



VENEZUELA REPORT
Follow-up on the Lima Agreement,
Citizen Corruption Observatory



Country: Venezuela



Local partner: Transparencia Venezuela



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Table of contents

Introduction	4
Participating organizations	5
Context of Venezuela	7
A. Grand Corruption Pattern in Venezuela and its impact on human rights	7
1. Monopoly in economic sectors	8
2. Incentives to corruption	8
3. Discretionary public spending	9
4. Civil-military control	9
5. Permanent state of emergency	10
6. Irregular contracting involving millions of dollars	10
7. Institutionalized impunity	10
8. Lack of transparency and accountability	11
9. Promotion of disinformation and communicational hegemony	12
10. Top-level appointments based on loyalty	12
11. Transnational criminal network	12
12. Human rights violations and protest criminalization	13
B. Corruption in pandemic: Venezuela's tragedy beyond COVID-19	13
Results for Venezuela: Setbacks rather than progress	14
1. Reinforcement of Democratic Governance	17
2. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression	19
3. Financing of Political Organizations and Election Campaigns	21
4. Prevention of Corruption in Public Works and Public Procurement and Contracting	23
5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery	24
Conclusions	26
Calls for Action	27
Actions and Recommendations to comply with the Lima Agreement in Venezuela	28
References	62
Annexes	65
Annex No. 1 Rating of the Lima Agreement in Venezuela	65





Document Acronyms

CCO = Citizen Corruption Observatory

LACND: Latin American and Caribbean Network for Democracy

CFA = Citizen Forum of the Americas

CSPSA = Civil Society Participation in the Summit of the Americas

CSO = Civil Society Organization

OAS = Organization of American States

NGO = Non-Governmental Organization





Introduction

The main purpose of the project entitled “Citizen Corruption Observatory (CCO) - Follow-up on the Lima Agreement” is to strengthen the Citizen Forum of the Americas (CFA) by co-creating, together with the Latin American and Caribbean Network for Democracy (LACND) and the Citizen Forum of the Americas (CFA), an observatory that provides technical support for the implementation of the Project entitled: Civil Society Participation in the Summit of the Americas (CSPSA). Within the framework of the activities developed by the CCO, the progress of the Lima Agreement was monitored using a methodology that took into account both policy and practical developments, and which was based on a participatory discussion involving different civil society organizations in each of the 19 countries participating in this process.

In this context, the CCO is made up of a coalition of civil society organizations and social actors from the continent, created to follow up on compliance with the agreements adopted by the governments of the hemisphere at the VIII Summit of the Americas held in 2018 in Lima, Peru. The Lima Agreement, “Governance against Corruption,” a document resulting from the Summit, provided an opportunity to endorse and ratify previous international commitments on anti-corruption issues.

In this sense, the national report aims to present a summary of the results and conclusions of the follow-up on the progress and/or fulfillment in Venezuela of the commitments of the 2018 Summit, built from the follow-up on the Lima Agreement methodology document and the review of information carried out by 10 Venezuelan civil society organizations. All information collected can be looked up on the CCO website.

The methodology allows civil society to assess the progress and/or compliance with the 19 commitments prioritized by the CCO in each of the countries participating in this observatory. The follow-up is based on the review of policy-¹ and practical-level developments made by national governments over the last two years regarding the commitments made in the fight against corruption.

At the policy level, the current legislation was reviewed, based on 75 guiding questions, regarding constitutional, legislative and jurisprudential developments. The analysis of practice consists of the review of concrete measures taken by the government in response to the commitments made. For this purpose, 64 questions were constructed, which were answered through requests for information, interviews, study of media reports, other reports and the

¹ CCO has prepared a first assessment of the 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/>





latest research on the subject, among others. This information is the basis for rating each commitment in terms of effectiveness, efficiency and sustainability².

Participating organizations



Transparencia Venezuela, national chapter of Transparency International and focal point of the Citizen Forum of the Americas, is a non-profit, non-partisan, pluralistic and politically independent civil association engaged in promoting conditions, procedures, and factors to prevent and reduce corruption.

During the execution of project activities, Transparencia Venezuela acted as the project's national coordinator. It was responsible for convening Venezuelan CSOs to join the initiative, assisting and advising them on any concerns, doubts or comments they might have regarding the methodology and platforms created to follow up on the Lima Agreement; it rated the policy and practice indicators and prepared the country report proposal for presentation and discussion by the participating CSOs.



AC. Consorcio, Desarrollo y Justicia is a non-profit civil association that promotes democracy, the rule of law and human rights in Venezuela. Its lines of work include strengthening the rule of law, preventing, and addressing gender-based violence; environmental justice, specifically the enforcement of citizens' right to health and a healthy environment; citizen participation, social inclusion, and employment as essential conditions for poverty reduction; and respect for fundamental principles and rights at work.

As a member of the national space of the Citizen Forum of the Americas, it participated in the validation process for stakeholder mapping and for the follow-up methodology for the Lima Agreement.



Acceso a la Justicia is a non-profit, private, and independent civil association committed to the defense of justice, the rule of law, separation of powers, judicial independence, democracy, freedom, and human rights in Venezuela. Its main purpose is to monitor the administration of justice and the rule of law in the country, as well as to disseminate relevant information to citizens in order for them to enforce their rights.

² Methodological aspects of this follow-up will be presented in more detail later in the report.



Centro de Divulgación del Conocimiento Económico para la Libertad (CEDICE Libertad) is a non-profit civil association, whose main purpose is to raise awareness, educate and train in the principles that support the free exercise of individual action, as well as to promote the generation of knowledge, research and analysis of the organization and conditions that allow the existence of a democratic, free and responsible society, in order to contribute to the generation of wealth and the fight against poverty.

Among its programs is the Public Expenditure Observatory, which tracks and monitors public spending to improve the quality, availability, demand and use of information, so that civil society and political actors know the impact that the public budget has for the country.



Instituto Venezolano de Estudios Sociales y Políticos (INVESP) is a non-profit civil association aimed at promoting and developing scientific research in the field of international relations and social and political sciences in general, in order to contribute to the formalization and implementation of policies at the national and international levels.



Médicos Unidos de Venezuela is a civil association arising from the need for union leadership and the search for solutions to alleviate the serious health crisis, having become a key player in the fight for human rights and for freedom and democracy in the country, alongside different NGOs.



Organización para la Prevención Nacional de la Corrupción (ORPANAC) is a civil association of the state of Nueva Esparta, which has made efforts to monitor, prevent, expose, and suppress acts of corruption in the exercise of public functions

in the institutions of the state of Nueva Esparta, thus complying with its mission, vision, and objectives.



Proyecto 860 is a nonprofit organization located in the state of Táchira that works along three lines of action: legal, medical, and educational. The legal team offers assistance and guidance in the defense of human rights and has a gender violence observatory from which it carries out information campaigns and offers legal and psychological counseling to battered women.

In the medical line, they provide care to vulnerable populations, articulate the donation of medicines, and focus on preventive health campaigns. The training line is addressed to citizens, providing training workshops on duties and rights, partnering with other organizations to teach citizens their rights and duties and when a right is violated.





Sinergia is an organization that brings together 62 civil society organizations in Venezuela. It promotes freedom of thought and association, democratic coexistence within a plurality of interests, active and responsible citizen participation in public matters, and ethical commitment to the exercise of human rights, as well as the strengthening of civil society organizations through the preparation of documents and the exchange of knowledge through the creation of spaces for meetings and training to improve the management of its members.

All the organizations participated in the process for gathering information, assessing, and rating the 19 commitments. To this end, they received training on the methodology used and were given access to a virtual platform specially designed for information entry. During this process, Transparencia Venezuela worked closely with the CSOs to address any doubts that might arise.

In June 2021, once the assessment process was completed, a working session was held to present to participating CSOs the results of the assessment and rating process for the Lima Agreement (a process carried out by each CSO individually). In this session, it was found that each CSO, despite its specific and particular viewpoint, shared a common perspective with the others regarding the weaknesses and deficiencies of the Venezuelan system and, moreover, the failure of the Venezuelan authorities to comply with the actions required to fulfill the Lima Agreement.

Subsequently, this country report was prepared and submitted for discussion and validation.

Context of Venezuela

A. Grand Corruption Pattern in Venezuela and its impact on human rights

The investigations carried out for more than 17 years by Transparencia Venezuela have identified a grand corruption pattern that, in a generalized and systematic manner, has captured public institutions and resources for the benefit of small groups with access to and control of power in Venezuela.

Despite the fact that the serious damage caused to the population by this set of decisions, which make up this pattern, has been evident at least since 2007, these policies have remained in place. There has been an insistence on applying them and massively intensifying them, blaming endogenous agents and external "enemies", through the State's powerful national and international communications machinery.

By recording and analyzing the serious irregularities perpetrated against the nation's patrimony, Transparencia Venezuela (2020, p. 2) has identified the presence of 12 elements



that make up the grand corruption pattern, established in the country to promote the most atrocious embezzlement that Venezuela has ever experienced. These elements are the following:

1. Monopoly in economic sectors

For the past years, the Government has strived to increase its market power and become the sole owner and manager of products, goods, and resources essential to citizens, and has gained almost absolute control over food, electricity, transportation, communication, water, gas, commerce, construction, and financial institutions.

Transparencia Venezuela's investigations allowed identifying, in 2017, 576 companies owned by the Venezuelan State, four times more than Brazil and 10 times more than Argentina. Of that total, 441 were created during Hugo Chávez's and Nicolás Maduro's governments. All of them show negative operating results (2018, p.7). By August 2021, the sum of those state-owned companies amounted to 905 (595 national, 89 outside the country, and 218 held by the provincial governments, in addition to at least 23 in which the State holds a minority stake), distributed in the manufacturing, agri-food, hydrocarbons, and financial institutions sectors (Transparencia Venezuela, 2021, August 19). The increase in the number of state-owned entities is proportional to the increase in the closure of private companies producing goods and services, due, among other factors, to monetary restrictions, increased control and discretionary power on the part of the State, as well as disadvantages in terms of competition.

