National Key Result Areas
NKRA AGAINST CORRUPTION

MONITOR

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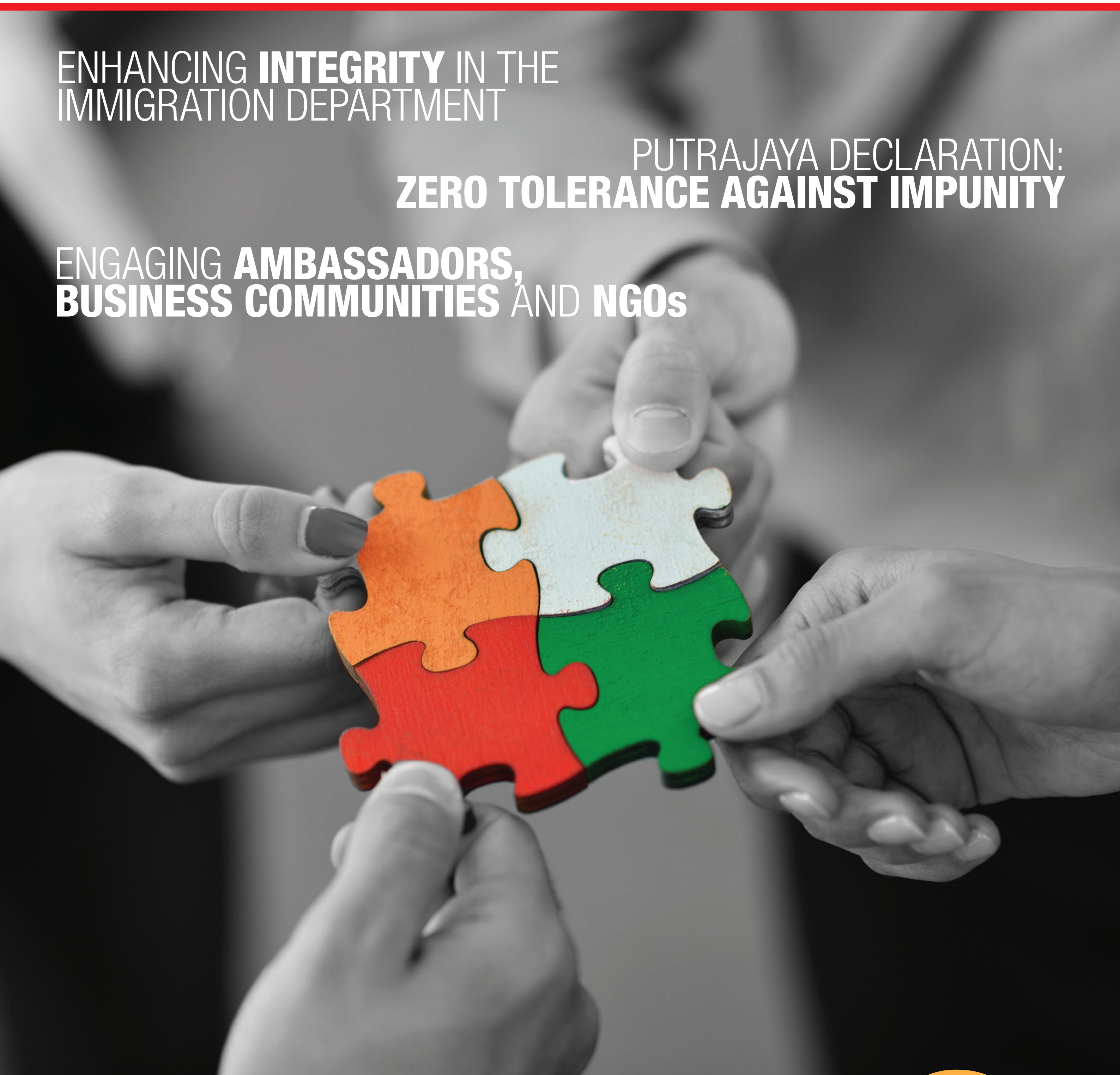
ENHANCING **INTEGRITY** IN THE IMMIGRATION DEPARTMENT

PUTRAJAYA DECLARATION: **ZERO TOLERANCE AGAINST IMPUNITY**

ENGAGING **AMBASSADORS, BUSINESS COMMUNITIES** AND **NGOs**



Integrity & Governance Division (NKRA Against Corruption)
Aras 4, Blok D5, Kompleks D, Pusat Pentadbiran Kerajaan Persekutuan, 62007 Putrajaya
Tel: +603-8886 6108 / +603-8886 6235 Fax: +603-8889 2130
www.nkracorruption.gov.my

ANTI-CORRUPTION HOTLINE
1-800-88-6000

ENHANCING **INTEGRITY** IN THE

Introduced under the Government Transformation Programme (GTP 1.0) the Integrity Unit, later upgraded under the GTP 2.0 into a full-fledged department at the Immigration Department of Malaysia, endeavours to create responsible, professional, efficient and dedicated personnel who will always uphold integrity and noble values as entrenched in the department's Code of Conduct and Ethics.

