

G20 Anti-Corruption Working Group
Accountability Report Questionnaire 2014



SUMMARY OF NATIONAL PROGRESS

1. Please identify up to three anti-corruption measures or initiatives that your country has under development, introduced or implemented since the publication of the last monitoring report. As these items may be highlighted in the accountability report, please provide a short description of them (maximum 150 words).

1- Invited the United Nation Office on drugs and crime (UNODC) to cooperate with the Ministry of interior to held a workshop about the Mechanism of the Mutual legal assistance.
2- Formation a legal experts group to answer the self-assessment checklist (SACL) of the UNCAC, from the related governmental entities, privet sector as well as the civil society.
3- Invited the UNODC to held a workshop about the review process as a country under review as well as reviewers.

UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

2. Has your country ratified the UNCAC?

YES NO

If no, is there a process underway to ratify the Convention?

3. Has your country begun the UNCAC peer review process as a country under review?

YES NO

If yes, please indicate what stage of review your country has completed and the date.

Saudi Arabia still under processing, the SACL will be submitted by the first of August.

4. If yes, has your country made use of any of the UNCAC peer review voluntary options, or committed to do so (if the review is not already started)?

- a. Publication of full report YES NO COMMITTED TO DO SO
- b. Involvement of civil society YES NO COMMITTED TO DO SO

c. Involvement of business YES NO COMMITTED TO DO SO

d. Allowing country visits YES NO COMMITTED TO DO SO

If yes, please provide details (e.g., Web link for published report, how and when civil society / business was engaged during the review process, date of country visit)

- Our report has not published yet.
- As soon as choosing Saudi Arabia to be reviewed , a group has been appointed, and both civil society and business were engaged since the beginning.

5. Has your country taken steps to respond to recommendations identified in its UNCAC peer review report?

YES YES TO SOME NO NOT YET RECEIVED THE REPORT

If yes, please indicate what steps your country has taken / is taking.

6. If you have responded to all or some of the recommendations, have you made those responses publicly available?

YES NO NOT YET

7. Has your country taken measures to promote, facilitate and support technical assistance in the prevention of and fight against corruption?

If yes, please provide a short overview indicating in which regions and topics you have provided technical assistance.

BRIBERY

Note - questions relating to implementation of the *G20 Principles on the Enforcement of the Foreign Bribery Offence* endorsed by Leaders in 2013 and the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* are included in a separate questionnaire. The questions below concern other aspects of bribery not covered by this set of principles.

8. Is your government collaborating with the private sector to identify measures that are effective in changing the behaviour of bribe payers?

YES NO

If yes, please provide details

The National Anti-Corruption Commission conducts through specialized departments, the following:
Researches and studies to identify measures that are effective in changing the behaviour of bribe payers.
Meeting with representatives of chambers of Commerce and industry to enhance transparency and integrity in the public sector.
Workshop with business people to get their views on financial and commercial laws and regulations

9. Has your country criminalized the domestic offer or payment of bribes (active bribery)?

YES NO

10. Has your country criminalized the domestic solicitation or acceptance of bribes (passive bribery)?

YES NO

11. If no, is your country taking steps to criminalize active and/or passive bribery?

YES NO

If yes, please provide details.

12. Has your country instituted measures to discourage the solicitation of bribes?

YES NO

If yes, please provide details.

A sector established in The National Anti-Corruption Commission to protect integrity and discourage the solicitation of bribes or facilitation payments, through specialized departments in the following:

- a. Pursue implementation of the National Strategy for Protecting Integrity and

Combating Corruption with all public and private organizations in accordance with paragraph (4) article three of Statute of the National Anti-Corruption Commission.

