



COSTA RICA REPORT
Follow-up on the Lima Agreement.
Citizen Corruption Observatory.



Country: Costa Rica -- **Local partner:** Costa Rica Íntegra -- **Partner organization:** FUNPADEM

Credits

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"This project is possible thanks to the support of the Office of Hemispherical Western Matters of the Department of State of the United States. This document was funded by a grant from The United States Department of State. These opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of The United States Department of State."

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List of Acronyms

ACOPEDIV	Asociación Costarricense de Personas con Discapacidad Visual
ADS	Asociación de Desarrollo Sostenible LGTBI Costa Rica
IACAC	Inter-American Convention against Corruption
CIPAC	Centro de Investigación y Promoción para América Central de Derechos Humanos
UNCAC	United Nations Convention against Corruption
CRÍ	Asociación Costa Rica Íntegra
CFA	Citizen Forum of the Americas
FUNPADEM	Fundación para la Paz y la Democracia
INAMU	Instituto Nacional de las Mujeres
LCCEIFP	Law against Corruption and Illicit Enrichment in the Civil Service
MEIC	Ministry of Economy, Industry and Trade
MULABI	Espacio Latinoamericano de Sexualidades y Derechos
CCO	Citizen Corruption Observatory
SDG	Sustainable Development Goals
OAS	Organization of American States
NGO	Non-Governmental Organization
CSO	Civil Society Organizations
PASCA	Project "Civil Society Participation in the Summit of the Americas"
REDLAD	Latin American and Caribbean Network for Democracy
SICOP	Integrated Public Procurement System
TI	Transparency International



Introduction

The Citizen Corruption Observatory (CCO) is a shared effort between the Citizen Forum of the Americas (CFA), the Latin American and Caribbean Network for Democracy (REDLAD), national chapters of Transparency International (TI) in Latin America and Civil Society Organizations (CSOs) from more than 19 countries in the Americas.

This initiative was created with the aim of promoting citizen participation and monitoring the progress of government actions and the challenges they face, within the framework of compliance with the Lima Agreement, as well as to systematically investigate, document, and analyze evidence on the effectiveness of anti-corruption efforts in the region.

Within the framework of the Project "Citizen Corruption Observatory - Follow-up on the Lima Agreement," the CCO in Costa Rica was born as a coalition of civil society organizations and social actors in the country that have a high level of interest and capacity for influence in the issues of fight against corruption and/or the Summits of the Americas processes.

This Observatory has been working on monitoring compliance with the agreements adopted by the governments of the hemisphere at the VIII Summit of the Americas held in 2018 in Lima, Peru, and promoting citizen participation in the fight against corruption with the ultimate aim of strengthening the CFA and, in turn, offering technical support to the implementation of Civil Society Participation in the Summit of the Americas (PASCA, by its Spanish initials) project. The Lima Agreement, "Governance against Corruption", a document resulting from the Summit, was an opportunity to endorse and ratify previous international commitments in the fight against corruption.

Since March 2021, work sessions have been held for the preparation of the Monitoring Report of prioritized commitments, as detailed below:

Table 1. Group work sessions of the CCO in Costa Rica.

Session	Modality	Description	Date
First	Virtual	Project overview	March 13
Second	Virtual	Socialization of the follow-up methodology to the Lima Agreement	March 20
Third	Virtual	Monitoring and support to the process of collecting and recording information.	March 27
Fourth	Face-to-face	Socialization of the information collected and recorded.	April 10
Fifth	Virtual	Monitoring and support to the process of collecting and recording information (continued). Qualification of commitments according to monitoring criteria and information collected.	April 24
Sixth	Virtual	Socialization and discussion of the qualification of commitments.	May 8

Seventh	Virtual	Socialization and discussion of the qualification of commitments (continued).	May 10
Eighth	Virtual	Validation of the results, conclusions, and recommendations of the National Report.	June 15
Ninth	Face-to-face	Socialization and approval of the National Report.	July 3

Source: Prepared by author.

Moreover, Working Group meetings, peer sessions with each of the CSOs making up the CCO in Costa Rica, individually, and coordination and follow-up meetings were held with the Central Project Team.

This National Report compiles the main results, conclusions, and recommendations of the follow-up on the commitments of the Lima Summit based on the methodology established within the framework of the project, which was built as a participatory tool of civil society, which values the regulatory and practical advances that governments have made during the last two years on 19 issues related to the fight against corruption¹.

To this end, the document was structured in four sections, as follows: presentation of the CSOs making up the CCO in Costa Rica, socio-economic contextualization, and the fight against corruption in the country, presentation of follow-up results to the progress and fulfillment of the Lima Agreement and, finally, general conclusions and recommendations that are considered urgent or necessary to have significant and consolidated actions to fight corruption in Costa Rica.

Participating organizations

This section briefly describes the CSOs making up the CCO in Costa Rica, selected based on the level of interest and influence that these organizations have on issues concerning fight against corruption and/or the Summits of the Americas processes.

The work of each of these organizations is mentioned below, as well as the role played within the framework of the Project.



Asociación Costa Rica Íntegra (CRI) is a non-governmental organization (NGO) that serves as Transparency International's National Contact for Costa Rica. Its work focuses on the promotion of a national integrity system from society based on the principles of Transparency, Probity and Anti-Corruption.

¹ To learn more about this project, you can visit the website of [Observatorio Ciudadano de Corrupción de las Américas](#) or the website of [Asociación Costa Rica Íntegra](#).





The role of CRÍ within the CCO is national coordination. Therefore, it leads the process for the follow-up of prioritized commitments, as well as the development and promotion of public and political advocacy actions within the framework of the CCO and in agreement with participating CSOs.



Fundación para la Paz y la Democracia (FUNPADEM) is the focal point of the Citizen Forum of the Americas in the country and has a track record in the joint implementation of strategic actions for the promotion of sustainable human development. It has worked on issues of cross-border cooperation, migration, security, dialogue and negotiation, civil society participation and local development, political parties, and labor rights.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



Fundación Sordos con Vos is an institution focused on promoting the social and labor integration of deaf people through oral and written language. In addition, they promote awareness projects for the hearing population with the purpose of raising awareness about hearing

impairment and how to support deaf people and facilitate their social performance in different areas.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



Fundación Arias – Para la Paz y el Progreso Humano is dedicated to promoting democracy, gender equality, disarmament, and demilitarization. In recent years, the Foundation has included in its agenda issues such as trafficking and smuggling of vulnerable persons and populations, including women, persons deprived of liberty, LGTBI+ population and migrants.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



The work of **Asociación de Desarrollo Sostenible LGTBI Costa Rica (ADS)** is to be binding on the generation of public policies within the legal framework of the 2030 Agenda in Costa Rica. In this way, it has worked voluntarily to follow up and monitor public policies on human rights





(HUMAN RIGHTS), Open Government, Justice and Sustainable Development Goals (SDG).

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPAC) is a gender-sensitive, humanist, professional and innovative NGO. Its purpose is to eliminate social inequities caused by sexual orientation or gender, at the national and regional levels, through advocacy on public policies, training, popular education, organizational strengthening, and social research. Its strategic areas of work are human rights, political advocacy, research, and health.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



Asociación Costarricense de Personas con Discapacidad Visual (ACOPE DIV) is an organization dedicated to promoting the rights of visually impaired persons through access to public information and citizen participation according to the needs of blind and low-vision people. ACOPE DIV is national in scope and is part of the Latin American Union of the Blind and the World Blind Union.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



Abriendo Datos Costa Rica is an organization that seeks to contribute to and promote the culture of open data through training, the development of related projects and, above all, supporting access to public information for the exercise of citizenship in all its facets.

The role played is to support the follow-up for the Lima Agreement from its track record and experience as a participating CSO.



Movimiento de Ciudadanía que Construye Territorios Seguros is a movement that aims to establish an effective dialogue between the four constitutional powers exercised by the Government of the Republic: The Sovereign and the three branches: Legislative, Executive and Judicial. Its work is characterized by the development of talks and trainings for citizens to exercise their rights to information and oversight.





The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.



From the **Latin American Space of Sexualities and Rights (MULABI)**, mechanisms are generated for the recognition of human rights and coexistence under equal conditions for LGBTI+ people from a Latin American perspective.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO. In addition, it is the organization in charge of leading LGBTIQ+ groups for the Citizen Forum of the Americas.