Helmed by Malaysian Anti-Corruption Commission Senior Assistant Commissioner Ab. Muniem Ibrahim, the Integrity Division ensures the staff force always employ the highest degree of corporate governance, transparency and integrity in discharging their duty and responsibilities as immigration officers.

Towards this end, the division has Integrity Officers placed in all the state immigration offices to assist the division in carrying out its functions. These Certified Integrity Officers (CeIOs) who received their training at the Malaysia Anti-Corruption Academy examine the work processes and procedures at their respective state office for any weakness or loophole that could allow an opportunity for corruption, abuse of power and poor administration.

They then submit their findings, proposals and recommendations to improve any shortcoming and reduce bureaucracy, enhance integrity, and promote transparency.

The Integrity Division works closely with the Malaysian Institute of Integrity in conducting integrity enhancement courses aimed to inculcate a culture of integrity and noble values in the Immigration Department.

Other awareness campaigns to boost understanding and commitment include:

1. Roundtable discussions between Integrity Officers and front line officers to identify current issues on the ground.

2. Character Enhancement Programme for wayward officers known to have disciplinary problems and integrity issues.

3. Official Appreciation Ceremony for any immigration officer who reports an attempt to bribe him/her.

4. Revising the Standard Operating Procedure for the implementation of tasks involving core areas in the Malaysian Immigration Department.

Whistleblower Protection Act Workshop conducted at the Immigration Department's headquarters in Putrajaya.

MACC Senior Assistant Commissioner Ab. Muniem Ibrahim heads the Immigration Department's Integrity Division.

The Integrity Division encourages members of the public to file a complaint if they encounter any instances of misconduct, abuse of power and corruption involving Malaysian Immigration Department officers.

The division maintains a comprehensive complaint management record that is systematic, efficient, responsive and effective. It protects the informer's identity and keeps the information confidential as required under the Whistleblower Protection Act.

Once an informer files a complaint of criminal misconduct or breach in the Code of Conduct and Ethics on the part of an immigration officer, the division stars gathering information and carry out a character profiling of the staff involved. In the case of a criminal act, once proven, the wrongdoer is surrendered to the relevant enforcement agency such as the police or the Malaysian Anti-Corruption Commission for further action.

IMMIGRATION DEPARTMENT

The public can rest assure that every complaint, no matter how trivial, will be promptly and thoroughly investigated by the Integrity Division.

To keep staff – especially the front liners – on their toes, the division monitors and carries out regular spot checks, including installing closed-circuit television (CCTV) cameras at immigration checkpoints deemed as high risk areas or ‘hot spots’ for corruption. In addition to eliminating the opportunity for graft the surprise checks and CCTVs also ensures that immigration personnel are free from drug abuse.

As the secretariat for the Disciplinary Board, the Integrity Division conducts disciplinary proceedings and organises Discipline Management Workshops for the officers tasked to carry out these proceedings. It is also responsible for all matters pertaining to the Department’s Committee on Integrity Governance (JKTU).

The marked decline in disciplinary actions taken against errant officers is testament of the Integrity Division’s effectiveness. For immigration officers in the field, increasing awareness of a ‘hidden eye’ constantly watching over their shoulders is a great deterrent against succumbing to corrupt practices. Admittedly, stamping out corruption in the Immigration Department is not without its challenges. On the one hand, the generally low wages of immigration officers coupled with a work environment that exposes one to numerous opportunities to make ‘easy money’ have led many a financially strapped immigration officer to fall into temptation and turned rogue. While on the other, those officers who steadfastly hold onto their principle feel they have been unjustly treated and discriminated against in the wake of a recent directive that prevents them from carrying out their duty in checking inbound tourists at entry points across the nation.

They feel the media has blown department’s integrity problem out of proportion. They feel the management does not lend support nor appreciate their effort and sacrifice. They feel let down.

