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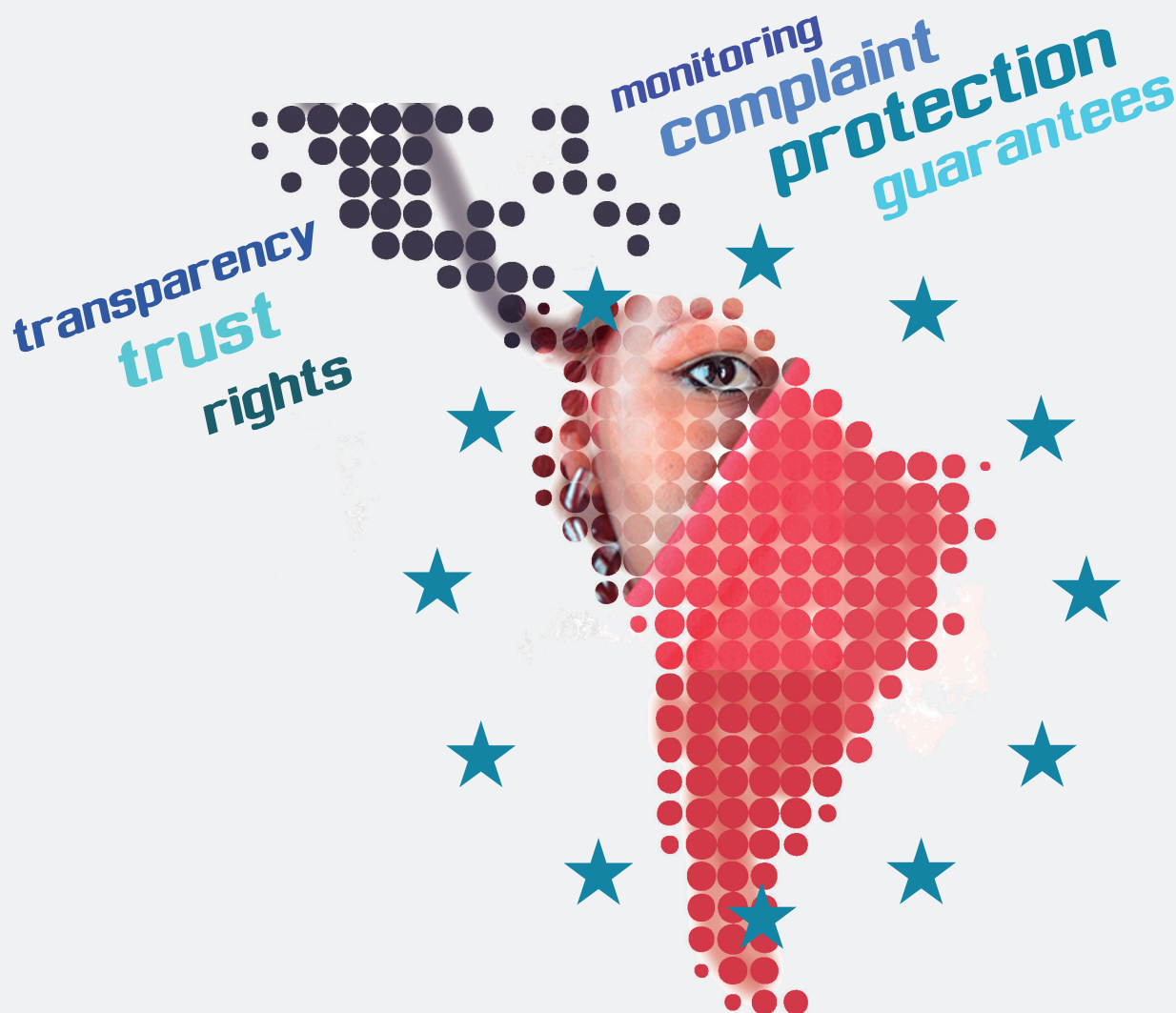
DEMOCRATIC GOVERNANCE


EUROsocial
PROGRAMME FOR SOCIAL COHESION IN LATIN AMERICA




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2015 European Year for Development

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TRANSPARENCY AND THE FIGHT AGAINST CORRUPTION

CITIZENSHIP • ACCOUNTABILITY • SOCIAL COHESION

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INTRODUCTION



EUROsociAL: building on collective knowledge

INMA ZAMORA

Director of the EUROsociAL II Programme

“Improving social cohesion is a complex task that must consider a broad diversity of sensitive and interrelated public policies”

The ability to create, build and transform based on collective knowledge is a differentiating characteristic of humans. By creating networks, sharing knowledge and learning from the successes and mistakes of others, evidence is compiled and our pool of knowledge accumulates and multiplies. This is applicable not only to the scientific or technological world, but also to politics and public policies.

EUROsociAL is a programme for cooperation between Europe and Latin America whose objective is to contribute to changes in public policies that improve the cohesion of our societies. This ambitious objective is addressed using a simple instrument: promoting collective knowledge through peer-to-peer learning, between similar institutions that can mutually advise each other on effective implementation of the desired change. Social cohesion is an elusive and multi-dimensional concept, but it is also intelligent, comprehensive, broad-based and a hallmark of societies united around a common project. It is the result not only of historical conditioning factors but also of public policies that work, or have worked, to improve access by all to rights and services, without discrimination; to reduce the distances between individuals, groups and territories; to confer equal opportunities; to protect vulnerable groups; to create strong, high-quality and legitimate institutions that respond to these challenges before citizens, who consequently feel that they are part and parcel of this common project.

Therefore, the task of improving social cohesion is a complex one that must consider a broad diversity of sensitive and interrelated public policies. In particular, EUROsociAL works on four large macro-areas of public policies that respond to these challenges: social policies, tax policy, governance, and justice-security.

The response to the EUROsociAL mandate is also complex, but effective, regarding the institutional architecture. The programme is executed by a large, implementing consortium composed of 40 public institutions (or institutions with a public mandate) from Europe and Latin America, which assume the role of coordinating partners (with cross-cutting functions) or operational partners (with sector and executive functions). The programme also has a Steering Committee as a strategic adviser, which is composed of the ECLAC, the OECD Development Centre and the EU-CELAC Foundation, together with independent experts. This great wealth of institutions has a high capacity for dialogue and a broad range of expertise, and it acts as a catalyst for over 200 European and Latin American institutions that are also mobilised, which place their know-how and expertise at the disposal of the Latin American institutions that are committed to change for social cohesion. All of this represents, in and of itself, a broad partnership between the institutions of our two regions, Europe and Latin America.

The regional dynamic of EUROsociAL is often carried out in partnership with institutional networks that are already consolidated, or even emerging ones that are outside of formal networks. EUROsociAL promotes dialogue on policies and collective learning, not only through reflection and debate but by supporting progress on building common responses. The programme thus builds on the regional harmonisation initiatives that are multiplying in the region. EUROsociAL enhances the work of Latin American networks by facilitating their meetings and work programmes, by generating information exchange platforms, and by contributing with *expertise* and European experience in order to provide inputs for discussion and on preparing common documents and agreements. It also provides national advice for the subsequent implementation of these agreements.

The action, “Strengthening of institutional and social collaboration in the fight against corruption”, is one of EUROsociAL's strategic lines of work, and it is, to a large extent, oriented towards supporting countries in meeting their international commitments in this area: the UN Convention against Corruption, the OAS

Inter-American Convention against Corruption, the OECD Anti-Bribery Convention, and the agreements of the Open Government Partnership.

In order to advance in meeting these commitments, invaluable collaboration has been provided by regional or bi-regional networks of reference in the respective areas of action. This is the case of the Transparency and Information Access Network (RTA), with which there has been collaboration on regional initiatives that have later been incorporated (after being adapted) into national public policies. Also the Conference of Ministries of Justice of Ibero-American Countries (COMJIB) has played a key role in inter-agency coordination in the fight against corruption. The Ibero-American Data Protection Network (IDPN) has provided EUROsociAL with its know-how on preparing regulations for guaranteeing the protection of personal data in El Salvador, Ecuador and Brazil.

As with other EUROsociAL actions, in the line of work on transparency, the prominent role of South-South cooperation has been notable. For

example, countries such as Chile and Mexico, with powerful institutions engaged in promoting transparency, have shared their knowledge with their Colombian and Salvadoran counterparts.

The exchange of European experiences with countries such as Chile has been no less important. These experiences have been inspired by the United Kingdom and Germany for the citizen participation portals of Chile and other countries. Chilean civil servants also visited the United Kingdom regarding the implementation of alternative dispute resolution mechanisms in the right of access to information, and in Spain, they learned about the institutional structure for data protection at the time the southern country was designing its own. On the other hand, the models for investigating economic and financial crimes of the Financial Police of Italy and the Spanish police have been a benchmark for implementing the model for investigation of these crimes by the Colombian Prosecutor's Office.

Lastly, the areas of synergy and complementarity between EUROsociAL and the ACTUE Colombia (European Union Anti-corruption and Transparency for Colombia) bilateral cooperation project should be noted. They collaborated intensively to strengthen good government through the promotion of transparency, integrity and a culture of legality in the public sector, private sector and civil society.

These examples represent a sample of the contributions a regional programme such as EUROsociAL can make, given that it comes on top of the efforts by public institutions of Latin America to improve transparency and combat corruption.

ASSESSMENT OF ACTIONS

EUROsociAL II, supporting transparency and anti-corruption policies

Corruption is one of the greatest challenges faced by governments and one of the great concerns of citizens, who are demanding tough institutional responses. One of EUROsociAL's main lines of work is focused on the fight against this scourge.

IGNACIO SOLETO

Coordinator of the EUROsociAL II Public Finance and Democratic Governance Technical Unit at FIIAPP

BORJA DÍAZ RIVILLAS

Senior Project Officer of the EUROsociAL II Public Finance and Democratic Governance Technical Unit at FIIAPP

In recent years, Latin America has advanced notably in terms of situating the problem of corruption in government agendas. Legal and institutional frameworks have improved, the majority of countries have become parties to international initiatives, and important steps are being taken regarding transparency and access to public information.

Despite this progress, corruption continues to be one of the greatest challenges faced by governments and one of the great concerns of citizens, who are demanding

tough institutional responses in the face of corruption scandals.

In accordance with the 2014 Corruption Perceptions Index of Transparency International, and barring Uruguay, Costa Rica and Chile, most of the region still remains long way off from countries with acceptable scores.

Corruption undermines trust in the state and in democracy, thereby sharpening institutional weakness. The ever-more complex nature of the corruption

phenomenon and its frequent link to financial and tax crimes requires greater collaboration and information exchange between countries and key state institutions, which is not easy to achieve. Together with political commitment, it is also essential that citizens condemn corruption without reservations and that there be institutional guarantees for protecting whistleblowers.

The scourge of corruption is not alien to countries of the European Union. It is calculated that corruption represents

a cost of 120 billion euros in the region, and in many countries citizens continue to perceive that it is not being effectively fought.

The fight against corruption is a shared objective between the European Union and Latin America. In the last two Summits of Heads of State and Government, the commitment to implement the United Nations Convention against Corruption has been underscored, and this problem has become a central element in the EU development cooperation agenda with Latin America.

Through the European Union's EUROsociAL programme, we have taken on this challenge through an action framed within National Transparency and Anti-corruption Plans and within the international and regional commitments of the participating countries. In accordance with the demands of countries, three lines of work were prioritised for the exchange of experiences: 1) transparency and the right of access to information, 2) improved public-private collaboration and strengthening of reporting mechanisms

“The fight against corruption is a shared objective between the European Union and Latin America, and it has become a central element of the cooperation agenda between the two regions”

and 3) improvement of inter-agency coordination on economic and financial crimes associated with corruption.

