



**Asia-Pacific
Economic Cooperation**

2019/SOM3/ACT/NET/WKSP/004

Prosecuting Bribery in the Application of Corporate Compliance Programs - Chile

Submitted by: Chile



**Workshop for Law Enforcement Agencies on
Effectively Using Corporate Compliance Programs
to Combat Domestic and Foreign Bribery
Puerto Varas, Chile
18-19 August 2019**



PROSECUTING BRIBERY IN THE APPLICATION OF CORPORATE COMPLIANCE PROGRAMS.

APEC MEETING, PUERTO VARAS AUGUST 2019.
XIMENA CHONG CAMPUSANO.



ACT N° 20.393.

2009

- ASSET LAUDERING.
- TERRORIST FINANCING.
- BRIBERY OFFENSE.

2016

- RECEIVING OFFENSES.

2018

- OFFENSE OF DISLOYAL ADMINISTRATION.
- PRIVATE BRIBERY.
- INCOMPATIBLE BARGAINING OFFENSE.
- CRIME OF MISAPPROPRIATION.

THE LEGAL ENTITY AND CORRUPTION OFFENSES.



Stock Corporation.

Limited Liability Company & EIRL

Foundations and Corporations.

THE CHILEAN MODEL OF LIABILITY OF LEGAL PERSONS FORM CRIMINAL OFFENSES.

1

ORGANIZATION DEFECT.

2

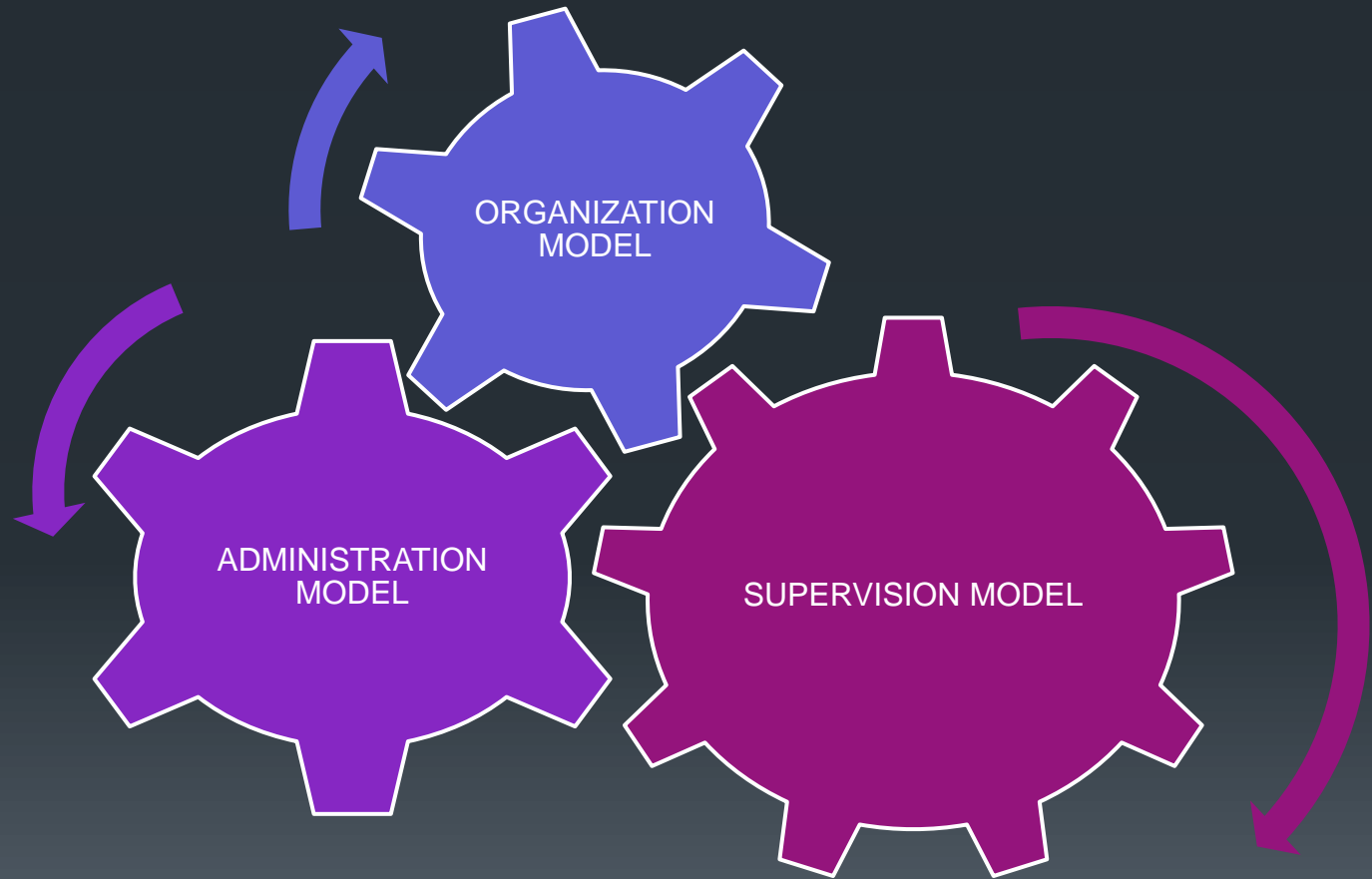
LACK OF PREVENTION.