Integrity Seminar conducted in Johor for immigration officers in the South Zone.

Integrity Enhancement Workshop for immigration officers stationed at the Malaysia-Thailand border.

Integrity Seminar for immigration officers in Sabah and Sarawak.

PUTRAJAYA DECLARATION: ZERO TOLERANCE AGAINST IMPUNITY


Speakers for the closing ceremony (from left) Datuk Akhbar Satar, TI-Malaysia President, Akere Muna, Chair of IACC Council, Datuk Seri Abdul Wahid Omar, Minister in the Prime Minister's Department, Datuk Mustafar Ali, MACC Deputy Chief Commissioner (Prevention).

The 16th International Anti-Corruption Conference (IACC) held at the Putrajaya International Convention Centre ended with a joint declaration by participants to adopt a zero tolerance policy against impunity in the fight against corruption. "We declare the need for numerous actions to prevent corruption, to stop corruption, to make sure corrupt acts are not repeated and to ensure the corrupt not only feel the full force of the law, but fully repay their debts to the society," the declaration stated.

"In Brasilia (where the IACC was last held, in 2012), we said it was up to us to send a clear message: We are watching those who act with impunity and we will ensure that they don't get away with it," it went on.

The declaration further added that after three days of constructive debates at the conference, the delegates are committed to working together to stop "the rapid spread of corruption" for "together we have the power to bring impunity to an end."

It takes courage and collective action to ensure that those with power who commit crimes are brought to justice.

"People in government, civil society, the private sector, young people and social innovators must come together to build innovative anti-corruption strategy, embrace transparency and suggest accountable solutions to end impunity.

"If the powerful and corrupt are allowed to escape justice, we fear the collapse of the rule of law and the ultimate disintegration of society. We risk losing the fight against corruption. We need a culture of integrity in all sectors of society to achieve sustained, positive change."

The Putrajaya Declaration called for people with integrity to take action together "against impunity". There is no either-or relationshipbetween systemic reforms and no impunity. "A lack of reform will only encourage the corrupt," the document concluded.

More than 1,200 delegates from over 130 countries took part in the conference. Participants were focused on


IACC Young Journalists Hélder Xavier from Mozambique (left) and Anna Day from USA reciting the Putrajaya Declaration.

Datuk Akhbar Satar, Akere Muna, Datuk Seri Abdul Wahid Omar, Minister in the Prime Minister's Department, Datuk Mustafar Ali, and Elena Panfilova, Vice-Chair of Transparency International.

the many ways people can act together to ensure integrity and stop corruption. Among recommendations included in a say that "no stones will be left unturned in the effort to recover ill-gotten assets however it is stashed away."

The participants urged countries to impose travel restrictions on individuals suspected of corruption so that the corrupt cannot easily travel to expand their illegal activities, as well as buying luxury goods and investing in real estate.

Professionals such as bankers, lawyers, real estate agents and accountants who fail to exercise adequate due diligence, thus allowing the movement of illicit funds across borders must be sanctioned.

The corrupt hide their money in anonymous shell companies. Countries should emulate the G20 and European Union nations in enacting laws requiring corporation to keep a public registry that sheds light on their beneficial owners. Such registry should be instantly accessible to law enforcement agencies to facilitate crackdown on corruption and money laundering.

Banks, via their financial intelligence units, should make every effort to comply with anti-money laundering laws and prevent money laundering from flourishing, while

IACC delegates at the closing ceremony.

other sectors such as the accountancy and the legal professions should stop facilitating corruptors.

The open tender system should become a key feature in all governments procurement contracts in order to ensure value for money, citizens are able to participate in the decision making process, and allow fair competition for business.

Grand corruption should become a crime of international law. This will enable international institutions and alliances to prosecute offenders, as well as develop additional international mechanisms to apprehend, prosecute, judge, and sentence those who have committed crimes of grand corruption.

Conference delegates also called for the full independence and autonomy of all anti-corruption authorities.

On the memorable evening of 4th October 2015, the Minister at the Prime Minister's Department, Datuk Seri Abdul Wahid Omar officiated the closing of the 16th IACC followed by the montage announcing Panama as the host for the 17th IACC 2016.

ENGAGING **AMBASSADORS, BUSINESS COMMUNITIES** AND **NGOs**

When the Government of Malaysia decided to make the Corruption Perception Index (CPI) the main National Key Performance Indicator (NKPI) in 2009, the NKRA Against Corruption Delivery Management Office (DMO) was well aware of the burden and challenges that lay ahead.