Transparency and access to information

Transparency and the right of access to public information strengthen democracy and foster trust in public service through citizen participation and greater accountability. It is therefore essential that citizens embrace the new transparency and access laws, that there be a cultural change within public institutions, and that entities guaranteeing the right of access to information have the necessary capacities.

EUROsociAL has collaborated in this area in two aspects. On the one hand, the Transparency and Access to Information Network (RTA) has been supported in four strategic projects. In 2014, a Regional Document Management Model was approved which is already being implemented in Chile, Peru, Mexico, Honduras, Ecuador, Colombia, and El Salvador. That same year, a system for measuring and evaluating transparency and information access policies was created to address countries' need to have information about their performance, with a compass pointing the way.

Two regional initiatives were added to these efforts in 2015: one on best practices to promote the transparency of political parties, and another on alternative conflict resolution mechanisms regarding access to information.

From a bilateral point of view, implementation of transparency and information access laws has been supported in El Salvador (strategic plan, inspection unit, and personal data protection lines), in Colombia (law-decrees and monitoring system), in Ecuador (system for monitoring of persons with

relevant obligations, and data protection regulation for the Transparency and Social Control Function), in Brazil (federal system of Ouvidorias and the draft law on data protection) and in Honduras (draft law on protection of personal data). In order to make the right of access to information more popular, inclusion of the theme in the education systems of El Salvador and Chile has been promoted. In this latter country, the Council for Transparency created the portal, *ideas.info*, to stimulate citizen participation in transparency policies.

Public-private collaboration and reporting and complaint mechanisms

In the context of the Anti-Bribery Convention and of all other obligations to achieve access to the OECD, EUROsociAL has accompanied the efforts of Peru and Colombia in adapting their legislation to the commitments undertaken. In the case of Peru, the High-Level Commission on Anti-corruption was advised on preparing the draft law on criminal responsibility of legal persons in cases of corruption. In Colombia, specialisation of prosecutors on transnational bribery has been promoted, and the “Private companies active in compliance with anti-corruption measures (EACA)” initiative has been implemented.

Reporting corruption is a major challenge due to fear of reprisals, distrust of state institutions, and the complexity or slow pace of justice. EUROsociAL's efforts in this sphere have focused, on the one hand, on Peru, where there has been collaboration with the High-Level Commission on Anti-corruption to unify citizen reporting and complaint mechanisms at the country's 18 ministries.

“Transparency and the right of access to public information strengthen democracy and foster trust in public administrations through citizen participation and greater accountability”



EUROsociAL has also advised the Secretariat of Transparency of Colombia on preparing the draft law for the protection of whistleblowers in cases of corruption, in accordance with best international practices. This regulation is expected to be introduced in the legislature before the end of 2015.

Finally, it should be noted that EUROsociAL and Transparency International-Berlin have driven the creation of an Anti-corruption Legal Aid Centre in Brazil, in collaboration with the Federal Public Prosecutor's Office and the Pontificia Universidad Católica.

Inter-agency coordination and economic and financial crimes

Work on promoting inter-agency coordination is based on two aspects. First, the national efforts of Costa Rica, Colombia, Honduras and Peru are being supported to coordinate and strengthen collaboration between various stakeholders in the branches of government, including prosecutors, ministries of justice and finance, anti-corruption commissions, financial intelligence units, public prosecutor's offices, judicial institutions, and supreme audit institutions, among others.

Improving inter-agency coordination regarding economic and financial crimes associated with corruption is one of the challenges facing countries in the two regions.

As notable results, Honduras has agreed on an inter-agency Anti-corruption Mechanism to improve efficiency in detecting, investigating, and punishing financial crimes linked to corruption. For its part, Colombia created the Specialised Directorate of Economic and Financial Judicial Police (PEF)

in the Office of the Attorney General of the Republic in 2014. It was given the human and material resources to develop its activities in the fight against economic and financial crimes under its jurisdiction and against organised crime from a comprehensive and global perspective.

Second, from an international perspective, we have promoted the training of an inter-agency working group that is made up of representatives of some of the leading Latin American and Ibero-American networks. Through this group, the aim is to provide practical recommendations that make it possible to advance in greater and better coordination in the fight against corruption.

Beyond this summary assessment, in the following pages the actual stakeholders themselves, the true protagonists, are the ones who relate their achievements and challenges on an often sinuous path aimed at achieving true democratic rule of law in our societies.

OPINION



State of corruption in Latin America: advances and challenges

ALEJANDRO SALAS

Director of Transparency International for the Americas



As paradoxical as it may seem, in Latin America the ever-more frequent corruption scandals that come out in the media, repeated on the social networks, and about which we talk every day, are, in my opinion, the result of years of progress in the fight against corruption.

In other words, corruption isn't a new phenomenon; it has existed for centuries. But nobody used to talk about it, it wasn't a subject of public debate and, up until at least 25 years ago, it was an almost forbidden word in the international governance and development agenda.

To better understand why we have reached this point in 2015, let's take a look at recent history in the region, where we can observe some general trends.

In the second half of the nineties and the first decade of this century, there was a

major push to generate a supply of anti-corruption options. That is, Transparency International (TI) and many other civil society institutions, both public and private, began offering measures to address the problem. This is how, for example, the Inter-American Convention against Corruption of the Organization of American States (OAS) arose, this being the first instrument of its type on a global scale that sought agreement among countries to improve prevention and collaboration mechanisms between Member States of the Americas. Other international treaties also appeared, promoted by the United Nations and by the Organisation for Economic Co-operation and Development (OECD).

Moreover, anti-corruption agencies are being created, electronic government and access to public information are being promoted, control institutions are being strengthened, laws and mechanisms

“The ever-more frequent scandals that come out in the media are the result of years of progress in the fight against corruption”

for improving public procurement and contracting are being created, civil servants are being required to declare their assets, and financial management systems are being improved, among many other



measures. All of this for the purpose of dissuading and detecting corrupt individuals.

With the increased debate and supply of anti-corruption options, the need to promote the demand for anti-corruption also arose. Generating awareness and recognition of the fact that corruption affects us, which we at TI and others promoted in the nineties, was no longer enough. Various regional and national surveys show the dimension and social rejection of the problem of corruption. This phenomenon is generally cited as one of the three main problems Latin Americans identify when asked about major national issues. In other words, awareness was already well in place.

What was needed was an increase in anti-corruption demand. This means that we citizens assign real value to someone who

“It is also necessary to open up more channels for citizen reporting, greater space and security for journalists, and there is still much to do in terms of offering protection to whistleblowers”

fights against and rejects corruption, including ourselves. In practice, this means

that in elections we stop voting for politicians known for their links to corruption, that we stop buying goods or services from companies with corrupt business dealings, that we don't justify small bribes to civil servants, and that we socially marginalise those who profit from public monies. The difference with respect to simply generating awareness is that, when we demand an end to corruption, we also have to be willing to do something about it, instead of just being annoyed spectators. Likewise, we must celebrate and acknowledge those who effectively confront corruption.

Finally, there is another element, which is impunity, a key term that we mustn't forget and that is at the centre of the current anti-corruption agenda, particularly in Latin America. While in some countries of the region, the possibility of being formally brought to justice in cases of corruption

continues to be almost nil, it is possible to see progress in the area of penalties for corrupt individuals. It is also necessary to open up more channels for citizen reporting, greater space and security for journalists, and there is still much to do in terms of offering protection to whistleblowers.

The combination of greater awareness of the problem, an offer of anti-corruption instruments, and citizens who are demanding more anti-corruption and punishment for corrupt individuals is what, in my opinion, is causing us to hear about more cases of corruption in Latin America every day. As I mentioned previously, I don't know, and it's almost impossible to measure, whether there is more corruption now than before; but what I do know is that the aforementioned advances are responsible for the lower tolerance and why more cases are being uncovered and publicised. This is what makes it feel like there is an increase in corruption.

Another important element to keep in mind is that corruption isn't directly related to political ideologies or to countries' economic development. The strongest constant we have found when analysing countries is related to the strength of institutions. TI's 2014 Corruption Perceptions Index (IPC), its most recent edition, allows us to see that countries with

weak institutions, due to war or conflict, such as Afghanistan, Iraq, Somalia or Sudan, and others, are perceived as more corrupt; the more solid democracies of Scandinavia, Oceania or Western Europe tend to be better positioned. In the case of Latin America, we see Venezuela at the bottom of the list, but not very far from countries with governments that are not identified with the left, such as Paraguay, the Dominican Republic and Guatemala. Chile under Bachelet and Uruguay, at the time governed by José Mujica, are the countries perceived to be the "cleanest". Therefore, it is not an ideological issue.

It is key, when talking about democracy, to avoid confusing the fact that there are elections in almost all countries of the region, and that these elections generally take place peacefully and without major conflict, with the idea of democracy, which must be experienced daily. Elections are not the ultimate goal of democracy, but rather the beginning. Democracy is experienced every day when citizens demand accountability from their authorities, when they can gather together and express opinions without fear of repression, and when their rights are respected. Governments that co-opt public institutions or that keep institutions that act as counterweights weak do not live in democracy and foster corruption. It's evident that allowing control bodies and various state institutions to operate autonomously and with sufficient resources is an essential condition for promoting the fight against corruption.

In conclusion, we are seeing significant progress in the region. One must not fall into the temptation of thinking that things have gotten worse just because there is more talk of corruption in Latin America. On the contrary, there has been significant progress, but greater anti-corruption initiatives still need to be generated, citizen demand promoted, and channels that allow impunity for the corrupt closed off.

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“We citizens must place a positive value on not being corrupt”

.....

For TI, one of the keys to the sustainability of anti-corruption efforts is citizens placing a value on not being corrupt. This may seem obvious, but it is not. There are surveys that show that middle- and upper-class professionals in urban areas are more inclined to pay bribes to police. This is because the amount of the bribe is relatively small in relation to their income and because this type of citizen tends to value time as something important. In other words, they don't have a problem paying ten dollars to get out of a traffic violation when driving, because it's more important for them to get to a work appointment, to the cinema, or to the club to play tennis, for example.

Some of the more visionary companies see transparency as an asset. In other words, they not only have codes of ethics and other measures simply because it's today's fad, rather they internalise ethical and responsible practices, since they know that having a brand and being associated with values such as honesty and transparency is important. In the long run, it protects them from becoming involved in legal problems, harm to their reputation, and business losses. These companies value the fight against corruption. Likewise, when politicians discover that honesty will bring them votes, they're going to make the effort, since their interest lies in being elected or re-elected. As citizens, we have to value honesty, transparency and the fight against corruption beyond complaints that don't lead to actions.

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“Corruption isn't directly related to political ideologies or to countries' economic development”

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INTERVIEW



“Transparency and access to information are essential in the fight against corruption”

The Council for Transparency has become an international leader in promoting access to public information. Its Chair, Vivianne Blanlot, analyses the situation of this right in Chile and Latin America, and the importance of its strategic association with EUROsocial for peer-to-peer learning.



Vivianne Blanlot

Chair of Chile's Council for Transparency

What role can transparency and access to information play in the fight against corruption?

Transparency has become one of the most important values for states today. It holds a privileged place in the international agenda, and it is linked to a revaluation and deepening of democracy, to fostering citizen participation, and to the fight against corruption. The implementation of transparency, particularly a culture of

transparency involving all public and social stakeholders, fosters changes in public management that favour the modernisation of states. In turn, the right of access to public information is an essential tool of control which citizens can exercise over the actions of public authorities and states, thereby reducing spaces for corruption.