Fundación Centro de Orientación Indígena (COI) provides help, guidance, and support to *Ngäbe Buglé* indigenous families. Its work focuses on the rescue of cultural identity, tradition, and language.

The role played is to support follow-up for the Lima Agreement from its background and experience as a participating CSO.

Contextualization of the country

Fight Against Corruption

In 2018, the incoming government announced a series of spending cuts and fiscal adjustment, a situation that caused political tensions and that, in addition, produced resistance on the part of various actors to assume the respective tax measures. Furthermore, in the same year a temporary and exceptional loan was made by the Central Bank to the Ministry of Finance equivalent to 1.5% of GDP, this to meet current liabilities (PEN, 2018).

On the other hand, according to the State of the Nation Report 2020 (2020), for the year 2019 the country recorded the lowest GDP growth rate (2.1%) in the last two decades, thus showing the fiscal insolvency rooted in the country. This is attributed to the cost and poor conditions in which public debt has been contracted to meet the needs of revenues, as well as the structure of expenditure, an issue that was alleviated superficially with the arrival and approval of the Law on the Strengthening of Public Finances (Law No. 9635).

A turbulent situation arises then due to the decisions made in the political and economic sphere in the country, as well as the great social discontent produced with regard to issues such as poverty, inequality, unemployment, and the lack of opportunities.



Along these lines, the presence of corruption as a phenomenon that impacts every area of Costa Rican society is increasingly evident and staggering. The reappearance of cases, such as “El Cementazo”², the case of BAC Credomatic against COPROCOM³, Panama Papers⁴, and recently, the case “Cochinilla”⁵, reflect a panorama that demands that civil society join efforts for and to combat this phenomenon. In addition, according to the Corruption Perceptions Index 2020⁶ (2020), Costa Rica obtained a score of 57 out of 100, which shows that the country does not show a substantive improvement compared to previous reports and still presents some insufficiency to position itself at the regional level, as well as globally.

In this way, the CCO has an imperative role since it is a mechanism that allows to recognize those efforts and obstacles that Costa Rica has, in this case, from the follow-up on the Lima Agreement and in the light of Costa Rican civil society.

According to the CFA (2020), Costa Rica has been characterized by efforts in the establishment of spaces for dialogue between civil society organizations and government entities for the search and implementation of mechanisms to fight corruption in its different dimensions. It also emphasizes Costa Rica as a country that is characterized by reaffirming the transversality and relevance of working together on issues, such as human rights, democracy, integral development, and multidimensional security.

On the other hand, in the latest Report on the State of Justice (2020), the Judiciary is highlighted as one of the main bodies responsible for addressing and punishing acts of corruption through the exercise of its different organs and its work, above all, in terms of the prevention of corruption. Thus, anti-corruption and transparency initiatives have been created, including spaces for both citizen participation and open justice.

The Office of the Procurator for Public Ethics is the body responsible for reporting to international organizations, such as the Organization of American States (OAS) and the United Nations System, for compliance with mechanisms to monitor and verify instruments of International Law, such as the United Nations Convention against Corruption.

Although there are governmental bodies, as well as spaces for joint work and the respective monitoring of anti-corruption actions, the reality is that the implementation and execution of these initiatives still presents obstacles, such as campaign financing and technical advice. Hence the importance of the articulation between CSOs and their efforts to combat corruption from the participation of citizens as a vigilant actor in these processes.

² See the following [link](#) for more information.

³ See the following [link](#) for more information.

⁴ See the following [link](#) for more information.

⁵ See the following [link](#) for more information.

⁶ Check results for Costa Rica in the CPI 2020 at the following [link](#).

From the diversity that makes up Costa Rican civil society, it has become a priority to implement advocacy actions in the previously discussed axes, taking into account that “mitigating corruption requires a paradigmatic and structural change in the traditional ways in which the government operates and how it relates to its citizens” (IACHR, 2019, p. 24)⁷.

Therefore, the importance of the inclusion of vulnerable groups and greater openness to include civil society in spaces of social audit of the authorities in anti-corruption decision-making is stressed. In addition to the above, the country will soon (2022) be in the presidential election period, so it will enter a situation that will demand the attention of civil society to safeguard both human rights issues and access to information.

COVID-19 and Corruption

According to the latest report of the State of the Nation Program (2020), at the beginning of the pandemic Costa Rica managed to maintain institutional stability without the danger of an imminent threat to it, as occurred in other countries in the region. This made it possible to avoid a crisis of political legitimacy, at first, by giving control over the measures and inter-institutional cooperation for the management of the pandemic.

Nevertheless, the health crisis and the new cases of corruption made visible the growing inequality both in the economic field and also its impact on human development and all those social aspects produced at a critical juncture of crisis in the country. In addition to the above, the impact of corruption during the pandemic has also been evidenced by the appearance of cases of irregular hiring for the purchase of masks and the involvement of public entities and officials in such procedures.⁸

On the other hand, national elections 2022 will take place next year, so it is established the need to coordinate actions among civil society since the confinement has already hindered the incidence from CSOs and the entry to this new electoral era will represent the resurgence of obstacles and challenges in terms of the propagation of anti-rights agendas that seek to make invisible the inclusion of vulnerable groups and that also continue to replicate practices in relation to corruption.

Costa Rica Results

The Lima Agreement, entitled "Democratic Governance against Corruption" establishes 57 commitments and concrete actions of the signatory States in seven specific areas.

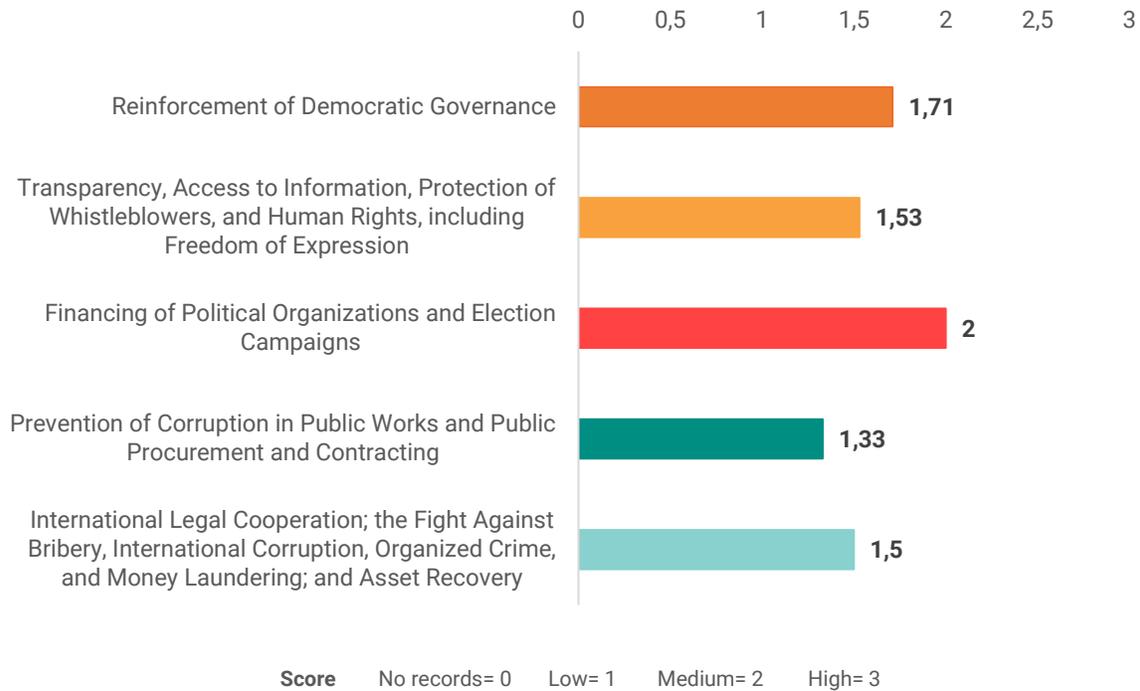
⁷ Inter-American Commission on Human Rights. (2019). *Corruption and Human Rights*.

⁸ See the following [link](#) for more information.