The market power held by a State that has generated harmful effects and abused its position of dominance is evident in the electricity, transportation, and food sectors. However, this has not meant an improvement in the exercise of the human rights by Venezuelans; on the contrary, they have deteriorated sharply. For example, the right to food was systematically deprived of its substance, causing irreversible damage in nutritional matters. Caritas Venezuela (2020, p. 20) states that in the period April-July 2020 there was a 73% increase in the levels of acute malnutrition among children under 5 years of age and a 24% increase in the levels of malnutrition among pregnant women, compared to the previous quarter.

2. Incentives to corruption

The Government has implemented policies that favor an increase in corrupt practices. Among the incentives is the exchange control in effect since February 2003. The government became the sole supplier of foreign currency and unilaterally fixed its value. It left a fairly low preferential exchange rate, but with a very limited supply, which allowed the black market to flourish. This gave rise to the greatest incentive to corruption ever seen in Latin America. The foreign exchange control originated an exchange differential of such magnitude that it favored those who had access to the preferential dollar, who with few bolivars obtained many dollars to get hold of goods or resell³. In 2018, after 15 years in force, a relaxation of the foreign

³ Hugo Chávez's former Minister of Planning and Finance, Jorge Giordani and Héctor Navarro, who served in five ministries during the so-called Comandante's administration, denounced the misappropriation of US\$ 300 billion through the exchange control system over the course of a decade.



exchange control began with the repeal, by the questioned and now extinguished National Constituent Assembly, of the Law against Foreign Exchange Crimes, which established imprisonment terms for those who moved outside the imposed control (EFE, Reuters, August 2, 2018).

Another incentive has been the price controls in place since 2003. The government decides at what price basic goods such as food, hygiene items and medicines should be sold. The amounts are usually so low that they encourage smuggling and the emergence of black markets. Businessmen have denounced that the government does not respect cost structures and that they must work at a loss. In 2018, Maduro relaxed price controls, which meant coercion and control over thousands of stores, so that in 2019 the shelves were stocked. In 2020, the Government resumed price controls despite their perverse effects on the population (EFE, April 28, 2020).

3. Discretionary public spending

The granting of public positions to people related to the government, lacking merit, as well as the awarding of contracts or social benefits to obtain loyalty, have been practices in State institutions. Public goods are not administered according to the logic of rationality, economy and impartiality established in the law, but in a discretionary manner (Transparencia Venezuela, 2020, p. 5). For example, in 2003 the government dismissed most of the top management, managerial and technical personnel of the Fundación para el Desarrollo del Servicio Eléctrico and replaced them with people who were in line with its ideals. The country went from selling electricity to Colombia to having a generation deficit, in 2019, of more than 2,000 megawatts and blackouts lasting several days.

In this sector, there were allegations of grand corruption in contracting, such as the well-known case of the energy company Derwick Associates, whose president Alejandro Betancourt is under investigation by the U.S. justice system. (Delgado and Weaver, November 3, 2019).

4. Civil-military control

In recent years, the military, active or retired, have assumed responsibilities that were not traditionally entrusted to them, such as the Secretariat of the Presidency, ministries, embassies, representation before international political and financial bodies, as well as the presidency and management of state-owned companies (Transparencia Venezuela, 2020, p. 6). The political and economic power achieved by factions of the armed institution can be seen in the process of military colonization of the centralized and/or decentralized public administration, as part of the "Chavismo" project.

The process envisaged the penetration and consequent domination of the government bodies and the Venezuelan State by the military and has allowed members of the Bolivarian National Armed Forces and their families to rise to the top of the income pyramid of Venezuelan society.



The military has the constitutional obligation to control and direct the processes concerning security and defense of national sovereignty. However, in recent years, its scope of action has expanded to the almost absolute control of the civilian processes of society. A sign of this gradual supremacy is the number of ministries, in different areas, held by the military. By September 2020, out of the 33 portfolios that exist in Venezuela -including the Ministry of State for the New Frontier of Peace- eight are directly controlled by military personnel (p. 6).

5. Permanent state of emergency

Chávez and Maduro governments made it a common practice to issue state of exception and emergency decrees, often without any real justification to do so and with the sole purpose of increasing their power. During their administration, four enabling laws were passed which gave them practically all the power to legislate freely on key sectors, exceeding their functions.

Transparencia Venezuela (2018, p. 2) followed up on the decrees and observed that the Executive Branch has used them to increase its powers and suppress controls exercised by bodies such as the parliament. The first economic emergency decree, issued in January 2016, comprised just 11 emergency measures, but they gradually increased until reaching 36 in September 2018.

6. Irregular contracting involving millions of dollars

Despite the fact that Venezuela's Organic Law on Public Procurement does not meet some international parameters on transparency, competition and the use of technologies, the instrument exists and is not applied by the institutions. The law states that direct procurement should be the exception. However, it has become the rule.

The follow-up on the Lima Agreement showed that in Venezuela public contracts are awarded directly, no government agency publishes the contracts, the payments made, or the percentage of execution. The members of the contracting commissions are not trained, and the National Register of Contractors has limited access to information on contracts. An example of this is the lack of transparency surrounding the purchases and negotiations of vaccines and equipment to address the COVID-19 pandemic.

7. Institutionalized impunity

In Venezuela, the autonomy and independence of the public powers has been eliminated, which has allowed impunity in cases of corruption, a situation that becomes evident in the follow-up on the Lima Agreement. The Supreme Court of Justice, the Office of the Comptroller General of the Republic, the Public Prosecutor's Office and the Ombudsman's Office are controlled by the Executive Branch and have been accomplices in legalizing the lack of transparency and establishing corruption. The appointment of the highest authorities of each of these institutions was made in violation of the Constitution and the laws.



Transparencia Venezuela (<https://corruptometro.org/>) has recorded more than 236 cases of corruption during two decades of Chavismo. Of those cases, only the amount of public money involved in 114 cases is known, exceeding US\$ 52 billion, with most of them involving the state-owned PDVSA. This is only an estimate of the amount that was allegedly embezzled during the Hugo Chávez and Nicolás Maduro governments. The amount is equivalent to eight times Venezuela's international reserves (BCV, January 2020) and two years' worth of oil export revenues (\$45.81 billion corresponding to 2018 and 2019).

However, the Prosecutor General's Office has not shown the same interest in investigating cases of Venezuelan grand corruption as it does in those involving government dissidents or cases of traditional corruption. According to information provided in March 2020 by the prosecutor appointed by the questioned Constituent Assembly, Tarek William Saab, 39 investigations into administrative irregularities had been initiated as of that month, but most of them revolve around small groups that sought to benefit from public goods and resources, and that had managed to misappropriate small sums of money. Nevertheless, investigations such as those related to the Brazilian construction company Odebrecht are at a standstill, or at least no progress has been reported, despite the fact that executives of this company admitted having paid large sums of money to government officials of deceased Hugo Chávez and his successor, Nicolás Maduro, in exchange for one thousand public works contracts worth millions of dollars (Transparencia Venezuela, March 26, 2020).

In addition, impunity has spread beyond the Venezuelan borders, affecting corruption cases related to Venezuelan resources and public officials that are being investigated in other countries. For example, in Argentina, the lack of cooperation of the Venezuelan authorities has halted at least a dozen judicial cases of high political impact, involving irregularities in the businesses promoted by Kirchnerism towards Venezuela, in which the use of some US\$ 3 billion of Venezuelan public assets is being investigated (Ruiz, April 27, 2021).

8. Lack of transparency and accountability

During the Chávez administration, the power of the National Assembly was curtailed through amendments to the Organic Law of Financial Administration of the Public Sector. The changes reduced checks and balances and bypassed minimum budgetary principles of universality, specificity of expenditure, solvency, and sustainability.

In 2010, government websites stopped publishing public expenditures, while the National Budget Law and the Special Law on Indebtedness have been kept hidden since 2016. Moreover, since that same year, there has been no access to the accountability reports of the different ministries and State bodies. It is not known how the government intends to spend the country's funds or how they were spent at the end of each fiscal period.

In October 2020, the already extinguished and questioned National Constituent Assembly enacted the so-called "Anti-Blockade Law", with "constitutional status", which grants





"extraordinary" powers to Nicolás Maduro to maintain confidentiality in contracting and "disregard" those legal norms he may consider, with no accountability obligation, thus further exacerbating the lack of transparency (Brewer-Carías, 2020).

The government does not respond to citizens' requests for information. Transparencia Venezuela, as part of the CCO, made three requests for information on the actions implemented by the government of Nicolás Maduro to comply with the Lima Agreement. No response was obtained for the requests made in digital format, since the e-mail accounts of the Venezuelan public agencies do not work. Nor was it possible to obtain a response to those requests submitted in person, since the public entities - which only serve the public on so-called flexible weeks - refused to accept them.

9. Promotion of disinformation and communicational hegemony

Despite the fact that access to public information is a right that Venezuelans have, secrecy and lack of transparency are a common occurrence in State bodies and have the complicity of the Supreme Court of Justice (SCJ) and the Office of the Comptroller General of the Republic. The SCJ has issued more than 40 rulings denying the right of access to public information, with arguments different from those established in the laws (Transparencia Venezuela, 2017, p. 186).

Moreover, the government has imposed a communicational hegemony with its own version of the facts and created an environment that restricts independent media. During 2018-2019, dozens of print media closed, and the government shut down radio stations and caused TV channels to stop broadcasting. Journalist arrests increased, with hundreds of Venezuelan communicators in exile. In recent years, the Government has blocked independent news websites and major social networks. The Office of the United Nations High Commissioner for Human Rights (2019, p. 6) has reported cases of arbitrary arrests of individuals for expressing opinions on social networks.

10. Top-level appointments based on loyalty

Another characteristic of the grand corruption pattern present in the last two decades in Venezuela has been the recycling of officials. One and the same person has been appointed in more than 15 positions in different areas, in which they have no preparation. The result has been poor management. For example, Elías Jaua, sociologist and national leader of the ruling Partido Socialista Unido de Venezuela (PSUV), has been in charge of the Vice-Presidency of the Republic, the ministries of Foreign Affairs, Education, and Agriculture and Land (twice); and the Office of the Presidency (Transparencia Venezuela, Alianza Rebelde Investiga and CONNECTAS, 2020).

11. Transnational criminal network

Corruption with Venezuelan public funds crossed the borders of our country. In order to legalize the large sums of money and goods derived from corruption, international networks have been built involving governments, companies, and other foreign groups.



