

**Course Syllabus Template**

Department/Faculty: Law School
Graduate Program: Political and Economic Law
Degree <input checked="" type="checkbox"/> Academic Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Professional Master's
Course Name: Anticorruption Compliance Policies
Professor(s) Fábio Ramazzini Bechara
Office hours: 48 class hours
Course Overview The course aims to analyze the issue of corruption in an interdisciplinary perspective, focusing in the impact that it has on the practices of the citizenship rights and the necessity to develop policies to deter and repress corruption, mainly anticorruption compliance. The compliance theory and its relationship with anticorruption public policies, its consequences and repercussions to the public and private area, and especially to the justice system.



Topics outline

1. Understand and analyze the corruption mechanisms: economical analysis of corruption and behavioral sciences applied to corruption studies.
2. Understand the corruption and its relationship with Law: International Law and Anticorruption Compliance; Anticorruption compliance in national Law: comparative analysis.
3. Understand and analyze the public policies and the anticorruption compliance programs: risk assessment; code of conducts; anticorruption clauses; due diligence; conflict of interests; donations and charity.
4. Understand and analyze the anticorruption compliance and the regime to impose penal, civil and administrative liability.
5. Understand the self-regulation and the criminal liability of legal entities in Brazil.
6. Understand and analyze the compliance and the concepts and instruments of the Anti Money Laundering Act (Lei n.º 9613/98): violation of duties crimes; rules related to the individual and entities liability as well as the concerning regulation from Conselho Monetário Nacional, Banco Central and COAF.
7. Understand the difference between multiagent crimes, criminal association and its use application to anticorruption crimes.
8. The theory of the in corruption crimes ...
9. Understand and analyze the anticorruption compliance and investigation: internal investigation and cooperation with the organs of the system: forensics, cooperation with regulatory and investigation organs, legal international cooperation.
10. Anticorruption compliance and collaboration regimes: whistleblowing, lenience agreements; awarded collaboration.

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



Methodology:

Expositive and theory classes: introduction of the main topics about self-regulation of the companies, criminal corporate liability and criminal compliance in expositive classes that demand a debate. Dialogued exposition. Previous reading of the texts appointed. Seminars prepared by the students about the topics proposed.

Assessment criteria:

Classroom debates. Texts summaries. Seminars presentations. Elaborate a scientific paper and a policy proposal (policy brief).



Texts, Materials, and supplies

- BACIGALUPO, Enrique. La posición de garante em el ejercicio de funciones de vigilância em 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.
- BERCOVICI, Gilberto; OCTAVIANI, Alessandro. Direito e Subdesenvolvimento. In: OCTAVIANI, Alessandro. *Estudos, pareceres e votos de direito econômico*. São Paulo: Singular, 2014, p. 65-84.
- BRANCO, Fernando Castelo. Reflexões sobre o acordo de leniência: moralidade e eficácia na apurações dos crimes de cartel. In: VILARD, Celso Sanchez; PEREIRA, Flávia Rahal Bresser; DIAS NETO, Theodomiro (coord.) *Direito penal econômico: crimes econômicos e processo penal*. São Paulo: Saraiva, 2008, p. 137-165.
- BURGSTALLER, Markus. Theories of Compliance with International Law: Approaches. In: _____ . *Theories of Compliance With International Law*. MartinusNijhof, 2004. p. 103-190.
- DOTTI, René Ariel. A incapacidade criminal da pessoa jurídica (uma perspectiva do direito brasileiro). In: PRADO, Luiz Regis (coord.) *Responsabilidade penal da pessoa jurídica. Em defesa do princípio da imputação penal subjetiva*. São Paulo: Revista dos Tribunais, 2001.
- 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.
- 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.
- MARTINEZ, Ana Paula. *Repressão a Cartéis: Interface entre Direito Administrativo e Direito Penal*. São Paulo: Singular, 2013.
- NICHOLLS, Colin e outros. *Corruption and Misuse of Public Office*. New York: Oxford, 2013.
- PÉREZ DEL VALLE, Carlos. Introducción al derecho penal económico. In: BACIGALUPO, Enrique. *Curso de derecho penal económico*. 2ª ed. Madrid: Marcial Pons, 2005, p. 19-39.
- PINTO, Inês Horta. *A harmonização dos sistemas de sanções penais na Europa. Finalidades, obstáculos e perspectivas de futuro*. Coimbra: Coimbra, 2013.
- SARCEDO, Leandro. *Compliance e responsabilidade penal da pessoa jurídica*. São Paulo: LiberArs, 2016.
- SHELTON, Dina. *Commitment and compliance*. New York: Oxford, 2007.
- SHECAIRA, Sérgio Salomão. *Responsabilidade penal da pessoa jurídica*. São Paulo: Revista dos Tribunais, 1998.
- SILVEIRA, Renato de Mello Jorge; SAAD-DINIZ, Eduardo. *Compliance, direito penal e lei anticorrupção*. São Paulo: Saraiva, 2015.
- SMANIO, Gianpaolo Poggio. O sistema normativo brasileiro anticorrupção. In: 48 visões sobre a corrupção. Coordenação Instituto não aceito corrupção. São Paulo: Quartier Latin, 2016.
- WARDE JÚNIOR, Walfrido Jorge; BERCOVICI, Gilberto; SIQUEIRA NETO, José Francisco. *Um plano de ação para o salvamento do projeto nacional de infraestrutura*. São Paulo: Contracorrente, 2015.
- ZAPATERO, Luis; NIETO MARTÍN, Adán (dir.). *El derecho penal económico em la era compliance*. Valencia: Tirant lo Blanch, 2013.



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