However, within the framework of the Project⁹, 19 commitments were prioritized and selected from the first 5 topics addressed in that document.

The following graph shows the general results obtained by Costa Rica in each of the areas of work mentioned above, according to the score established in the Monitoring Methodology¹⁰:

Graph 1¹¹. Results by theme of the Lima Agreement.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

The following are the national results obtained for each of the topics addressed.

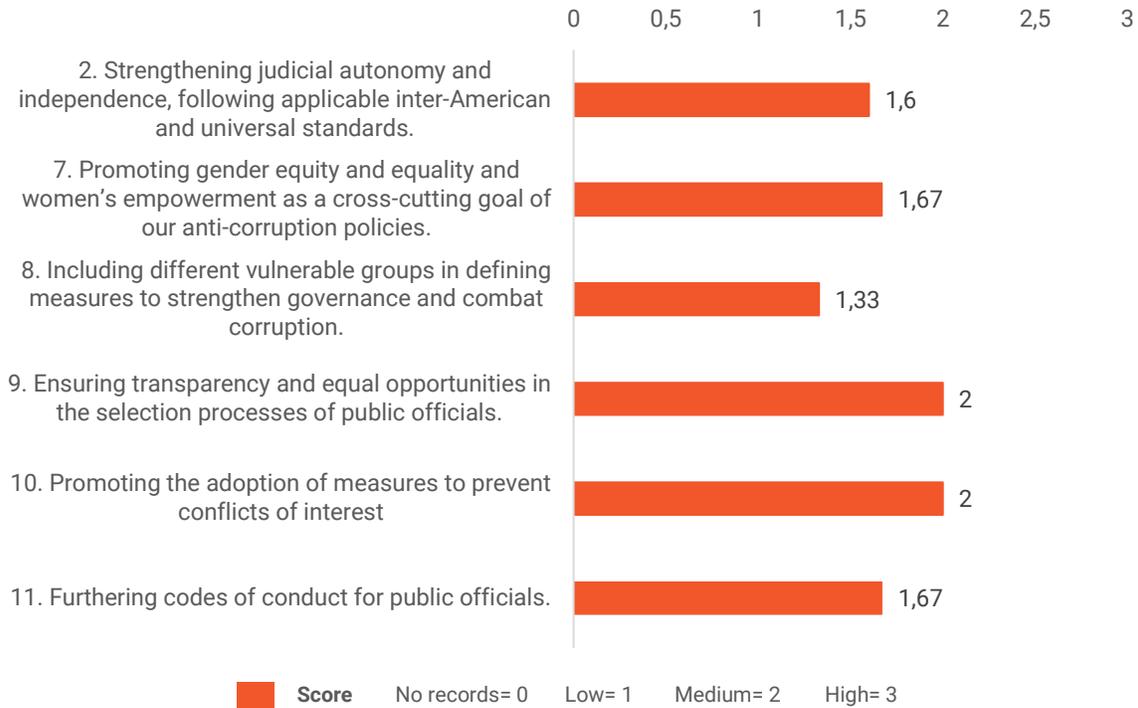
⁹ The CCO built a first balance sheet on regulatory indicators at the regional level. The document is available at: <https://occ-america.com/2021/07/29/primer-informe-del-observatorio-ciudadano-de-corrupcion-revela-avances-y-retos-normativos-para-la-lucha-anticorrupcion-en-la-region/>

¹⁰ 0: No progress, 1: Little progress, 2: Medium progress and 3: Significant progress. The summary of the Project Monitoring Methodology is attached as an Annex.

¹¹ The colors implemented in the graphs of this document account for the color assignment given to each of the thematic axes for the CCO and do not correspond to a numerical scale.

Reinforcement of Democratic Governance

Graph 2. Result of commitments related to Reinforcement of Democratic Governance.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

The country has a strong institutional framework in terms of *independence and judicial autonomy*, has good resources for its normal operation and is the best valued institution in the entire public sector, according to the Public Sector Transparency Index (ITSP) 2020. Nevertheless, there are challenges in terms of appointments of judges and public employment.

In general, there is a set of standards with an acceptable international standard for the rule of law and access to justice, as well as a set of efforts to promote policies of integrity and transparency. However, the system as such has lost the trust of the citizenry for reasons such as privileges in the civil service (facilities and income), which many people consider offensive, and because of the lack of efficiency in the proceedings opened for corruption: only seven percent of the cases reach final judgements and they are not the most important cases, which vanish in the process for procedural reasons.

For these reasons, the decline in the legitimacy of the justice sector and the impacts that this may have in the future on the Costa Rican way of life are a matter of concern.

Of particular note are the progress made in Commitment No. 9 (2.0/3.0), in compliance with the principles of *equality, transparency and publicity in the selection processes* of public officials and the existence of statistics for their respective measurement, and in

Commitment No. 10 (2.0/3.0), for the existence of initiatives in terms of *prevention of conflicts of interest* for recruitment, codes of conduct, procedures for declaring assets, training for staff and others.

Nevertheless, it is necessary to delve into the design of a new public *ethos*, declaration of assets and opening of data on shareholders and final beneficiaries of public limited companies in order to verify the certainty of the declaration of assets¹².

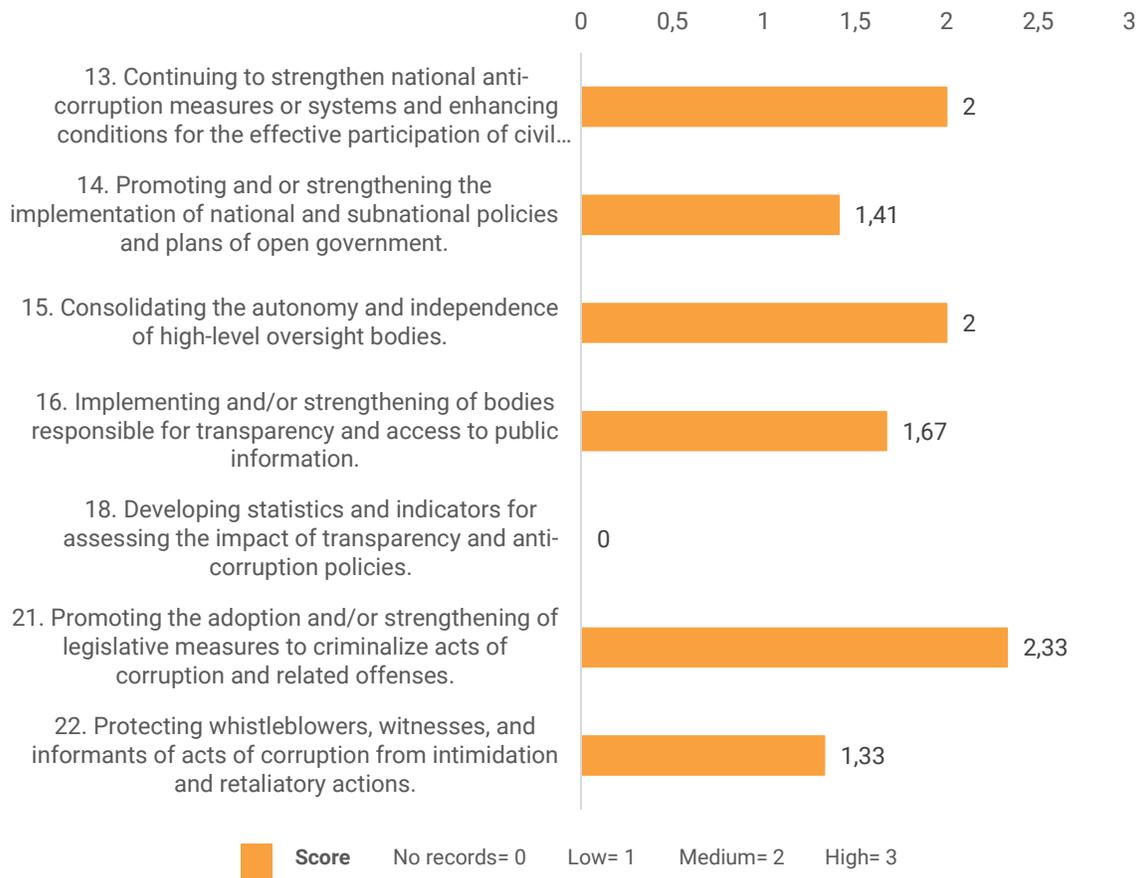
The commitment to the lowest rating was No. 8 (1.33/3.0) regarding the *inclusion of vulnerable groups in the definition of measures to combat corruption*. “The obstacles of these people are immense if you consider aspects such as public infrastructure: streets, sidewalks, ramps, websites without facilities for people with visual and hearing disabilities, for example,” said the representative of ACOPE DIV. ICT managers need to have basic knowledge about W3C¹³.

