

Annex 1 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Links between corruption and other forms of crime”

States parties are invited to provide relevant information in line with paragraph 22 of resolution 9/1¹, in which the Conference:

*Encourage[d] States parties to further explore and enhance their knowledge of the **links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery**, to better strengthen integrity, transparency and accountability, and invite[d] the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session [emphasis added].*

States parties may wish to take a broad view of “other forms of crime” when responding to this questionnaire, which may include all forms of organized crime and economic crime, as well as other crime, among others.

Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Denmark

Government Agency: The Danish Ministry of Justice

Department: Criminal Law

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¹ In July 2022, the secretariat sent out note verbale CU 2022/264(A)/DTA/CEB/CSS inviting States parties to provide information on good practices and challenges concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery, in line with paragraphs 22 and 23 of resolution 9/1 entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”. As at 11 October 2022, the secretariat had received responses from 23 States parties, which were analysed in a note prepared by the secretariat, entitled “Best practices and challenges concerning international cooperation in combating corruption during times of emergencies and crisis response and recovery, and efforts to further explore and enhance knowledge of the links between corruption and other forms of crime” [CAC/COSP/EG.1/2022/CRP.1]. Responses were received from the following States parties: Australia, Bahrain, Belarus, Brazil, Bulgaria, Chad, Chile, Egypt, El Salvador, European Union, France, Georgia, Italy, Mexico, , Myanmar, Panama, Portugal, Republic of Moldova, Romania, Saudi Arabia, Spain, Türkiye and the United States of America.

Questionnaire

Corruption may contribute to impunity for other types of crime by providing the leverage to facilitate and execute them, and to make them invisible, and often exacerbates those crimes through the involvement of powerful elites and individuals. Corrupt behaviour (such as violating duties, accepting or transferring bribes, and facilitating transactions, as well as ignoring or failing to follow-up on information that a crime may be taking place) may serve an enabler of other crimes by allowing for the enrichment of criminals and incentivizing individuals in the public and private sector to facilitate their operation. Other crimes can therefore flourish and in turn provide a basis for a wide range of corrupt behaviour.

This questionnaire is structured into two parts: Part 1 considers steps taken to understand the links between corruption and other forms of crime, while Part 2 focuses on the measures aimed at responding to corruption linked with other forms of crime.

I. Understanding the links between corruption and other forms of crime

1. Has your country undertaken any analyses or assessments to better understand the interlinkages between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime, economic and other crime, and vice versa? **YES/NO.**
 - a. If **YES**, was such analysis carried out through formal risk assessments or other methods? Please describe.
2. Please list the main typologies of other crime that have interlinkages with corruption in your country.
 - Drug trafficking
 - Money-laundering
 - Human trafficking
 - Migrant smuggling
 - Firearms trafficking
 - Crimes that affect the environment
 - Trafficking in cultural property
 - Cybercrime
 - Terrorism
 - Other forms of economic crime, organized crime or other crime with links to corruption (**please list**)
3. Please provide examples of corruption linked to these other crimes.

In one case we have seen the Danish Criminal Code Section 278 (Embezzlement) used in conjunction with Section 144 (Any person who, while exercising a Danish, foreign or international public office or function, unlawfully receives, demands or accepts the promise of a gift or other favour shall be liable to a fine or to imprisonment for any term not exceeding six years).

Please elaborate if you have or had any cases of the following in your country:

A. Corruption as an enabler of crime

- a. Cases of public officials abusing their office to facilitate criminal activity or to protect certain criminal individuals and entities – or to gain support from them – for example, by providing funding or protection or to gain and control public resources?
- b. Cases of corruption being used to facilitate other types of crime, such as trafficking in persons, illicit trade or smuggling of drugs across borders? For example, have any cases involved the following:
 - the issuance of permits, licenses, visas or documents for border crossings
 - the purchasing of firearms
 - bribery of border agents
 - falsification of data in public registries
 - other
- c. Cases of corruption in public procurement to advance the interests of public officials and their associates? Cases of officials giving preferred access to contracts and tenders to their associates in cases involving other crimes?