12. Human rights violations and protest criminalization

Venezuela suffers the hardships of a deficient electricity service, which went from registering about 52 outages in 2004 to having more than 18.000 in 2018, the latter figure according to Comité de Afectados por los Apagones (Monitor ProDaVinci, July 22, 2019). In March 2019 alone, four of the largest blackouts in the country's history occurred. More than 90% of the territory went dark, and some areas were left without service for more than 100 hours (Tal Cual, April 10, 2019). In 2020, there were 157,719 blackouts in Venezuela, according to the records of Comité de Afectados por los Apagones (Efecto Cocuyo, January 15, 2021). In early January 2021, at least 11 Venezuelan states suffered a power failure, as reported by users in social networks (Fernández, January 5, 2021).

In the health sector, there are stories of corruption cases that have never been investigated, such as the alleged construction or remodeling of six hospitals ordered by Chávez and which were not executed despite the fact that money was allocated for this purpose (Permanent Commission of the National Assembly's Comptroller's Office, 2016). Also noteworthy are the purchases of expired medicines denounced even by the Office of the Comptroller General of the Republic (2012, p. 29). The impact on health has been terrible. There are Venezuelan mothers who must travel all across the country by bus to cross the border to Colombia to be able to vaccinate their children, due to the lack of vaccines. (Del Giudice, Rodriguez and Izzo, January 18, 2020).

The shortage of transportation units has brought the country to a standstill. When the crisis worsened, some people had to give up their jobs and studies because they had no way to move around, while companies have had to change the way they work because their employees cannot get to their offices. While vehicle safety standards have been increasing in all countries, in Venezuela citizens have started to travel in unsafe trucks or overcrowded buses to reach schools, workplaces or homes (Correa, October 10, 2018).

The economic, political, and social crisis, generated among other things by grand corruption, has affected the quality of life of Venezuelans so much that, as of March 5, 2021, more than 5.500.000 people decided to migrate to other countries, according to UNHCR figures (2021). Despite all the impact, the authorities in power have been perfecting the grand corruption pattern, turning it into something systematic and generalized.

B. Corruption in pandemic: Venezuela's tragedy beyond COVID-19

Before the arrival of COVID-19 in March 2020, Venezuela was already suffering the ravages of the complex humanitarian emergency caused by the grand corruption pattern. In that context, it was difficult to think that the risks of corruption, abuse, and cases of looting of the national public assets could increase. Nevertheless, Transparencia Venezuela (2021) conducted an analysis of the emergency decrees approved before and during the pandemic; followed up and classified official declarations; tracked public contracting; compiled reports and investigations from reliable organizations and media; systematized corruption complaints



filed by the Public Prosecutor's Office and those received by lawyers of the organization; which revealed an increase in the already alarming risks of corruption and a surge in cases of petty and grand corruption that further violate the battered rights of Venezuelans.

The investigation revealed that the decisions taken by the Executive Branch to deal with COVID-19, as well as the weak and chaotic institutional reactions, gave way to the emergence of new illegal practices and an increase in existing ones. There was an increase in illegal charges, known as *matraqueos* ("pressure"), at police and military checkpoints installed to restrict circulation during the quarantine.

The governmental system known as 7+7 (one week of labor flexibilization for one week of stoppage of economic activities) gave rise to a higher incidence of irregularities. There were reports of military and police officers requesting money or goods from merchants to allow them to open their businesses, or from citizens to move to their workplaces during the weeks of radical quarantine.

Reports were received of charges in foreign currency for the issuance of safe conducts allowing free movement, as well as of demands for payment of certain amounts to fix breakdowns in the public services most in demand during the pandemic. There were reports of officials demanding money for appointments in public sector offices, which are kept closed as a measure to contain the virus, among other illicit acts.

The official decisions taken during the health emergency, together with the lack of transparency and institutional weakening, also contributed to further deepen the violation of other human rights of Venezuelans, such as freedom of expression and mobilization. The state of emergency decree became another tool used for the neutralization of political opponents and to stop or silence citizen protests against the failure in essential public services in times of pandemic, such as, for example, the supply of fuel, whose shortage has become more notorious during the confinement.

The lack of order, control and transparency concerning health entities, bodies and authorities in Venezuela favors irregularities in the public management of such a sensitive area, in the midst of the crisis caused by COVID-19.

Results for Venezuela: Setbacks rather than progress

As a result of the VIII Summit of the Americas, a process in which the Citizen Forum of the Americas had an active participation, the countries of the region signed the Lima Agreement, entitled "Democratic Governance against Corruption," which established 57 commitments, in order for member states to implement concrete actions to build citizen's trust in institutions





and reduce the negative impact of corruption on the effective enjoyment of human rights and sustainable development of the peoples in the American hemisphere.

To follow up on the implementation of the Lima Summit agreements, 19 of the 57 commitments were selected on the basis of four criteria: (i) commitments that could be sustainable over time, (ii) commitments that have a greater possibility of becoming institutionalized, (iii) commitments that include new approaches to anti-corruption actions, and (iv) commitments that include the perspective of vulnerable populations rated. These 19 commitments are grouped into 5 specific topics:

- A. Reinforcement of Democratic Governance.
- B. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression.
- C. Financing of Political Organizations and Election Campaigns.
- D. Prevention of Corruption in Public Works and Public Procurement and Contracting.
- E. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

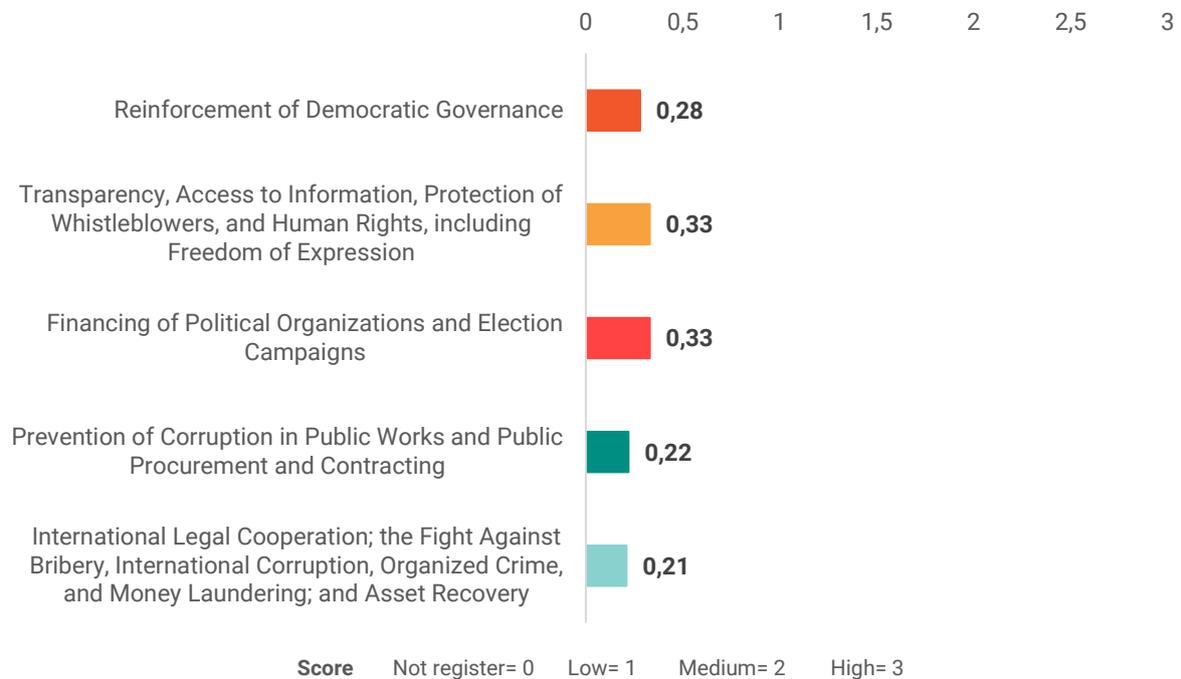
These commitments were analyzed by identifying policy and practical developments which were rated on a scale⁴ ranging from 0 to 3, taking into account the follow-up criteria below:

- **Effectiveness:** 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:** 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:** Determines to what extent the actions carried out to fulfill the commitment will have continuity over time.

Graph 1 shows the overall results obtained for Venezuela in the five topics in which the commitments are rated:

⁴ Rated on a scale from 0 to 3: 0 = no records, 1 = low, 2 = medium, and 3 = high

Graph 1⁵. Results by topic of the Lima Agreement



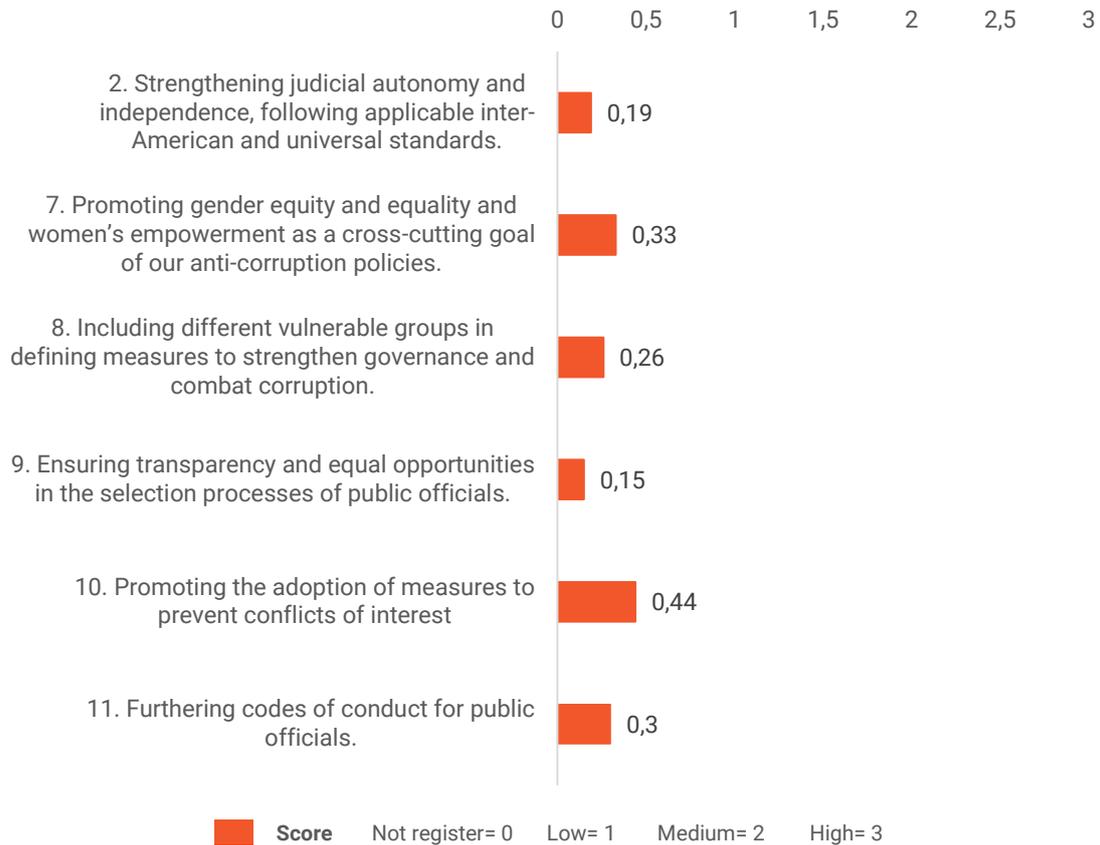
Prepared by author on the basis of information provided by CSOs participating in the CCO platform