¹² Recently, the Constitutional Court, in resolution No 2021005806 (2020), gave rise to an appeal for amparo from the Citizen Observatory of Fiscal Transparency in order for that statistical information to be considered of public interest, but safeguarding the data that are confidential.

¹³ The Web Content Accessibility Guidelines (WCAG) that are developed through W3C. The World Wide Web develops international web standards: HTML, CSS, and many more in order to offer a single and shared standard that meets the needs of people with disabilities, or organizations and governments internationally.

Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression

Graph 3. Result of commitments related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

There is evidence of an institutional commitment to the *creation of mechanisms to fight corruption*. In the last two years, more than fifteen regulatory pieces were created to facilitate complaints on this issue.

The level of autonomy and independence of oversight bodies is acceptable, but at risk from the loss of legitimacy. There is also a lack of defense of the basic rights of vulnerable groups in terms of accessibility, especially in terms of information and digital systems, and a "certain lack of protection of civil society and the defense of vulnerable groups," according to the representative of the ADS organization.

The judicial system has a good score in access to information¹⁴ and important problems to solve cases of corruption¹⁵.

In addition, the legislation to ensure the protection of witnesses in cases of corruption is very general and does not adequately cover these people, which could be contributing to the 42% absence of people testifying in these cases and to the vulnerability of the complainants¹⁶.

The highest rated commitment was No. 21 on the *criminalization of corruption* based on International Conventions (UNCAC and CICC).

Although crimes are typified in accordance with these instruments, they are not gathered in a single *corpus* and a factor that could be affecting proceedings for corruption, is the little use made of the Law against Corruption and Illicit Enrichment in the Public Service (LCCEIFP) by the persons operating justice, perhaps due to lack of training¹⁷.

The commitment to the lowest rating is No.18, which refers to the *production of statistics and indicators to assess the impact of transparency and anti-corruption policies*. Indeed, from all the information packages available, it can be seen that there are no efforts to achieve this. This is understood as a second-level effort. The first effort is focused on the generation of hard data on interactions with citizens.

The biggest problem is that there is a lack of simple data (updated, disaggregated, organized in an automated way, open and usable data) on interactions between citizens and most institutional policies, whether for access to information, filing complaints or claims, legal proceedings, public infrastructure, transparency or fight against corruption. For all this, a rating of zero is understood.

¹⁴ Public Sector Transparency Index, ISTP (2020). The score was 100 points.

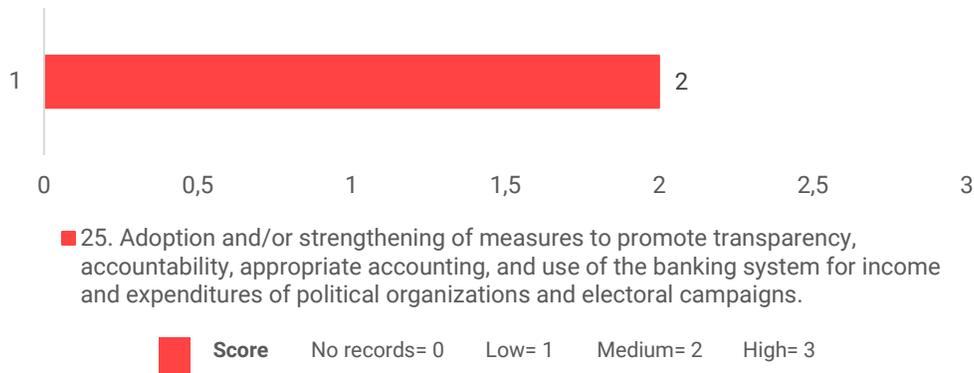
¹⁵ State of Justice 2020. Only 7% of corruption cases end with a judgment in the first instance, and do not correspond to the most reported crimes. Page 98.

¹⁶ IDEM. Table 3.4.

¹⁷ Only in 38 cases (10%) of a total of 370 cases analyzed was the most recent regulation used. Of those 38, 23 were for the crime of influence peddling (re-table 3.1), but none reached the trial stage in courts. State of Justice, page 98.

Financing of political organizations and election campaigns

Graph 4. Result of the commitment related to Financing of political organizations and election campaigns.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

Although the Supreme Electoral Tribunal (TSE), as an electoral body, carries out verification processes for financing in political parties and has ended with final judgments, there are legal limitations on obtaining information from other government institutions, banking systems, criminal investigations, immigration systems, among others. This hinders the work of the electoral body for the investigation and establishment of financial crimes in political groups.

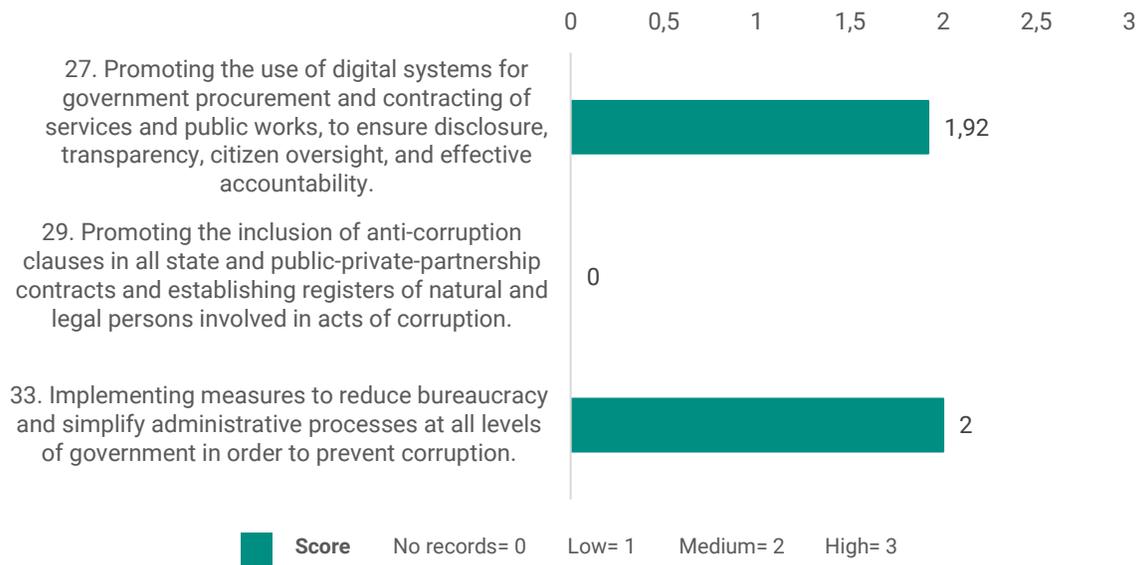
Other problems are the traceability of donations (who, when, how they do it) and the existence of funds about which information cannot be requested until the candidates were already registered as pre-candidates in the system.

There is avant-garde legislation regarding transparency processes necessary for the financing of political parties. Finally, the electoral body has high support and confidence from citizens¹⁸.

¹⁸ Surveys from the Center for Research and Political Studies (CIEP) of University of Costa Rica (UCR) report a trend of maintaining confidence in the TSE by 6.7/10 between 2019 and 2020, with a change to 5.9/10 for 2021. This change has not yet been adequately explained. We think this bump will recover during the second half of 2021.

Prevention of corruption in public works and public procurement and contracting

Graph 5. Result of the commitments related to Prevention of corruption in public works and public procurement and contracting.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

Most institutions follow the mandatory rule on the use of electronic systems and have some kind of space or mechanism to communicate their actions in procurement, contracting and public works. However, the mechanisms used (such as forms) are general and little information is provided on infrastructure. They do not follow a standard of open, up-to-date, disaggregated, and usable data. The representative of ACOPE DIV stated that the SICOP system is not accessible to people with disabilities, this system being vital for monitoring public procurement.

