

*V. A. 1. Fighting International and National Corruption...*

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## **Fighting International and National Corruption by Means of Criminal Law**

**Abstract.** In Hungary there is a wide range of acts of corruption forbidden by criminal law. As of 1 April 2002 the measures of penal law applicable in the crackdown on corruption were further extended. In the Hungarian Criminal Code the system of corruption offences are as follows: bribery (official bribery, economic bribery, bribery in connection with hindering of official procedure), failure to report bribery, trading in influence, persecution of a conveyor of an announcement of public concern, crimes against the propriety of international affairs. Furthermore passive forms of bribery are traditionally judged more strictly than active bribery patterns. As regards the comparison of official and economic bribery, the degree of penal law sanctioning gradually came closer time to time. The criminal law regulation on bribery in international relations was introduced by Act of 1998 with due consideration to the OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The sanctioning of bribery offences committed in national and international relationships is very similar in the Hungarian Criminal Code.

**Keywords:** bribery of public officials, corruption other than bribery of public officials, bribery having international features, corporate responsibility, confiscation of proceeds, money laundering

### **I. Notion of "Corruption"**

According to official criminal statistics concerning criminal corruption, Hungary is in a much better situation than if we regard corruption in general. The absolute number of registered corruption crimes fluctuated between 400–500 and 1,000 in the last 20 years. In the background of criminal corruption there are such corrupt relationships in the evaluation of which as well as regarding the general notion of corruption hesitation can be felt in several respects.

As regards the role of material criminal law in combating corruption, in our country there is a particularly wide range of acts of corruption forbidden by penal law. As of 1 April, 2002 the measures of penal law applicable in the crackdown on corruption were further extended.

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## II. Recent significant bribery cases and cases of corruption other than bribery and recent law reform in this field

Regarding recent penal law reform in this area, titles VII (Crimes against the purity of public life) and VIII (Crimes against the propriety of international affairs) of Chapter XV of the Criminal Code were significantly modified from 1 April, 2002:

- Punishments for corruption offences became more severe.
- In cases of conviction for crimes related to organized crime, confiscation of the property gained by the perpetrator during the period of time when he/she was in contact with organized crime became possible. Perpetrators involved in the procedure have the possibility of giving evidence of the lawful origin of the enrichment, in order to overcome the above presumption.
- Punishability was created of officials becoming informed about corruption cases, but not fulfilling their obligation of reporting the case to the competent authorities (Criminal Code Article 255/B).
- In order to have more effective measures against bribery, new criminal law regulations were introduced, which ensure the termination of punishability not only for the active official briber (before 1 April, 2002) but also for the passive official briber and also in the cases of economic bribery (Criminal Code Article 255/A).
- In accordance with the contents of documents of the OECD, the Council of Europe, the European Union, especially in order to fulfil expectations of law harmonization, the possibility of sanctioning of legal persons was created by Act CIV of 2001. The entry into force of this Act is the day of the accession of Hungary to the European Union.

In the light of these amendments the system of crimes against the purity of public life (corruption offences) from 1 April, 2002 is:

### A) *Bribery* (Criminal Code Articles 250–255/A)

Official bribery	Economic bribery	Bribery in connection with hindering of official procedure
— passive	— passive	— active
— active	— active	— passive

### B) *Failure to report bribery* (Criminal Code Article 255/B)

- C) *Trading in influence* (Criminal Code Article 256)
  - official type
  - economic type
- D) *Persecution of a conveyor of an announcement of public concern* (Criminal Code Article 257)
- E) *Crimes against the propriety of international affairs* (Criminal Code Articles 258/B-258/F)
  - Bribery in international relations
  - Profiteering with influence in international relations

### III. Bribery of public officials

#### 1. *Protected legal interests*

The circle of legal interests to be protected by punishing bribery was continuously broadened. Hungarian penal law first put the interest of the purity of jurisdiction and then that of public administration under the protection of penal law, which was later gradually extended to the economy, too.

Act V of 1878, the first modern Hungarian Criminal Code basically contained regulations to punish illegal official activities. The scope of public officials was gradually extended primarily due to the modifications introduced in the 1940s with more and more people becoming public officials from the point of view of criminal responsibility and trafficking in influence was ordered to be a punishable offence, too.

The first socialist Code, Act V of 1961 extended the penal law measures against corruption to economic life, as well, but contained the definition of the individual corruption offences dispersed in four different chapters.

The presently prevailing Criminal Code, Act IV of 1978 regulates offences against the purity of public life consistently in one chapter.