- Results are consensual on the answers: the Venezuelan State has made no progress in these three years since it made the commitment before the other presidents of the American continent and the Venezuelan people.
- The score in each topic is the average of the commitments in that area. The overall average achieved by Venezuela is 0,27 out of 3 points, which means a percentage compliance of only 9%.
- "Transparency, access to information and whistleblower protection" and "Political financing" scored 0.33 out of 3 points (0.33/3), equivalent to 11% of the maximum rating, and are the highest rated criteria in the country. On the other hand, "International legal cooperation" obtained 0.21/3 points (7%), the lowest rating recorded in the process.
- There are setbacks in the transparency of public institutions; restrictions on the right of access to public information and failure to investigate the facts and acts of Venezuelan grand corruption, responsible for the complex humanitarian emergency that the country is going through.

⁵ The colors implemented in the graphs of this document reflect the color assignment given to each of the topics for the CCO and do not correspond to a numerical scale.

1. Reinforcement of Democratic Governance

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



Prepared by author on the basis of information provided by CSOs participating in the CCO platform

- Venezuela obtained an average of 0.28/3 (9.3%) in the reinforcement of democratic governance. In this area, the commitment with the highest rating was 10: "Promoting the adoption of measures to prevent conflicts of interest" with 0.44/3 points (14.46%), and the one with the lowest rating was No. 9: "Ensuring transparency and equal opportunities in the selection processes of public officials." The most outstanding aspects of this rating are the following:
- Commitment 2, "Strengthening judicial autonomy and independence": We reviewed whether the regulations establish the autonomy and independence of the judicial system and whether it has been subject to interventions from other government branches.

In this regard, the independence of the judicial power is indeed established in the law. However, in practice, 93% of the decisions of the Supreme Court of Justice (SCJ) favor the National Executive and the Public Administration. Transparencia Venezuela

systematized a total of 102 rulings, among which the SCJ has: i. Declared all requests for states of exception requested by the Executive Branch and their extensions, ii. Limited the parliamentary control powers of the National Assembly, establishing only the National Executive, and -exceptionally- the judicial power, in relation to the prior control of the selection of judges, iii. Denied the right of access to public information, iv. Endorsed the unaccountability of national public agencies, such as the Central Bank of Venezuela and the Ministry of Health; and the opacity in public contracts, among others (2020, p. 7). Also, between 2016 and 2020, 143 rulings by the Supreme Court of Justice (SCJ) against the National Assembly (AN) were registered, with the objective of annulling its functions to favor the National Executive.

- Commitment 7, "Promoting gender equity and equality in anti-corruption policies": The follow-up seeks to ascertain whether any actions have been promoted at the national and international levels to promote gender equity and equality in anti-corruption policies.

A review of the website of Instituto Nacional de la Mujer (INAMUJER) (<http://www.inamujer.gob.ve>) shows that, in recent years, there have been no actions to promote gender equity and equality in anti-corruption policies⁶. We point out that, in March 2021, requests for information -by mail- were made to the Ministry of People's Power for Women and Gender Equality on this issue and were not accepted. In addition, on April 16 and 27, we personally went to the offices of the agency to deliver such requests and they were not accepted either.

"In recent years, the actions promoted (...) have been aimed at raising awareness, preventing, and investigating cases, among others, in matters related to violence against women, but no action has been taken to promote gender equity and equality in anti-corruption policies" (Elías Martínez, A.C. Consorcio Desarrollo y Justicia, June 2021).

- Commitment 10, "Promoting the adoption of measures to prevent conflicts of interest", obtained the highest rating in this category.

The criterion required inquiring about the existence of bodies in charge of reviewing the declarations of net worth, income and conflicts of interest, and the existence of standardized forms (physical or online) for filing these declarations. In Venezuela there is no obligation to file a declaration of interests, while the income tax return and the sworn declaration of net worth are filed with the National Integrated Customs and

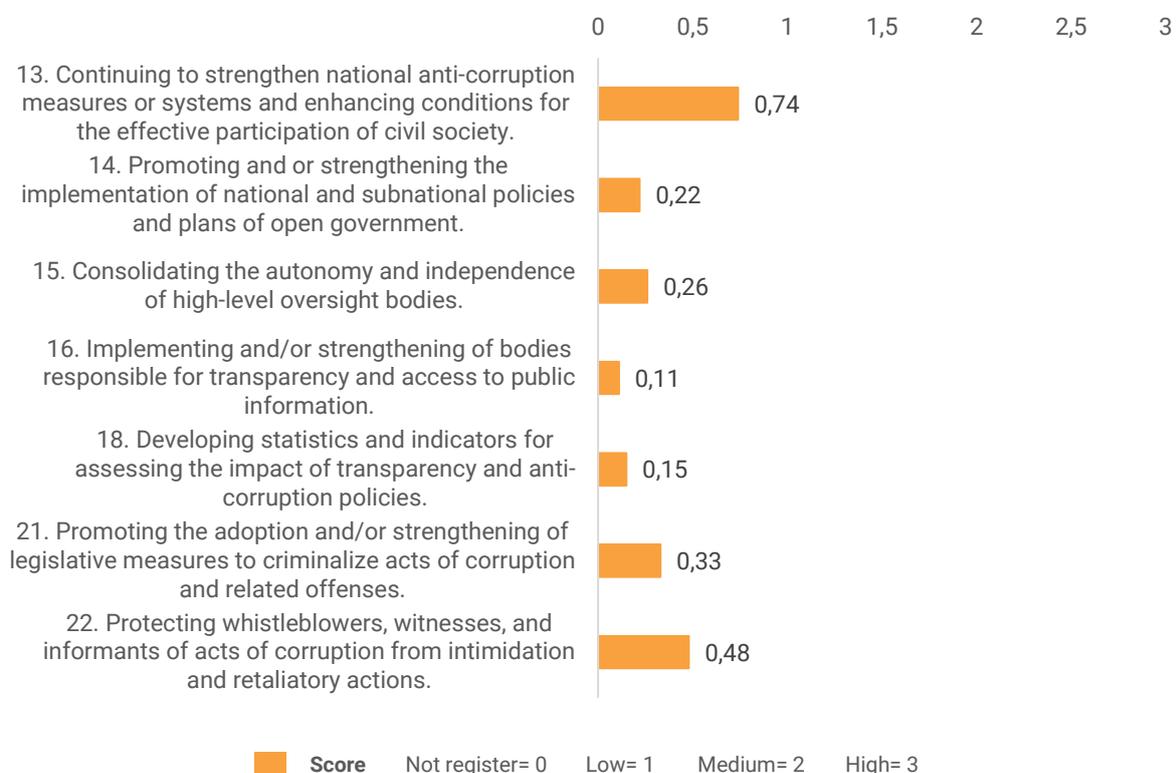
⁶ See: <http://www.inamujer.gob.ve/?news=inamujer-fortalece-en-entidades-regionales-la-prevencion-de-violencia-de-genero>; <http://www.inamujer.gob.ve/?news=minmujer-y-el-fondo-de-poblacion-realizan-campana-de-prevencion-en-violencia-de-genero>; and <http://www.inamujer.gob.ve/?news=puntos-violetas-protagonizan-carnavales-bioseguros-2021>

Tax Administration Service (NICTAS) and the Office of the Comptroller General of the Republic (OCGR), respectively. Both have a standardized form, with forms filed electronically through each institution's websites. However, such forms and processes had been implemented prior to the VIII Summit of the Americas held in Lima in April 2018.

- **Commitment 11**, "Furthering codes of conduct for public officials": It obtained the lowest score and rated the existence of codes of conduct for public officials and the training of those officials on the content of such codes. In this regard, Venezuela does have a code of conduct that establishes the guiding principles of duties and conduct to be observed by public officials in the exercise of their functions, and to prevent acts that violate, threaten or harm public ethics and administrative morality. However, the website of the Office of the Comptroller General of the Republic (<http://www.cgr.gob.ve/index.php>) did not display any training programs for public officials on the contents of this Code.

2. 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



Prepared by author on the basis of information provided by CSOs participating in the CCO platform

- Venezuela recorded an average of 0.33 points out of a total of 3 (11%), in this topic. The commitment with the highest rating was 13, "Strengthening national anti-corruption systems or measures," with 0.74/3 (25%), and the commitments with the lowest rating were 16, "Strengthening bodies responsible for transparency and access to public information," and 18, "Developing statistics to evaluate transparency policies," with a rating of 0.11/3 (3.6%) and 0.15/3 (5%), respectively. The most outstanding aspects in this rating are the following:
- Commitment 13, "Strengthening national anti-corruption systems or measures": The existence of channels for reporting possible acts of corruption was reviewed; the possibility for citizens to be aware of such channels; and whether there is access to general statistics on reports of possible acts of corruption such as the number of complaints, the issues and the entities involved.

