

3.3 Acts of Corruption (Article VI of the Convention)

“ Article VI-
Acts of Corruption

“1. This Convention is applicable to the following acts of corruption:

“a. The solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;

“b. The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;

“c. Any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party;

“d. The fraudulent use or concealment of property derived from any of the acts referred to in this article; and

“e. Participation as a principal, coprincipal, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, or in any collaboration or conspiracy to commit, any of the acts referred to in this article.

“2. This Convention shall also be applicable by mutual agreement between or among two or more States Parties with respect to any other act of corruption not described herein.”

To what extent Article VI of the Convention has been implemented will be assessed by reviewing first and foremost whether or not the national legislation in the country under review classifies the acts of corruption described under numeral 1 as crimes and the objective results that have come out of implementing such provisions, for example legal proceedings underway and their outcomes.

Secondly, only if in adhering to numeral 2 of Article VI of the Convention, the State Party in question has decided alongside one or more fellow States Party to apply it to other acts of corruption not included therein, will its implementation be assessed. The objective results that have come out of the respective agreements and conventions, such as legal proceedings underway and their outcomes, will be reviewed.