Collective Action to Promote Law Reform: The UNODC experience in Colombia.

Siemens Integrity Partner Collective Action Peer Learning Workshop II

Basel, Switzerland. 26 april 2018
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Colombia has ratified international agreements and regional initiatives aimed at strengthening the prevention and punishment of the phenomenon of corruption.
Article 26. Liability of legal persons
UNCAC

OECD Convention on Bribery of Foreign Public Officials

Law 1778/2016
Administrative liability of legal persons for the bribery of foreign public officials in relation to internal business or international transactions

It establishes a framework for administrative sanctioning on legal entities that engage in transnational bribery.

The Superintendence of Corporations is the entity in charge of investigating and punishing companies that may have committed acts of transnational bribery.
As part of UNODC mandates to support the Colombian State on the implementation of UNCAC - and recognizing the needs of the context to implement other related norms - different strategies has been developed.
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On the level: Business and Government Against Corruption in Colombia.

❖ **The initiative:** A collective action created by UNODC to enhance public-private sector dialogue, improve government’s anti-corruption frameworks and legislation and create a culture of integrity in the private sector.

❖ **Period of implementation:** 2015-2018

❖ **Funding:** US$ 1.199.371

❖ **Key partners:**

[Logos of key partners]
On the level: Business and Government Against Corruption in Colombia.

**Component 1:**
Strength the legal framework for the prevention of corruption in Colombia with emphasis on corporate liability and the private sector.

**Component 2:**
Enhance public and private sector dialogue and coordination in preventing corruption and promoting transparency.

**Component 3:**
Strengthen companies’ ability to identify processes susceptible to corruption and implement protective actions.

*Icons from: www.flaticon.com*
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Results: 2016

2016

1.078 people have been participating in 15 cities of Colombia

Creation of a working group with 29 members

23 recommendations to strengthening existing anti-corruption public policy

2015

314 companies

44 public agencies

96 prosecutors

82 judges

115 Members of the Criminal investigation Team

60 members of Comptroller General of the Republic

50 members of the National Tax and Customs Direction

39 members of Information and Financial Analysis Unit

Liability of legal persons for acts of transnational and national bribery in Colombia

Transparency and integrity initiatives for the private sector

Legal tools to investigate and prosecute acts of corruption

Ethics and compliance programmes

Corruption risk management
On the level Members in Colombia

Public sector
- Banco Agrario de Colombia
- DIAN
- ITRC

Private sector
- ABB
- Avianca
- codensa
- emgesa
- Comfandi
- Coquecol
- Ecopetrol
- EPM
- ENERGÍA de Bogotá
- Expreso Brasilia
- Puerto Bahía
- Siemens Healthineers
- TGI
- Tigo
- UNE
- Grupo Argos
- ODINSA

Guilds and collective actions
- AMCHAM Colombia
- Andesco
- ANDI
- Más País
- Asobancaria
- BAC
- Cámara de Comercio de Santa Marta
- Cámara de Comercio de Bogotá
- Cámara de Comercio Italiana para Colombia
- Fenalco
2017

839 people has participated on trainings and capacity building exercises in 12 cities of Colombia

328 companies

Public launch: 154 people representing public and private sector, academy and civil society.

Corporate integrity website

Topics:
- Compliance Officers Network
- Strategy for Communication on Progress reports – Global Compact
- Library: 265 documents
- Videos

Results: 2017

Ethical Dilemmas

Corruption Typologies

Corruption risk management
DILEMAS PRÁCTICOS
Y ESTUDIOS DE CASO

Practical dilemmas and case studies
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Colombian experience on Law Reform: the process

To strengthen legal framework for the prevention of corruption in Colombia with emphasis on corporate liability and private sector corruption, different activities were held led by UNODC.

- Capacity Building
- Technical consultations
- Elaboration of Recommendations
Colombian experience on Law Reform: Capacity Building.

Theoretical-practical workshops: **15 cities** of Colombia, **1078 people** trained.

Focused on the content of **Law 1778/2016** as well as **regulations** issued since July 2016, by the Superintendence of Corporations.

Training on the principle of **co-responsibility**, and the concrete role of private sector in the prevention and fight of corruption.

Competences were developed for the implementation of **Anticorruption and Ethics Compliance Programs**.
Colombian experience on Law Reform: Consultation & Recommendations issued.

**Technical consultations**
- Public entities (Secretary of Transparency, Superintendence of Companies)
- International Experts (Gemma Aiolfi, Matteson Ellis and Lorenzo Salazar)

**Technical Concepts**
- Content and scope of Law 1778/2016 and its implementation.
- Implementation of Art. 23 Law 1778/2016. (Compliance Programs)
- Opportunities of improvement, risks in the implementation of the Law.

**Workshops in territory**
- Inputs from the 15 theoretical-practical workshops in Colombia

43 recommendations issued - 23 recommendations adopted by Government
Colombian experience on Law Reform: the impact.

- Support OECD requirements on Anti-corruption policy
- Assessment of the liability of legal persons in Colombia
- Knowledge of transnational Bribery
- Lessons learned in relation to Anti-Corruption Compliance Programs
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Next Steps: Work Plan 2018

- Train the trainer strategy
- Transparency and Integrity Strategy for Small and Medium Enterprises
- Corporate integrity website: On the Level
Next Steps: Sustainability & Innovation

Fundraising strategy

- National Private Sector
- National Government
- Local Government
- International Donors
On the level: Business and Government Against Corruption in Colombia.

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