

Gateway - The BBC Intranet

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You are in: [Fraud Management](#) > [What is fraud?](#) > [Bribery & Corruption](#) > **Definition**

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Definition



Corruption is the abuse of entrusted power for private gain.

Bribery is a form of pecuniary (monetary) corruption, implying that the giving of money, gift or favour alters the behaviour of the recipient.

An essential part of corporate social responsibility is honest and transparent trading; these are also part of the BBC's values. Bribery and corruption create a disincentive to trade and can damage economic systems and the individuals within them.



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What is it ?

Corruption: There is no international legal definition of corruption.

In its narrowest sense, corruption is interpreted as referring to bribery and extortion

In its wider sense, corruption includes one or more of bribery, extortion, fraud, deception, collusion, cartels, abuse of power, embezzlement, trading in influence and money laundering. These activities will normally constitute criminal offences in most jurisdictions although the precise definition of the offence may differ

Bribery: is a form of pecuniary (monetary) corruption, which involves the act of using money, gift, favour, advantage, privilege or promise to influence or induce a course of action, or to influence a person in an official or public capacity. **Bribery is a criminal offence in most jurisdictions.**

A "facilitation payment" is the term often used in relation to payments made to officials so as to obtain or expedite services to which the payer is entitled (for example, the obtaining of contract payments which are due, import or work permits, or installation of telephone lines). In practice, the following distinction is sometimes made between bribes and facilitation payments. A bribe is regarded as being a payment made to someone to act in a way in which they should not act (for example, by wrongly awarding a contract to the bribing party, or wrongly releasing a party from a legal obligation) whereas a facilitation payment is regarded as being a payment (other than the fee required by law) made to a person to do something which he should already be doing (for example, issuing a visa or customs clearance that is properly due). However, although there may be this distinction, most countries treat the payment and receipt of facilitation payments as a form of bribery.

There may be circumstances in which a "facilitation payment" may be required in order to secure a result that would not be considered a bribe according to the rules of that particular territory (but simply a normal business practice). **Accordingly, in overseas territories specific advice should be sought as to the acceptability of making such payments.**

What is fraud? | Preventing Fraud | Detection & Response | Site Map
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The extra territorial application of these laws is significant. Investigations under the US FCPA have resulted in multi-million dollar fines and penalties for organisations - and extradition, prosecution and imprisonment for individuals - involved in improper activities abroad. The FCPA makes it illegal for a U.S. person (or non - U.S. person while in the U.S.) to corruptly offer or give money or anything of value, directly or indirectly through agents or intermediaries, to foreign officials or political parties or candidates to obtain or retain business.

UK Anti-Terrorism, Crime and Security Act 2001

The UK Anti-Terrorism, Crime and Security 2001 Act made it possible for UK companies and nationals to be prosecuted in the UK for acts of bribery committed wholly overseas for the first time.

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