In this regard, channels for complaints were observed, but they are not exclusively for acts of corruption. The Public Prosecutor's Office has a telephone line where complaints can be submitted, 0800-FISCA-00, and an email, ministeriopublico@mp.gob.ve, which has been used by Transparencia Venezuela's Anticorruption Legal Assistance (ACLA) team to file some reports of acts of corruption. The citizens can learn about such channels through the social networks of the Public Prosecutor's Office. There is no knowledge about statistics on acts of corruption, because the Public Prosecutor's Office has not published its management report since 2016, nor does it make it available on its social networks or website.

- Commitment 16, "Strengthening bodies responsible for transparency and access to public information": This revolves around the existence of a public information law and mechanisms, forms, or channels to follow up on compliance with the law.

Venezuela does not have a Law on Access to Public Information and, therefore, there is no channel or mechanism to follow up on compliance with it. Despite the fact that the Constitution -articles 28, 51, 57, 58, 14, and 143- recognizes the right of access to public information, compliance with this right is null. The national government has been in charge of limiting this right through laws and decrees and has increased the lack of transparency, either by not publishing management and accountability reports or by declaring certain types of information as confidential -for example, the information recorded in the National Register of Contractors- (Transparencia Venezuela, 2020).

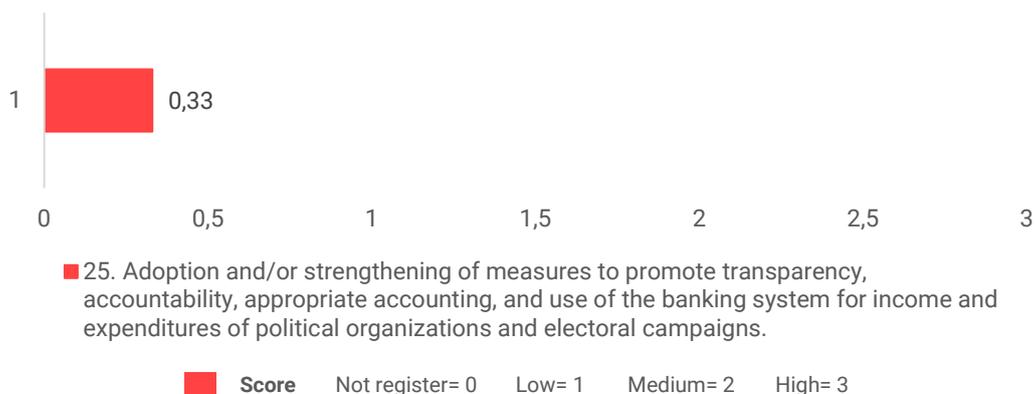
Requests for information made by CSOs or journalists are rarely answered, and when they are, the requests are turned down on the grounds that the information requested is confidential (Instituto Prensa y Sociedad Venezuela, September 27, 2020).

- Commitment 18, "Developing statistics to evaluate transparency policies": This criterion ascertains whether any public body has released reports or statistics that evaluate the impact of transparency and anti-corruption policies, and whether citizens can actively participate in the evaluation of the impact of such policies. In both cases the answer was negative.

Since 2016, the Public Prosecutor's Office (MP) -criminal investigation body with competence to investigate facts or acts of corruption- and the Office of the Comptroller General of the Republic (OCGR) -in charge of auditing and ensuring the correct and proper use of public funds- have failed to publish their management reports or annual report and accounts. Neither have they published on their websites (<http://www.ministeriopublico.gob.ve/web/guest> and <http://www.cgr.gob.ve/index.php>) the transparency and anti-corruption policies implemented and/or their impact.

3. Financing of Political Organizations and Election Campaigns

Graph 4. Result of commitments related to Financing of Political Organizations and Election Campaigns



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform

- Financing of political organizations and election campaigns is the section in which Commitment 25, "Promoting measures that promote transparency and accountability in election campaigns" is measured, in which Venezuela obtained a rating of 0.33/3 points (11%).

"The lack of transparency that prevails within public agencies does not allow us to know the origin of the resources financing the campaigns" (Beatriz Salas, Proyecto 860, June 2021).

As a result of the follow-up, it can be seen that the Organic Law of Election Processes and its regulations establish compulsory accountability regarding the financing of



election campaigns, the existence of requirements for the bookkeeping of election campaign resources, the forms for reporting income and expenditures, the handling of bank accounts for the management of such resources, the existence of a body in charge of reviewing the presentation of reports, the establishment of permitted and prohibited sources of financing for election campaigns, the obligation of the political parties to verify the licit or illicit origin of the resources, the existence of norms that sanction illegal financing, and the existence of a body in charge of sanctioning non-compliance. However, the law does not establish the public nature of the information related to accountability.

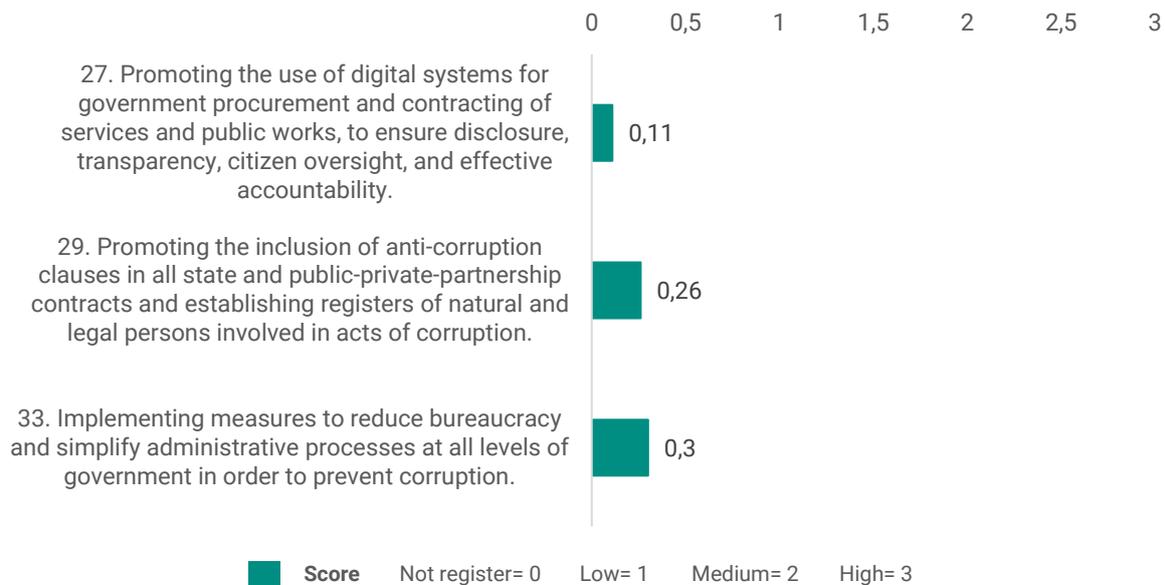
Despite the obligation imposed by law, the National Election Council (NEC) is not public, and it is not known if it follows up on the resources used in election campaigns. What we do know is that, in the face of obvious abuses and use of public resources for campaigns, there are no sanctions to curb these actions (Transparencia Venezuela, September 9, 2017).

Transparencia Venezuela has denounced before the NEC the use of materials, digital platforms, and social programs of the National Executive during election campaigns to support members of PSUV, the official party, without obtaining a reply. It also went to the Election Chamber of the Supreme Court of Justice to complain about the CNE's silence. In Ruling 81, dated July 30, 2018, the Chamber declared the action inadmissible, as it considered that the lack of response by the NEC does not violate the organic laws of the Election Power and election processes nor the regulations of the latter, thus showing the lack of interest in investigating the complaints made and sanctioning those involved, allowing political favoritism.



4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Graph 5. Results of commitments related to Prevention of Corruption in Public Works and Public Procurement and Contracting



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform

- Regarding the prevention of corruption in public works, public procurement and contracting, Venezuela obtained an average rating of 0.22/3 (7.3%). In this topic, the commitment with the highest rating was 33, "Implementing measures to reduce bureaucracy," with 0.3/3 (10%), while the commitment with the lowest rating was 27, "Promoting the use of electronic systems for government procurement and contracting," with 0.11/3 (3.6%). The most outstanding aspects are the following:
- Commitment 33: "Implementing measures to reduce bureaucracy". The development or strengthening of governmental measures, at the national or local level, for the reduction of bureaucracy and simplification of procedures was reviewed.

At the local level, according to data from the Municipal Transparency Index (MTI) developed by Transparencia Venezuela in 2017 (<http://indice.transparencia.org.ve/>), in only 22 of the 150 city halls evaluated, the land registry could be looked up online, but no additional measures to reduce bureaucracy were observed.

At the national level, websites have been created for the automated processing of criminal records, legalization and/or apostille of documents, and passport requests, among others, but they present many flaws and delays. The shortage of appointments or the inadequate functioning of the websites, far from speeding up the procedures,

have given way to agents who promise to speed up the process in exchange for significant sums of money (Transparencia Venezuela, August 4, 2020).

- **Commitment 27:** "Promoting the use of electronic systems for government procurement and contracting". The measurement examined the publication of information on government procurement and contracting processes, and on the experience of suppliers who apply for government procurement and contracting processes. In both cases, the results were negative. The review of the ministries' websites showed that 68% failed to publish calls for tenders, awards, and allocations of social responsibility commitments (Transparencia Venezuela, 2020, p. 174).

The National Contractors Registry (RNC) has reduced the information available on State contracting. In August 2017, the information available on the RNC website pointed out 29 different aspects of each contracting process carried out by the State. Currently, only 5 of those items appear (Transparencia Venezuela, August 22, 2017).

"Beyond what has been publicly stated by some officials, there is no clear and concise information on contracting amounts, contract date, actors involved, etc." (Juan Carlos Torcat, Orpanac, June 2021).

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

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



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform

- The average for Venezuela in international legal cooperation; fighting bribery, international corruption, organized crime, and money laundering; and asset recovery is

0.21/3 (7%), with Commitment 41, "Promoting measures to enable the seizure, forfeiture and confiscation of assets derived from corruption", obtaining the highest rating with 0.22/3 points (7.3%). On the other hand, "Promoting cooperation between authorities in investigations and procedures related to corruption offenses" (Commitment 37) was the worst rated with 0.19/3 (6.3%). The following stand out in this topic:

- Commitment 41: "Promoting measures to enable the seizure, forfeiture and confiscation of assets derived from corruption". It was reviewed whether there are any mechanisms in place to verify, follow up and update the assets derived from corruption and on cases of corruption in which preventive seizure, forfeiture and/or confiscation of assets have been applied.