- b. Encourage public and private sectors to adopt plans and programs for protecting integrity and combating corruption, pursuing implementation and assessing results in accordance with paragraph (5) article three of Statute of the National Anti-Corruption Commission.
- c. Review business procedures of entities in all government agencies and companies which the state owns not less than 25% of their capital in accordance with paragraph (7) article three of Statute of the National Anti-Corruption Commission.
- d. Propose laws and policies necessary to prevent and combat corruption and periodically review relevant laws and regulations to determine their efficiency and work on their improvement in accordance with paragraph (8) article three of Statute of the National Anti-Corruption Commission.
- e. Pursue the level of compliance of entities under the Commissions jurisdictions with laws incriminating financial and administrative corruption, and promote accountability of each person, regardless of position in accordance with paragraph (10) article three of Statute of the National Anti-Corruption Commission.
- f. Pursue implementation of obligations relating to protecting integrity and combating corruption as provided for in international conventions to which the kingdom is party in accordance with paragraph (11) article three of Statute of the National Anti-Corruption Commission.
- g. Promote awareness on the concept of corruption and point out its dangers and effects as well as the importance of protecting integrity and raising self-monitoring and intolerance of corruption, and encourage civil society institutions and the media to cooperate and contribute thereto in accordance with paragraph (18) article three of Statute of the National Anti-Corruption Commission.
- h. Adoption of e-government initiatives, and most important of which:
 - ✓ The payments system (SAD AD), (payment of fees, fines and utility bills electronically) .
 - ✓ The exchange of information electronically project.

13. Does your country provide support for/work with business in resisting solicitation?

YES NO

If yes, please provide details.

In this respect, the Anti-Corruption Commission cooperate with the Council of Saudi Chambers to held workshops as well as seminars

15. Has your country instituted measures to discourage facilitation payments?

YES NO

If yes, please provide details.

Please, see the details of question No. 12.

ANTI-MONEY LAUNDERING

16. Since the last progress report, have changes to your country's anti-money laundering legislation been proposed or implemented?

YES NO

If yes, please provide details.

In this respect, Memorandums of Understanding have been signed between financial intelligence unit is Saudi Arabia with the identical unit on other countries.

17. Since the 2013 progress report, has your country taken any measures to implement the revised FATF standards on anti-money laundering?

YES NO

If yes, please provide details.

A new regulation has been issued in December 2013 (terrorism offenses and its financing Act) The revised FATF standards were taken into account during drafting this Act.

DENIAL OF ENTRY

18. Does your country have legislation, regulations or other powers to deny entry to foreign officials charged with or convicted of corruption?

YES NO

If yes, please provide details.

Mutual Legal Assistant Committee is responsible of receiving and processing requests to deny entry to foreign officials convicted of corruption in light of bilateral agreements and regional and international conventions.

If no, is such legislation under consideration?

YES NO

If yes, please provide details.

INTERNATIONAL COOPERATION

19. Is your country compliant with the High Level Principles on Mutual Legal Assistance?

YES NO

If your country is not yet compliant, are you taking steps to implement the Principles?

YES NO

If yes, please provide details.

20. Are you aware of your country having used the G20 Guide to Mutual Legal Assistance?

If yes, please provide details.

An institutional framework for MLA has been established in 2012.

21. Are you aware of non-G20 members having used the G20 Guide to Mutual Legal Assistance to request mutual assistance from your country?

If yes, please provide details.

22. Have any changes to your country's legislation related to international cooperation been proposed since the last progress report?

YES NO

If yes, please provide details.

Agreements between Saudi Arabia government and other governments have been signed in order to promote and enhance international cooperation in many aspects.

23. Has your country either used UNCAC, or stated that it will allow the use of UNCAC, as the treaty basis for mutual legal assistance (MLA) and/or extradition?

- a. Has used as the treaty basis for MLA YES NO
- b. Will allow use as the treaty basis for MLA YES NO
- c. Has used as the treaty basis for extradition YES NO

d. Will allow use as the treaty basis for extradition

YES

NO

24. Do domestic authorities in your country cooperate and share information with the integrity offices of international organizations?

a. Cooperate and share information

b. Could cooperate, but has not been asked

c. Cannot cooperate

If you cannot cooperate, please provide details.

25. Has your country designated an appropriate authority responsible for mutual legal assistance and law enforcement requests relating to asset recovery (a point of contact)?

YES NO

If yes, to which organizations:

a. UNODC

b. StAR/Interpol Focal Point Initiative

c. Camden Asset Recovery Network

d. Other(s)

If yes to 'Other(s)', please provide details.

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ASSET RECOVERY

26. Does your country have legislation allowing for asset recovery or is such legislation proposed?

YES NO

If yes, please provide details.

1. According to the assets' nature, a number of entities will be competent with its recovery.
2. The royal decree No 43 dated 29/11/1377H- 16/6/1958 states that any convicted person will have to compensate injured person properly, and to refund the amounts which were taken illegally to its owners.

3- The statute of the National Anti-corruption Commission obliged the commission to " pursue with relevant entities the recovery of property and proceeds of corruption crimes

27. Has your country established a specialist/dedicated unit for the recovery of the proceeds of corruption?

YES NO

If yes, please provide the name of the specialist unit and contact details.