On the other hand, it is known that a state with a weak democratic institutional structure, with an unintelligible and

opaque administrative structure, as well as passive and vulnerable citizens provide ideal conditions for corruption. Fighting against this scourge is a complex task, and success depends on a convergence of actions that make it possible to eliminate contexts that, based on international experience, favour corruption, or on actions that at least mitigate the prevalence of circumstances that foster the rise and expansion of practices contrary to integrity.

What are the main obstacles to overcoming the culture of opacity that still prevails in many of the region's public institutions?

The process of implementing a culture of transparency is gradual, and likewise takes time to sink in and commit all the stakeholders to the role that each of them have to play in this task.

Civil servants, for example, represent a key piece in implementing the Transparency and Access to Public Information Act. However, many of them feel that the obligations that the law establishes for public agencies are an additional workload. Moreover, they are apprehensive about the use that could be made of the information by those who are requesting it.

This occurs because there are still civil servants who do not understand that transparency is an essential tool that makes it possible to bring the state closer to citizens and regain people's trust in institutions.

In this regard, it is essential to establish an institutional action that is guided by public ethics oriented towards citizens and aimed at better and deeper democracy. Thus, the possibility of a meeting point between state actors and citizens, their mutual recognition and—with this—the strengthening of the bonds of trust between them will be based on more pertinent, effective, and sure actions.

From the citizens' point of view, at least in the Chilean experience, there is the challenge of mass dissemination of knowledge about and use of the right of access to public information by the people, such that its exercise is expanded and doesn't just belong to the elite.

How can greater knowledge about and use of the right of access to information by citizens be achieved?

It would be difficult for existing instruments or any added in the future to have an impact if they are mostly unknown by citizens. In Chile, only 20% of the population knows that government bodies have a deadline for responding to an information request, and only 19% know that the websites of public agencies have active transparency sections.

This is why actions aimed at mass dissemination of the right of access to information must be implemented through ongoing communication campaigns in the media, the institutions themselves, and public agencies, in which the interaction between the state and citizens, in any sectoral spheres, must be mediated by transparency.

From this point of view, the type of dissemination used for this right must be oriented towards showing the utility and pertinence of public information for the different interests of citizens.

In turn, through the use of technology, we must search for formulas that facilitate access by people to information and to channels for sending in their information requests. Under this logic, in Chile we implemented the "Chile Transparency Portal", an electronic platform that, like a great, virtual single point of contact, brings together over 350 public agencies and municipalities so that people can access their active transparency history and also submit their information requests.

How is the Transparency and Access to Information Network driving the national policies of Latin American countries?

The Transparency and Access to Information Network (RTA) is based on the need for learning and mutual collaboration to strengthen the right of

transparency and access to information in its member countries. In this regard, it has developed a long-term strategy in which it defines projects to generate the necessary knowledge among its members and have an impact on national public policy.

Whether in a cross-cutting or member-specific manner, it is possible to cite some specific examples of projects that seek to have an impact on national policies:

- **Transparency and Access to Information Index:** this is a model for measuring the right of access and transparency at a regional level which is currently in the implementation stage in 12 countries. In this context, two simulated user exercises have been conducted in five countries, thereby promoting the comparability of standards and improvements in the exercise of the right of access.
- **Document and Archives Management Model:** there are eight implementation guides and 25 guidelines designed to strengthen the national archives system and have an impact in terms of greater and better access to public information. Currently, five members of the RTA are implementing this model at a pilot level.
- **Evaluation of Transparency in Political Parties:** this involved the identification and definition of guidelines, good practices and management tools that facilitate implementation of actions for transparency and access to information by political parties and movements in Latin America. Today it is being implemented in two countries of the RTA.

This illustrates that the projects being defined and implemented not only seek to strengthen or bolster the institutional structure of the organisations in the RTA, they also seek to have an impact on national policies in order to establish a culture of transparency in the region.

What is your assessment now, six years after the entry into force of the Access to Public Information Act in Chile?

Building a culture of transparency and generating an awareness of the right of access to information among citizens is a slow and gradual process that forces us, as the Council for Transparency of Chile, to continue our institutional efforts at mass dissemination of knowledge about and use of this right, at ensuring that this culture permeates public institutions, and that these institutions are involved.

After six years of this law being in force and of this institutional structure, we are convinced that our society is increasingly aware, empowered, and demanding of its rights, including the right of access to information. This evolution consequently stimulates accountability, which is a healthy and necessary exercise in these times.

Regarding use of the law, between 2009 and June of this year, nearly 300,000 requests for access to public information were submitted to the various agencies of the central government, a growing pattern that shows the progress in people's awareness of this guarantee.

Likewise, the Council for Transparency has seen a sustained increase in the management of appeals and claims from citizens whose information requests were denied or who detected information missing on the websites of public entities.

Between 2009 and July 2015, 11,945 cases were submitted to this Council, 94% of which already have a ruling from this institution. While in 2009 we received 627 cases, in 2014 this figure rose to 2812. This year we have been receiving an average of 250 cases per month, which leads us to project 3000 cases by the end of 2015.

To guarantee due compliance with the law, the Council systematically executes

“We are convinced that our society is increasingly aware, empowered, and demanding of its rights, including the right of access to information”

inspection plans, which covered 781 public institutions this year. Our reviews show sustained progress by bodies of the central government, with compliance levels exceeding 85%. The municipal realm, however, is farther behind, at the level of 56%.

In the work of promotion and support, the Council has worked directly with municipalities precisely to give them tools to allow them to raise their transparency standards. Thus, the Management Model on Municipal Transparency was designed, which contains a series of actions which are made available to local governments along with a training plan.

Also within the Council's role of promoting transparency, we have executed diverse classroom-based and online training actions that, in six years, have reached over 60,000 people (citizens and civil servants).

What has been EUROsociAL's role when driving strategic projects of the RTA and of the Council for Transparency of Chile?

The relationship with EUROsociAL has been strategic for both the RTA and the Council for Transparency. EUROsociAL's technical support, aligned with the RTA's central strategy, has allowed greater

growth in learning about the best practices of other countries regarding advances and successes, as well as the possibility of reducing gaps in the beneficiary countries of these projects.

Likewise, it has allowed the implementation of cross-cutting projects between RTA members, thereby having a positive impact on the regional view of the right of access and its progress or on the analysis of critical risk factors. Finally, but no less important, it has also made it possible to strengthen the annual conferences by having all members attend.

For the Council for Transparency of Chile, the evaluation of the joint work has also been positive in specific areas, which include the following:

- Identifying weak areas and reinforcing them through internships (alternative case resolution systems).
- Assistance with setting up programmes at the national level (document and archive management system, evaluation in political parties).
- Investigation of new subjects in the area of innovation (info.ideas).

These are aspects, in addition to an explicit cooperation relationship with EUROsociAL, that establish a logic of “Everybody Wins”, meaning that member organisations of the network win through institutional strengthening, their countries win with the implementation of public policy, and the region wins as a whole through the promotion of a common perspective and work.

IN-DEPTH



Cooperation and Transparency: the Document and Archives Management Model of the RTA

Promoted by EUROsociAL within the framework of the RTA, it is a necessary tool for ensuring the implementation of the transparency policies of public administrations in Latin America.

BEATRIZ FRANCO AND RICARD PÉREZ

Sub-Directorate of State Archives of the Ministry of Education, Culture and Sport of Spain

Document and archives management within the bodies of the public administration is one of the elements with the greatest overlap with respect to effective implementation of laws on access to information and transparency.

If quality public information isn't available, then you can't talk about transparency. Initiatives for transparency and access to public information depend, to a large extent, on the quality of, reliability of and accessibility to the public archives that safeguard this information.

With organised and well-managed archives, the authenticity and integrity of public information is assured, as well as compliance with (or a reduction of) the periods established for responding to citizens and to the administration.

This conviction was the main reason why the Transparency and Access to Public

Information Network (RTA) included document management as a relevant and priority matter for guaranteeing the right of access to information and achieving greater efficiency in the work carried out by each of the member institutions. Therefore, the need to create a Document and Archives Management Model (MGD) that would enable adequate organisation of the information generated at public institutions was established. This project relied on the support of the European Union Programme for Social Cohesion in Latin America, EUROsociAL II, and on the collaboration of the Organization of American States.

The project determines and gives shape to the key role played by document management for the correct and effective implementation of policies and laws on transparency, access to information, and accountability in Latin American countries.

When adequate controls are used when managing archives, according to effective standards and procedures, both citizens and civil servants can be sure not only of the reliability of the data obtained from archives, but also of the existence of a complete documentary reflection of the activities of public administrations.

The main purpose of all the documents that make up the MGD for the Transparency and Access to Information Network (RTA) is to become a base and support for managing the documents and archives of the different organisations and member countries of the network, as well as to guarantee accessibility to the documents.

Therefore, the documents that develop the model provide an implementation methodology of a document and archives management system through technical recommendations, and they define the

results that should be reached, always with respect for the standards, legislation and regulations in force in the respective national legal systems.

The model consists of approximately one thousand pages, divided into eight blocks and 39 documents, although it is designed so that each block can be presented independently and so that every organisation can improve each of their archiving processes according to their own needs.

The model is applicable to the following:

- All types of documents, in any format or media, created and received by a public or private organisation or institution in the course of their functions or activities.
- Throughout the lifetime of a document, and therefore for all kinds of archives.
- Any type of organisation, regardless of its size, resources or activity.

The diagram illustrates the implementation, management and operational guides and the guidelines that develop the action lines indicated in each guide. Three appendices are included with these documents: a diagnostic report prepared based on the survey results; a self-evaluation questionnaire or check list that allows each archive or organisation to know their level of maturity in each of the processes; and a general glossary.

All the documents of the model are available through the following link: <http://mgd.redrta.org/mgd/site/edic/base/port/inicio.html>.

The MGD was prepared between the months of May and December 2014. The methodology developed was based on an initial phase to identify international models of good practices, through a review of international laws



.....

“If quality public information isn't available, then you can't talk about transparency”

.....

and standards, and the specialised bibliography, and on the knowledge and experience of the members of the group (Blanca Desantes, Francisco Fernández, Beatriz Franco, Ricard Pérez and Javier Requejo, staff of archives of the General State Administration of the Government of Spain).

The next step was to compile information through questionnaires, with 440 completed forms having been received from the ten countries involved in the project. In these surveys, it was possible to verify that, even though the institutions were highly diverse, like the situation of the ten countries, there were similar strengths and weaknesses in terms of the development of archiving tools.

Finally, the observations and work developed in feedback workshops were added to the compiled material. Two regional workshops were held: one in Bogotá (Colombia) in June 2014, as the start of the project, and another in Brasília (Brazil) in November 2014. In this latter workshop, the final documents of the project were analysed, and the Brasília Declaration was signed. This is a very important instrument, given that it embodies the partnership between the entities that guarantee transparency and access in the various countries and their respective national archives, as well as the direct correspondence between document management and matters as fundamental as “right to information”, “civil and political rights and duties”, “human rights” and “transparency policies”.

Previously, in September 2014, on the occasion of presenting the model's objectives and verifying its proposals, four other national feedback workshops were conducted: Mexico City (Mexico), Lima (Peru), Quito (Ecuador) and Santiago (Chile).

After having published the documents, now in 2015 we moved into the implementation phase, which should

“Archives are becoming a basic tool for democratic states”

validate and enrich the model.

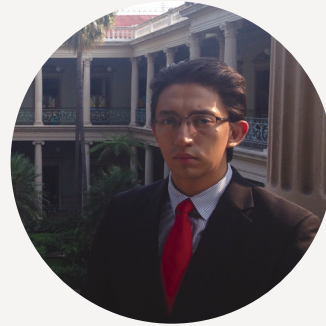
Three lines of action have been established for this:

- Training and dissemination (Chile, Colombia, El Salvador, Honduras, Mexico and Peru).
- Cooperation on the regulatory updating of different archive laws (Honduras and Peru).
- Pilot projects in public organisations with differing legal statuses, functions, scopes and sizes (from a financial institution to a large ministry, including municipalities of various sizes): seven in Chile, two in Colombia and two in Ecuador.