#### 2. *Definition of bribery*

Definition of passive official bribery in the Hungarian Criminal Code (Article 250, Paragraph 1): Any public official who requests an undue benefit in connection with his actions in an official capacity, or accepts such benefit or a promise thereof, or agrees with the party requesting or accepting the benefit.

*Passive economic bribery* (conducts identical to passive official bribery) and from 1 April, 2002 passive bribery in connection with the hindering of jurisdiction (i.e. acceptance of unlawful benefit) are also punishable.

Concerning the relationship between the official duties and the bribe, it is required that the unlawful benefit should be connected with the duties of the public official.

It is possible that such a relationship occurs in connection with the management of a concrete case under way, or within the framework of a permanent official relationship arising from the position of the public official (e.g. regular monitoring by the public official), or as a result of the general work of the public official.

It is important how close this relationship is when it comes to the infliction of punishment. It is closest in the case when the public official asks for an advantage concerning a case under way before fulfilling his official duties. It is also a case of bribery, however, if he only asks for the advantage after arranging the case. A public official may ask for an advantage independently from any concrete case. The point in such bribery is to win the “goodwill” of the public official in the hope of some future return.

It has decisive importance that the request for and acceptance of unlawful advantage by the public official and his agreement with the one asking for or accepting unlawful advantage should take place basically in connection with his activities in an official capacity. The request etc. for the advantage related to his activities may be simultaneous with the proceedings of the public official (the public official gets the advantage while he is proceeding in the case), or this act may precede (it is expected that the public official will proceed in the case of the person giving the advantage) or follow that one.

### 3. *Various forms of bribery*

According to the Hungarian Criminal Code bribery (as well as trafficking in influence) can be of an official or economic type, and bribery in connection with hindering of jurisdiction is also punishable from 1 April, 2002.

*Official bribery* (Criminal Code Articles 250., 253.): the perpetrator is either the public official, or criminal corruption is committed in connection with his activities. Official bribery may be related, for example, to the persons or activities of policemen, customs officers, borderguards, Tax Office inspectors or social security inspectors.

In the case of *economic bribery* (Criminal Code Articles 251–252., 254.) the perpetrator is the employee or member of a budgetary agency, economic organization or non-governmental organization, or an employee or member who is authorised to act on behalf of a budgetary agency, economic organization or non-governmental organization, and the offence is committed in

connection with his activities in an official capacity. One characteristic field of economic bribery is the granting of credit.

With respect to the conducts of perpetration, a distinction is made between *passive bribery* (Criminal Code Articles 250–252.) and *active bribery* (Criminal Code Articles 253–254.) for both official and economic bribery offences.

The offence of *bribery committed in a judicial proceeding* (Article 255., Paragraphs 1–2.) was introduced into the Criminal Code by Act CXXI of 2001, which makes both an active and passive perpetrator punishable (with identical punishment).

*Trafficking in influence*, which can be regarded as indirect bribery, was defined in the Criminal Code on the one hand in connection with passive forms of perpetration and on the other with regard to official and economic patterns of bribery.

As for passive bribery, the simple definition can be found in Article 250, Paragraph 1 of the Criminal Code (see point 2).

#### *Aggravated passive bribery*

A) *if the crime is committed*

- by a public official in a high office, or by one entrusted to take measures in important affairs,
- by another public official in an important matter of great importance.

B) *if the perpetrator breaches his official duty in exchange for unlawful benefit, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of criminal profiteering.*

#### *4. Definition of a bribe*

The *unlawful advantage* may be of a material or personal, moral character.

With regard to the fact that international anti-corruption agreements use the attribute “unlawful” to qualify the advantage in defining offences of bribery punishable in penal law, this attribute was entered into Hungarian penal law regulations of bribery offences, as well, by Act CXXI of 2001 amending the Criminal Code. At the same time it needs to be emphasized that in judicial practice it is generally typical to refer to the “advantage” as “unlawful advantage”.

*Material advantage* is most commonly a money payment or any material benefit that can be expressed in money value, but the cancelling of debt also qualifies as an advantage. Besides, granting a loan or credit is likewise to be regarded as material advantage (if interests are to be paid, the acquisition of

credit constitutes the advantage, while in the case of granting interest-free credit or cancelling debt we are concerned with unilateral monetary benefit).

Not only the act of giving free of charge benefit or presents but the entering into onerous contracts (e.g. a contract of sale) may also result in unlawful material or probably even personal advantage as described in the state of affairs if it occurs in connection with the activities of the public official in an official capacity.

