

G20 Guiding Principles to Combat Solicitation

The following guiding principles build on the best practices developed by countries in confronting the challenge of bribes solicitation and identify mechanisms that may be useful for effectively preventing and combating solicitation by public officials and supporting companies' efforts to resist solicitation. These guidelines should be read in conjunction with the Guiding Principles on Enforcement of the Foreign Bribery Offence.

These guiding principles provide a reference to countries wishing to step up their actions against solicitation, encouraging in particular actions in partnership with the private sector or collective action by G20 countries. Taking into account the diversity of legal and administrative systems among G20 countries, they are broadly framed and offer flexibility to enable countries to use them within their institutional and legal constraints. The principles are intended as guidance to enhance and complement existing anti-corruption commitments and not weaken or replace them.

A Robust Legal, Regulatory and Integrity Framework

1. As already agreed upon in UNCAC, a robust legislative framework should provide for i) a clear and explicit passive domestic bribery offence which reflect the key elements of the internationally agreed definition, i.e. solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties; and ii) the availability of dissuasive sanctions and other measures to deter public officials from demanding bribes further. Passive bribery offences should also be explicitly included as predicate offences for money laundering offenses.

i) The integrity of public officials should be promoted through the development and nurturing of a strong culture of integrity in public service with clear standards of conduct, reinforced by disciplinary measures where such standards are breached. To this end, training for public officials should be provided on a regular and continuous basis.

ii) Strict disciplinary, administrative, civil and/or criminal measures should be adopted and applied against those who fail to comply with administrative and integrity standards concerning the receipt and disclosure of gifts or other undue advantages.

Easily Accessible Reporting Channels

2. Easily accessible channels for companies and individuals that have been solicited to report to public authorities should be provided. Although the choice of the mechanism should be left to each government, examples of such channels could take the form of contact points established in embassies, consulates or other diplomatic missions abroad or of governmental help lines to which companies could turn. Domestic reporting systems should also be readily available and publicized. Confidentiality throughout the reporting process should be ensured to enhance confidence of business in the system. We will identify best practices to encourage businesses to self-report voluntarily suspected breaches of bribery laws, bearing in mind that reporting to in-country authorities where solicitation has taken place may pose risks in some circumstances.

Engage in Collective Actions

3. Particular efforts to engage with the private sector in the fight against solicitation should be made, in particular through the following measures:

i) Countries should consider promoting collective action initiatives in which active participation by companies could be encouraged.

ii) Adequate support towards initiatives aimed at reducing solicitation at public-private sector interface should be provided.

4. Continue to cooperate with existing groups, including those initiated by non-state actors such as private sector companies and associations, non-governmental policy bodies and civil society, which may play an essential role in assisting companies in developing effective tools to resist bribe solicitation and setting up concrete collective actions.