"Fighting the perception of corruption is tougher than the fight against corruption itself. The effort can be regarded as a 'mission impossible' of sort as we had no control of the survey nor do we know when it was conducted and who they had approached in the survey," NKRA Regulatory and Enforcement Sector Head, Puan Shuhairoz Mohamed Shukeri, said.

The CPI comprises a pool of various constituent surveys conducted by Berlin based Transparency International the respondents of which are foreign businesspersons in the respective countries under the survey.

"To qualify for CPI ranking, a country would normally require three constituent surveys done; but for Malaysia there were always more than five surveys," Shuhairoz said, "the only way to improve the CPI is to improve the perception of corruption among the foreigners and to communicate to them on the government's effort in combating corruption in Malaysia," she added.

Malaysia's CPI score plummeted to 4.3 with a ranking of 60 in 2011 – the worst in the country's CPI history. Subsequently, the NKRA Against Corruption introduced their anti-corruption initiatives under the Government Transformation Program (GTP) at a Luncheon Talk hosted especially for foreign ambassadors and foreign chambers of commerce. The event also saw the launch of the Whistleblower Protection Act 2010, one of the BIG WINS initiatives under GTP 1.0

Moving forward, NKRA Against Corruption held separate Round Table Discussions (RTDs) with key foreign business communities to get their input with a view to fine-tune the implementation of several related initiatives. It engaged the American Malaysia Chamber of Commerce (AMCHAM), Malaysia

NKRA Regulatory and Enforcement Sector Head, Puan Shuhairoz Mohamed Shukeri

German Chamber of Commerce (MGCC) and EU Malaysia Chamber of Commerce and Industry (EUMCCI), amongst others "From the 2011 CPI result, Transparency International Malaysia Chapter was of the opinion that Malaysia was on the right tract; but one constituent survey – the Bribe Payers Index (BPI) – brought our marks down," Shuhairoz added.

The BPI survey revealed that some Malaysian businessmen were not averse to bribing their way in order to ease their business abroad. Taking the 2011 CPI result as a lesson learned, PEMANDU conducted a lab in 2012 to devise the next phase namely the GTP 2.0. While GTP 1.0 addressed BIG Fast Results (BFR) and 'mission impossible', GTP 2.0 focuses on prevention strategy, public support and education.

To counter the BPI findings, NKRA Against Corruption poured through the United Kingdom Bribery Act 2010 and the United States Foreign Corrupt Practices Act 1977 before proposing an amendment to the Malaysian Anti Corruption Commission Act 2009 to include a Corporate Liability Clause. The Corporate Liability Clause would make a company liable for any corrupt act directly or indirectly perpetrated by its employees in the furtherance of its business interest.

In 2013, the NKRA Against Corruption conducted an awareness campaign targeting the business and corporate sectors. It organised a Corporate Liability Law seminar with the business and legal communities in attendance. The speakers at the seminar included representatives from the Organisation for economic Co-operation and Development (OECD), Australian Federal Police, UK Department of Justice, and Malaysian Deputy Solicitor General.

"Under GTP 2.0 the NKRA Against Corruption has been sharing Malaysia's anti-corruption initiatives with other countries at various international platforms. Conversely, we are also learning from their best practices," said Shuhairoz.

In 2011, the NKRA Regulatory and Enforcement Sector Head participated in the fourth INTACT COP Group Meeting in Kathmandu, Nepal. The following year Shuhairoz attended the International Bar Association Conference in Jakarta, Indonesia. She was involved in the APEC ACTWG Workshop held in Medan, Indonesia in 2013. Last year the Government of Bhutan invited her to assist and facilitate the kingdom's Transformation Program.

In its effort to disseminate information and enhance awareness on the GTP initiatives, NKRA Against Corruption have held numerous roundtable discussion (RTDs) and dialogues explaining to the related communities how these initiatives would affect them. It has also collaborated with local and international non-governmental organisations (NGOs) such as the Malaysian Institute of Corporate Governance (MICG), Transparency International – Malaysia, United Nation Development Programme (UNDP), and Ethix Base from Singapore.

There is no silver bullet in fighting corruption as every country has its own formula and methods. By engaging and collaborating with many organisations especially the foreign entities, we learn from them as much as they do from us. We get to cherry-pick from comprehensive menu of best practices in anti-corruption initiatives as well as sending the message across that we are serious in our effort in the combat against corruption. "We are not only fighting corruption, we are also battling against the perception of corruption," Shuhairoz said.