Citizens are still absent as a key player in public infrastructure. They are not consulted, either before, during or after, especially with regard to institutions. They do not process the information received in the form of complaints, claims, delays in the delivery of solutions and the lack of feedback offered by entities. Deficiencies were identified (ignorance of the open data standard) in relation to the true capacity of institutions, human resources, and economic resources to implement commitments such as No. 27 (1.92/3.0) in the most appropriate way.

The commitment with the best rating was No. 33 (2.0/3.0), referring to the *reduction of bureaucracy* and the simplification of procedures. The Ministry of Economy, Industry and Trade (MEIC) and regulatory improvement to simplify procedures has been standardizing

procedures. However, some do it faster than others. It is clear that it is still a slow process and that it takes time to unify these procedures in their entirety.

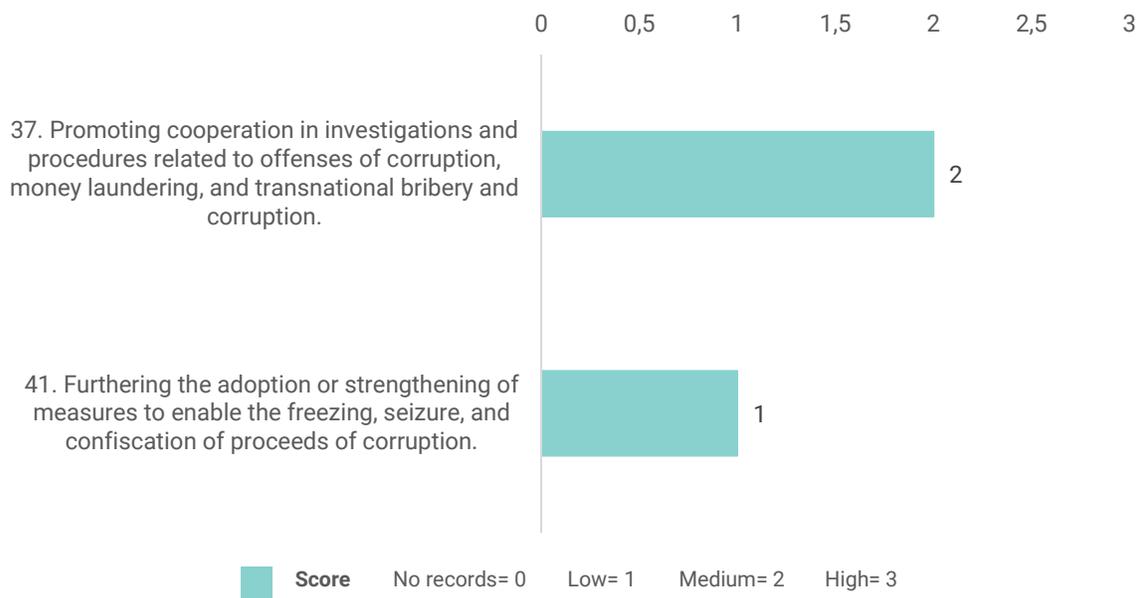
There is progress, but dissatisfaction continues due to the lack of implementation of the reduction of bureaucracy. The crisis caused by the SARS-CoV-2 coronavirus raised alarms regarding the need to strengthen computer and telematic systems to continue with state functions, but debts remain in terms of the inclusion of citizens and, especially, of vulnerable populations (indigenous population and people with disabilities).

The commitment to the lowest valuation was No. 29 (0/3.0) on the *inclusion of anti-corruption clauses in all state contracts* and records of persons, whether natural or legal, related to money laundering or acts of corruption.

The search for data does not yield any progress in this commitment. In fact, only some international corporations have clauses of this type, but they are the exception. There is no course of action, regulatory or practical, in that regard. Therefore, in this commitment, progress is null.

International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Graph 6. Result of the commitments related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

Some progress in *judicial cooperation* is acknowledged. The Supreme Court of Justice has a Transparency Commission and two working groups, one of them being the Working Group

of the Anti-Bribery Convention of the Organization for Economic Cooperation and Development (OECD).

The institutional articulation in the fight against corruption is carried out in a different way and in accordance with aspects, such as the presentation of cases with the municipalities and internal audits, for litigation with the Attorney General's Office and for the follow-up of common cases with the Comptroller's Office, taking into account that there are no cooperation agreements between institutions and the Public Prosecutor's Office. With the Judicial Investigation Agency (OIJ, by its Spanish initials), there is a subjection according to the Code of Criminal Procedure with internal instances, at least six of them, such as judicial inspection. Nevertheless, the results already known in the resolution of cases are low and worrying due to the ineffectiveness of the system.

The highest rated commitment is No. 37 (2.0/3) on *inter-institutional cooperation in the fight against corruption*, bribery, money laundering and transnational bribery. In this regard, the representative of Fundación Arias pointed out that, "although there are established considerations in bands and levels of institutions, they only obey workflow and not something structural. That is, they do not obey formal protocols."

In the judiciary, coordination has been achieved between the Transparency Commission, the Technical Secretariat for Ethics and Values, the Office of Internal Control, the Judicial Inspection Tribunal, and the Deputy Prosecutor's Office for Probity, Transparency and Anti-Corruption (FAPTA, by its Spanish initials).

In general, the conclusion is that coordination is lacking. A case that expresses the inefficiency of this much-needed coordination is that of the Panama Papers, in which there is a crossing of branches of government between the Judicial Branch and the Legislative Branch, thus affecting prompt and effective justice¹⁹.

The commitment to the lowest rating is No. 41 (1.0/3.0), referring to *measures to enable the prejudgment attachment, seizure, and confiscation of proceeds of corruption*.

Since the country does not have a rule or mechanism for prejudgment attachment, it cannot be translated into reality. All existing rules offer a reactive mechanism which, as a result of a legal proceeding, is permitted to make confiscations, but not before. At this point, the country is not fulfilling this commitment.

Conclusions and Calls to Action

A general conclusion is imposed after the analysis carried out. Legal rules require the assistance of social rules for their concrete and practical realization, as well as the

¹⁹ The case is a package of legal information about how services of law firm Mossack Fonseca in Panama were used to avoid paying taxes in Costa Rica and other parts of the world. It was investigated by a Legislative Commission and the report was frozen for four years, unable to investigate the event thoroughly.

commitment of institutions to the constant and routine application of their processes. We have rules, but we lack more opportunities to practice the principles and values of the Lima Agreement.

A second general conclusion is that the group of citizens participating in the dialogue research process is now more aware of the importance of transparency and the fight against corruption, as well as of the obstacles that a significant group of people with disabilities have in obtaining public information in any national institution. We have rules, but we lack the practical means to facilitate access to information.

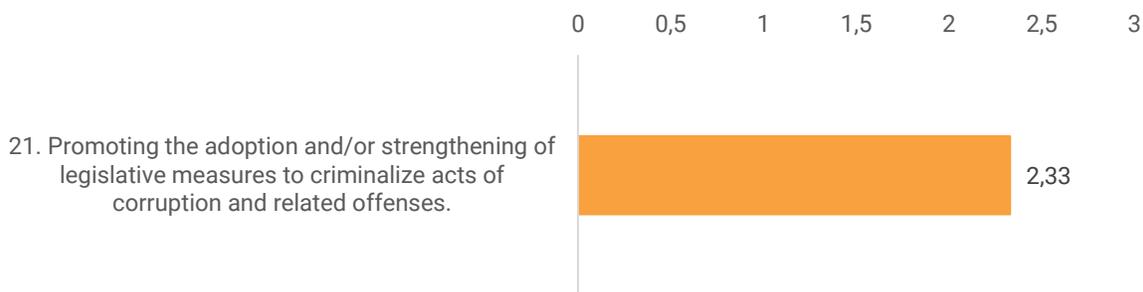
A third general conclusion is that, without the active and diligent participation of citizens, the Lima Agreement will not be implemented. So, we urgently call on citizens to engage strategically in this hemispheric mission in the fight against corruption.

The Lima Agreement was a primary opportunity to endorse previous international commitments assumed by the Costa Rican State, as well as to identify scenarios conducive to the discussion, preparation, and implementation of anti-corruption measures in the country. The results obtained are presented below.

