



### Course Syllabus Template

<b>Department/Faculty:</b> Law School
<b>Graduate Program:</b> Political and Economic Law
<b>Degree</b> <input checked="" type="checkbox"/> Academic Master's <input checked="" type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Professional Master's
<b>Course Name</b> Anticorruption compliance policies
<b>Professor(s)</b> Fábio Ramazzini Bechara and Marco Aurélio Florêncio Filho
<b>Office hours:</b> 48 class hours
<b>Course Overview</b> <p>The course aims to analyze the companies self-regulation from international treaties and the Brazilian legal system, present the perspective of criminal corporate liability of individuals and legal entities and debate the Brazilian and MERCOSUL's dogmatic of criminal compliance in its different aspects, considering the relationship between States, Law and Economy, in order to develop prevention and repression policies of economical crimes, mainly, the corruption combat.</p>



### **Topics outline**

1. Anticorruption compliance: Fundamentals, conceptual premises, mechanisms.
2. Global Governance and compliance: treaties and conventions in national and international area.
3. Anticorruption compliance: comparative analysis among MERCOSUL countries.
4. Corruption control through transparency and accountability.
5. Anticorruption Compliance and collaboration systems: *whistle-blowing*; leniency agreements; e *plea bargain*.
6. Administrative, civil and penal reflexes of the lack of compliance enforcement.
7. Criminal liability of the directors in case of omissions.
8. Criminal corporate liability.
9. Influence traffic, lobby and pressure groups regulation in MERCOSUL countries.
10. Financial intelligence, data science and corruption practices investigation.
11. International cooperation mechanisms in MERCOSUL's area.

### **Metodologia:**

Interactive course in which besides the classes that are presented in the program counts with seminars of invited researchers and criminal legal practitioners. Police investigations and important trials in Brazil and in other countries will be used as case studies towards the course. Expositive and theoretical classes that make room for a critical debate: presentation of the main topics about self-regulation of the companies, criminal legal boundaries of economic power. Dialogued exposition. Previous reading of the indicated texts. Seminars conducted by the students about the proposed topics.



### **Letter Grade Assignment**

**Grade A (Excellent) - Grade points between 9 and 10**

**Grade B (Good) - Grade points between 8 and 8.9**

**Grade C (Satisfactory) - Grade points between 7 and 7.9**

**Grade D (Unsatisfactory) - Grade points between 0 and 6.9**

#### **30% “Policy brief”**

Each student will prepare a “Policy Brief”, concise texts, summarizing the alternatives of policies and providing important considerations to action regarding each topic of the class. The policy briefs will have at maximum 2 pages, spacing 1,5, font size, based on orientations that will be provided and debated during the classes.

Hereunder you can find some useful examples to elaborate a policy brief.

[http://www.jhsph.edu/research/centers-and-institutes/womens-and-childrens-health-policy-center/de/policy\\_brief/index.html](http://www.jhsph.edu/research/centers-and-institutes/womens-and-childrens-health-policy-center/de/policy_brief/index.html)

<https://www.udsm.ac.tz/sites/default/files/how-to-write-a-policy-brief.pdf>

[http://www.who.int/hrh/documents/policy\\_brief/en/](http://www.who.int/hrh/documents/policy_brief/en/)

<http://www.bath.ac.uk/ipr/working-with-us/policy-brief-guide.html>

#### **40% Final assignment**

O final assignment must have between 10-15 pages and must be ready to be discussed in the seminars programmed to occur in the 12th class, and, therefore, must be posted in the course's page a week before.

The work must present the following structure:

1. To identify a problem (a challenge to be faced by governments or organizations of a society) or identify a need related to safety or legal cooperation in domestic or international area.
2. to debate the meaning of this problem (causes, consequences, correlated issues, etc). and offer empirical valid evidences that support the debate about the suggested problem.
3. to offer a critical perspective of the relevant literature.
4. to summarize the options/alternatives of policies that might be adopted and the costs involved in the suggested solutions.
- 5) to provide recommendations of policies and logical reasoning that led to those conclusions.



### Texts, Materials, and supplies

AMBOS, Kai; CORIA, Dino Carlos Caro; MALARINO, Ezequiel (Coord.). **Lavado de activos y compliance: perspectiva internacional y derecho comparado**. Lima: Jurista Editores E.I.R.L., 2015.

BACIGALUPO, Enrique. La posición de garante en el ejercicio de funciones de vigilancia en el ámbito empresarial. In: BACIGALUPO, Enrique. **Curso de derecho penal económico**. 2ª ed. Madrid: Marcial Pons, 2005, p. 81-104.

BECHARA, Fábio Ramazzini. **Cooperação jurídica internacional em matéria penal. Eficácia da prova produzida no exterior**. 1ª ed. São Paulo: Saraiva, 2011.

BURGSTALLER, Markus. Theories of Compliance with International Law: Approaches. In: \_\_\_\_\_ . **Theories of Compliance With International Law**. MartinusNijhof, 2004. p. 103-190.

DOWNS, George and Michael JONES. 2002. "Reputation, Compliance, and International Law." **Journal of Legal Studies** 31(January), pp. 95.

DOWNS, George. 1998. "Enforcement and the evolution of cooperation." **Michigan Journal of International Law** 19(2): 319-344.

ESTELLITA, Heloisa. Responsabilidade por omissão dos membros de conselho de administração. In: **Revista portuguesa de ciência criminal**. Coimbra: Instituto de Direito Penal Econômico e Europeu, ano 28, no. 3, p. 403-439, set./dez., 2018.

DOWNS, George. David ROCKE, and Peter BARSOOM. 1996. "Is the good news about compliance good news about cooperation?" **International Organization** 50(3): 379-406.

GUARAGNI, Fábio André; BUSATO, Paulo César. **Compliance e Direito Penal**. São Paulo: Atlas, 2015.

JACKSON, John D; SUMMERS, Sarah J. **The internationalization of criminal evidence. Beyond the Common Law and Civil Law Traditions**. Cambridge: Cambridge University Press, 2012.

NICHOLLS, Colin e outros. **Corruption and Misuse of Public Office**. New York: Oxford, 2013.  
NOHARA, Irene Patrícia; PEREIRA, Flávio de Leão Bastos (Org.). **Governança, compliance e cidadania**. São Paulo: Revista dos Tribunais, 2018.

PINTO, Inês Horta. **A harmonização dos sistemas de sanções penais na Europa. Finalidades, obstáculos e perspectivas de futuro**. Coimbra: Coimbra, 2013.

SAAD-DINIZ, Eduardo; ADACHI, Pedro Podboi; DOMINGUES, Juliana Oliveira. **Tendências em governança corporativa e compliance**. São Paulo: LiberArs, 2016.

SARCEDO, Leandro. **Compliance e responsabilidade penal da pessoa jurídica**. São Paulo: LiberArs, 2016.

SHELTON, Dina. **Commitment and compliance**. New York: Oxford, 2007.