In 2019, the Coordination of Secured Assets attached to the Anti-Corruption Directorate of the Public Prosecutor's Office⁷ was created, whose main objective is to strengthen the institution through the existence of control, surveillance, and real-time monitoring of secured assets, obtaining accurate figures, within the framework of the course of the criminal investigation. However, on the website of the Public Prosecutor's Office (<http://www.ministeriopublico.gob.ve/web/guest>) there is no information on the activities, actions or measures implemented by such coordination for verification, follow-up and updating of data related to assets derived from corruption.

In March 2020, the prosecutor appointed by the questioned National Constituent Assembly, Tarek William Saab, reported the initiation of 39 investigations into administrative irregularities, but most of them revolve around small groups that sought to benefit from public goods and resources, and that had managed to misappropriate low sums of money. The information provided does not report on the application of preventive seizure measures and/or confiscation of assets (Transparencia Venezuela, March 26, 2020).

- Commitment 37: "Promoting cooperation between authorities in investigations and procedures related to corruption offenses." The measurement corresponds to the review of cases in which cooperation between authorities has led to the prosecution of crimes of corruption, money laundering, bribery, and international corruption.

Transparencia Venezuela came to know that the Argentine justice system requested the cooperation of the Venezuelan Prosecutor's Office to proceed with the investigation of a dozen legal cases of high political impact, related to businesses promoted by Kirchnerism towards Venezuela, in which the destination of some US \$3

⁷ Public Prosecutor's Office. Resolution No. 2261 dated December 04, 2019. O.G. No. 41777 dated December 09, 2019.

billion of Venezuelan public assets is being tracked. These investigations have not been able to move forward to the indictment stage due to the lack of response from the Venezuelan government to requests for information, which prevents prosecutors and judges from going forward in the processes (Ruiz, 2021, April 27), which shows the lack of interest in cooperating with authorities of other countries to facilitate the prosecution of corruption cases related to Venezuelan operations and public funds.

Conclusions

The Lima Agreement provided an important opportunity to endorse previous international commitments assumed by the Venezuelan State, as well as to identify favorable scenarios for the discussion, preparation, and implementation of anti-corruption measures in the country. However, the evaluation carried out reveals the lack of willingness of key decision makers to move forward in the regulatory and institutional strengthening necessary to fight corruption. In fact, Venezuela scored only 0,27 points out of a total of 3 in the evaluation, which confirms that there are no efforts to comply with the commitment undertaken in Lima.

Regarding each topic of the Lima Agreement, "Transparency, access to information and whistleblower protection" and "Financing of politics" obtained a rating of 0.33 out of 3 points (0.33/3), equivalent to 11% of the maximum rating and, despite being the highest rated criteria in the country, there is still no Law on Access to Public Information. The different bodies of the national Public Power have failed, since 2016, to disclose their management reports, annual reports and accounts, and the national budget has become the best kept secret of the National Executive. On the other hand, regarding election processes, the CNE does not investigate the use of materials, digital platforms, and social programs of the government during election campaigns, nor does it sanction those involved, allowing political favoritism.

In terms of strengthening democratic governance, the rating obtained was 0.28/3 (9.3%) because, in practice, 93% of the decisions of the Supreme Court of Justice (SCJ) favor the National Executive and the Public Administration, no actions were observed to promote gender equity and equality in anti-corruption policies, and despite the existence in Venezuela of a code of conduct that establishes the guiding principles of duties and conduct to be observed by public officials, no training programs for such officials on the content of this code were found.

Regarding the prevention of corruption in public works, public procurement and contracting, Venezuela obtained an average of 0.22/3 (7.3%) due to the fact that there is virtually no information available on government procurement and contracting processes, and the little information that can be obtained is inconsistent. There is no information on the performance of suppliers, the progress or execution of contracts since the National Register of Contractors (NRC) has reduced publication of such information.



Finally, in "International legal cooperation", Venezuela obtained 0.21/3 points (7%), the lowest rating in the evaluation. The country does not investigate cases of grand corruption, nor does it respond to requests made by authorities of other countries on corruption investigations involving Venezuelan public officials or public assets, hindering the prosecution of cases.

Therefore, the Venezuelan civil society organizations participating in the Citizen Corruption Observatory (CCO) propose a set of recommendations and actions to the State authorities, contained in Annex 2 of the report, which seek to address the weaknesses found in the follow-up on the Lima Agreement, proposing legal and institutional reforms, in addition to joint work with the different political and social actors in the country.

Calls for Action

Beyond the urgent need to start making changes in the legal and institutional framework to develop standards, procedures, mechanisms, and systems that promote transparency, accountability and access to information, as fundamental tools in the fight against corruption, as well as the system of effective sanctions to put an end to impunity, it is imperative that citizens become actively involved in the fight against corruption.

Since the national political leaders do not seem to responsibly address the impact of the risks of corruption in Venezuela, the institutions are inert and legal sanctions are not being applied to breaches, abuses and alleged cases of corruption, the call is for citizens to be the driving force to turn the corruption pattern into a system of integrity, transparency, and trust.

The required drive must come from the commitment of citizens and civil society organizations. This commitment requires a change in behavior, values, and conduct. Supported by training, proposals for the transformation of the State structure towards a righteous Venezuela must be built from the heart of civil society, ranging from its strengthening and legal and institutional reforms to a relationship of respect among citizens, and between citizens and the public sector.

We need autonomous, independent, capable, effective, and accessible justice, i.e., justice. To this end, it is imperative to eliminate or at least reduce the influence, control, and conflicts of interest with the operators of the judicial system on the part of the sector seeking power.

Venezuela needs to act on several fronts at once: with social sanctions, repudiating the "success" of the corrupt, refusing to participate in corrupt practices, despising acts of corruption and those who commit them; with political sanctions, through the responsible exercise of the right to vote, not voting for the corrupt, analyzing candidates based on sustainability and rejecting those who offer benefits in exchange for votes; but, above all, with institutional/legal sanctions, the central goal of the country's transformation.



Without justice there is no rule of law and no guarantee of human rights. Transparency and anti-corruption practices are fundamental for building the trust required for social coexistence, peace, and prosperity.

Actions and Recommendations to comply with the Lima Agreement in Venezuela

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
Put an end to impunity by creating a special international justice system against grand corruption	<p>In view of the capture of the State by the criminal structure that imposed the arbitrariness and institutional dismantling of the Judicial Power, and the consequent incapacity of the justice system to face the grand corruption that affects the country, we propose the creation of a special international justice system against grand corruption.</p> <p>It is not about the reform of the Judicial Power, the proposal is that the special international justice system against grand corruption be constituted as an administrative instance within the justice system, whose scope should be the investigation and substantiation of cases (administrative body with binding decisions that includes police officers and prosecutors), and that sanctioning remain in the hands of grand corruption courts.</p> <p>Re-institutionalization of the justice system is necessary, and is linked to the process of political transition, based on the Transitional Statute, which has a special rank with a constitutional basis.</p> <p>The special jurisdiction of this instance must also be "specialized" because it requires important capacities, training, and resources.</p> <p>The task is not to dismantle corruption networks, but rather:</p> <ol style="list-style-type: none"> 1. To identify those responsible 2. To demonstrate how the network works

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	<p>3. To achieve effective cooperation</p> <p>4. To design the justice system that we need in Venezuela</p> <p>The Special International Justice System against Grand Corruption will have four bodies, constituted in a hybrid manner, with international support:</p> <ul style="list-style-type: none"> I. International Commission against Corruption and Impunity in Venezuela (CICCV) II. Special Court against Grand Corruption (TCG) III. National Justice System against Corruption (JAN) III. Asset Recovery Unit (URA) <p>The Special International Justice System against Grand Corruption requires the approval of the legal basis by the National Assembly. Additionally, it is necessary to approve the rules that will regulate its actions. Within such regulation, the following stand out:</p> <ul style="list-style-type: none"> 1. Anti-Corruption System Law: it implies the reform of the justice system. It is necessary to develop a healthy justice system, with integrated anticorruption procedures. In this sense, the Anti-Corruption System Law can legally justify the institution. A regulation can be created for the already existing justice system law (which has never been applied) that includes or describes the anti-corruption justice system. 2. Plea and Cooperation Agreement Regulations 3. Asset Recovery Law 4. Asset Forfeiture Law 5. Law on access to public information. There is a bill approved during the first discussion by the National Assembly in 2016.

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	<p>6. Reform of criminal procedural code, which is essential due to the serious violation of procedural terms.</p> <p>7. Reform of Public Procurement Law.</p> <p>8. Reform of Comptrollership Law. It is proposed to have a lawyer and an accountant in each public entity of the Venezuelan State, who should start to review the accounts and track the money that has irregularly left their assigned public institution.</p> <p>Compliance officers with a multidisciplinary background in accounting, law, political science, and financial intelligence should be mandatory.</p> <p>9. The last article of the Anticorruption Law should be reformed to add the United Nations Convention against Corruption and admit international cooperation in the handling of corruption cases.</p> <p>10. Whistleblower Protection Law</p> <p>Details of the proposal for the Special International Justice System against Grand Corruption may be seen at http://dplf.org/sites/default/files/anexo_1_transicion_democratica_venezuela_final.pdf</p>
<p>Build a national justice system against corruption</p>	<p>National Justice System against Corruption (JAN) would be made up of bodies responsible for investigating, prosecuting, and punishing corrupt individuals who may have been involved in irregularities perpetrated since the beginning of the re-institutionalization of the country. The aim is for this system to act with independence and autonomy, with the structure and professional teams to prosecute cases of generic corruption and related crimes. This system should not include high-level officials. The aim is to put an end to the weak justice system and establish a system that -upon five years- should have</p>