1) Mutual Legal Assistance Committee

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28. Does your country publish or otherwise make publicly available details of amounts frozen, seized, recovered or returned?

YES NO

If yes, please provide details.

The National Anti-Corruption Commission is publishing in details corruption cases including amounts returned, recovered, and wasted from public fund.

29. Is your country providing technical assistance to developing countries aimed at helping the recovery and return of proceeds of corruption?

YES NO

If yes, please provide details.

Exchange of information, experience and expertise in this field with developing countries through symposiums and exchanged visits

TRANSPARENCY OF LEGAL ENTITIES

30. Does your country have transparency requirements for legal persons, including companies, bodies corporate, foundations and partnerships?

YES NO

If yes, please provide details.

1. A Council of Saudi Chamber issue a book periodically that lists all companies' names and general information.
 2. All local legal persons are registered in the Commerce Registry in the Ministry of Commerce and Industry , and the site of the Ministry includes a list of all whom have been documented in the register and information about them.
 3. According to article (11) from the Commerce Registration Regulation, everyone has the right to get a copy from the commerce registration of companies and corporations.
 4. There are more many regulations issued by the Capital Market Authority (which is the governmental entity responsible for regulating the stock market and enforcement of administrative penalties on the offending companies) included chapters as well as articles

about the disclosure and transparency.
such as the Corporate Governance regulation and Prudential Rules.

31. Does your country require that the beneficial ownership and company formation of all legal persons organized for profit be reported by the legal person?

YES NO

If yes, to whom is it reported?

According to corporate law, every company has to disclose its owners and legal status in the newspaper as part of the process of issuing its license or changing its ownership percentage of formation. Additionally, all companies have to submit their annual reports, which is audited by external auditor, to Ministry of Commerce. Such reports include ownership and company formation. It should be mentioned that Saudi Arabia only recognizes the registered owner in the company's record, which has to match the Ministry of Commerce record, with regard to rights and obligations, and does not recognize (allow) the beneficial ownership.

32. If yes, is this information available to the public?

YES NO

33. If this information is not available to the public, is it available to law enforcement?

YES NO

WHISTLE BLOWER PROTECTION

34. Does your country have legislation to protect whistleblowers:

a. In the public sector YES NO

b. In the private sector YES NO

35. Have changes to whistle blower protection legislation been proposed or implemented since the last monitoring report?

YES NO

If yes, please provide details.

36. Since the last progress report, has your country implemented any measures to protect journalists reporting incidents of corruption?

If yes, please provide details

PROCUREMENT

37. Does your country publish online any of the following?

- a. Procurement laws and policies including any legislation defining the use of exceptions YES NO
- b. Selection and evaluation criteria YES NO
- c. Awards of contracts and modifications of contracts YES NO

Please provide details.

The Saudi Government Tenders and Procurement Law issued by Royal Decree No. (M/58) dated 4/9/1427 H- 27/11/2006. The Law aims at:

1. regulating procedures of tenders and procurements carried out by government authorities and ensuring they are not influenced by personal interest in order to protect the public funds.
2. achieving maximum degree of economic efficiency in government
3. procurements and carrying out government projects at fair competitive prices.
4. promoting honesty and competition and ensuring fair treatment of suppliers and contractors in accordance with the principle of equal opportunities.
5. guaranteeing transparency in all stages of government tender and procurement procedures.

The Government Tenders and Procurements law and its implementing regulations determine selection and evaluation criteria, awards of contracts, and modification of contracts.

The Government Tenders and Procurements law and its implementing regulations include the following articles:

- Tenderers shall be provided with clear, complete and uniform information about the required work and shall be enabled to obtain such information at a specified time.

Sufficient copies of the tender documents shall be provided to meet the requests of those interested in obtaining them.