3

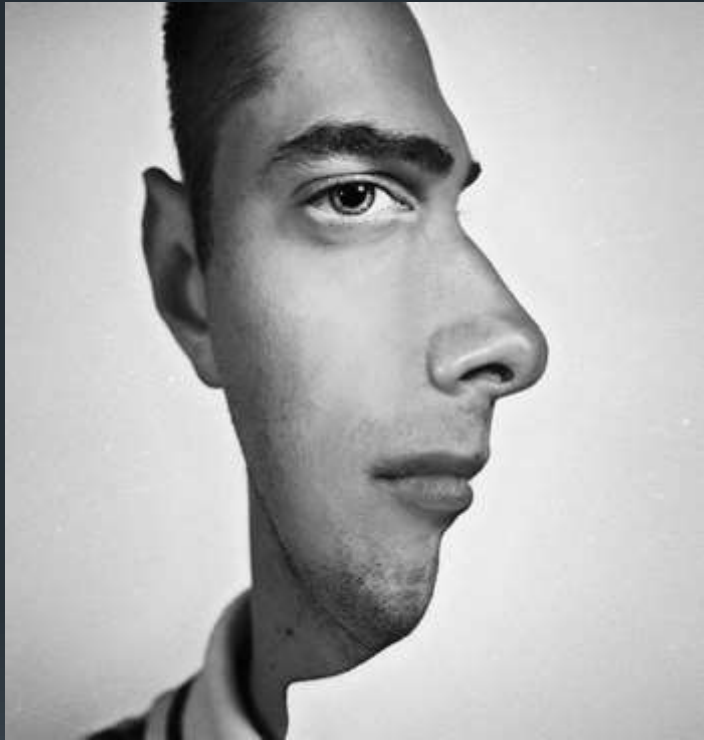
POOR PREVENTION.



THE ROL OF THE COMPLIANCE MODEL.



CONTENT OF A COMPLIANCE MODEL.



→ DESIGN STAGE.

→ IMPLEMENTATION STAGE.

COMPLIANCE OFFICER

AUTONOMY.

MATERIAL RESOURCES,
FACULTIES.

ACCESS TO
ADMINISTRATION.

RISK MATRIX.

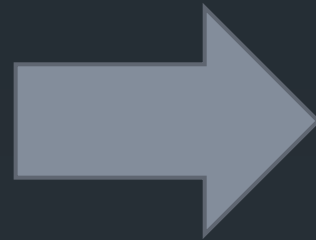
INTERNAL SANCTIONS.

PROTOCOLS, RULES
AND PROCEDURES.

COMPLAINT
PROCEDURE

CERTIFICATION.

THE ROLE OF CORPORATE COMPLIANCE MODEL.



AVOID
LIABILITY.

CRIMINAL

FACTOR TO
PUNISHMENT.

REDUCE

BE NEUTRAL.

SPOTLIGHTS OF THE CRIMINAL INVESTIGATION.

CORPORATE GOVERNANCE

- STRUCTURE.
- BUSINESS GROUP.
- TRADE ASSOCIATION.
- RELATIONSHIP WITH THIRD PARTIES.
- MANAGEMENT.

COMPLIANCE MODEL

- DESIGN.
- IMPLEMENTATION.
- DIFFUSION.
- CONTENT.
- SPECIFIC RISKS.
- RISKS OF THE ACTIVITY.
- SUITABILITY.
- ABILITY TO RESPOND.

COMPLIANCE OFFICER

- AUTONOMY.
- ACCESS TO ADMINISTRATION.
- MATERIAL RESOURCES.
- INTERNAL RESEARCH PROTOCOL.
- TRAINING.
- RESULTS TRACKING.
- CERTIFICATION.

CHALLENGES FOR THE PROSECUTION OFFICE. STANDARDS TO EVALUATE COMPLIANCE PROGRAMS