Conclusions

The establishment of this model seeks to strengthen the effective exercise of the right to information as an essential tool for facilitating access to civil and political rights and duties, human rights and the right to historical memory. It is also a necessary tool for ensuring the implementation of the transparency policies of public administrations in Latin America. Archives management thus becomes a basic tool for democratic states under the rule of law.

FIRST-PERSON PERSPECTIVE



CARLOS AGUILUZ

Deputy Director of the General Archives of the Nation of El Salvador

“The RTA model will help us save a couple of decades of work and 80% in paper... it provides all the technical support we lack for building a national system of document and archives management. It allows us to avoid mistakes and learn from the accumulated experience of other countries. Based on an adaptation of the model to our reality, we are going to promote a new Archives Law”.



OSVALDO VILLASECA

Deputy Director of the National Archives of Chile

“The RTA's MGD will allow Chilean citizens to have better and broader access to information and a greater capacity for auditing public records. The model is very important for the country's development and decision-making, given that it puts optimal sources of information at our disposal. This year we will begin to apply it in eight state institutions, including the Office of the Presidency of the Republic, and then expand it to the entire government”.

Access to public information as a fundamental element for guaranteeing transparency and fighting corruption in El Salvador

Promoting transparency and access to information is one of El Salvador's priorities for reducing corruption, achieving greater citizen participation and promoting social control over public management. EUROsociAL has accompanied the Institute for Access to Public Information in developing a new culture of transparency.

JAIME CAMPOS AND HERMINIA FUNES

Commissioners of the Institute for Access to Information of El Salvador

For decades, the level of trust in state institutions hasn't been the best. Acts of corruption have been an ever-present variable in the public management of most civil servants. Going from an opaque state to one that is attempting to make all its management transparent is, for now, a desire that Salvadorans are little by little beginning to see as a possibility that could materialise if it is assumed as a national matter.

This is how, within the framework of this commitment to improving the levels of transparency and access to public information in El Salvador, on 23rd February 2013 we were appointed and sworn in as commissioners of the Institute for Access to Public Information (IAIP), an

entity that must ensure correct implementation and application of the Law on Access to Public Information (LAIP).

In assuming these responsibilities, we decided to take on, together and with enthusiasm, the challenge of directing a pioneering institution on the subject, which various civil society organisations and important sectors of the political class have conceived, in recent years, as a key piece in consolidating democracy and the rule of law in our country.

The path has been laid out, the subject has been placed on the agenda, and more and more sectors of civil society are demanding information from public

servants about the activities of their institutions and beginning to understand that all spending in the public sector is covered by the taxes that they themselves pay.

While it is true that there were many days when uncertainty and insults knocked at our door, we didn't let ourselves be overcome by fear of the unknown, and we were soon able to find the extended hands of friends of international cooperation and colleagues of the public administration who helped us to create this beautiful reality of what the Institute is today. All of this strengthens us and confirms that, with the desire and the will: "a lot can be done with just a little" in our country.

We've headed the institute for over two and a half years, and despite not having an adequate budget to be able to satisfy (as we'd like) the growing citizen demand faster, the institute has seen over 600 cases to date.

The number of cases entering in 2014 exceeded those received in 2013 by 65%. This increase was considerable, especially regarding appeals and failures to respond. This means that, in the majority of cases, people are coming to the IAIP because they disagree with the decision given by the Information Official or because of a failure to respond. Failures to respond are, all things considered, the type of procedure that underwent the most substantial increase.

The IAIP carries out this work with a very small staff, but in the end we know that the important thing is responding to the citizen who is placing their trust in the institution, which obliges us to redouble our efforts to meet the deadlines and the expectations of everyone who comes to the institute.

In this stage of efforts aimed at compliance with all the aspects set forth in the law, the IAIP deemed it important to approach international cooperation bodies that have developed lines of work oriented towards access to public information, transparency, accountability and fighting corruption.

Thus, in 2013 the IAIP and EUROsociAL began a relationship of work and cooperation, and important support was achieved, thereby allowing the commissioners to strengthen their knowledge on a new subject in El Salvador and regarding which many countries had already made significant advances.

One of the initial forms of support involved EUROsociAL providing the IAIP with technical assistance in preparing its first Strategic Plan, which made it possible



Institute for Access to Public Information

.....

“The important thing is to respond to the citizens who are placing their trust in the institution”

.....

to lay the groundwork for all the work the IAIP has been doing in these first years of operation.

Another important area in which the IAIP has been supported by EUROsociAL regarding personal data protection. The institute has worked, in coordination with other state institutions, and of course EUROsociAL, on a first handbook whose main objective is the following: “explaining the importance of personal data protection as a condition that contributes to guaranteeing the people's right to privacy and self-determination as citizens”. The first guidelines regarding data protection have also been issued. These

guidelines have enabled the institute to fulfil its role of providing scrutiny in this area, using the databases managed by the public sector.

Moreover, the IAIP now has an Auditing Unit, whose main objective is to assure compliance with the Right of Access to Public Information (DAIP) at all obliged entities and to provide the mechanisms for monitoring activities related to exercising that right.

The creation of this unit arose after an agreement that was reached with the Council for Transparency of Chile (CPLT), with the support of EUROsociAL. The purpose of this agreement is to implement a technical assistance project for designing a model of auditing active transparency and a model for monitoring decisions and penalty procedures for the Institute for Access to Public Information of El Salvador.

It is also important to highlight the progress regarding document and archives management. Despite the fact that the unit only has one person, its activity has been constant in supporting

and monitoring the obliged entities in the appointment of archive employees. It has also made progress on creating an archive system that makes it possible to quickly and securely locate the data generated, processed or received as a result of performing its function, as it is established in Article 42 of the LAIP.

To promote this work, the head of the unit relied on the support of EUROsociAL. An example of this includes the diverse participation in the “Regional workshop for construction of an Archives Management Model”, driven by the Network for Transparency and Access to Public Information (RTA), carried out in Colombia and Brazil.

To date, the IAIP has managed to publish the first Document and Archives Management Guidelines in the *Official State Journal*.

Finally, we would like to highlight the work being done with the Ministry of Education, also with the support of EUROsociAL. Work is currently being done on creating teaching-learning tools that promote access to public information in study programmes, in accordance with the provisions set forth in Article 46 of the LAIP. In coordination with the Ministry of Education, the IAIP began to prepare teaching guides to support teachers in incorporating access to public information in the basic to middle education levels, as well as fun brochures for students.

With all this support and the determined efforts of a team that accompanies the commissioners every day on this task, the IAIP is entirely certain that it is possible to dream of a better country, in which the right of access to information is a cornerstone in public management, and citizen trust is built based on transparency.

FIRST-PERSON PERSPECTIVE



Marco Tulio Quintanilla
Salvadoran small business owner

“Thanks to the IAIP, I've benefited positively, because now I have information about the prices and technical characteristics of competing companies that was previously denied to me. This also benefits the tendering institution, because the prices are falling”.



Claudia Reyes
IAIP user

“Thanks to the IAIP, I managed to get Social Security to provide me with the name of the sedative used in 2005 with premature newborns on ventilators, and this is going to enable me to initiate legal proceedings against social security. We all have the right to know and have access to information itself, and generally it is denied. However, thanks to the Institute, I was able to exercise my right. We're still fighting, but I've felt 100% supported”.



Gilberto Motto
Management of Technical Secondary Education,
MINED

“Education concerns, as the Educational Social Plan upholds, the preparation of people who are aware of their rights and responsibilities. We firmly believe that the training of production skills can only be done together with the preparation of citizen skills, which are useful so that a person can be the end and the means of progress and social transformation. That's why it's so important to discuss transparency and the right of access to information in the classrooms of El Salvador. In this regard, EUROsociAL's support is invaluable.”

Support for the anti-corruption policy of Colombia

EUROsociAL has been supporting the efforts of the Government of Colombia to improve transparency and fight corruption. The collaboration has been focused on reinforcing strategic areas of its Comprehensive Anti-corruption Policy, as well as the implementation of the Transparency and the Right of Access to Information Act, the creation of a registry of companies committed to ethics, improvement of the transparency of political parties, and legal mechanisms within the framework of Colombia's accession to the OECD.



CAMILO ENCISO

Secretary of Transparency of the Presidency of the Republic of Colombia

The mission of the Secretary of Transparency of the Presidency of the Republic of Colombia is to advise and support the president and the minister of the presidency. The scope of this advice includes the design of public policies on transparency and the fight against corruption and the mission of coordinating their implementation, as it is defined by Colombian law. Thus, a comprehensive policy for fighting corruption was designed and implemented which combined measures for preventing, controlling, investigating and punishing corruption. Likewise, it was established that the policy must include the private sector and civil society as key stakeholders in order to be effective.

The European Union's EUROsociAL Programme has supported Colombia in three important areas of the work of the

Secretary of Transparency as part of implementation of the Comprehensive Anti-corruption Public Policy: 1) adoption of international standards on transparency, 2) promotion of co-responsibility of the private sector in the fight against corruption and 3) implementation of the Transparency and Access to Public Information Act in Colombia.

It should be stressed that the Secretariat of Transparency, together with the EUROsociAL team, has managed to coordinate the different types of cooperation and technical assistance so that they seek to ensure greater value and strength in the supported activities, as well as to ensure the sustainability of those activities over time. A brief summary of the different types of cooperation, the main activities and the results are presented below.

Thanks to the technical assistance provided by EUROsociAL between 2014 and 2015, the Colombian state has the following products that support the implementation of Law 1712 of 2014, on Transparency and the Right of Access to Information:

- A coordination strategy within the Office of the Public Prosecutor, which guides the various entities that comprise it on how to comply with the functions imposed by the Transparency and the Right of Access to Public Information Act.
- A document with aspects that require regulations or guidance documents for implementing the Transparency and the Right of Access to Public Information Act.
- A strategy for implementing the Transparency and the Right of Access to Public Information Act by the



The President of Colombia, Juan Manuel Santos, signing the decree for implementation of the law.

leading political entities: recommendations, subjects for training and awareness-raising, and a work plan with details of the actions and responsibilities of each of the leading political entities.

- A Document and Archives Management Model of the Transparency and Access to Information Network (RTA) focused on access to public information for testing in Colombia in 2015.
- A Measurement Model of the Transparency and Access to Information Network (RTA). This initiative, in addition to guiding definition of indicators for the country that meet international standards, will also make it possible to establish a model for measuring progress in policies for transparency and access to information in 2015.

“With the support of EUROsociAL, the Secretariat of Transparency has driven key areas of the Comprehensive Anti-corruption Public Policy”

Moreover, EUROsociAL supported an event for training prosecutors and national investigators specialising in anti-corruption and money laundering on the implementation of the OECD Anti-Bribery Convention in matters related to

transnational bribery (at the end of 2014). Over one hundred members of the State Attorney General's Office, Investigation Corps, the Directorate of National Taxes and Customs, the Information and Financial Analysis Unit (UIAF) and the National Police participated in the event.

EUROsociAL is also supporting the Secretariat of Transparency in promoting co-responsibility mechanisms in the private sector in the fight against corruption. The initiative, Private companies active in compliance with anti-corruption measures (EACA), originated within the framework of a public-private partnership, led from the public sector by this Secretariat with the support of EUROsociAL. In this initiative, various private companies voluntarily take part in evaluating and distributing a list or register of companies that integrate the implementation of anti-

corruption programmes in their business management. On the occasion of the launch of the EACA initiative, EUROsociAL supported an exchange with the Controller-General of the Union (CGU) of Brazil in February 2015.