- All government works and procurements shall be put up for public tender.
- Bids may only be accepted and contracted on in accordance with the conditions and specifications stipulated for them.
- Total prices and any increase or decrease thereon shall be specified in the letter of the original bid. Any decrease submitted in a separate letter shall not be considered even if accompanying the bid.
- Sealed-bids shall be opened in the presence of all members of the Sealed-bids Opening Committee on the specified date, and bid prices shall be announced to tenderers present or their representatives.
- If only one bid is submitted or several bids are submitted but found-except for one-not to conform with the terms and specifications, then such bid may not be accepted unless it is equal to prevailing prices and the work does not permit repeating the invitation of tenders, upon the approval of the competent minister or the head of the independent agency.
- The successful bidder shall submit a final guarantee of 5% five percent of the contract value within ten days from date of awarding the bid , and it shall not be released until the contractor performs his obligations and, in public work contracts, until the end of the maintenance period and the final handover of the works.
- Employees of government authorities shall keep confidential information submitted in the bids and shall not disclose it to other tenderers or others except as provided for in this Law.
- Government authorities shall announce the results of public tenders and government procurements which they contract for their execution.
- A contractor shall provide a ten-year warranty against partial or full collapse of what he constructs starting from the date of final handover to the Government Authority, if such collapse is due to a construction defect, unless the two contracting parties agree on a shorter period.
- A committee should be formed of advisors comprising from MOF and other relevant government authorities. This committee reviewed compensation claims submitted by contractors and suppliers as well as reports of deceit, fraud and manipulation, in addition to decisions of withdrawal of works. It also reviewed claims submitted by government authorities. The committee hear statements of grievant contractors and suppliers and those accused of violations, their defenses and views of the government authority.

The implementing regulations can be found on the Ministry of Finance official website:

<http://www.mof.gov.sa/English/Roles/Pages/default.aspx>

38. Since the last progress report, have any new initiatives to promote public procurement transparency and integrity been proposed or implemented?

If yes, please provide details.

In order to promote public procurement transparency and integrity, The plurilateral Agreement on Government Procurement (GPA) is under process to be ratified. On other hand the public procurement NOW in the Shura Council (the parliament) in order to develop it with focusing in the transparency.

39. Are there regulations and procedures for public procurement officials to govern conflicts of interest?

YES NO

40. Are companies that have been found to be involved in corrupt contracting practices excluded from future participation in public tenders?

YES NO

41. If yes, is the debarment list of International Financial Institutions taken into account?

YES NO

42. Are the names of companies excluded from future participation in public tenders made publicly available?

YES NO

DISCLOSURE BY PUBLIC OFFICIALS

43. Does your country require disclosure by public officials of:

- | | | |
|--------------------------|---|--|
| a. Income | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| b. Assets | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| c. Conflicts of interest | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| d. Gifts | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| e. Other | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

If yes, please provide details.

- | |
|---|
| <p>1. The royal decree No. 16 dated 7/3/1382H- 30/11/1962 states that public officials are accountable to show evidences of their sources of wealth, and their minor and wives wealth. And in case public officials were not able to justify their wealth, which raise doubts about their sources whether briberies, gifts, or abuse of entrusted powers, the Council of Ministers may take away half of their wealth and dismiss them from public positions, and that will not prevent them from criminal investigation and punishments.</p> |
|---|

2. The National Anti-Corruption Commission's employees are required by law to submit Financial Disclosure Reports before starting their work, and every three years after that, and upon the end of their services. The Financial Disclosure reports include detailed information on their income, assets, and obligations. Additionally, all employees in the commission are required to adhere to the commission's code of conduct, and they have to disclose any conflicts of interests, and they are not allowed to receive or request any gifts from anyone regardless of its value.
3. The royal decree No. 43 dated 29/11/1377H- 16/6/1958 and article 12 and 13 of The Civil Service Law prevents all public officials from practicing Commercial activities, accepting or requesting bribery, and abusing entrusted powers.

The Financial Disclosure Rules, and Oath of Office Controls for Some Public officials are in the final stage of the approval process.

PUBLIC OFFICIALS' IMMUNITIES

44. Does your country provide immunities from prosecution to individuals holding public offices?
- | | | |
|---|---|--|
| a. All public office holders | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| b. Certain public office holders | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| c. No immunities available to public office holders | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| d. While in office | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| e. Permanently | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

If yes, which public office holders are immune and if immunity is limited, please explain.

EDUCATIONAL INITIATIVES

45. Is your country involved in any anti-corruption educational initiatives?

- | | | |
|---|---|--|
| International Anti-Corruption Academy | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| UNODC Anti-Corruption Academic Initiative | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| Other international anti-corruption educational initiative(s) | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

If yes, please provide details.

An Educational program in the fields of anti-corruption and protecting integrity in Saudi Arabia are presented by:

1. Institute of Public Administration
2. Naif Arab University For Security Sciences
3. King Fahad Security College
4. Naif Academy for National Security.