*Personal advantage* is e.g. the acceptance of the opportunity to earn money or income, the entering into sexual intercourse or in some cases into onerous contracts. A career advantage of the *moral type* is e.g. when the person concerned is recommended for decoration.

With regard to the perpetration of offences of bribery it shall not be regarded as an advantage if the person is offered such a tiny benefit the acceptance of which complies with social customs in the given circumstances so it does not constitute misdemeanour (e.g. the acceptance of coffee, drinks or cigarettes during official discussions). The unlawful advantage *must be in connection with the activities of a public official in an official capacity*.

##### 5. *Scope of public officials and related persons to be punished*

The following official persons are important from the point of view of both active and passive bribery (Criminal Code Article 137, point 1):

- a) Members of Parliament;
- b) the President of the Republic;
- c) the Prime Minister;
- d) members of the government, political state secretaries;
- e) constitutional judges, judges, prosecutors;
- f) ombudsmen of citizens' rights and national and ethnic minority rights;
- g) members of local government bodies;
- h) notaries public and assistant notaries public;
- i) independent court bailiffs and assistant court bailiffs;
- j) persons serving at the constitutional court, the courts, prosecutors offices, state administration organs, local government organs, the State Audit Office, the Office of the President of the Republic, the Office of Parliament, whose activity forms part of the proper functioning of the organ;
- k) persons at organs or bodies entrusted with public power, public administration duties on the basis of a legal rule, who fulfil tasks of public power, or state administration.

Other persons are the subject of passive (and active) economic bribery: on the one hand any (simple) employee or member, on the other hand any employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic organization or non-governmental organization.

#### 6. *Conducts to be punished*

The perpetrating conducts related to both official and economic passive bribery (request for unlawful advantage, acceptance of unlawful advantage or the promise thereof, agreement with the person who requests or accepts the unlawful advantage) are the same in Articles 250–252 of the Criminal Code. The perpetrating conducts related to active official and economic bribery are likewise identical (giving or promising an unlawful advantage) with the exception of paragraphs (3) and (4) of Article 253 of the Criminal Code.

The table below presents conducts of perpetration.

<i>Passive bribery</i>	<i>Active bribery</i>
request an unlawful benefit	
accepts an unlawful benefit	gives unlawful benefit
accepts an unlawful benefit	
agrees with the party requesting or	promises unlawful benefit
accepting the unlawful benefit	
	new special forms

If the perpetrator commits the passive bribery in criminal conspiracy or in a pattern of criminal profiteering, he can be punished for aggravated passive bribery.

#### 7. *Mental elements*

Until the recent modification, which came into force on 1 April 2002, intention as a mental element was necessary for punishing in all cases of bribery. From that time the intention is generally needed for the perpetrator to be punished for bribery, except in the new forms of active official bribery (Criminal Code Article 253, paragraph 3–4), because in that case negligence is sufficient.

Furthermore, active economic bribery (Criminal Code Article 254, paragraph 1) requires the so called “purpose” (to induce a person to breach his duties) and it presumes direct intention. “Purpose” of the act (although different)

is also an element of bribery in connection with hindering of jurisdiction [Criminal Code Article 255, paragraph (1)–(2)].

#### 8. *Active bribery*

According to the Hungarian Criminal Code both active official bribery and passive economic bribery can be punished.

Article 253 of the Criminal Code punishes as *active official bribery* the bribery of a public official or another person with respect to him, and it is the supplementary state of affairs for passive bribery as defined in Article 250.

The *unlawful advantage is to be given or promised* to a public official or to another person with respect to him. It is not a condition, however, that the perpetrator of active bribery should inform the public official about the unlawful advantage given or promised to another person with respect to him. The criminal offence is perpetrated even if the public official does not know about the unlawful advantage given or promised to another person with respect to him, or if he knows about it but does not agree with the actual or potential beneficiary of the unlawful advantage as acceptance is not a necessary condition.

Until the modification with Act CXXI of 2001 it was a criterion of the active official bribery that the advantage should be such as “may influence the public official in his activities adversely for public interest”. This statement was eliminated and in harmony with the definition of passive official bribery the unlawful advantage must be in connection with the activities of the public official according to the active official bribery, as well. The criminal offence is completed with the giving or promising of unlawful advantage and this is not influenced by the fact that the public official refuses to accept the advantage.