In addition, the following deliverables were generated:

- A proposal for the creation of a Register of Pro-Ethics Companies within the framework of a public-private partnership in reference to the Brazil initiative led by the CGU, in March 2014.
- Flowchart of an evaluation pilot programme.
- Comparative tables for classifying the type of documentation submitted by each company with respect to each indicator, in which the following can be identified: instructions by categories, instructions by time periods, instructions by sector of economic activity, and instructions by document media.
- A standardised report structure for presenting the results of evaluations by companies: Evaluation report (final deliverable).

Finally, EUROsociAL has supported the exchange of know-how in Colombia to promote the development of legal mechanisms within the framework of Colombia's accession to the OECD, as detailed below:

- Expert advising for preparing a draft law for protection of corruption whistleblowers.
- An event for publicising coordination of the draft law for the protection of corruption whistleblowers in conjunction with the European Union and with the participation of state entities and members of civil society.
- Support for the training of prosecutors and investigators on techniques for investigating transnational bribery.



“We have promoted the implementation of the Transparency and the Right of Access to Information Act”

- A comparative analysis document on the obligations derived from international anti-corruption conventions and the criminal and administrative liability of legal persons.
- A document of programmes and public policies for preventing corruption in the private sector: good practices in Latin America and the European Union.

On the subject of Transparency in Political Parties and Movements, it has been a valuable partner. Currently, it is supporting the “Open Congress” event, organised together with the University of Rosario, which will take place in October 2015.

Likewise, it has contributed with technical assistance for the design of guidelines for

implementing actions on transparency and access to information in Colombia and Latin America by political parties and significant citizen movements. To do all of this, two experts identified the most relevant international experiences regarding transparency and access to information by political parties and significant citizen movements. They harmonised the mandates of Colombian laws related to transparency and the publicity of information with the mandates of Law 1712 of 2014. They also prepared a final document that will allow political parties and significant citizen movements to comply with the Transparency and the Right of Access to Public Information Act in Colombia.

In addition to the above, EUROsociAL supported the event, “Transparency and Access to the Information of Political Parties”, which took place on 5th and 6th March, and it offered technical assistance for pilot implementation of the Archives Management Model of the RTA within a group of obliged parties according to Law 1712 of 2014, with a review of the improvement scenarios of the Document Management Model of the Colombian State, based on standards of transparency, open government and access to information.

The need for an adequate institutional design as the starting point in the fight against corruption

The Economic and Financial Judicial Police of the State Attorney General's Office of Colombia seeks to combat the corruption linked to this type of crime in a specialised manner. It is an initiative that requires a change of methodologies and a change in the way things are done at the Attorney General's Office. EUROsociAL has been a strategic partner in the process of designing and implementing this new structure.



ANA LINDA SOLANO LÓPEZ

Special Director, Economic and Financial Police of the Attorney General's Office of the Nation.

Corruption, beyond being a form of economic and financial crime, is a means that facilitates the activity of criminal organisations and allows them to generate and maximise the profits from their activity. In other words, corruption represents an ideal scenario for leveraging or facilitating illegal flows of assets, merchandise, goods and services.

Investigating corruption, as well as identifying the various uses of corruption, means starting from the basis that it is a phenomenon that forms a part of a complex framework of economic and financial crimes, and therefore does not

“Corruption represents an ideal scenario for leveraging or facilitating the illegal flow of assets, merchandise, goods and services”

appear in isolation but rather is essentially systematic, it has a multi-dimensional impact and it has several facets. For example, smuggling a product such as gold, the trading of which is a legal activity in principle, could be framed within a money-laundering operation based on the fictitious import of the product, for which the criminal organisation conducts smuggling activities with the participation or permissiveness of customs agents or even compliance officers of financial institutions so that they don't report a suspicious operation.

In this regard, investigation and prosecution of corruption as a crime in

“The creation of the PEF means a specialised model of investigation, with innovative analysis and investigation methodologies that have a cross-cutting and multi-disciplinary approach”

and of itself and as a means of executing other economic and financial crimes and for maximising the utilities of criminal activity involves complex challenges. These challenges require the ability to understand the phenomenon through its analysis and an analysis of the negative impacts that it causes in the social, institutional and economic aspects of security. They also require the creation and implementation of methodologies specialised in tracing capital flows, that enable reconstruction of the operations and identification of the criminal networks woven around corruption.

It should also be pointed out that legitimate phenomena, such as the increase in global trade and globalisation, which initially facilitate the conduct of the daily activities of transport or foreign trade between states, companies and citizens, are platforms and channels that are likewise taken advantage of by criminal organisations for designing complex operations of economic and financial crimes and establishing criminal networks with links or cells in different parts of the world. In this regard, the analysis and investigation activities conducted by the criminal



investigation units of each country to trace and reconstruct illegal economic and financial operations, and to locate the assets and capital of the members of the organisations engaged in these operations, will require the constant flow of information with other states and investigation agencies.

Therefore, beyond the technical capacity to analyse and understand the phenomenon, the fight against corruption involves the need to have an adequate and ideal institutional design that allows and favours the exchange of information, and inter-agency spaces, given that usually the relevant information for investigating and

prosecuting corruption cases is dispersed among multiple institutions. This is why it is necessary to go to diverse sources, both locally and internationally, such as in cases of transnational bribery.

Likewise, institutions with administrative or judicial authority must have not only structures that allow an adequate flow of information, as we previously mentioned, but also, and in general, designs that facilitate the generation of common languages and that strengthen the levels and forms of relationships, thereby maximising resources for investigation and enabling a true state-level approach as the best way to succeed in effectively



“This design must allow a constant exchange of information and resources for investigations, as well as an effective list of the institutions that are interested in the fight against corruption”

detecting economic crimes and the illegal financial flows involved in crimes such as money laundering, terrorist financing and corruption.

It should be pointed out that the technical assistance offered by EUROsociAL through elements for strengthening human capital and through the methodological design for investigating economic and financial crimes has enabled proper implementation of the investigation model proposed by the PEF.

Through training and technical assistance, the Attorney General's Office of the Nation has strengthened the capacities and competencies of its officers. Thus, both investigators and analysts now have technical and specialised knowledge that allows them to be identified as economic and financial investigators, who thus form a criminal investigation unit that is truly specialised on the subject.

Likewise, regarding the methodological design component, the joint work conducted with representatives of

EUROsociAL has facilitated the development of our own and adequate methodologies for analysing and investigating economic and financial crimes, meaning analysis and investigation methodologies that:

- Value efficient use of the information sources and data obtained in different investigations.
- Favour information exchange and effective cooperation.
- Enable proactive planning of criminal investigation.
- Efficiently use and classify information sources, both nationally and internationally.
- Understand economic and financial crime as a phenomenon that requires the reconstruction of operations based on objective, logical and coherent analysis of the information obtained and requested.

In summary, our proposal is based on the fact that the fight against economic and financial crime, particularly against corruption as one of its notable forms, should be conducted based on implementation of an optimum institutional design that makes it possible to rise to the level of the challenges involved in the criminal investigation of complex organised crime phenomena.

This design, as we've stated, must allow a constant exchange of information and resources for the investigation, as well as an effective list of the institutions interested in the fight against corruption, which translates into a true comprehensive approach. This is because, as we've seen, the support of various institutions and agencies is required so that it is possible to effectively identify operations, capital flows and the scenarios in which operations occur so that the illegal organisations engaged in these operations can be stripped of assets and broken up by effectively prosecuting their members.

prosecuting complex crimes such as corruption.

In this regard, we think that the creation and operation of the Specialised Directorate of Economic and Financial Judicial Police (PEF) involves the implementation of a truly specialised mode of investigation that is capable of creating and implementing innovative methodologies of analysis and investigation based on a cross-cutting and multi-disciplinary approach and one that incorporates the recommendations of multilateral bodies, in addition to effective cooperation and the best practices of the main national and international models for

Regional strategies for the fight against corruption: the challenge of inter-agency coordination

EUROsociAL II has developed a line of work for improving inter-agency coordination mechanisms for investigating, prosecuting and punishing economic and financial crimes linked to corruption. Leading Latin American and Ibero-American networks on the subject have therefore been mobilised.

IGNACIO SUÁREZ

Officer at the COMJIB responsible for the inter-agency coordination line of work of the EUROsociAL II programme

The coordination of strategies to fight corruption is an extremely complex issue to the extent that it represents a problem that affects all countries and encompasses social, political and economic areas. The social alarm and mistrust that corrupt practices generate among citizens come on top of the fact that corruption undermines development, discourages foreign investment and usurps public resources that could be used by the state to satisfy other needs and priorities of the population.

The causes of corruption are complex and diverse, as are the difficulties that must be faced to achieve greater effectiveness in the fight against the economic and financial crimes linked to corruption. Among them, the lack of coordination between the institutions

that participate in the investigation and punishment of this type of crime is a fundamental aspect.

Thus, strategies to fight corruption and economic and financial crimes include a series of key stages that range from the prevention of the crime to the recovery of the assets, passing through the phases of investigation, processing, prosecution or punishment. In the course of these stages, different bodies are involved, including but not limited to tax and customs administrations, police forces and bodies responsible for enforcing the law, financial intelligence units, public prosecutor's offices, judiciaries and comptrollers offices. Given the diversity of the institutions involved, there is a need to achieve cooperation and effective coordination between them.

In accordance with this context, EUROsociAL has been developing a line of support whose purpose is to strengthen institutional and social collaboration for transparency and the fight against corruption. As a part of this line, which is coordinated by the International and Ibero-American Foundation for Administration and Public Policies (FIAPP), the Conference of Ministries of Justice of the Ibero-American Countries (COMJIB) is the institution in charge of executing the so-called "Anti-corruption Action". The objective of this institution is the inter-agency coordination for the fight against corruption and against the economic and financial crimes in the Latin American context.

In addition to the work being developed in different countries¹, work is being done

¹. At the national level, it is supporting and accompanying the efforts of five countries (Colombia, Costa Rica, Ecuador, Honduras and Peru) in the process of defining, developing and/or strengthening a model of inter-agency coordination for fighting this type of crime.



Meeting of the Inter-networks Commission in Bogotá in 2014.

within the framework of this initiative at the regional level with the region's main networks in the justice sector and supreme audit bodies (Ibero-American Association of Public Prosecutors, Inter-American Centre for Tax Administrations, Conference of Ministries of Justice of Ibero-American Countries, Ibero-American Judicial Summit, Latin American and Caribbean Organization of Supreme Audit Institutions), which make up over 100 state institutions. Within this context, these networks have been accompanied and supported in the formulation of "Principles and recommendations in the area of inter-agency coordination for the fight against economic and financial crimes linked to corruption", which are both general and specific per network and cover different subjects. These proposals, prepared collaboratively between the parties involved, have been approved by the plenary assemblies or equivalent bodies of said networks.

“The groundwork is being laid for what could be considered a Network of Anti-corruption Networks”

The principles and recommendations proposed are based on the principle of full respect for the sovereignty and substantive legislative framework, both functional and procedural, of each country and their judicial operators. Their ultimate objective is to improve inter-agency coordination at the national and international level in these areas in order to propose lines of action and concrete measures aimed at the following:

- Public authorities, so that they promote the development of public policies that guarantee the effectiveness of the initiatives undertaken in the fight against corruption.
- Officers and operators of the justice system, to strengthen their capacities, generate higher levels of awareness in the pursuit and prosecution of these crimes and to create the conditions for increasing effectiveness in the fight against corruption.

