer of criminal proceedings</p> <p>States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.</p>	<p>Consider establishing a procedural framework for the transfer of criminal proceedings (art. 47).</p>	Y	<p>The transfer of criminal proceedings is addressed in Section 139 of the Organic Act on Anti-Corruption Act 2018 (OAAC) attached hereto as Annex 1.</p>
31.	<p>48. Law enforcement cooperation</p> <p>1. States Parties shall cooperate closely with one another, consistent with</p>	<p>Thailand is encouraged to strengthen law enforcement cooperation, including through the exchange of personnel (art. 48, para. 1 (e)).</p>	Y	<p>The law enforcement cooperation is enacted in Section 138 of the OAAC attached hereto as Annex 1.</p>

	<p><i>their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:</i></p> <p>...</p> <p><i>(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;</i></p> <p>...</p>			
32.	<p>49. Joint investigations</p> <p><i>State Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully accepted.</i></p>	<p>Consider concluding agreements or arrangements to allow for the establishment of joint investigative bodies (art. 49).</p>	<p>N</p>	

<p>33.</p>	<p><i>50. Special investigative techniques</i></p> <p><i>1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.</i></p> <p><i>2. For the purposes of investigating offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.</i></p>	<p>For legal certainty, review its legislation to explicitly allow the use of special investigative techniques in corruption cases, and establish the admissibility of evidence derived therefrom. Thailand may wish to include the international use of special investigative techniques in such reforms (art. 50).</p>	<p>N</p>	<p>The NACC is in consideration to propose a draft bill of allowing the use of special investigative techniques in corruption cases and the admissibility of evidence derived therefrom.</p>
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Remarks from NACC : In some Articles, the information regarding the legislation and measures taken from two related agencies which are the Rights and Liberties Protection Department of Ministry of Justice and the Office of the Attorney General is not available in this review and it will be available by September 30, 2023.

For details on Thailand's UNCAC reviews, please refer to:

<https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Ftha.html>

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