46. Does your country provide anti-corruption educational/training programs for officials, including public office holders?

YES NO

If yes, please provide details.

A specialized department in The National Anti-Corruption Commission holds seminars, training courses, and workshops periodically for officials, including public office holders.

47. Do business associations in your country promote anti-corruption training for the private sector?

YES NO

If yes, please provide details.

The Council of Saudi Chambers with its branches all over the Kingdom holds awareness seminars and workshops about protecting integrity and combating corruption. Also, Pearl initiative arranged many workshops for business people.

48. Have representatives from the business community in your country developed anti-corruption awareness and capacity building programs for Small and Medium Enterprises?

YES NO

If yes, please provide details.

The National Anti-Corruption Commission works jointly with the Council of Saudi Chambers on the development of corruption awareness and capacity building programs for Small and Medium companies. Also, the commission encourages medium and small private organisations to adopt anti-corruption programs and plans, and help them on building such

programs without any costs upon these organisations.

49. Has your country disseminated G20 products and outcomes with relevant domestic authorities?

YES NO

If yes, please provide details.

All agreements related to the G20 on anti-corruption agenda are widely distributed by the National Anti-Corruption Commission.

JUDICIARY

50. Has your country taken any measures to promote and disseminate the Bangalore Principles for Judicial Integrity?

If yes, please provide details

51. Has your country taken other measures to promote the independence of the Judiciary?

If yes, please provide details

The Saudi constitution stated on the article 46 "he judiciary is an independent authority. There is no control over judges in the dispensation of their judgements except in the case of the Islamic Shari'ah".

SECTOR-SPECIFIC TRANSPARENCY INITIATIVES

52. Is your country supporting or implementing any sector-specific initiatives?

Extractive Industries Transparency Initiative (EITI)

Implementing

YES NO

Support

YES NO

Construction Sector Transparency Initiative (CoST)

Implementing

YES NO

Support

YES NO

Other (specify below)

Implementing

YES NO

Support

YES NO

Please provide details on other sectoral initiatives supported by your country.

Saudi Arabia will consider adopting such initiatives in the future.

53. Does your government have integrity pacts with the business sector?

YES NO

If yes, please provide details.

The Council of Saudi Arabia Chambers issued (The General Principles for Combating Corruption in the Private Sector) and (Guidelines for Combating Bribery and Corruption in Small and Medium Companies).

FISCAL AND BUDGET TRANSPARENCY

54. Has your country taken steps to implement the IMF Good Practices in Fiscal Transparency?

YES NO

If yes, please provide details.

1. The government provides information about fiscal developments and prospects every fiscal year. Moreover, fiscal developments and risks are published in the annual IMF Article IV report that provides independent assessment by IMF staff.
2. The government's published forecasts focus on the year ahead, show total revenue and expenditure on the six main expenditure areas (education; health and social affairs; municipality services; infrastructure and transportation; water, agriculture, industry, and other economic resources; and specialized credit development institutions and government financing programs). Furthermore, long-term economic projections are published regularly on the Ministry of Economy and Planning's website based on the Five-Year National Development Plans.
3. The Saudi Arabian Monetary Agency publishes a monthly balance sheet of its foreign and domestic financial assets and liabilities.
4. On fiscal reporting, a common chart of accounts and budget classification is being developed in accordance with the IMF's Government Finance Statistics Manual (GFSM) 2001, together with the implementation of the planned Government Financial Management Information System (GFMS). In this regard, preparations and staff training for GFSM 2001 are well advanced. It should also be noted that Saudi Arabia is in the process of establishing a macro-fiscal unit, which would help strengthen the analysis of fiscal policy, develop projections of the fiscal accounts under different economic and policy scenarios, and assess short- and long-term fiscal risks, including from pension expenditures.
5. With the 2014 budget, the Ministry of Finance has adopted a more comprehensive medium-term budget framework including analysis of the impact of alternative fiscal policy scenarios. New expenditure requests by line ministries must be first articulated in the Five-

Year National Development Plan before they can be approved.

6. Reports on budget execution by Saudi Arabia's supreme audit institution (the General Audit Bureau), which is an independent institution, are submitted directly to the King.

55. Has your country taken steps to implement the OECD Best Practices on Budget Transparency?

YES NO

If yes, please provide details.

Thank you for your time in completing this questionnaire.