As a complement to this initiative, in March 2015 a “Commission for Monitoring Interconnected Networks for improving inter-agency coordination in the fight against economic and financial crimes linked to corruption” was formally created. Its objective is to accompany the different networks in effectively implementing the agreed recommendations, thereby providing support to the state institutions



International workshop on strengthening coordination in the fight against economic and financial crimes linked to corruption, held in La Antigua in 2014

that belong to them in the implementation of practical measures in the area of inter-agency coordination. Thus, the ultimate purpose of this initiative is to provide coverage to national and international coordination through the creation of a supranational reference framework.

Within the framework of this Commission, a plan of action was proposed which contemplates the following priority axes with respect to the future:

- The development of work designed to have an impact on the importance of inter-agency coordination and the possible means for achieving this objective, both internally, among the networks taking part in the process, and externally, with respect to other international bodies.
- Knowledge management with regard to issues related to controlling and fighting economic and financial crimes linked to corruption that contemplates aspects such as training and preparation, the creation of databases, the identification and exchange of good practices, and scientific research.
- The strengthening of international cooperation between the different institutions involved in the fight against this type of crime, in areas such as investigation, verification of wealth or recovery of assets; harmonisation of the classification of punishable acts; or the formation of joint investigative teams. To do this, existing instruments, such as IberRed or Iber@, will be taken into consideration.
- The promotion of inter-agency coordination between the bodies that participate in the investigation, prosecution and punishment of economic and financial crimes linked to corruption, both through the creation or strengthening of inter-agency commissions and through the development of instruments such as models or protocols on different issues (investigation of economic and financial crimes, information exchange, and asset recovery).
- The implementation of a collaborative space that makes it possible to redirect users to databases and other resources of interest, disseminate the activities and events that are organised, or publish any documents and studies that may be prepared.

The establishment of this Commission has led to greater institutionalisation of a process that has been under development since various bodies detected the need to work together in the interest of achieving a shared objective: improvement of inter-agency coordination. Thus, the groundwork is being laid for what could be considered a Network of Anti-Corruption Networks, which would constitute a privileged directory for organising and coordinating the efforts of not only the participating networks and institutions they represent at the national level, but also those of other key players in the fight against these types of crime that might join this process in the near future.

Anti-corruption Legal Aid Centre: a new secure reporting channel in Brazil



Finally, it should be noted that EUROsociAL and Transparency International-Berlin have driven the creation of an Anti-corruption Legal Aid Centre in Brazil, in collaboration with the Federal Public Prosecutor's Office and the Pontificia Universidad Católica.

LUCIANA TORCHIARO

Regional Project Coordinator, Transparency International Berlin

BORJA DÍAZ RIVILLAS

Senior Expert of the Public Finance and Democratic Governance Unit of EUROsociAL II at FIIAPP

Reporting an act of corruption is quite a challenge. Fear of reprisals and distrust of state institutions, together with the complexity and slow pace of justice, require perseverance, patience, a commitment to democratic values and, above all, lots of courage. Often, those who report acts of corruption are looked down upon, as informers or even moralists.

To help promote citizen reporting and change the culture of citizen coexistence with corruption, in 2003 Transparency International (TI) created a mechanism known as Anti-corruption Legal Aid Centres (ALACs).

ALACs provide free legal aid to corruption victims and witnesses under strict confidentiality. Experts at the TI chapters analyse each case and its viability. In some

cases, the judicial process is accompanied, and in others guidance is simply provided. The emotional burden and the fear of reprisals are often very intense, and so some centres offer psychological support.

TI calls whistleblowers “unsung heroes”, as the evidence they provide courageously and confidentially has proven essential to promoting changes and anti-corruption reforms in Europe and Latin America

These centres originated in Romania and Bosnia-Herzegovina, and they rapidly spread to other places in the world. Currently there are a total of 90 ALACs in 60 countries, to which over 140,000 citizens have already gone.

EUROsociAL and the Secretariat of TI in Berlin work together to strengthen these initiatives through the exchange of

experiences. To do this, a comparative analytical study on the ALACs was prepared, and a workshop was held in 2014 in Buenos Aires to identify existing good practices, with the presence of ALAC officials from Venezuela, Guatemala, Honduras, Argentina, El Salvador, the Czech Republic, Romania and Hungary. Important learning related to problems during the set-up and initial operating stages of an ALAC came out of the workshop, in addition to strategies for optimising resources and promoting systematic reforms through collaboration with various branches of government, including anti-corruption agencies, the media and other key partners.

Inspired by the results of these actions, Brazil is taking very important steps in the creation of one of these centres. Accompanied by EUROsociAL and TI-



The main partners of CAIAC Brazil are the Federal Public Prosecutor's Office, which undertook to prioritise processing of cases that come from the centre, and the Pontificia Universidad de São Paulo (PUC), which will contribute the time of professors and students to work on cases of CAIAC Brazil.

CAIAC Brazil will begin as a pilot centre in São Paulo and subsequently be expanded to other cities in Brazil.

Berlin, a delegation from Brazil, with representatives from the Federal Public Prosecutor's Office and the Pontificia Universidad de São Paulo, learned about experiences on the ground of the ALACs of Honduras and Portugal. The delegation also held meetings with experts from the TI chapters in Germany and Argentina. Peer meetings, of both Europe and Latin America, were key to obtaining input and finalising the design of the ALAC for Brazil.

In October 2015, a centre in São Paulo, Brazil, called the Centro de Apoio e Incidência Anti-Corrupção (CAIAC Brazil) will be launched. This will be the name of the Brazilian centre, which will seek to do the following:

- Empower corruption victims and witnesses to make complaints, file reports and demand adequate responses from public authorities.
- Promote the security and integrity of whistleblowers in corruption cases.
- Strengthen the capacities and effectiveness of the public institutions in charge of receiving corruption reports and complaints by contributing key cases and information.
- Promote systematic anti-corruption reforms.

FIRST-PERSON PERSPECTIVE

JOSÉ ROBERTO PIMENTEL DE RIBEIRA

Professor of the Universidad Pontificia de São Paulo, Prosecutor of the Federal Public Ministry of São Paulo

"The problem of corruption in Brazil is at the centre of the social, political, economic and cultural debate. Brazil has a long tradition of patrimonialism, nepotism, and the diversion of public monies: of corruption in the strict sense of the word. Brazilian society today, unlike in the past, is confronting this problem and seeking solutions.

As elsewhere in Latin America, people who want to report corruption in Brazil run into serious problems, such as reprisals and, within the scope of the public administration, problems of physical integrity. In Brazil there is still a tendency towards practices of connivance with the subject of corruption, so we have to stimulate the protection of people to the utmost and thereby reduce the obstacles.

The importance of creating an Anti-corruption Legal Aid Centre is fundamental at this time. Having a non-governmental centre that provides aid to victims of corruption is a great novelty in the Brazilian system. The ALAC is going to considerably facilitate the reception of corruption reports and will strengthen the participation of civil society in the fight against corruption and, therefore, democracy in our country. All of this is going to benefit the public institutions and citizens of Brazil".

The right of access to information in Honduras

The right of access to public information is a fundamental tool so that people can exercise other rights, such as freedom of expression or freedom of opinion, or so that they can demand accountability and responsibility from public officials.



DORIS MADRID

Commissioner-Chair of IAIP-Honduras

By allowing access to the public information that is safeguarded and generated by obliged institutions, meaning by all entities that may receive or administer public funds, an essential mechanism for transparency and accountability is created, and the groundwork for building a true participatory democracy is laid.

Within the framework of strengthening the culture of transparency and accountability in the population in general, and at institutions of the State of Honduras in particular, the Institute for Access to Public Information (IAIP) has, as a body responsible for guaranteeing the exercise of the right of access to public information and in view of the need to have the necessary financial resources to cover citizen demands for access to information and effective protection of personal data, arranged the financing of five technical assistance missions through the European Union's

EUROsociAL Programme. It has done so specifically through the Economic and Technological Development Distance Learning Centre Foundation (CEDDET), to execute the following projects: 1) Draft Law on General Archives; 2) Draft Law on Personal and Confidential Data Protection; 3) Mediation and Conflict Resolution; 4) Indicators of Measurement of Access to Public Information; and 5) Transparency in Political Parties and Electoral Campaigns in Honduras.

Description of and progress on projects

1. Draft Law on General Archives

Approval of a General Archives Law is a top priority, not just for preserving and protecting the nation's documentary

“By allowing access to public information, safeguarded and generated by obliged institutions, a fundamental mechanism of transparency and accountability is created”

and cultural heritage, but also for ensuring access to information by all persons, as set forth in number 1 of



Workshop on measurement indicators of the right of access to information. Tegucigalpa, September 2015.

Article 13 of the American Convention on Human Rights: "Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive and impart information and ideas of all kinds..."

With the support of EUROsociAL II, the content of the Draft Law on Archives was harmonised with international standards according to the Regional Model of the Transparency and Access to Information Network (RTA) with the collaboration of national and foreign experts, the latter coming from Chile, Costa Rica, Mexico, El Salvador and Spain, all of them with extensive knowledge on archives management.

2. Draft Law on Personal and Confidential Data Protection

Its objective is to guarantee and protect, with respect to the processing of personal data, the fundamental rights of natural persons, such as honour, privacy, personal and family privacy and informational self-determination.

This initiative, supported by EUROsociAL II, was developed in two stages. The first stage, related to the drafting of the law, included the participation of international experts from Chile, Mexico, Spain, Uruguay and Ecuador with broad

.....
“A team with extensive experience in conciliation and mediation is currently working on designing and writing up the methodology”

knowledge on the subject of personal data protection. The second stage consisted of sharing the draft law with various sectors of society and state institutions, under the coordination of the IAIP.

Currently, the IAIP is collecting signatures for the enactment of this law by the legislative branch through the figure of the Citizen Initiative, which is contemplated in the Law on Mechanisms of Citizen Participation.

3. Mediation and Dispute Resolution Project

It is oriented at incorporating into the

Institute for Access to Public Information the legal regulation that establishes the procedures for solving conflicts or disputes related to transparency, access to information and the accountability of civil servants by establishing suitable, quick and reliable methods for resolving disputes and thereby strengthening legal security and peace.

It has the specific objectives of learning the good practices of national and international mediation institutions, training the IAIP's human resources on mediation and dispute resolution techniques, preparing an educational handbook on mediation and dispute resolution, thus making it possible to raise the awareness of citizens and state institutions, and, lastly, incorporating the institute as another conciliation, mediation and arbitration centre.

Currently, a team with extensive experience on the subject of conciliation and mediation is working on the design and drafting of the methodology. Likewise, a training process was implemented, in which thirty people were trained, both from the IAIP and from various state institutions, on "Conciliation and conciliatory simulation".

“EUROsociAL has contributed to the development of key actions for transparency and accountability in Honduras”

4. Measurement Indicators of Access to Public Information

Seven years after the creation of the Institute for Access to Public Information and the entry into force of the Transparency and Access to Public Information Act, it has become essential to have a series of indicators that make it possible to measure the exercise of the right of access to information by citizens and delivery of that information by civil servants. The objective of the project is to evaluate the impact, effectiveness and efficacy of the Institute's work. The need for a series of indicators to enable measurement of the exercise of the right of access to information by citizens and delivery of that information by civil servants was detected. The International Transparency Measurement Model of the Transparency and Access to Information Network (RTA) was adopted accordingly.

At this time, the project is in the process of field work for gathering and processing the information generated by the various

sectors of the population that produce and demand information so that the indicators can subsequently be prepared.

5. Project for Transparency in Political Parties

The purpose of this project is to offer transparent and accurate information to citizens about the origin and use of the funds used by political parties and the movements of those funds in the period of primary and general elections. It likewise seeks to strengthen transparency and the fight against corruption in political parties by obliging them to present a clear accounting of the origin and use of their financial resources.