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	<p>the structure in place to allow it to take on the fight against corruption.</p> <p>The members of the National Justice System against Corruption (JAN) should be selected by the International Commission Against Corruption and Impunity in Venezuela (CICCIIV). The training of its members, also under the protection of the CICCIIV, is a relevant issue to correct the serious weaknesses of justice in the last 20 years, which have their origin, among other factors, in the poor training of police officers, prosecutors and judges, who do not have the knowledge or the formal tools to face the investigation and punishment of those responsible for corruption. Likewise, it is necessary to reinstate the academic cooperation with allies from other countries and regional and global institutions (such as the OAS and the UN), which have progressed in knowledge, techniques, and necessary technology, elements to which Venezuela has not had access in the last two decades.</p>
<p>Ensure separation of public powers</p>	<p>Venezuela needs full compliance with the constitutional mandate that establishes the separation and autonomy of public powers to guarantee the consolidation of a State of justice and peace.</p>
<p>Strengthen security agencies</p>	<p>The security forces should have officers selected for their professional merits and it is especially important to guarantee investment in their training, to raise their level of expertise, to provide them with the necessary technology to fight criminal groups, and to ensure that they are well remunerated. Security agencies should have special anti-corruption instances and implement a system of transparency and accountability, as well as mechanisms for access to information.</p> <p>It is also important to delimit and differentiate the competencies between police forces and military</p>

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	<p>personnel in the fight against organized crime and drugs.</p> <p>It is necessary to develop or strengthen intelligence and counter-intelligence systems to investigate corrupt institutions or officials, detecting infiltration.</p> <p>It is proposed to adjust the National Office against Organized Crime and Terrorism Financing (Oncoft) as a unit of the National Police, with both preventive and repressive functions, to address crime in its entirety, with officers prepared in a comprehensive manner, to enable them to address the new range of globalized crimes with a technical rather than political vision.</p> <p>The following is a set of recommendations defined for each institution, which are a starting point for a proposal to strengthen security agencies.</p> <p>Unit for Scientific, Criminal and Criminalistic Investigations (CICPC)</p> <ol style="list-style-type: none"> 1. Establish an objective criterion on the basis of merits when selecting officers. 2. Eliminate external and internal political influences. 3. Establish clear protocols for the protection of police officers involved in the investigation of organized crime cases. 4. Create sub-delegations throughout the national territory. There are no CIPCPC sub-delegations in all municipalities, not even in those of the metropolitan area of Caracas. 5. Extend the competencies of this investigative body to grant adequate protection to whistleblowers, victims, and witnesses. 6. Create a specialized educational institution for the training of officers of this agency, like the now defunct University Institute of Scientific Police (IUPOL).

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	<p>Bolivarian National Intelligence Service (Sebin)</p> <ol style="list-style-type: none"> 1. Analyze the convenience of the existence of the Sebin, whose functions are not governed by law, taking into account that it was created by decree and its directors have unilaterally decided its scope and procedures. 2. If necessary, a policy framework should be developed in order to define the assigned body and regulate its competencies. <p>Bolivarian National Armed Forces (FANB)</p> <ol style="list-style-type: none"> 1. Eliminate tasks assigned to FANB that have nothing to do with the sovereignty and defense of the country, such as their participation in the food and oil sector. 2. Create a new code of military ethics. <p>Bolivarian National Police (PNB)</p> <ol style="list-style-type: none"> 1. Create commands of the Bolivarian National Police throughout the national territory, since it is only present in 16 states. 2. Reform the educational curriculum at the National Experimental University of Security (Universidad Nacional Experimental de la Seguridad, UNES), an institution that currently trains an officer in only 6 months. <p>National Anti-Drug Office (ONA)</p> <ol style="list-style-type: none"> 1. Review the functions for establishing public policy evaluations. 2. ONA, which is hierarchically dependent on the Ministry of Interior and Justice, has no authority in the international scope. It is necessary to create a decentralized agency with functional and technical autonomy, directed by experts in the area.

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
Eliminate corruption incentives	<p>The elimination of exchange and price controls, which includes gasoline, diesel, gas, plastic, electricity, with the creation of transparent policies of temporary allowances and subsidies to specific sectors; which should eliminate the opportunities for illicit businesses that have been favored in the country and that -instead of helping the population- have become the main tools to embezzle the national treasury, in particular the main industrial company: PDVSA.</p> <p>The eradication of these controls would be a preventive measure that would put an end to the draining of the State's coffers.</p>
Implement open government in Venezuela	<p>Transparency must be an essential requirement in all public acts and decisions. A fundamental task must be to establish a new model of relationship between citizens and their authorities and rulers.</p> <p>Public entities must open and create channels for the population to have access to information regarding the management by their authorities, with open data and the necessary technology, guaranteeing transparency, accountability and the promotion of anticorruption policies.</p> <p>Open government includes transparency and accountability, robust anticorruption systems, technological innovation, and open data, as well as an interaction between the government and citizens.</p> <p>The open government approach enables the promotion of gender equity and equality and the empowerment of women in anticorruption policies. Likewise, it allows various vulnerable groups – which tend to be especially affected by corruption – to participate in the definition and implementation of measures to strengthen governance and fight corruption.</p>

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
<p>Renew the legal and institutional framework</p>	<p>In Venezuela there are laws that consolidate a scheme of lack of transparency that supports organized crime and that should be reformed or eliminated, and in other cases there are new instruments that should be created. The following is recommended:</p> <p>Laws that should be amended:</p> <ul style="list-style-type: none"> - Organic Law of the Office of the Comptroller General of the Republic and the National Financial Control System (Official Gazette No. 6.013 of December 23, 2010). - Law against Corruption (Official Gazette No. 6.155 of November 19, 2014). - Organic Law against Organized Crime and Terrorism Financing (Official Gazette No. 39.912 of April 30, 2012). - Decree with Rank, Value and Force of Organic Law of the Financial Administration of the Public Sector (Official Gazette No. 6.210 Extraordinary of December 30, 2015). - Organic Law on Drugs (Official Gazette No. 39.546 of November 5, 2010). - Law on Smuggling (Official Gazette No. 6.017 Extraordinary of December 30, 2010). - Decree with Rank, Value and Force of Organic Law of the National Bolivarian Armed Force. (Official Gazette No. 6.156 Extraordinary of November 19, 2014). - Decree with Rank, Value and Force of Organic Law of the Central Bank of Venezuela (Official Gazette No. 6.155 of December 30, 2015). - Law of the Public Office Statute (Official Gazette No. 37.522 of September 6, 2002).

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
	<p>- Decree with Rank, Value and Force of Organic Law on Fair Prices (Official Gazette No. 40.787 of November 12, 2015).</p> <p>- Law for the Protection of Victims, Witnesses and other Procedural Subjects (Official Gazette No. 38.536 of October 4, 2006).</p> <p>- Decree with Rank, Value and Force of Organic Law of the Public Administration (Official Gazette No. 6.147 of November 17, 2014).</p> <p>- Organic Criminal Procedural Code (Official Gazette No. 6.078 Extraordinary of June 15, 2012).</p> <p>- Organic Law of the Police Service and the National Police Forces (Extraordinary Official Gazette No. 5.940 of December 7, 2009).</p> <p>- Internal Regulations and Debate of the National Assembly (Official Gazette No. 42.068 of February 12, 2021).</p> <p>Laws that should be approved:</p> <ul style="list-style-type: none"> • Plea and Cooperation Agreement Law⁸ • Asset Forfeiture Law⁹ <p>Laws that should be eliminated:</p> <ul style="list-style-type: none"> • Emergency State Decrees

⁸ Plea and cooperation agreement is a figure through which a member of the corruption network cooperates with the justice system, providing important information to identify other perpetrators of the crime or to dismantle the criminal organizations to which he/she has belonged or with which he/she has cooperated, in exchange for procedural benefits.

⁹ The National Assembly of the Bolivarian Republic of Venezuela approved the Asset Recovery Law in second debate; however, due to the political situation in Venezuela, this law has not been published in the official gazette, an indispensable step for the applicability of the law. The Law establishes its own concept of asset forfeiture, indicating that it is a declaration of ownership of the illicit assets in favor of the State, by ruling, without consideration or compensation of any nature for the holder, which is why it is an essential instrument for the execution of the strategies against corruption.

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	<ul style="list-style-type: none"> • Presidential Decree No. 458, which establishes the creation of the Strategic Center of Security and Protection of the Homeland (Cesppa) <p>The following is proposed with regard to institutional renewal:</p> <ol style="list-style-type: none"> 1. Develop measures for the protection of certain vulnerable groups against the influence of organized crime. 2. Develop a clear and accessible procedure, both for citizens and officials, to report acts of corruption involving their superiors, peers, and subordinates, protecting the identity of whistleblowers. 3. Ensure excellence and efficiency in compliance with the legal framework. 4. Local and regional governments should be independent and have resources, systems, policies, and protocols against organized crime, especially at borders, based on the study of risk maps. 5. Include transparency and accountability systems and mechanisms for access to information in each institution with responsibility in matters related to organized crime, especially at the borders. 6. Execute agreements with several countries, as well as between regional and local governments to address the challenge of fighting transnational crime networks.
<p>Select public officials and servants according to their capacity and free of conflicts of interests and nepotism</p>	<p>The appointment of officials must be based on their experience and professionalism with a necessary evaluation of their conflicts of interest, through public calls, which should guarantee the provisions set forth in Articles 145 and 146 of the Constitution, which enshrine the principles of honesty, suitability and effectiveness in the appointment of officials; in Articles 13 and 14 of the Anti-Corruption Law, which prohibit favoring private economic interests and openly object to the appointment or removal of public</p>

Topic 1. Reinforcement of Democratic Governance

Action	Recommendations
	officials based on their political affiliation. As well as in the Code of Ethics of Public Officials, whose Article 6 questions these practices, as well as in Articles 33 and 40 of the National Public Office Statute Law.