In one case it has been revealed that officials received gifts in the form of travel experiences.

- d. Cases of the protection of victims of crime and corruption being impeded by corruption involving public officials or persons in the private sector?

B. Corruption and crime linked to political patronage

- a. Criminal individuals and entities attempting to use corruption to obtain access to political leadership or to gain power and influence, such as through:
 - political party financing
 - trading in influence
 - other
- b. Cases of crime and corruption being used to attempt to influence or disrupt elections?
- c. Cases of criminal involvement, including through the use of corruption, to attempt to influence appointments of public officials to build dependency?

C. Corruption to make organized and other crime invisible

- a. Cases of criminals and their associates using proceeds of crime and corruption for personal enrichment and to conceal the origin of the crimes and for money-

laundering? In particular, cases of concealment of ownership being used to facilitate corruption and other forms of crime?

- b. Cases of corruption being used to impede investigations, prosecutions and adjudications of organized and other crime, such as through bribery or allocation of political and other favors to law enforcement and judicial officers? Are there cases of corruption linked to organized and other crime not being pursued by the authorities ('blind eye')?
 - c. Cases of individuals and entities using corruption and other crimes to generate the funds needed to buy protection from the police? Cases of corruption in law enforcement authorities used to shield organized crime?
 - d. Cases of law enforcement being impeded due to a lack of information and data, as well as reporting of crimes related to corruption?
4. Has your country collected data or statistics to track and/or analyze trends related to the links between corruption and the types of crime outlined in Question 2 above? **YES/NO**
- a. Are these data analysed and used systematically, such as in prevention and investigations or prosecutions? **YES/NO**.
 - b. Please describe any methodologies used for strengthening measurement and terminological clarity, and achieving a deeper understanding of the different contexts (e.g. in times of peace or in emergencies or conflict situations) and sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement), as well as any corruption or organized crime threat assessments that take into account the interlinkages between corruption and other forms of crime.
5. Has your country collected data or statistics to track and/or analyse trends concerning international cooperation in this regard? **YES/NO**.
- a. Please elaborate and share any findings with regard to the good practices and challenges in international cooperation with regard to countering corruption as it relates to other forms of crime
6. Has your country taken any steps at national, regional or local levels to better understand and study the linkages between corruption and other crimes, such as criminological research, training or awareness raising? **YES/NO**.
- a. If **YES**, please elaborate, providing examples.
7. Which aspects of corruption as it relates to other forms of crime do you consider require further research, and what are the gaps in knowledge or understanding that, if addressed, could facilitate countering these crimes?

Corruption provides leverage to other types of crimes – both directly and indirectly. Often crimes as embezzlement and forgery of documents is related to corruption. The derived effects of the corruption can advantageously be subjected to closer examination.

II. Measures aimed at responding to corruption linked with other forms of crime

8. Has your government adopted or utilized any measures at national, regional or local levels aimed at **preventing** corruption linked with other forms of crime? YES/NO.

a. If **YES**, please elaborate. *Measures may include:*

- safeguards in specific sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, local officials)
- development of targeted strategies, policies, action plans at national or sectoral level specifically addressing the links between corruption and other crime
- establishment of dedicated institutional frameworks
- specific rules, codes of conduct, or standards of transparency and integrity for public officials who are most exposed to the risk of being involved in crime and corruption
- systems for the disclosure of assets and private interests
- control mechanisms, such as internal approval systems to avoid having one-to-one meetings
- controls on issuances of visas, work permits, firearms licenses
- the use of information and communication technology (ICT) based tools to prevent (or detect) such crimes
- awareness raising and prevention measures for public officials that are vulnerable to corruption and other forms of crime
- other

The Danish National Special Crime Unit and the Financial Intelligence Unit has established a comprehensive framework to monitor and investigate suspicious transactions from/to politicians and officials.