The support that the EUROsociAL II Programme has given to the IAIP in recent years has contributed to the development of actions framed within transparency and accountability in order to strengthen the democratic state.



Draft Law on Archives optimisation workshop, May 2015. Tegucigalpa

Civic education and transparency: initiatives and exchange of experiences



The Council for Transparency of Chile and the Ministry of Education and Culture have agreed to include the subjects of transparency and access to information in the new course on civic education proposed by President Bachelet. EUROsociAL accompanies Chile in this process of cultural change at an early age.

CHRISTIAN ANKER AND JUAN PABLO CAMPS

Council for Transparency of Chile

The Council for Transparency (CPLT), an autonomous public body, in accordance with the mandate established in Law 20,285 (Access to Public Information Act, known as the Transparency Act), has the mission of promoting and cooperating in the construction and institutionalisation of a culture of transparency in Chile, thereby guaranteeing the right of all people to know the information that public institutions produce in their operations and auditing public bodies to ensure that this citizen right is respected. In this regard, the right of access to public information is established as a mechanism of citizen control over public administration and authorities.

To comply with its mission, the CPLT has implemented various strategies of dissemination and training, thereby seeking, through the principle of transparency and the right of access to public information, to deepen democracy and trust in public

institutions based on participation and citizen control.

During 2015, the Council for Transparency of Chile undertook intensive training work at educational establishments to ensure that students and the school community learned about and knew how to exercise their right of access to public information. In the Chilean legal framework, this is considered a fundamental right and is a tool for activating other rights. It constitutes a mechanism of citizen control over the management of public authorities, aspects that are of special interest in students' civic education. In this regard, students fulfil an essential active role of citizen participation.

This work of the CPLT is coordinated with the objectives and initiatives defined in the Civic Education and Human Rights Plan launched by the Ministry of Education in July of this year, as well as with the general sense of the draft law being put through

Chile's congress. The draft law seeks to incorporate the civic education course for the last two levels of secondary education and establishes the obligations of educational establishments recognised by the Ministry to design and implement a civic education plan consistent with Institutional Education Projects and Education Improvement Plans. One of the specific objectives indicated by this draft law refers to building a culture of transparency and integrity in Chilean society, which coincides with the mission of the CPLT.

Within the framework of the parliamentary discussion on this draft law, the CPLT was received by the Education Commission of the Chamber of Deputies, a body in which the experiences of the work done in the educational sphere could be shared with parliamentarians, as well as the utility of the right of access to information as a practical tool for exercising citizenship.

In recent years civic education has been incorporated into the curricular foundation of the Chilean education system at all levels, in both a cross-cutting manner in different subjects (as Cross-cutting Learning Objectives) and as a specific axis in the subjects of Social Sciences, History and Geography, and in Guidance.

Initially, civic education is present in the personal and social education axis, which considers learning that refers to the active and collective construction of regulations, expansion of practices of social coexistence, and deepening of collaboration with others.

In primary and secondary education, civic education is related to learning in the subjects of History, Geography and Social Sciences in terms of the ideals and practices that form the foundation of citizenship, learning about political institutions, forms of participation, and developing the capacity for peaceful dispute resolution.

In turn, the Guidance subject seeks for students to become responsibly integrated in social spaces by developing an interest in public affairs and using the procedures of democratic coexistence.

On the other hand, mechanisms of citizen control over public administration and authorities constitute aspects that are of special interest in relation to the education of students and citizens. Currently, within the curricular content covered in the study plan for History, Geography and Social Studies for the last year of secondary education submitted by the Ministry of Education, the relationship between the state and citizens is considered, covering the right of access to information and the Transparency Act as content that must be worked on.

Over the course of this year, the CPLT has implemented various actions in educational establishments which include training for history teachers, teachers in general,

“Chilean Council for Transparency does intensive education work at educational establishments to ensure that the school community knows how to exercise their right of access to public information”

executive teams, parent centres, student centres, and direct work with students at the secondary level. Through this work proposal, the Council for Transparency is targeting a broad range of educational establishments and aims to incorporate pre-schools (early education) for conducting workshops and training with different agents of these educational communities.

To ensure effective coverage of these subjects in Chilean educational establishments, the Council for Transparency has, with the support of EUROsociAL, begun a project for preparing educational and teaching materials to cover the content in classrooms with different educational levels, through a process of analysis and diagnosis that enables identification of the areas in study plans where with this content can be addressed.

The proposal of the Council for Transparency seeks to be a form of support and a complement so that educational institutions (preschool, primary and secondary education) can work on

content referring to civic education and transparency according to the needs and requirements currently imposed by society regarding the development of citizenship skills and competencies in children and youths.

Within this context and thanks to the support of EUROsociAL, at the end of June of this year a delegation from Chile composed of members of the Council for Transparency, the Ministry of Education, and the Poverty Eradication Foundation (FSP) visited El Salvador to participate in workshops with the Institute for Access to Public Information (IAIP) and the Ministry of Education of El Salvador. The purpose was related to the incorporation of content on transparency and access to public information into the educational activities of educational establishments. Salvadoran legislation on access to public information establishes that the Ministry of Education must incorporate content referring to this subject into study plans, which has involved joint work with the Institute for Access to Public Information.

This exchange of experiences and learning has enabled the creation of highly valuable spaces for technically perfecting these important projects which are under development, given that it has allowed the Chilean delegation to learn about an inter-agency work process that serves as a reference point for the challenges and opportunities that arise in Chile with respect to making changes to legislation and the institutional structure of education in terms of civic education and transparency.

Inter-Agency Anti-Corruption Committee: a historical anti-corruption effort in Honduras

Honduras has signed an inter-agency agreement that will make it possible to coordinate and improve the efficacy of key state institutions in the fight against corruption.

MIRIAM GUZMÁN

Minister-Director, Executive Directorate of Revenue of Honduras



There is much debate in the country regarding the causes of corruption in Honduras, and almost all hypotheses identify it as the product of the impunity of and tolerance towards those who, when committing this crime, rob the people of their opportunity to have better living conditions and harm the very foundations of the state's institutional structure.

On 8th April this year, Honduras took the unprecedented step in the fight against corruption by signing an inter-agency agreement, promoted by EUROsociAL, to fight this scourge.

This agreement was signed by the heads of the Judiciary, the General Coordination

Office of the Government, the Office of the Attorney General's of the Republic, the National Banking and Insurance Commission, the Public Prosecutor's Office of the Republic, the High Court of Auditors and the Executive Directorate of Revenue (DEI), the latter under my responsibility. The president of the republic and the president of the national congress served as honorary witnesses.

To specify its objectives, the inter-agency agreement created the Inter-Agency Anti-Corruption Committee (MIA), comprised of representatives from the document's signatory institutions. This document states that its essential task is to "prepare a national strategy for combating, preventing,

investigating and punishing crimes linked to corruption and the persons involved in same", for which the necessary mechanisms must be created and executed, and to act in coordination with other institutions, such as the National Anti-corruption Council (CNA), non-governmental organisations and others.

The creation of the MIA is an example of the firm commitment of the President of the Republic, Attorney Juan Orlando Hernández Alvarado, to fight corruption in all its forms in the state's institutions and to make transparency a daily mission among civil servants, all of which should work to the benefit of the Honduran people.



The President of the Republic of Honduras, Juan Orlando Hernández, with signatories of the inter-agency agreement and representatives of the European Union.

The commitment of President Hernández Alvarado to the fight against corruption is also reflected in another important agreement, the one signed with Transparency International, the first signed between a country and this organisation and which allows monitoring and accountability in important sectors such as education, health, public procurement and the tax administration, among others.

It is an agreement of collaboration and good faith to promote transparency between the government of Honduras and Transparency International.

The inter-agency agreement giving life to the MIA arose from this context favourable

“This inter-agency mechanism strengthens our fight to eradicate tax evasion and other practices related to corruption in the tax area”

to the fight against corruption in all its forms, a situation we could consider historic in Honduras.

It is important to highlight that all the signatory institutions to the agreement undertake to coordinate and collaborate among each other, within their respective functions, regarding all complementary or common areas to prevent duplication of functions, thereby achieving effective and efficient use of the state's resources in the prevention of matters of utmost importance, such as corruption and other financial crimes. The aforementioned allows actions to be taken in accordance with the commitments acquired by the state upon signing a series of international

legal instruments, which entered into force in our internal legislation at the time they were approved and are binding”.

Regarding the DEI, the inter-agency agreement underscores that it has the duty to comply with and enforce the laws contained in the Constitution of the Republic, the international agreements approved by the national congress regarding taxes and customs, the Tax Code and Special Laws, including both Tax and Customs. To fulfil this mission, it can establish and maintain relationships with international institutions and bodies and cooperation agencies related to the tax and customs administration, as well as enter into agreements, contracts and conventions related to the development of its functions.

One of the worst forms of corruption in Honduras, which throughout history has been evident and has not been tackled in depth, is tax evasion in its different forms. However, at the DEI, with the full support of President Hernández Alvarado, and making use of this new mechanism of an inter-agency approach that strengthens our fight, we are executing a series of

“One of the worst forms of corruption in Honduras, which throughout history has been evident and has not been tackled in depth, is different tax evasion in its different forms”

measures aimed at eradicating tax evasion and other practices related to corruption in the tax area that have a negative and direct impact on the availability of the resources necessary for public works, programmes and beneficial policies for Hondurans. This fight is oriented not only at corrupt public official, but also at the people or companies who corrupt them.

The policies and actions of the DEI against tax evasion, increase tax collection, have

undoubtedly had an impact on one important achievement: the General Revenue and Spending Budget project for the coming year, which was recently submitted by the executive branch to the National Congress and which does not include any new tax burdens.

At the DEI, we act based on the conviction that only transparent management of taxes and a firm fight against tax evasion will put Honduras on the right path to eradicating corruption in the tax administration. Under this premise, we work with all the other representatives of state institutions on the Inter-Agency Anti-Corruption Committee, whose results, we have no doubt, will have a direct benefit for all Hondurans.

Finally, I am confident that by signing this agreement, and with the MIA's conformity and with the steadfast commitment of authorities to eradicate the scourge of corruption in Honduras, a new window of opportunity is being opened to put a stop to impunity with a frontal assault on corruption. Only in this way will we achieve a great country with equal opportunities for future generations.



OPERATING



COMJIB

Arkel Benítez Mendizábal
The Secretary-General of the COMJIB

The Conference of Ministries of Justice of the Ibero-American Countries (COMJIB) has been participating as an operational partner of the European Union's EUROsociAL Programme in different areas, including execution of the working line related to improvement of inter-agency coordination mechanisms for the fight against economic and financial crimes linked to corruption. This initiative, known as the "Anti-Corruption Action", has been under development as a part of the axis related to the democratic institutions, coordinated by the International and Ibero-American Foundation for Administration and Public Policies (FIAPP), an institution with which very fruitful collaboration has been established which is being reflected in the results of the project.

For the COMJIB, the possibility of working in this area represents a key challenge. As is well known, coordinating policies on a subject such as the fight against corruption is an extremely difficult matter, due to both the sensitivity and complexity arising from

this subject and its cross-cutting and multi-dimensional nature, given that there are several stakeholders and subjects involved.

Through the "Anti-Corruption Action", we have wanted to focus on a specific issue: improvement of inter-agency coordination among the different bodies that intervene in prosecuting and punishing economic and financial crimes linked to corruption. It is our objective to continue advancing on coordinating responses to a problem of great magnitude which hinders the development of countries in the region and, at the same time, undermines citizens' trust in their political representatives and institutions.