Article 6 of the convention on combating corruption concerning the public officials of the member states of the European Union and the public officials of the European Communities provides for the criminal responsibility of company leaders if a person under their supervision or control commits active bribery while proceeding in the interest of the enterprise. For the sake of the harmonization with this convention Act CXXI of 2001 modifying the Criminal Code introduced paragraphs (3) and (4) into Article 253 as a new form of criminalization, thus creating the possibility of penal law punishing of the leader, the member authorized to supervise or control, or the employee of a corporate organization in the case of active official bribery.



As *active economic bribery* the legislator only punishes the giving or promising of unlawful advantage with the purpose of the breach of duties of the employee or member defined in the Criminal Code. Therefore it is not sufficient if the giving or promising of unlawful advantage takes place in connection with the activities of the employee or member concerned, in contrast with the basic case of active official bribery of more severe evaluation in accordance with paragraph (1) of Article 253, with regard to which the giving or promising of unlawful advantage is a criminal offence even when related to the activities of a public official. On condition that the purpose of an advantage given or promised is not the breach of duties, active economic bribery does not take place even if the person on the passive side commits a breach of duties.

*Active bribery committed in official proceedings* is perpetrated with the purposeful acceptance of unlawful advantage. The purpose is that the person targeted should not exercise his lawful rights in court or other official proceedings or should not fulfil his duties.

#### **IV. Corruption other than bribery of public officials**

##### *1. Bribery in the private sector*

As it was mentioned under point III/5, passive and active economic bribery is punishable in connection with the activities of the following persons: on the one hand a “simple” employee or member of and on the other hand an employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic organization or non-governmental organization. Their conducts are mostly to be punished in the same way as in the case of official bribery, namely in connection with their duties but in the case of active economic bribery the so called “purpose”, i.e. to induce the person to breach his duties is also required (see point III/8).

##### *2. Trading in influence*

Similarly to offences of bribery, we distinguish between *trafficking in official influence* [Article 256, paragraphs (1)–(2)] and *trafficking in economic influence* [Article 256, paragraphs (3)–(4)]. The person trafficking in influence requests or accepts the unlawful advantage for himself or another person with reference to the fact that he influences a particular person. The person trafficking in influence who proceeds in the interest of another person

falls between the possible subjects of active and passive bribery but he has an independent role.

The offence of trafficking in influence is *completed* with the request for or acceptance of the unlawful advantage without any return. It is not necessary that the person trafficking in influence should get into contact with the public official or any other particular person or that the advantage requested should actually get to him. The person who gives the unlawful advantage in order to influence a public official commits active official bribery. The perpetrator of the offence of trafficking in influence can be anyone with the exception of the public official in charge and the other persons listed. In connection with their activities, the request for and acceptance of unlawful advantage is passive bribery.

### 3. *Bribery of voters in elections*

According to the Hungarian Criminal Code (Article 211): Any person in the course of election, plebiscite and popular initiative held under the Act on Election Procedures, with the following conducts among others commits a crime, if

- he obtains recommendation by virtue of financial advances in violation of the provisions of nomination procedures,
- he obtains signature by virtue of financial advances in the interest of initiating a national referendum or popular initiative,
- he makes any attempt to influence the election or plebiscite by offering financial benefits.

### 4. *Corruption other than bribery*

In the Hungarian Criminal Code corruption offences other than bribes—in the framework of crimes against the purity of public life—are as follows:

- Failure to report bribery (Criminal Code Article 255/B)
- Trading in influence (Criminal Code Article 256)
  - official type
  - economic type
- Persecution of a conveyor of an announcement of public concern (Criminal Code Article 257).

## V. Sanctions and related measures

### 1. *In Hungary passive forms of bribery are traditionally judged more strictly than active bribery patterns*

As regards the comparison of *official* and *economic* bribery, the patterns of bribery arranged in one chapter during the codification of the present Criminal Code made it easier to compare the penal law regulations concerning economic and official bribery from time to time. Bringing the former norms of penal law nearer to the latter is justified by the fact that the recent changes affecting the economic sector involved the multi-step tightening of penal law regulations concerning economic bribery. The degree of penal law sanctioning gradually came closer in the case of economic and official bribery. *Act CXXI of 2001* further diminished the difference between the judgement in penal law of economic and official bribery. On the other hand it generally introduced a new type of *termination of punishability* because it was extended to twice as wide a circle.

In accordance with the 1997 OECD Convention, the definition and sanctioning of bribery offences committed in national and international relationships is very similar in the Hungarian Criminal Code (almost identical disregarding 1 or 2 exceptions).

Act CXXI of 2001 (from 1 April, 2002) made it possible to sanction all offences of bribery more rigorously as the imposable punishments were raised with one bracket.

