

An international workshop entitled "strategies for strengthening international cooperation in the fight against corruption" was organised by the European Union EUROsociAL+ Programme, Transparency International and the Carlos III University of Madrid. It was attended by prominent representatives of institutions from the justice sector, civil society, academia and international organisations from Latin American and European countries. It spent two days discussing the issues and as a result of the debate the following conclusions were agreed:

Recommendations

The fight against corruption requires comprehensive efforts involving different institutional and social actors. This requires:

- a. Continued promotion of partnerships between civil society actors, whether national or international organisations or networks, opening up **spaces for citizen action** as an essential and necessary stimulus in the fight against corruption.
- b. The development of **ethical programmes** that foster a culture of legality in both political and citizen structures, as well as the development of **transparency measures** as a preliminary step towards institutional accountability.
- c. Facilitating and consolidating whistleblower protection through the enactment of **whistleblower protection laws** and the development and improvement of **judicial cooperation** systems. The example of the *plea and cooperation agreements* enshrined in Brazilian legislation and their effectiveness in the Lava Jato (Car Wash) case can serve as a reference.

At the **specific level of international judicial cooperation** addressed by this workshop it is important to be aware of the enormous legislative efforts that have already been made and of the existence of various international, bilateral and multilateral legal instruments in different fields. It is, therefore, considered appropriate to continue backing the effectiveness of the international cooperation that makes improvements in the investigation and resolution of cases possible.

Recommendations have, thus, been made in the areas of the greatest challenges, including the following:

- a. Promote and consolidate the autonomy of the investigative bodies, specifically the Public Prosecutor's Office, promoting their independence from executive and legislative powers.
- b. Move towards direct cooperation, without intermediaries, between those responsible for the investigation of cases, promoting more fluid relations between them. A number of different solutions have been proposed in this area, such as meetings between central authorities or the establishment of regional or

sub-regional hubs that will allow transnational cases to be opened and that will serve as information repositories to facilitate immediate access to this information and to allow similar proceedings to be carried out simultaneously in two or more countries.

- c. Improve legal systems through innovation and by updating existing national and international regulatory instruments, such as those relating to asset recovery, corporate responsibility and effective collaboration or plea and cooperation agreements.
- d. Move towards substantive legislative harmonisation to avoid gaps in the definition of illicit behaviour.
- e. Develop and implement **tools for international cooperation, for which the European model can be taken as a good reference**, especially through tools such as the **European Arrest Warrant**, the **European Investigation Order**, the **European Public Prosecutor's Office** and the Joint Investigation Teams.
- f. Deepen the use of informal tools for cooperation between authorities responsible for prosecuting corruption offences.
- g. Carry out actions to help build confidence between countries in order to improve the application of the principle of mutual recognition, among others.

Independently from the above, there is also a need to improve and implement the mechanisms currently in place or to implement other specific and viable mechanisms to:

- a. Promote accession to and/or ratification of international instruments on the subject, as well as facilitating their implementation and promoting the institutional mechanisms necessary for their effective action; identifying the existing obstacles to their full development, in order to reduce them.
- b. Encourage the informal exchange of information between judicial operators and provide training for the different national actors involved, strengthening direct communication between the different competent authorities.
- c. Promote or strengthen the specialised networks of judicial and fiscal authorities to improve informal cooperation channels and eventually serve as a platform from which formal reforms can be proposed.
- d. Work on strengthening the national teams comprising the investigation bodies, providing them with sufficient financial, human and technological resources.
- e. Provide the authorities responsible for prosecuting corruption offences with independence to carry out international cooperation activities, so they are not affected by excessive administrative filters imposed by political authorities, such as the steps taken by Chancellor's Offices or, on occasion, Ministries of Justice. It was also proposed, within the framework of the OECD, to create a *Network of Anti-Corruption Law Enforcement Officials in Latin America and the Caribbean*.

- f. Strengthen inter-institutional coordination at the national and international levels, especially regarding economic and financial crimes linked to corruption.
- g. Promote the creation and effective functioning of centralised registers of bank accounts, beneficial owners of legal persons and provide financial intelligence units with more resources.
- h. Encourage cooperation figures such as liaison magistrates and prosecutors.

Madrid, 6 March 2018