This is why we are working from a dual perspective. At the regional level, we are cooperating with the main networks in the justice sector and higher audit institutions in the region¹, a task that has resulted in the formulation of certain "Principles and recommendations in the area of inter-agency coordination", both general and specific for each network, which will

provide coverage to national and international coordination as a result of having developed a supranational reference framework. A Monitoring Committee has therefore been formed, which groups the networks participating in this initiative for the purpose of accompanying us in implementing the different recommendations agreed upon. We thus have a privileged space that allows us to work with a great number of institutions in the justice sector; tax administrations and higher auditing bodies of the region.

No less important is the work performed from a national perspective. The efforts of five countries (Colombia, Costa Rica, Ecuador, Honduras and Peru) are being supported for the purpose of accompanying them in the process of defining, developing and/or strengthening a model of inter-agency coordination for fighting economic and financial crimes linked to corruption. There is satisfactory progress in this process, and in some countries notable execution has been achieved.

1. Ibero-American Association of Public Ministries (AIAMP), Inter-American Centre for Tax Administrations (CIAT), Conference of Ministers of Justice of Ibero-American Countries (COMJIB), Ibero-American Judicial Summit (CJI) and the Latin American and Caribbean Organization of Supreme Audit Institutions (OLACEFS).

Thus, in Honduras, the support provided through EUROsociAL has served to assist with the signing of an Inter-agency Cooperation Agreement for the Fight against Corruption. The result has been the creation of an Inter-Agency Anti-Corruption Committee that groups the main state institutions concerned with this matter. In Colombia, the efforts of the State Attorney General's Office are being supported in the process of implementing the Economic and Financial Judicial Police (PEF), which relies on contributions from European institutions such as the National Police Force of Spain and the Italian

Guardia di Finanza. EUROsociAL is likewise participating in Peru on preparing similar action protocols on exchange of and access to information and on asset recovery, subjects of major importance for a more effective fight against corruption. And, in the case of Costa Rica, it is providing technical assistance for preparing a handbook of good police practices for investigating crimes of corruption.

It should be pointed out that these actions, together with the others that have been carried out within the framework of the project, are based on prior dialogue with

the different national institutions involved and are based on the needs that could be identified as a result of analyses or visits for the exchange of experiences with counterpart institutions in other countries, initiatives promoted by EUROsociAL.

The COMJIB will continue its commitment to this line of work in order to continue advancing on the path that it has already started.



CEDDET Foundation

Ricardo Cospedal

Director-General of the CEDDET Foundation

The CEDDET Foundation was created at the initiative of the Government of Spain and the World Bank. It has the main objective of helping the modernisation and instructional strengthening of public administrations, mainly in Latin America, through the exchange of knowledge, experiences and good practices using new technologies.

CEDDET has participated since the beginning of the EUROsociAL I Programme within the area of taxation, in which excellent results were achieved as a result of the dedication of the participating European and Latin American partners and its practical approach in the activities.

Subsequently, CEDDET accepted the invitation of the FIAPP to join the second

phase, EUROsociAL II, as an operational partner, and assumed the challenge and responsibility of executing the thematic area of Democratic Institutions in order to work on improving transparency and the fight against corruption.

During these years while EUROsociAL II has been under execution, CEDDET has worked alongside and accompanied a number of Latin American and European institutions on a common project to achieve higher levels of freedom and social cohesion. We have made the effort to coordinate projects that, through cooperation and shared learning, could have a visible effect on an especially sensitive area that has not always received the attention it deserves in light of its importance for the development of more just and equal societies.

During this period, CEDDET has executed over 110 cooperation activities, including technical assistance missions, workshops, exchange visits, promotion of European and Latin American networks, online activities, studies, etc. It has supported initiatives in 11 Latin American countries benefiting over 20 institutions and in which over 200 experts (Latin American and European) participated actively.

We are especially satisfied after having learned through the EUROsociAL Programme that, as a group of institutions, we have contributed our efforts and knowledge to support the implementation of social policies and legislative development in three lines of work: access to information, the fight against corruption and public-private cooperation.



Specifically, EUROsociAL has contributed in Colombia to generating input to the “Conpes” document on a Comprehensive Anti-corruption Public Policy in the areas of transparency and access to information, on the criminal liability of legal persons with respect to the bribery of civil servants and on public-private collaboration strategies. Approval of the Transparency and Access to Public Information Act has been supported, in addition to the preparation of legislation for protecting whistleblowers of acts of corruption and the creation of a Register of Companies Active in Compliance with Anti-corruption Measures (EACA), among others.

In Peru, we could highlight the support for the development of a law on the Criminal Liability of Legal Persons, a decree for the Regulation of Mechanisms for Reporting and Complaints regarding Acts of Corruption, and a study on the degree of compliance with implementation of the Transparency Act.

We could mention similar initiatives in Ecuador, Brazil, Uruguay, Honduras,

El Salvador, Chile and Mexico, where EUROsociAL has provided support for the institutions responsible for guaranteeing the right of access to public information and the fight against corruption, which have benefited from the various instruments the programme has made available for developing national policies.

The support EUROsociAL has provided to the Transparency and Access to Information Network (RTA) perhaps merits special attention, with which there has been collaboration on the development of regional models that could serve all the member countries, such as the Document and Archives Management Model, the Model of Indicators for the Measurement of Transparency and the Right of Access, the development of Alternative Systems for Dispute Resolution in Access to Information and a model for the Transparency of Political Parties. Some pilot projects for implementing these models are currently being executed with great success.

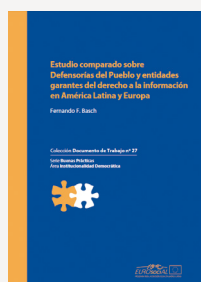
We would like to note the acknowledgement and thanks received from all the institutions that have participated in the various activities, both in Latin America and in Europe, regarding the work developed by EUROsociAL, which likewise fills us with satisfaction, given that it represents the culmination of the efforts made to reach the objectives we set for ourselves at the beginning of the programme.

Finally, we would like to express our thanks to EUROsociAL for the opportunity given to the CEDDET Foundation, as part of the consortium responsible for executing the programme, to work hand in hand with an excellent group of professionals who are committed to promoting social cohesion in Latin America. We are convinced that the combined efforts have actively favoured support for changes and reinforcement of the political, technical, legislative and social cornerstones that ensure the development and strengthening of transparency and the fight against corruption in the coming years to the benefit of our citizens, social cohesion and the development of rule of law.

PUBLICATIONS



Comparative study on Ombudsmen and entities that guarantee the right to information in Latin America and Europe



Bash, Fernando

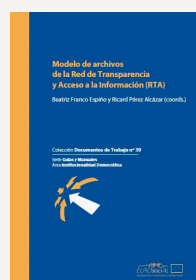
Year: 2015

Collection: Working Documents, 27

Series: Guides and Handbooks
Countries: Supranational, Argentina, Spain, Peru, Mexico, Chile, United Kingdom

Available at: <http://goo.gl/IWtVHa>

Archives Model of the Transparency and Access to Information Network (RTA)



Franco Espiño, Beatriz; Pérez Alcázar, Ricard

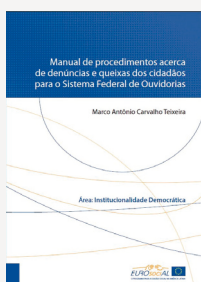
Year: 2015

Collection: Working Documents, 30

Series: Guides and Handbooks
Countries: Supranational

Available at: <http://goo.gl/3HaNf8>

Handbook on procedures for citizen reporting and complaints to the Federal Ombudsman



Carvalho Teixeira, Marco Antônio

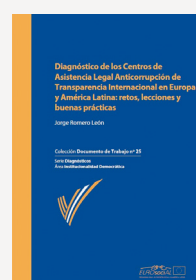
Year: 2015

Collection: Other collections

Series: Guides and Handbooks
Countries: Brazil

Available at: <http://goo.gl/AsuVJ>

Diagnosis of the Anti-corruption Legal Aid Centres of Transparency International in Europe and Latin America: challenges, lessons and good practices



Romero León, Jorge

Year: 2015

Collection: Working Documents, 25

Series: Good Practices

Countries: Supranational, Argentina, El Salvador, Guatemala, Honduras, Hungary, Ireland, Czech Republic, Venezuela

Available at: <http://goo.gl/bDYqoD>



Manual on personal data protection for the public sector of El Salvador. Easy-reading texts

Available at: <http://goo.gl/IBO2gl>

Institute for Access to Public Information (IAIP), El Salvador

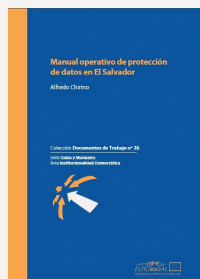
Year: 2015

Collection: Other collections

Series: Guides and Handbooks
Countries: El Salvador



Operating handbook on data protection in El Salvador

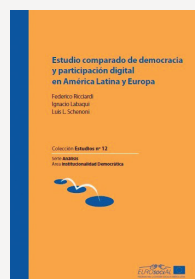


Chirino, Alfredo

Year: 2015
Collection: Working Documents, 26
Series: Guides and Handbooks
Countries: El Salvador

Available at: <http://goo.gl/XRDlBx>

A comparative study of democracy and digital participation in Latin America and in Europe

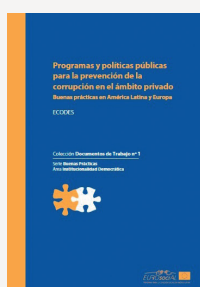


**Ricciardi, Federico;
Labaqui, Ignacio;
Schenoni, Luis L.**

Year: 2015
Collection: Studies, 12
Series: Analysis
Countries: Supranational

Available at: <http://goo.gl/WJ9we7>

Good practices in Latin America and the European Union

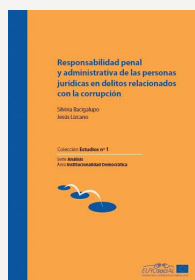


Ecology and Development Foundation (ECODES)

Year: 2013
Collection: Working Documents, 1
Series: Good Practices
Countries: Supranational

Available at: <http://goo.gl/8Aag6R>

Criminal and administrative responsibility of legal persons in crimes related to corruption

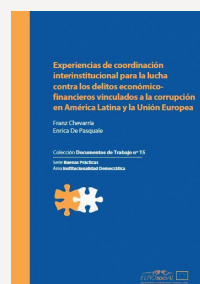


**Bacigalupo, Silvina;
Lizcano, Jesús**

Year: 2013
Collection: Studies, 1
Series: Analysis
Countries: Supranational, Spain, Chile, Germany, France, Italy

Available at: <http://goo.gl/gOX3Uh>

Inter-agency coordination experiences in the fight against economic and financial crimes related to corruption in Latin America and the European Union

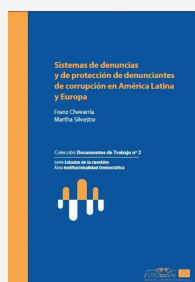


Chevarría, Franz; De Pasquale, Enrica

Year: 2014
Collection: Working Documents, 15
Series: Good Practices
Countries: Supranational

Available at: <http://goo.gl/N8ddCA>

Systems for reporting and for the protection of corruption whistleblowers in Latin America and Europe



**Chevarría, Franz;
Silvestre, Martha**

Year: 2013
Collection: Working Documents, 2
Series: State of Affairs
Countries: Supranational, Peru, Argentina, Guatemala, Mexico, France, United Kingdom

Available at: <http://goo.gl/rtI40g>

EUROSociAL II **DEMOCRATIC GOVERNANCE**

Transparency and the fight against corruption

“A European-Latin American programme that helps governments design and implement their policies on transparency and the fight against corruption”

Coordinating partner:



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