The special part of the Hungarian Criminal Code sanctions every offence of bribery with imprisonment. According to the regulations in the general part in some cases it is possible to suspend the sentence or replace it with a fine. In most severe cases, imprisonment can extend from 5 to 10 years (for example Criminal Code Article 250, paragraph 3 and Article 252, paragraph 3).

### 2. *Corporate responsibility*

Last year in Hungary Act CIV of 2001 on the Measures Applicable against Legal Entities under Criminal Law was accepted by the Parliament. The entry into force of this act is the day of the accession of Hungary to the European Union.

The main elements of the Act are the following:

The penal measures against the legal persons are applicable only if the court has imposed a punishment concerning the natural person. There are

two exceptions to the rule: if the perpetrator is not punishable because of his death or mental incapacity.

The natural person who committed the intentional offence could be

- a) persons having an authorization for the representation or management of the legal person, being a member of its supervisory committee or being a substitute of the abovementioned persons,
- b) an employee of the legal person, but the exercise of control or supervision by one of the persons mentioned in point a) could have prevented the commission of the offence,
- c) any person (not even an employee of the legal person), if the legal person has enriched because of or through the commission of the crime.

The responsibility of the legal person is based on the connection between the legal person and the natural person, and on the fact that through the commission of the offence it has enriched or at least it was the aim of the perpetration of the offence.

The measures applicable against the legal persons are the following:

- a) judicial order for winding up
- b) temporary restriction of the activities of the legal person
- c) fine (minimum: 500,000 HUF, maximum: 3 times the enrichment obtained or aimed to obtain through the commission of the crime)

First measure is applicable only as a single sanction, while second and third one can be inflicted both single measures and in mixed form together.

Act CIV of 2001 regulates—separated from the Criminal Code and the Penal Procedure Code—the penal measures applicable against legal persons, the conditions how they could be applied and the procedure of the application. The Criminal Code and the Penal Procedural Code only contain a provision which refers to the new Act.

The criminal procedure shall run parallel with the procedure against the legal person in front of the same court and judge. The professional legal representation of the legal person shall be obligatory. The rights of the legal representative of the legal person shall be more or less similar to the rights of the defender.

### *3–4. Confiscation of proceeds derived from bribery and other corruption offences; Freezing of proceeds*

Article 77/B of the Criminal Code contains completely new regulations on the forfeiture of assets as a penal measure from 1 April, 2002.

The following is seized subject to forfeiture:

- a)* any financial gain or advantage resulting from criminal activities, obtained by the offender in the course of or in connection with a criminal act,
- b)* any financial gain or advantage obtained by the offender in connection with crimes committed in affiliation with organized crime,
- c)* any financial gain or advantage that was used to replace the financial gain or advantage obtained by the offender in the course of or in connection with a criminal act,
- d)* any property that was supplied or intended to be used to finance the means used for the commission of a crime. Any financial gain or advantage resulting from criminal activities, obtained by the offender in the course of or in connection with a criminal act, also if it served the enrichment of another person, shall be seized subject to forfeiture. If such gain or advantage was obtained by an economic organization, it shall be subject to forfeiture.

Any profits, intangible assets, claims of monetary value and any financial gain or advantage shall be deemed assets.

Confiscation of an object shall not be ordered if it is included in a forfeiture of assets.

Furthermore Article 77 of the Criminal Code on confiscation contains that an object

- a)* actually used or intended to be used as an instrument for the commission of a criminal act,
  - b)* the possession of which constitutes an endangerment to public safety or is illegal,
  - c)* which is created by way of a criminal act,
  - d)* for which the criminal act was committed
- shall be confiscated.

Confiscated objects shall become the property of the state and seized assets shall also become the property of the state unless prescribed by law to the contrary.

The abovementioned new criminal law regulation came into force from 1 April, 2002 concerning both forfeiture of assets and confiscation as penal measures.

It is to be emphasized that Hungary joined the 1990 agreement on money laundering and the localization, seizure and confiscation of objects originating from criminal offences, the promulgation of which was ordered by Act CI of 2000.

### 5. *Money laundering*

In Hungary the year 1994 was of outstanding importance in the fight against money laundering. On the one hand, Parliament passed Act XXIV of 1994 on the prevention and impeding of money laundering and on the other, Act IX of 1994 recodifying economic crimes reintroduced money laundering into the Criminal Code, the regulation of which has been modified several times recently.

