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CRIMINAL LEGAL CHARACTERISTICS OF BELGIUM'S CORRUPTION CRIMES

Belgium has a comprehensive anti-corruption legal framework and the government adequately enforces the relevant laws. A normative legal act that provides for criminal responsibility for corruption offences is the Criminal Code of Belgium.

It consists of two parts . The first part, consisting of ten chapters, contains general provisions on criminal offenses and types of punishment. The second part includes special types of offenses and punishment for them. Criminal offences in the Criminal Code of Belgium are fixed from Art. 246 to 253 (Articles 251, 253 -wrought) in Chapter 4 "About the Corruption of Persons Performing Public Functions", Section 4 "About Crimes and Offenses against Public Order Committed by Persons Performing Public Functions or by Ministers of Cults Who Perform them Job Duties "of another part.

The Belgian Criminal Code criminalizes public and private bribery, passive and active bribery, and bribery of national and

foreign public officials. Belgian courts have wide jurisdiction in corruption cases handling, including offenses committed in Belgium or abroad, and by Belgian citizens or foreigners [1].

Facilitation payments are not permitted in Belgium. Gifts and hospitality of any value may be illegal depending on the intent behind the action [2].

Regulations governing gifts and other benefits, particularly in parliament and the judiciary, are vaguely defined not effectively enforced [3].

The Group of States of against Corruption (GRECO) noted in 2017 that Belgium has not made any significant efforts to implement its recommendations on clearer rules for gift giving made in 2014 [4].

Public sector corruption offenses are penalized by imprisonment of between 6 months and 10 years and/or a fine ranging between EUR 600 and 600,000 [5]. The Pot-Pourri II amendment multiplies the fines between 3 and 5 times in case the bribe involves a foreign public official [6]. Corruption offenses in the private sector are penalized by imprisonment ranging between 6 months and 3 years and/or a fine between EUR 600 and 300,000 [5]. The penalties for both public and private bribery may include further sanctions, such as debarment, asset forfeiture, and denial of any fiscal benefits the entity may have enjoyed [5].

The government has established a system of declarations of donations, assets, official appointments and other positions held, as well as codes of conducts, and a Federal Ethics Committee [3]. There is no specific legislation addressing whistleblowing in Belgium, however, whistleblowers can seek protection under other statutes [7].

Nowadays one of the main functions of police is investigation and detection of corruption offences. Businesses consider the Belgian police to be very reliable, indicating a very small risk of corruption within the police service (GCR 2017-2018). No citizens report having paid a bribe to a police official, despite over one-third perceiving corruption and [bribery](#) as being widespread among the police force [8]. There is a strict civil control of the police at local

and federal levels, and the government has enacted the necessary mechanisms for corruption investigations and enforcement [9]. A shortage of resources in the police service has impeded the effective investigation into financial and economic crimes [3].

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