



Guidelines on Prevention of Corruption during the Covid-19 Pandemic

For the Anti-Corruption Commission of Myanmar, Corruption Prevention Units, private sector, Civil Service Organizations, media and the general public

The World Health organization (WHO) announced that the outbreak on the coronavirus disease 2019 (COVID-19) is a pandemic on 11 March 2020. The COVID-19 outbreak reached Myanmar on 23 March 2020. On 30 March 2020 President Office issued the Notification No. 53/2020 on Formation of “Coronavirus Disease 2019 (COVID-19) Control and Emergency Response Committee” (The Committee), in order to prevent the spread of the infections in Myanmar. Ministry of Health and Sports is issuing instructions and guidelines for the health awareness of general public, government offices, private sector as well as specific guidelines for some industries. Regular tracking of the number of infections and other related information is being published on the webpage and the Facebook page of the Ministry of Health and Sports on the daily basis.

Transparency, accountability and integrity of the public sector are of the utmost importance for preventing corruption during the Covid-19 pandemic. Covid-19 pandemic seriously increases risks of corruption, bribery and fraud in the public and private sector.

These risks might be linked to simplified procurement system; bribery in provision of medical services; unfair/imbalanced distribution of relief measures and aid; fraud related to the falsified medicines protective equipment (i.e. masks, gloves, etc.); low quality of medical equipment due to the lack of monitoring and oversight of simplified procurement processes, etc.

This guideline has been prepared to support Anti-Corruption Commission of Myanmar, Corruption Prevention Units, private sector, Civil Service Organizations, media and general public in enhancing ethics and integrity during and after the health crisis.

The key objective of the guidelines is to identify the most probable Covid-19 related corruption risks, in order to mitigate those risks, prevent corruption, bribery and fraud and enhance integrity of public sector in Myanmar during and after the Covid-19 pandemic.

This is a living document that can be updated as the situation evolves.

For the safety of the Anti-Corruption Commission of Myanmar, members of the Corruption Prevention Units and other employees from public and private sector, the instructions and the guidelines issued by the Ministry of Health and Sports and Government of Myanmar should be strictly followed.

10 Rules on How to Prevent Covid-19 related Corruption Risks and Enhance Integrity

Rule 1: Enhance the integrity and accountability of public sector

COVID-19 calls for immediate action. This objective has led to simplified procurement and other financial procedures, including approval of loans and distribution of other relief measures, so as to speed up the processes that might save life of millions of people and also prevent thousands of families from starving and losing their homes due to the pandemic.

Governmental institutions should strictly follow public procurement and financial standards in accordance with the relevant laws and procedures, even for ad hoc procurement and other simplified financial processes during the pandemic. The simplified procurement processes should be in place only during the pandemic and the regular processes should be implemented again as soon as possible after the pandemic ends.

Rule 2: Public sector decisions and policies on Covid-19 related relief measures should be transparent and available to public.

Public sector departments and ministries decisions on Covid-19 related response policies and allocation of relief measures should be transparent and available to public, including the transparent allocation of relief funds to citizens, companies and industries that are most affected, as well as the allocation of funds and procurement in the health sector.

Decisions related to relief measures at Union, State and Region level should be transparent and subject to regular oversight and monitoring during and after the pandemic.

Rule 3: Ensure accountability and transparency in decision making

Public officials should not misuse their position in order to provide undue benefit to the people or organizations who are not entitled to get it, including their friends, families and people who might offer or pay bribe in exchange for aid, loans, medical service or other types of relief measures.

Public officials should not request or take bribe and citizens should not offer or give bribe in order to obtain an undue advantage, for example to get the medicine, medical service, protective equipment, jump the line for a rescue flight ticket, to avoid the quarantine rules, to get a visa contrary to governmental rules, etc.



Rule 4: Avoid conflict of interest in decision making

High-level officials and other decision makers should avoid the risk of conflict of interest and even the risk of appearance of conflict of interest.

In such situations, they should exclude themselves from the decision-making processes, for example for distribution of relief aid or other benefits for family members, friends or other people with whom they have very close political, business or personal contacts.

Rule 5: Ensure clear and transparent procedures for the distribution of relief measures for private sector

The private sector is facing increased corruption risks during the Covid-19 pandemic. These risks might include paying bribe to speed up administrative processes that are delayed due to the lack of staff or cancellation of regular administrative procedures, falsification of documents to meet the conditions of relief measures, requests for donations in order to speed up the administrative procedures, etc.