Progress and weaknesses in anti-corruption actions as a follow-up on the Lima Agreement

The **highest rated commitment** of all was that of *typification of crimes*, whose rating was 2.33/3.0, as can be seen in graph 7. The findings show good compliance, although it is noted that the lack of a unified *corpus* could be affecting the efficiency of the system.

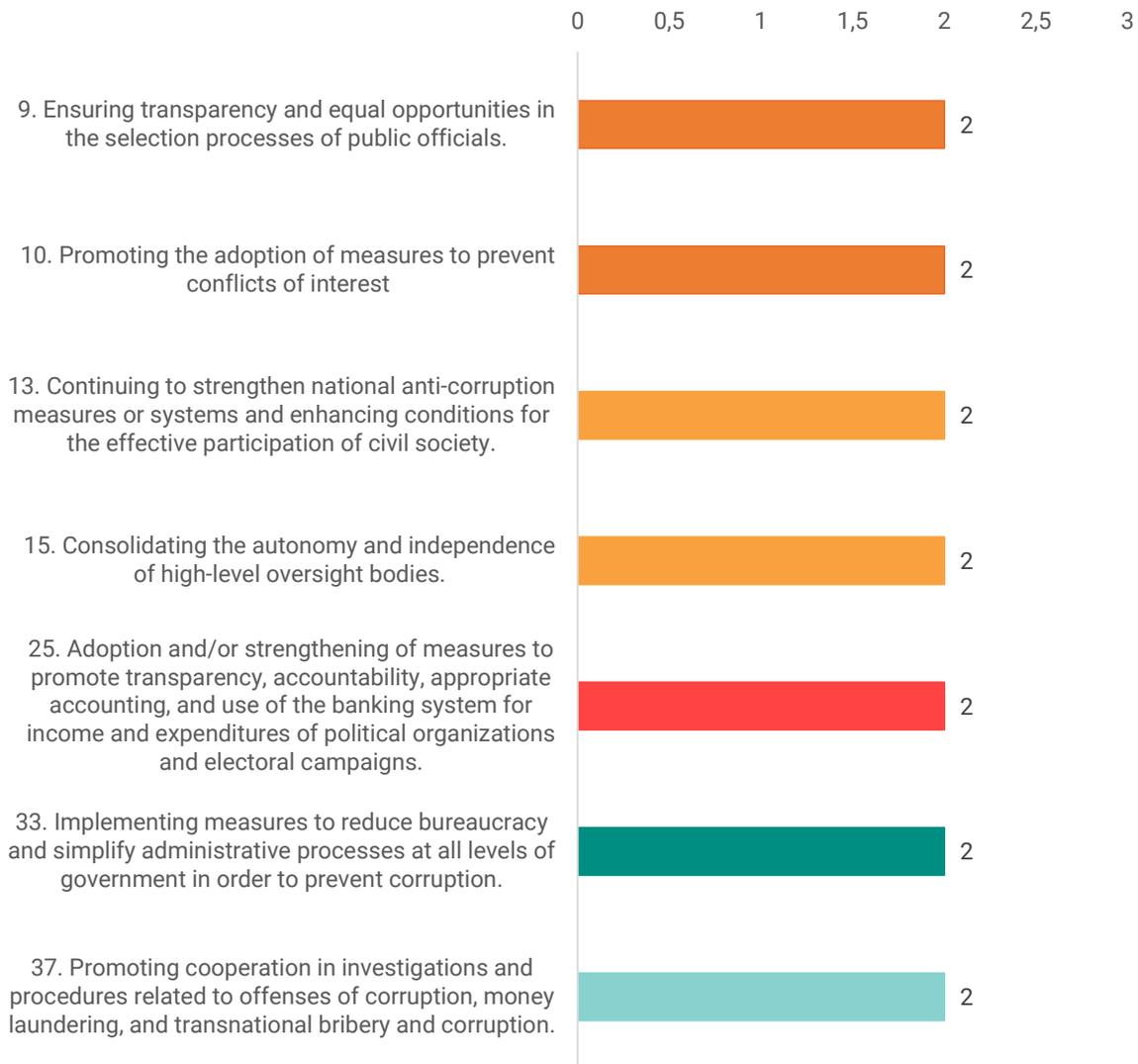
Graph 7. Best rated commitment.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

Next, a **first group of commitments** was identified (**from No. 9 to No. 37**), in which progress is medium, but is rated positively, not without showing critical aspects:

Graph 8. First group of commitments, according to descending rating.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

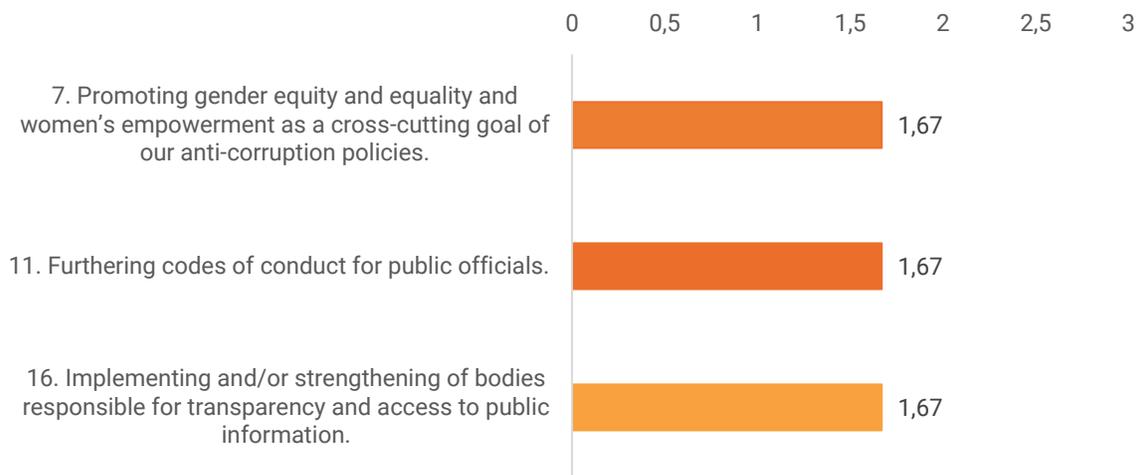
- The compliance with the principles of equality, transparency, and publicity in the selection processes of public officials and the existence of statistics to measure it.
- The existence of initiatives in the field of prevention of conflicts of interest: for recruitment, codes of conduct, procedures for declaring assets, training for staff, among other topics.
- The regulatory improvement by simplifying procedures has been standardizing procedures. However, some do it faster than others (it is a still slow process and that takes time to unify in its entirety).
- As advances in judicial cooperation, the Supreme Court has a Transparency Commission and two working groups, one of which is the OECD Anti-Bribery Convention.

- The creation of mechanisms to fight corruption since, in recent years, more than fifteen regulatory pieces were created to facilitate complaints, although a governing body is missing.
- The level of autonomy and independence of oversight bodies is acceptable, but with risks due to the loss of legitimacy and there is a lack of defense of the basic rights of vulnerable groups in terms of accessibility, especially in terms of information and digital systems.
- Most institutions follow the mandatory rule on the use of electronic systems and have some kind of space or mechanism to communicate their actions in procurement, contracting and public works. However, these are still general and simple, they do not follow an open, up-to-date, disaggregated, and usable data standard.
- There is avant-garde legislation on electoral matters and transparency processes for the financing of political parties and, finally, the electoral body has a high level of support and confidence on the part of citizens. Although TSE carries out verification processes for financing in political parties and have ended with final judgments, there are legal limitations on obtaining information from other government institutions. In addition, there are problems for the traceability of donations and the knowledge of funds prior to the registration of candidates.
- Some progress in inter-institutional coordination in the fight against corruption, bribery, money laundering and transnational bribery. But overall, the bottom line is that there is a lack of coordination.