In the meantime Parliament adopted Act LXXXIII of 2001 on combating terrorism, tightening up the provisions on the impeding of money laundering and the ordering of restrictive measures. This Act extended the personal scope of the Act on prevention and impeding of money laundering to auditors, accountants, tax advisors, real estate agents, traders of high-value movable assets and the legal professions. It means that these persons are also obliged to report to the police the emergence of any data, fact or circumstance indicating money laundering. The entry into force of this Act was December 2001.

The definition of money laundering as a criminal offence was altered by Act CXXI of 2001 (coming into force on 1 April, 2002), the essence of the modification being the extension of the supplementary character of money laundering and thus the scope of fundamental criminal offences.

The perpetrator of money laundering can be any person who uses items obtained by the commission of criminal activities punishable by imprisonment in his business activities and/or performs any financial or bank transaction in connection with the item in order to conceal its origin.

Both intentional and negligent forms of money laundering are punishable as well as the non-performance of the reporting obligation in connection with money laundering.

## **VI. Laws and measures to facilitate the investigation and prosecution of corruption**

Concerning the *conversion of burden of proof* it should be emphasized that Act CXXI of 2001 exceptionally introduced this possibility in connection with forfeiture of assets as a criminal measure (see point V/3–4). According to the Hungarian Criminal Code any financial gain or advantage obtained by an offender in connection with crimes committed in affiliation with organized crime shall be subject to forfeiture until proven otherwise. The assets cannot be seized if their origin is proven legitimate.

The perpetrator of bribery—except in some aggravated cases—shall be exonerated from punishment on the passive side of bribery if he confesses the act to the authorities first hand, surrenders the obtained unlawful financial advantage in any form to the authorities, and reveals the circumstances of the criminal act.

On the active side of bribery the perpetrator shall be exonerated from punishment if he confesses the act to the authorities first hand and reveals the circumstances of the criminal act (Criminal Code Article 255/A).

As far as the authorities prosecuting corruption are concerned, according to Act XXXI of 2001 on the amendment of Act V of 1972 on the Prosecution Service of the Republic of Hungary, the investigation of official bribery shall be conducted exclusively by the public prosecutor. In the interest of a coordinated, more efficient action against criminal corruption, it is reasonable to conduct investigations on concentrated organisational bases.

## **VII. Offences having international features and the question of international cooperation**

The criminal law regulation on bribery in international relations was introduced by Act LXXXVII of 1998 with due consideration to the OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Comparing on the one hand bribery (title VII) and on the other hand bribery in international relations (title VIII) in the Hungarian Criminal Code some differences can be shown.

Bribery in international relations can be committed in connection with foreign public officials and foreign economic organizations.

*Foreign public official* shall mean (Criminal Code Article 137, point 3):

- a)* a person serving in the legislature, law enforcement or administrative body of a foreign state,
- b)* a person serving in an international organization created under international convention, whose activities form part of the organization's activities,
- c)* a person elected to serve in the general assembly or body of an international organization created under international convention,
- d)* a member of an international court that is vested with jurisdiction over the territory or the citizens of the Republic of Hungary, and any person serving in such international court, whose activities form part of the court's activities.

*Foreign economic organization* shall mean organizations functioning as an artificial person according to its personal law, which is entitled to perform economic activities in its prevailing organizational form (Criminal Code Article 258/F).

As penal law sanctions must be similar to those prescribed by the given state in the case of bribing its own public officials, these criminal offences mirror domestic criminal offences of bribery. As regards further differences, an important one is that in the case of official bribery patterns committed in international relations the order is different as active bribery is listed first. The other important difference is that in the Hungarian Criminal Code the active but not the passive form to be punished from among cases of economic bribery committed in international relations.

The OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was ratified by Hungary (Act XXXVII of 2000). Furthermore in 2000 the Hungarian Parliament made a resolution to confirm the Criminal Law Convention on Corruption of the Council of Europe and in the same year the Minister of the Interior subscribed to the UN Convention against Transnational Organized Crime, as well.

#### **VIII–IX. Prevention of corruption, combating against corruption**

Significant steps were taken towards the implementation of the governmental strategy, among which the most important one from the point of view of everyday practice is that the general obligation of *assets declaration* concerning persons working in the public sphere.

Concerning the measures of the prevention of corruption, it is also important to mention that the Government has significantly increased *the salaries* of public officials and law enforcement officials.

It is reasonable that *the immunity right* of persons performing public power offices, elected for a definite period of time, should only guarantee immunity for the period of time of the mandate and should not mean a definite obstacle to the initiation of criminal procedure.