

# IMPLEMENTATION OF THE ANTI-CORRUPTION POLICY

## Dealing with the challenge of transparency and the fight against corruption in Colombia

Since 2011, the Government of Colombia has initiated a great reform to improve transparency and the fight against corruption. EUROsociAL has supported these efforts with a comprehensive intervention, from the creation of the anti-corruption policy to its implementation.

### STRATEGY AGAINST CORRUPTION IN COLOMBIA

In recent years, Colombia has reinforced its policies for transparency and the fight against corruption. In 2011, following the route drawn up by the National Development Plan (2010-2014) and the new Anti-Corruption Statute (Law 1474 from 2011), the Government decided to significantly change its strategy on these issues and created the Secretariat for Transparency.

The Secretariat focuses its work on four main strategies: 1) strengthening the national policy for transparency and the fight against corruption, 2) promoting the implementation of international commitments regarding the fight against corruption, 3) promoting the control culture for public institutions, and 4) allowing inter-institutional and citizen coordination.

By the end of 2013, the Government approved the CONPES (National Economic and Social Policy Council) document from the Comprehensive Public Policy against Corruption, whose design, implementation and tracking were entrusted to the Secretariat for Transparency.

Despite the advances, corruption is still one of the population's main concerns. According to the Corruption Perception Index 2014 from Transparency International, even though Colombia has improved one point with respect to 2013, the country has achieved a rating of 37 out of 100 (0 being the greatest perception of corruption and 100 being the lowest), which puts Colombia in the 94th position amongst the 175 countries analysed.



For this reason, it is necessary to pursue the efforts and strengthen the application of the reforms initiated aimed at improving institutional mechanisms to prevent, investigate and punish corruption through a better institutional coordination and greater social collaboration.

### EUROSOCIAL'S SUPPORT

EUROSociAL's collaboration with Colombia has been carried out in line with the country's strategy to comply with its international commitments. Since October 2012, the Secretariat for Transparency has had the technical support of the Programme, which has contributed to the creation of inputs to the CONPES document of the Comprehensive Anti-Corruption Public Policy in several areas: transparency and access to information, criminal liability of legal persons, bribery of public officials and strategies for public-private collaboration. In particular, inputs from the experiences of referential institutions in Brazil, Chile,

DEMOCRATIC INSTITUTIONALISM



TRANSPARENCY AND FIGHT AGAINST CORRUPTION

COLOMBIA

Mexico, the United Kingdom and Sweden were integrated, which the Secretariat was made aware of thanks to EUROsociAL.

In a second phase, the support was aimed at the implementation of some of the components of the Comprehensive Anti-Corruption Policy, as was the launching of the Law for Transparency and Right to Access Public Information. This Law, which came into force in 2014, aims to "regulate the right to access public information, proceedings in order to undertake and guarantee the right and exceptions to advertising information".

This new scenario posed important challenges: to regulate the law in order to make it operational, create appropriate mechanisms for inter-institutional coordination and that within institutions, the definition of strategies for citizen training, education and support, and strengthening assessment mechanisms to comply with the law.

EUROSociAL has promoted a broad collaboration of the Secretariat for Transparency and the General Prosecutor of the Nation (body responsible for guaranteeing the law) with the referential institutions in this area in Latin America, mainly the Council for Transparency in Chile, but also other institutions such as the National Institute for Transparency, Access to Information and Personal Data Protection (INAI) in Mexico. As a result, a decree regulating the Transparency Law was approved in 2014.

In the case of the General Prosecutor of the Nation, EUROsociAL has contributed to the creation of an internal coordination mechanism to implement and

design a monitoring system for different non-traditional parties under obligation.

At the regional level, Colombia joined the Transparency and Information Access Network (RTA) in 2014 and signed the Regional Model for Management of Documents and Archives. Currently, this model is being applied through two pilot schemes in the Ministry of Finance and Public Credit and in the council of Chía.

In addition, EUROsociAL has supported other aspects in the implementation of the anti-corruption policy: the drafting of regulations to protect informants, the creation of an initiative called "Active Companies against Corruption" (EACA) and improving the research capacity for cases of corruption.