The **second group of commitments (No. 2 to No. 16)** is one where compliance is just above average:

- In general, there is a set of rules with an acceptable international standard for the Rule of Law and access to justice, as well as a set of efforts to promote integrity and transparency policies. However, its development has been little.
- In the promotion of gender equity and equality and women's empowerment as a cross-cutting goal of the country's anti-corruption policies, the role of the National Institute for Women (INAMU) is highlighted. However, the idea of a certain indifference to gender issues in legislation and the legislative process is highlighted.
- Furthering codes of conduct for public officials, containing high standards of ethics, probity, integrity, and transparency, should continue. As already mentioned, there are currently initiatives in this area: for recruitment, codes of conduct, procedures for declaring assets, training for staff and others.
- The judicial system has a good score in access to information and significant problems in solving cases of corruption. In addition, the legislation to ensure the protection of witnesses, in cases of corruption, is very general and does not adequately cover witnesses, so witnesses remain unprotected.

Graph 9. Second group of commitments, according to descending rating.

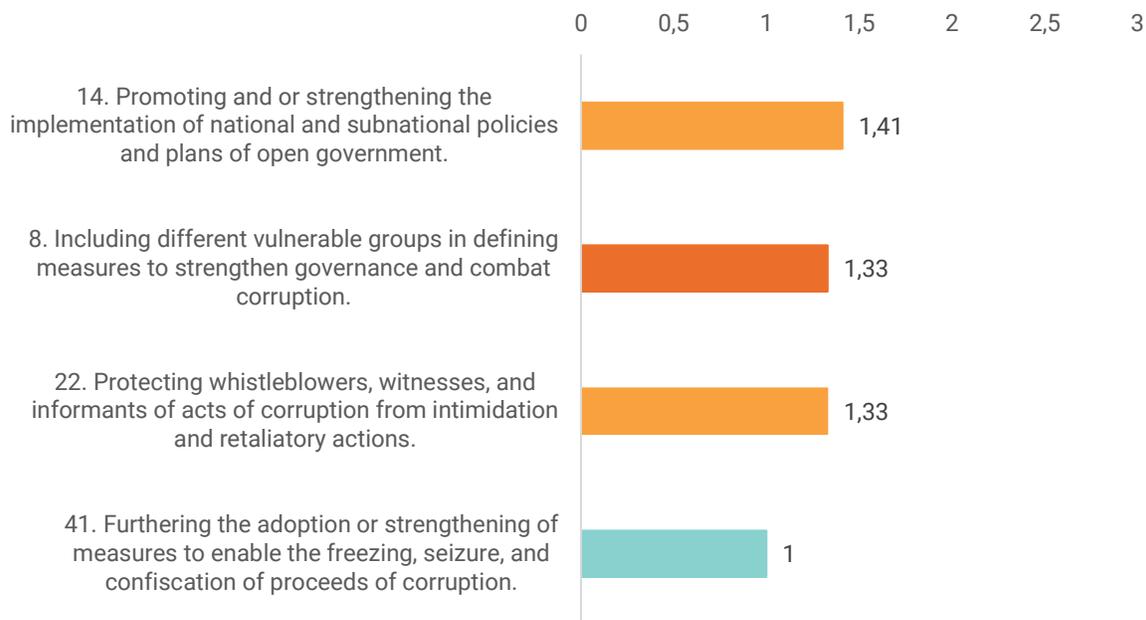


Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

Next, a **third group of commitments was identified (from No. 14 to No. 41)**, where compliance is low:

- In open government, digital government, open data, fiscal transparency, open budgets, and electronic purchasing systems. Dispersion prevails over the latter, despite national attempts to unify it.
- In the inclusion of vulnerable groups in the definition of measures to strengthen governance and combat corruption, this commitment is definitely not being fulfilled. These populations are very vulnerable to corruption.
- Regarding the protection of whistleblowers, witnesses, and informants of acts of corruption, the legislation does not specify such protection for these cases and there is a great risk when such information is leaked in institutions.
- With respect to measures to enable the prejudgment attachment, seizure, and confiscation of proceeds of corruption, all existing rules offer a reactive mechanism, which as a result of a legal proceeding is allowed to make confiscations, but not before.

Graph 10. Third group of commitments, according to descending rating.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

Finally, there is a **fourth group of commitments (No. 18 and No. 29)**, whose fulfillment is null and void:

- Regarding developing statistics and indicators for assessing the impact of transparency and anti-corruption policies, compliance is poor.
- Finally, the commitment on the inclusion of anti-corruption clauses in all state contracts and records of persons, whether natural or legal, related to money laundering or acts of corruption since there is no course of action, regulatory or practical, in that regard.

Graph 11. Fourth group of commitments, according to descending rating.



Source: Prepared on the basis of information provided by CSOs participating in the CCO Platform.

An attempt to explain these nullity commitments could come from three aspects of national life and the way the Costa Rican political system works:



- The **first** aspect is that, having several rules on access to public information and not a General Law on Access to Information, the oldest is privileged and the newest is ignored.
- The **second** aspect is that, if there are no clear sanctions for non-compliance with the rules, then it is discretionary, thereby discouraging their compliance.
- Finally, the **third** aspect is that, in the absence of an obligation to produce basic information, neither this nor the statistics are produced because there are no homogeneous and sufficient data to compare.

Without these statistics, there is no feedback from citizens, and without feedback, there is no room for improvement. The same goes for anti-corruption clauses, there is no rule, there is no obligation. These clauses exist only in a small group of companies that operate to international standards. This reflects a problem in institutional framework as part of the country's organizational culture.

Calls to action on anti-corruption issues

Reinforcement of democratic governance

Table 2. Calls to action related to reinforcement of democratic governance.

Course of Action	Recommendations
The Justice Sector needs to get closer to citizens and delve into system reforms in terms of transparency and integrity.	<p>Establish a concrete roadmap to implement changes in gender equality, prevention of conflicts of interest and integrity in public service.</p> <p>It is recommended to open data on shareholders and final beneficiaries of public limited companies in order to verify the certainty of the declaration of assets.</p> <p>It is suggested that a national assessment be made of obstacles to access to information for vulnerable groups as a first step to delve into the inclusion of these citizens.</p>

Source: Prepared by author.

Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression

Table 3. Calls to action related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.

Course of Action	Recommendations
It is imperative to improve the efficiency of legal proceedings in terms of corruption, resolution times, witness protection and generation of statistics for decision-making.	<p>It is suggested to consult vulnerable groups, especially those with disabilities, on the measures that most affect them to have access to public information.</p> <p>It is suggested to expand training processes for justice operators, so they can make better use of LCCEIFP.</p>
It is important to make general decisions, so institutions incorporate into their routines the generation of	It is suggested to implement citizen satisfaction surveys on the services provided.

databases and statistics to improve their understanding of the services provided to citizens.	
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Source: Prepared by author.

Financing of political organizations and election campaigns

Table 4. Calls to action related to financing of political organizations and election campaigns.

Course of Action	Recommendations
The State is called upon to provide the Supreme Electoral Tribunal with greater powers to supervise, investigate and punish the crimes of irregular financing of parties and campaigns, before, during and after their execution.	It is suggested to make reforms to the law that allow to investigate the traceability of donations, before, during and after election campaigns.

Source: Prepared by author.

Prevention of corruption in public works and public procurement and contracting

Table 5. Calls to action related to prevention of corruption in public works and public procurement and contracting.

Course of Action	Recommendations
Expand institutional improvement plans to develop the ideal of Open Government and Open State.	Implement updated open data indicators in all institutions.
Continue with the review of institutional processes to reduce bureaucracy and complexity of procedures.	Establish, as part of institutional planning, actions for the review of processes aimed at reducing response times.
Design a course of political and regulatory action to include, in all State contracts, anti-corruption clauses in their procurement and contracting.	Make executive decisions to drive the legislative changes required to include anti-corruption clauses in any state contract.

Source: Prepared by author.

International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Table 6. Calls to action related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.

Course of Action	Recommendations
Improve and expand the channels of inter-institutional cooperation, as a tool in the fight against corruption, money laundering and transnational bribery.	It is suggested to conduct operational efficiency studies in these fields that allow establishing institutional efficiency improvement processes.
Design a course of political and regulatory action to be able to enable the prejudgment attachment, seizure, and confiscation of proceeds of corruption.	Make executive decisions to promote the legislative changes that are required to include the freezing, seizure, and confiscation of proceeds of corruption.

Source: Prepared by author.

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Annexes

Annex 1: Summary of Monitoring Methodology.