The economic relief packages for private sector should be allocated in a transparent manner. Clear rules on preconditions for entitlement of these measures should be prepared in advance and publicly available. Both the Government and the business should act with integrity and accountability in relation to the justified delivery and receipt of economic relief measures related to pandemic.

In order to prevent corruption in private sector, the Anti-Corruption Commission Notification No. 14/2018 on Fundamental principles for businesses to develop a strong Code of ethics and establish appropriate internal control measures to prevent corruption should be followed by businesses in Myanmar.

Rule 6: Reduce opportunities for bribery in administration

Corruption risks in the public sector might increase due to the lack of internal audit and other oversight mechanisms during the pandemic. If possible, there should be more than one person involved into the decision making in administrative procedures in order to decrease the risk of discretionary powers and abuse of power during the pandemic.

Enhancing of e-government administrative processes including e-signatures might significantly strengthen the oversight and therefore decrease risk of bribery and corruption. Digital platforms including webpages with information on distribution and status of economic relief measures might significantly reduce the corruption risks and protect the rule of law.



Rule 7: Keep the records on all the procedures and procurement

Proper bookkeeping for procured equipment and for international and humanitarian aid should be enhanced. All the decisions, including on financial transactions, must be properly recorded, documented and stored in writing, including details and financial justifications. The governmental departments should assure that this documentation will be easily accessed in for audit and related purposes, also after the end of pandemic.



Rule 8: Protect the most vulnerable health sector

Health sector might be most vulnerable to bribery, fraud and corruption during the Covid-19 pandemic. There are different types corruption in health sector related to pandemic – from bribery and facilitation payments to the overburdened medical personnel in order to get faster access to medical facilities, test or to avoid quarantine rules, fraud related to fake, falsified or substandard health care products and medicines, corruption and conflict of interest related to research and development of new drugs and vaccine, to fraud related to fake or overpriced urgent protective equipment (i.e. masks, gloves, etc.); low quality of medical equipment due to the lack of monitoring and oversight of simplified procurement processes, etc.

All these factors might seriously increase risk of corruption, bribery and fraud in health sector during the pandemic, cause the huge loss of state and public funds and decrease the possibility that people in real need will get the appropriate medical help, equipment and drugs in a timely manner. Oversight and monitoring mechanisms should be implemented in relation to all these processes in order to identify and mitigate corruption risks in the hospitals and other medical institutions during the pandemic. Furthermore, particular protection measures for whistleblowers in health sector should be put in place.

Rule 9: Strengthen whistleblower protection

One of the most effective ways for detection of corruption during the pandemic is the enhancement of safe lines of reporting corruption in public and private sector. There are various options for the Government departments, ministries, CPUs, hospitals, law enforcement agencies, private companies and other institutions to establish safe corruption reporting channels. For example, institution could set up an ordinary post boxes and assure that staff, patients, representatives of private sector, CSOs representatives and other citizens can safely report corruption.

Rule 10: Strengthen the monitoring, audit and oversight mechanisms

The public institutions might be focused to saving people's lives and the legislative, judiciary and law enforcement institutions might be facing lack of resources during the health safety related work restrictions and orders during the pandemic. Some public institutions might be closed, the law enforcement and judicial procedures might be delayed and investigators and the police might not be able to work on field as in normal times due to the health safety orders during the pandemic.

Internal and external audit, monitoring and oversight should be performed during the crisis to the most possible extend, and strengthen immediately after the pandemic ends.

The role of civil monitoring mechanisms and media is of utmost importance for monitoring integrity and accountability of Covid-19 measures related decision making during the pandemic. Particularly the CSOs that are involved in the delivery of aid to the poorest families in Myanmar states and regions should remain alert and look out for any wrongdoing and bribery in relation to delivery of aid.

Some key UNCAC articles related to the COVID-19 response	
<i>Under the United Nations Convention against Corruption (UNCAC), each State party shall:</i>	
Article 5 (3) Endeavor to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption	
Article 9 (2) Take appropriate measures to promote transparency and accountability in the management of public finances [which] shall encompass, inter alia: (c) A system of accounting and auditing standards, and related oversight; (d) Effective and efficient systems of risk management and internal control	
Article 10 (b) Take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia: (b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision- making authorities	
Article 13 (1) Take appropriate measures /.../ to promote the active participation of individuals and groups outside the public sector /.../ by such measures as: (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes; (b) Ensuring that the public has effective access to information	



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