## IMPROVING THE INVESTIGATION OF CASES OF CORRUPTION: EXPERIENCES FROM ITALY AND SPAIN

A different aspect of the anti-corruption policy that responds to the priority of fighting against organised crime in Colombia from a comprehensive point of view has been the creation in 2014 of the Specialist Judicial Economic and Financial Police (PEF) within the General Prosecutor of the Nation. EUROsociAL has supported the design of this new structure and its working methods. To do so, it has mobilised two European experiences: that of the Finance Guard in Italy and the Central Unit of Economic and Fiscal Crime (UDEF) in Spain. Both are international referential institutions, due to their organisational structure and their competences, and they have been key in the investigation and prosecution of financial crimes in their countries. Their experience has been useful for the Prosecutor to create and implement special criminal investigation methods in PEF and to construct its organisational and operational design.

## VIDEOS



Interview with Camilo Enciso, Transparency Secretary (Colombia)

## EUROSOCIAL'S SUPPORT ITINERARY

### 2012. - 2013.

- ▶ Exchange visit to Mexico and Chile regarding issues of transparency and public access to information.
- ▶ Analytical work regarding the criminal liability of legal persons, protection of informants and on good practices in the fight against corruption in the private sector.
- ▶ Regional workshop to know the best practices in EU/LA regarding issues of business collaboration in the fight against corruption. Bogotá, Colombia.
- ▶ Exchange visit to get to know about the Brazilian experience regarding issues of business collaboration. Brasilia, Brazil.
- ▶ Exchange visit to get to know the best practices and experiences in the European Union regarding business collaboration against corruption and in systems for the protection of informants. London (United Kingdom), Stockholm (Sweden).

### 2014. - 2015.

- ▶ Workshop for the implementation of the Law for Transparency and Right to the Access to Public Information, Bogotá, Colombia.
- ▶ Technical support from Chile to advise in the implementation of the Transparency Law. Bogotá, Colombia.
- ▶ Exchange visit to Chile to look into the model of Transparency Public Policy. Santiago de Chile, Chile.
- ▶ Technical support for inter-institutional coordination from the Secretariat for Transparency and the Public Ministry of Colombia for the implementation of the Transparency Law, Bogotá, Colombia.
- ▶ Technical support to advise on the development of the pro-ethics registries, Bogotá, Colombia.
- ▶ Workshop with international experts on Models of Surveillance and Control in Transparency and Access to Public Information. Bogotá, Colombia.

## PUBLICATIONS



- ▶ Corruption reporting and whistleblower protection systems in Latin America and Europe

## FIRST-HAND

▶ Camilo Enciso  
Secretary for Transparency of Colombia



"Having an external institution that shows the relevance that the different subjects our public policy has is fundamental and it is having a really significant impact on the public anti-corruption policy in the country. EUROsociAL has become the perfect companion in this process". (Full interview on related video)

▶ Ana Linda Solano  
Director of the Economic and Financial Police of the General Prosecutor of the Nation in Colombia



"The Judicial Economic and Financial Police of the General Prosecutor of the Nation in the Republic of Colombia aims to combat the corruption linked to this type of crime in a specialist manner. It is a new initiative within the Prosecution and requires a change in methodology and working methods. EUROsociAL has allowed us to work with institutions from the European Union as well as the Finance Guard of Italy or the Central Unit for Economic and Fiscal Crime (UDEF) in Spain".

## COMPLEMENTARITY WITH THE EU

EUROsociAL has interacted in a very relevant way with the European Union's Anti-Corruption and Transparency Project, ACTUE Colombia, which lasts approximately four years (2014- 2018) and for which the EU has approved 7,475,000 Euros in funding. Through the collaboration between both cooperation initiatives, synergies and complementarities have been created, organising common activities to ensure greater impact in strategic issues such as the implementation of the Transparency Law, the "Active Companies against Corruption" initiative and the creation of an informant protection system.

Coordinating Partner



Operating Partners