Selection of mandates of the Lima Agreement

The prioritization and selection of the 19 commitments to be analyzed by the civil society was based on the following criteria:

- **Sustainability:** Sustainability in anti-corruption initiatives requires a strong institutional framework with clear prevention, control, and sanction functions. Based on this criterion, priority has been given to mandates that focus on strengthening national institutions in the fight against corruption. Sustainability also translates into the development of programs, public policies, and regulatory developments (laws, decrees, resolutions, among others) that address this commitment to fight corruption ratified by the signatory countries of the Lima Agreement.
- **New Approaches:** Understanding that corruption is a complex and multidimensional phenomenon, the criterion of new approaches give priority to mandates that incorporate other perspectives to face corruption, for example the use of data (data science) and new technologies, the inclusion of the perspective of guaranteeing human rights in the fight against corruption, the adoption of actions to assess the damage caused by corruption, the asset recovery, the recognition of the victims of corruption and the protection of whistleblowers, among others.
- **Vulnerable population and other actors:** Under this criterion, mandates that focus on excluded or vulnerable groups and other relevant actors for the fight against corruption, such as the private sector, are selected.
- **Representativeness:** This last criterion seeks to ensure that at least one of the Mandates included in the first five general themes, in which the Lima Agreement is classified, is prioritized.

Monitoring progress and compliance with the Lima Agreement

Stage 1: Collection of Indicator Information.

For the analysis of progress and formal compliance with mandates, information was collected according to two types of indicators:

- Regulatory indicators (75): Current legislation that regulates the topics included in the Mandates to the Lima Summit, as well as public policy documents developed as of April 2018.
- Practice indicators (64): Concrete actions or measures taken by the government in response to the anti-corruption mandates acquired at the Lima Summit, with their due sources of verification (interviews, media reports, reports on compliance with Anti-Corruption Mandates and requests for information, among others).

Stage 2: Registration of information on the online platform of the Citizen Observatory (CCO).

From the National Coordination, the information collected in the regulatory indicators, was recorded and follow-up and monitoring were made to the registration of information of practice indicators carried out by CSOs.

Stage 3: Assessment of Mandates of the Lima Agreement.

For the analysis of the progress of each mandate, it was necessary to perform the following steps:

1. Record of responses given for policy and practice indicators for each mandate.
2. Assessment of progress of each mandate according to three criteria:
 - Effectiveness (E): Establishes to what extent the actions developed by the government as a result of the Lima Agreement contribute to the fight against corruption in the country.
 - Relevance (P): Establishes to what extent the actions developed by the government are timely, convenient, and adequate, according to the economic, institutional and/or social context of the country.
 - Sustainability (S): Determines to what extent the actions carried out to comply with the commitment will have continuity over time.

Once each mandate has been analyzed according to the three criteria, the progress was evaluated according to the following rating scale:

Figure 1. Monitoring Scale of the mandates of the Lima Agreement.



Source: Monitoring Methodology of the Project Citizen Observatory Corruption Observatory.

Stage 4: Socialization Spaces.

The process of collecting information, registering on the platform, and assessing the mandates was accompanied by the realization of socialization spaces convened by the National Coordination, where topics such as the presentation of methodological aspects, the results of the information of regulatory indicators to CSOs, and the joint discussion of the final balance sheet of each mandate were addressed based on the analysis of assessments to the mandates carried out by CSOs.

Annex 2: Rating of the Lima Agreement in Costa Rica.

Reinforcement of Democratic Governance

Table 7. Follow-up Criteria for Commitments related to Reinforcement of Democratic Governance.

Commitment	Criteria			Average
	E	P	S	
2. Strengthening judicial autonomy and independence following applicable inter-American and universal standards on this matter to promote respect for the Rule of Law and access to justice, as well as to promote and encourage policies of integrity and transparency in the judicial system.	1,89	1,89	1	1.59
7. Promoting gender equity and equality and women's empowerment as a cross-cutting goal of our anti-corruption policies, through a task force on women's leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies.	2	2	1	1.67
8. Including different vulnerable groups in defining measures to strengthen governance and combat corruption, recognizing their serious impact on these populations.	1	2	1	1.33
9. Ensuring transparency and equal opportunities in the selection processes of public officials, based on objective criteria, such as merit, equity, and aptitude.	2	2	2	2
10. Promoting the adoption of measures to prevent conflicts of interest, as well as the submission of declarations of assets and financial information by public officials, as appropriate.	2	2	2	2
11. Furthering codes of conduct for public officials that contain high standards of ethics, probity, integrity, and transparency, using as a point of reference the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas" and urging the private sector to develop similar codes of conduct.	2	2	1	1.67

Source: Platform of the Citizen Observatory Corruption Observatory.

Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression

Table 8. Follow-up Criteria for Commitments related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.

Commitment	Criteria			Average
	E	P	S	
13. Continuing to strengthen national anti-corruption measures or systems and enhancing conditions for the effective participation of civil society, social organizations, academia, the private sector, citizens, and other social actors in monitoring government performance, including the development of prevention mechanisms, channels for reporting possible acts of corruption and facilitating the work of watchdogs, including other citizen oversight mechanisms, and incentivizing the adoption of digital means of participation.	2	2	2	2
14. Promoting and/or strengthening the implementation of national and subnational policies and plans of open government, digital government, open data, fiscal transparency, open budgeting, digital procurement systems, public contracting, and a public registry of State suppliers, considering towards that end the participation of civil society and other social actors.	1,22	2	1	1.41
15. Consolidating the autonomy and independence of high-level oversight bodies.	2	2	2	2

16. Implementing and/or strengthening of bodies responsible for transparency and access to public information, based on applicable international best practices.	1	2	2	1.67
18. Developing statistics and indicators in our countries for assessing the impact of transparency and anti-corruption policies and advancing government capacity in this field.	0	0	0	0
21. Promoting the adoption and/or strengthening of legislative measures to criminalize acts of corruption and related offenses consistent with the United Nations Convention against Corruption (UNCAC), the United Nations Convention against Transnational Organized Crime, and the Inter-American Convention against Corruption (IACAC).	1	3	3	2.33
22. Protecting whistleblowers, witnesses, and informants of acts of corruption from intimidation and retaliatory actions.	1	1	2	1.33

Source: Platform of the Citizen Observatory Corruption Observatory

Financing of Political Organizations and Election Campaigns

Table 9. Follow-up Criteria for Commitments related to Financing of Political Organizations and Election Campaigns.

Commitment	Criteria			Average
	E	P	S	
25. Encouraging adoption and/or strengthening of measures to promote transparency, accountability, appropriate accounting, and use of the banking system for income and expenditures of political organizations and parties, especially those related to their electoral campaigns, in order to guarantee the licit origin of the contributions and penalizing anyone involved in accepting illicit contributions.	2	2	2	2

Source: Platform of the Citizen Observatory Corruption Observatory.

Prevention of Corruption in Public Works and Public Procurement and Contracting

Table 10. Follow-up Criteria for Commitments related to Prevention of Corruption in Public Works and Public Procurement and Contracting.

Commitment	Criteria			Average
	E	P	S	
27. Promoting the use of digital systems for government procurement and contracting of services and public works, to ensure disclosure, transparency, citizen oversight, and effective accountability.	2	2	1,75	1.92
29. Promoting the inclusion of anti-corruption clauses in all state and public-private-partnership contracts and establishing registers of natural and legal persons involved in acts of corruption and money laundering with a view to ensuring that they are not contracted.	0	0	0	0
33. Implementing measures to reduce bureaucracy and simplify administrative processes at all levels of government in order to prevent corruption.	2	2	3	2

Source: Platform of the Citizen Observatory Corruption Observatory.

International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Table 11. Follow-up criteria for commitments related to Financing of Political Organizations and Election Campaigns.

Commitment	Criteria			Average
	E	P	S	
37. Promoting the broadest possible cooperation among judicial, police, and prosecutorial authorities, financial intelligence units, and administrative authorities in investigations and procedures related to crimes of corruption, money laundering, and transnational bribery and corruption.	2	2	2	2
41. Furthering the adoption or strengthening of measures through relevant institutions to enable the prejudgment attachment, seizure, and confiscation of proceeds of corruption.	1	1	1	1

Source: Platform of the Citizen Observatory Corruption Observatory.