

IMPLEMENTATION OF THE NATIONAL ANTI-CORRUPTION PLAN

Looking for greater inter-institutional coordination

Since 2013, EUROsociAL has supported the implementation of Peru's National Plan against Corruption. It especially works together with the High Level Commission against Corruption to improve the articulation and coordination between key public and private stakeholders in the fight against corruption.



Like in many other Latin American countries, the fight against corruption is still one of the main challenges that Peru faces. The country is still stuck in the lower part of Transparency International's Corruption Perception Index, in position 85 out of 174 countries.

In order to improve the prevention, detection, investigation and punishment of crimes of corruption, and fulfil the international commitments acquired when Peru became a member of OECD, the government launched the National Plan to Fight against Corruption 2012-2016.

Peruvian institutions are aware that corruption is a complex, multi-dimensional and multi-causal phenomenon, and that fighting against it cannot be addressed by a single institution. Coordinated work between the institutions involved is required, with the goal of implementing an effective policy.

Thus, after verifying that there was inadequate cooperation and information exchange between the key institutions, the National Plan against Corruption took into account that one of its priorities is the need to strengthen the coordinating role of the High Level Commission against Corruption (CAN).

DEMOCRATIC
INSTITUTIONALISM



TRANSPARENCY AND FIGHT
AGAINST CORRUPTION

PERU

EUROSOCIAL'S SUPPORT

EUROSociAL has accompanied the implementation of the National Plan against Corruption, particularly in supporting the preparing the draft bill for the autonomous responsibility of legal persons, as well as the investigation and punishment of economic-financial crimes and the standardisation of reporting and complaint mechanisms in central Government institutions.

DRAFT BILL REGULATING AUTONOMOUS RESPONSIBILITY OF LEGAL PERSONS IN CRIMES OF CORRUPTION

In order to promote good practices in the business sector, CAN, with EUROSOCIAL's support, prepared a draft bill for the autonomous responsibility of legal persons in cases of corruption. This accompaniment has included specialist advice in the drafting of this regulation and awareness-building workshops for the key stakeholders, with the international best practices. This initiative has had an inter-institutional scope, involving many State institutions (Ministry of Justice and Human Rights, Judiciary, Public Ministry, Constitutional Court, the Ombudsman, the Comptroller General of the Republic, among others); representatives of civil society and the business sector (National Society of Industries and Chamber of Commerce of Lima).

This proposed law includes direct liability for the legal persons involved in acts of corruption, as well as imposing fines, regulating mitigating and aggravating factors, and the criteria to enforce sentences. It also includes a model to prevent crimes of corruption within organisations.

INVESTIGATION AND PUNISHMENT OF ECONOMIC-FINANCIAL CRIMES LINKED TO CORRUPTION



The strategies to fight against corruption and economic-financial crimes involve different governmental bodies. The lack of coordination is one of the main obstacles in the fight against these types of crimes, hence the importance of obtaining an effective coordination. EUROsocial has specifically supported CAN in drafting two supplementary protocols: one for the exchange and access to information between the Public Ministry, the National Police, the Comptroller General of the Republic and the Financial Intelligence Unit (UIF); and a second one focused on the intervention to recover assets. The bodies involved are the Public Ministry, the UIF, the Procurator, the Judiciary and the National Commission for Seized Property (CONABI).

Additionally, EUROsocial has supported strategies for the inclusion of civil society in the fight against corruption, as well as to strengthen the archive system, as a tool of the Law for Transparency and Access to Information.

EUROSOCIAL'S SUPPORT ITINERARY

2012-2013.

- ▶ Specialist advice to Peru to improve reporting and complaint mechanisms.
- ▶ Analytical comparison work on criminal and administrative liability for legal persons in the EU/LA.
- ▶ Specialist advice to prepare a draft bill about the criminal liability of legal persons.
- ▶ National workshop on a national public-private alliance to prepare a strategic plan on business collaboration in the fight against corruption in Peru.

2014-2015.

- ▶ Specialist advice to design and develop Inter-Institutional Coordination Model in the Prevention and Fight against Corruption in Peru.
- ▶ Specialist advice to draft a protocol for the recovery of assets.
- ▶ Latin American meeting of the OECD programme against corruption: working sessions to approve the preliminary bill regarding the criminal liability of legal persons.

FIRST-HAND

▶ Susana Silva

Coordinator of the High Level Commission against Corruption



"Corruption can't be only fought by the Judiciary, the Public Ministry or civil society itself; it requires the coordination of all the public sector appointed to fight it, as well as the business sector and civil society. EUROsocial's support to CAN, through the different technical assistances and workshops, to consolidate the draft bill for the criminal liability of legal persons and the standardisation of reporting and complaint mechanisms for the Executive institutions, has been really valuable".

VIDEOS

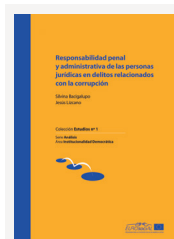


Inter-institutional coordination in the fight against corruption



Good practices forum about the fight against corruption

PUBLICATIONS



- ▶ Criminal and administrative liability of legal persons in crimes linked with corruption

Coordinating Partner



Operating Partners



STANDARDISATION OF CORRUPTION WHISTLEBLOWING AND COMPLAINT MECHANISMS

The National Plan to Fight against Corruption includes in its priorities, the standardisation of the mechanisms to report acts of corruption, in order to establish criteria and procedures that are uniform in the State's bodies, to receive and issue denouncements in order to guarantee that the procedure is predictable, clear, and simple for citizens.

The General Coordination of CAN, with EUROsocial's support, has prepared a proposal for a homogeneous regulation in the submission and attention of corruption denouncements through the administration, applicable to all the institutions from central government, which was validated and approved through a CAN memorandum in August 2014. The standardisation mechanism shall be launched in the 19 Ministries in Peru in 2015 using a supreme decree.