9. Has your government adopted or utilized any measures aimed at **detecting, investigating and prosecuting** corruption linked with other forms of crime? YES/NO.

a. If **YES**, please elaborate. *Measures may include:*

- legislation criminalizing all forms of corruption related to other types of crime
- legislation providing for the liability of legal persons for their role in corruption linked to other forms of crime
- measures to identify beneficial owners of legal persons
- specialized investigative techniques

In January 2022 the Special Crime Unit (SCU) was formed. The SCU aims to establish a powerful national unit that brings together specialised police and prosecutorial competencies to combat complex and organised crime and to secure identification of interlinkage between different form of complex and organised crime, i.e. corruption.

The SCU consist of different specialised units each dedicated to combating different areas of crime, includes amongst others the National Centre for Cybercrime, the Asset Recovery Office, the Centre for Organized Crime and the Centre for Intelligence and Analysis.

Though the SCU is not dedicated to anti-corruption investigations, the anti-corruption investigations being undertaken at the SCU, benefit from the specialized investigative techniques being employed by the SCU as a whole.

✓ strengthened institutional frameworks, including the establishment of dedicated bodies (such as those mandated to identify links between corruption and other crime), task forces or coordination mechanisms between authorities responsible for corruption and other crime

In 2018 the former State Prosecutor for Serious Economic and International Crime started an informal network with Danish Industry, Transparency International Denmark and eight large private sector companies in order to organise one or two annual meetings to discuss best practices and experiences in avoiding foreign bribery and corruption. The network is to the knowledge of the SCU no longer active.

□ capacity-building, including targeted training and peer-learning for relevant authorities

✓ measures to enable the identification, confiscation, tracing or seizure (and, where relevant, return) of assets that are proceeds of corruption-related crimes

The SCU Asset Recovery Office (ARO) is a specialized unit within the SCU that currently employs 4 prosecutors, 2 students, 1 superintendent, 13 investigators and 1 administrative staff. The unit specialises in identifying, tracing and seizing proceeds of all types of crimes.

The ARO is not dedicated to anti-corruption investigations, however such investigations can benefit from the unit's specialised police and prosecutorial competencies.

□ mechanisms to address the role of professional gatekeepers (*i.e.* financial, legal, accounting or other relevant professionals) in the transfer of proceeds of corruption and other crime

□ measures aimed at encouraging the protection or participation of actors outside the public sector, including:

✓ reporting mechanisms, legal protections and incentives aimed at encouraging persons to report corruption and other crimes

✓ measures to protect victims, witnesses, and cooperating offenders

✓ measures aimed at ensuring the investigation and prosecution of acts of violence committed against journalists and civil society actors whose professional activity relates to corruption linked with other crimes

□ other

10. Has your government adopted or utilized any measures aimed at facilitating **international cooperation** and the rapid exchange of information for cases that have interlinkages between corruption and other forms of crime? **YES/NO**.

a. If **YES**, please elaborate. *Measures may include:*

✓ the implementation of mutual legal assistance through digital means

The SCU uses the electronic case handling system SQJ to keep track of ingoing requests for mutual legal assistance.

Moreover, the SCU strives to the extent possible to exchange requests for mutual legal assistance through e-mail or another suitable digital format.

- measures aimed at enhancing the efficiency of extradition mechanisms
- ✓ the use of electronic communication channels or networks

The SCU can inform, that in the Joint Investigation Team mentioned below, Zoom and Skype are used to host online meetings between the investigative teams, whilst paying attention to necessary safeguards as required to fulfil the European Union GDPR.

- ✓ the use of joint or parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption offences linked with other forms of crime

The SCU currently partakes in a Joint Investigation Team (JIT) with a third country in a case related to alleged corruption. The investigation is ongoing. Hence no further details can be shared.

- ✓ cooperation with other countries or multilateral, international or regional bodies to address corruption linked with other forms of crime

The SCU is a member of the OECD Working Group on Bribery's Network for Law Enforcement Officials, where the member countries' participants can discuss experiences, best practices and exchange information in relation to anti-corruption investigations.

- accession to bilateral, regional or multilateral treaties and agreements.
- other