Topic 2. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression

Action	Recommendations
Reject any act of corruption with an emphatic “no”	<p>To promote the outright rejection of any act of corruption, it is a priority to train public officials and servants in transparency and the fight against corruption. It is essential to promote the development of tools and skills in the promotion and implementation of access to public information, the adoption of transparent policies and practices, as well as the reduction of corruption risks in public management and the enforcement of human rights.</p> <p>Promote a real anticorruption policy that strengthens the rule of law.</p> <p>Whistleblowing promotion is essential in the fight against corruption and must be accompanied by other strategies that act as a social mechanism to address the harmful effects of corruption. Whistleblowing promotion should make it possible to carry out social control of public management; contribute to the knowledge, investigation, and punishment of crimes; activate institutional control mechanisms that have been abandoned due to a culture of fear and silence; confront the impunity from the State; develop ethics of commitment to our society; and generate spaces for training on legal and procedural aspects, among others.</p>
Ensure separation of public powers	Venezuela needs full compliance with the constitutional mandate that establishes the separation

Topic 2. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression

Action	Recommendations
	and autonomy of public powers to guarantee the consolidation of a State of justice and peace.
Implement open government in Venezuela	<p>Transparency and access to public information must be essential requirements in all public acts and decisions.</p> <p>Public entities must open and create channels for the population to have access to quality information on the management by their authorities, with open data and the necessary technology, guaranteeing transparency, accountability, and the promotion of anticorruption policies.</p> <p>Open government includes transparency and accountability, robust anticorruption systems, technological innovation and open data, and government-citizen interaction.</p> <p>The open government approach allows the collaborative creation of strategies, tools, plans and actions that enable new forms of relationships between citizens, their authorities, and governments, especially to promote transparency, access to information, whistleblower protection and human rights.</p>
Renew legal and institutional framework	<p>In Venezuela there are laws that consolidate a scheme promoting lack of transparency and do not allow access to public information.</p> <p>The starting point to fight this lack of transparency is to approve the Law of Transparency, Disclosure and Access to Public Information.</p> <p>The following is proposed with regard to institutional renewal:</p> <ol style="list-style-type: none"> 1. Create a body responsible for promoting, supporting and guaranteeing the right of access to public information.

Topic 2. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression

Action	Recommendations
	<p>2. Prepare open government and anticorruption plans for all entities and bodies of the national, state, and municipal public administration.</p>
<p>Require the administrative control bodies to act with effectiveness and justice against corruption</p>	<p>Recover the organic, functional, and administrative autonomy that the Office of the Comptroller General of the Republic (CGR) should exercise over the rest of the public powers, in the exercise of subsequent control, control of legality and management control it should have according to the legal framework.</p> <p>The Office of the Comptroller General of the Republic must exercise its functions effectively, and not present itself as an ally of the Government.</p> <p>It is essential to rescue the CGR and all the bodies of the National Fiscal Control System, so that they may act efficiently in the investigation and evaluation of State bodies and their officials, a fundamental factor in the fight against corruption.</p> <p>The CGR and the other bodies of the National Fiscal Control System must impose the sanctions corresponding according to the legal framework, when the occurrence of an administrative offence is proven.</p>

Topic 3. Financing of Political Organizations and Election Campaigns

Actions	Recommendations
<p>Establish institutional structures that ensure probity and transparency in election processes</p>	<p>Guarantee the free exercise of the political rights of citizens.</p> <p>Elections must be ensured with all the necessary guarantees for a free, fair, transparent, legitimate, and credible process, including the participation of all Venezuelan political parties and actors without bans of any kind, with independent international observers, free and equal access to the media, and with a National Election Council (CNE) whose legitimate</p>

Topic 3. Financing of Political Organizations and Election Campaigns

Actions	Recommendations
	<p>makeup should guarantee its independence and autonomy, and which should have the trust of all political actors.</p> <p>Guarantee an objective and autonomous election justice that reviews the performance of the CNE, sanctions abuses of the Executive Power in the election campaign (use of public goods for election purposes) and the illegitimate administrative disqualification of opponents.</p> <p>The following are other recommendations in election matters:</p> <ul style="list-style-type: none"> • Consider rules regarding election propaganda before the start of a campaign. • Regulate radio and television broadcasts, and the official opening of public works during the election campaign period. • Sanction the abusive participation of public officials who, acting in favor of political parties, force employees, contractors, or beneficiaries of State contributions to vote under pressure. • Sanction the use of spaces, goods, resources, and personnel of State agencies for election propaganda. <p>The authorities of the Election Power must comply with and enforce the Constitution and the laws, and act with impartiality and independence. It is crucial to build election structures that guarantee transparent and reliable elections, which are the basis of a solid democracy. It is necessary that the will of the citizens be respected, that there be clarity in the financing of parties and election campaigns, that there be efficient auditing mechanisms for prior and subsequent control, as well as the enactment of rules that favor the integrity of the election system, with the inclusion of anticorruption commitments in the election offer.</p>

Topic 3. Financing of Political Organizations and Election Campaigns	
Actions	Recommendations
<p>Renew the legal and institutional framework</p>	<p>In Venezuela there are laws that consolidate a scheme promoting lack of transparency, which must be reformed to constitute institutional structures that guarantee probity and transparency in the election processes. The following is recommended:</p> <p>Laws that should be modified:</p> <p>Organic Law of the Election Power (Official Gazette No. 37.573 of November 19, 2002).</p> <p>Law of Political Parties, Public Meetings and Demonstrations (Extraordinary Official Gazette No. 6.013 of December 12, 2010).</p> <p>Organic Law on Election Processes (Extraordinary Official Gazette No. 5.928 of August 12, 2009)</p> <p>Laws that should be approved:</p> <ul style="list-style-type: none"> • Bill on Transparency, Disclosure, and Access to Public Information.
<p>Select public officials and servants according to their skills and free of conflicts of interests and nepotism</p>	<p>The appointment of CNE magistrates must be made by the competent body and in strict compliance with the provisions set forth in the legal framework, with criteria that guarantee their impartiality, with the necessary evaluation of their conflicts of interest.</p> <p>The appointment of officials must be based on their experience and professionalism, with a necessary evaluation of their conflicts of interest, through public calls, which guarantee the provisions set forth in Articles 145 and 146 of the Constitution, which enshrine the principles of honesty, suitability and efficiency in the appointment of officials; in Articles 13 and 14 of the Anticorruption Law, which prohibit favoring private economic interests and openly object to the appointment or removal of officials based on their political affiliation. Article 6 of the Code of Ethics of Public Officials questions these practices, as well as</p>

Topic 3. Financing of Political Organizations and Election Campaigns

Actions	Recommendations
	Articles 33 and 40 of the National Public Office Statute Law.

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Actions	Recommendations
Implement open government in Venezuela	<p>Transparency must be an essential requirement in all acts and public decisions and, particularly, for public procurement.</p> <p>Public entities must open and create channels for the population to have access to information on public procurement, with open data and the necessary technology, ensuring transparency, accountability and promoting anticorruption policies.</p> <p>The open government approach allows preventing and fighting corruption in government procurement involving the acquisition of goods, public works or contracting of services.</p> <p>It is necessary to create transparent and electronic contracting mechanisms to improve the levels of effectiveness and efficiency in the management of public resources.</p>
Renew the legal and institutional framework	<p>Amend the Decree with Rank, Value and Force of Law on Public Procurement (Extraordinary Official Gazette No. 6.154 of November 19, 2014) in order to establish a legal framework that allows the efficient and effective management of public resources in State contracting, include effective anticorruption controls and sanctions.</p> <p>Approve the bill on Transparency, Disclosure and Access to Public Information.</p>

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Actions	Recommendations
	It is necessary to implement electronic and transparent contracting systems.
<p>Recommendations on public procurement in states of emergency</p>	<p>Transparency and open data</p> <p>The resources allocated to the emergency and their use must be reported in full, in a continuous, timely, truthful, and verifiable manner and in a language understandable by the citizens. Information on procurement and contracting during emergency periods should be published in open data formats and ensuring its accessibility for different types of audiences.</p> <p>The information generated on public procurement should be concentrated in a specific public site (web page, official microsite, or other), ensuring the standardization of its content. This information standard should consider at least ten elements:</p> <ul style="list-style-type: none"> ● Information on the goods or services acquired in the contracting procedure, including the technical specifications of the good, quantity and quality. ● Unit and overall price of the goods or services contracted. <p>Type of procurement procedure used.</p> <ul style="list-style-type: none"> ● A record with information on the natural person; or legal entity; with which the contract was entered into: identity, location, contact details, tax data, identity of its governing bodies, information on the holders of stocks or shares, and total income, among others. ● Technical and economic justification to define the contracting. ● Information on the requirements for compliance with the contract, such as date, place, and delivery conditions.

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Actions	Recommendations
	<ul style="list-style-type: none"> ● Population or need to which the contracting responds. ● Mechanisms and elements for the verification of compliance with the conditions of the contract. ● Public entity, owner and official responsible for the procurement. ● Information on the results of audits carried out on procurement procedures. <p>Administration of resources</p> <p>The budget assigned to deal with emergencies and contingencies due to cases of force majeure must be administered under the principles of efficiency, effectiveness, economy, transparency, and impartiality, and must ensure the best conditions for the State, at any level of government.</p> <p>It is essential that governments report on the origin of the resources available to face the contingency they are going through, the budgetary effects that other items or funds could suffer, as well as the justification for their determination and the general rules that should govern the use of these resources. These rules shall define:</p> <ul style="list-style-type: none"> ● The period or conditions in which the emergency shall be considered to prevail, so as to avoid making an undue use of the available resources. ● The needs that can be covered with the resources allocated for emergency assistance. ● The identification of the authority responsible for supervising compliance with such rules. ● The means and way in which the use of such resources will be made transparent. Governments should preferably use the available budget transparency platforms, through a specialized

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Actions	Recommendations
	<p>microsite for the information on extraordinary resources assigned for emergency response.</p> <ul style="list-style-type: none"> • The determination to carry out audits in real time, to ensure compliance with the principles governing public procurement and the rules of the extraordinary funds authorized for emergency response. <hr/> <p>Accountability</p> <p>In addition to the transparency mechanisms described above, at the end of the emergency, governments must report on the results of the use of resources. Particularly, it is necessary for them to report on:</p> <ul style="list-style-type: none"> • The total resources invested in dealing with the emergency, in relation to the authorized resources. • The actions carried out with the resources invested. • The number and location of beneficiaries of the actions carried out to address the emergency. • The contracts entered into to meet the needs of the emergency and the status of compliance of each one. • The evaluation of the efficiency of such contracting. • The actions that could be carried out with the remaining budget, if any, or the mechanisms to return it to the State. <p>To ensure the accountability of procurement processes during contingency periods, it is useful to have independent monitoring mechanisms to check that procurement processes comply with the regulations and legal adjustments made due to the contingency. These mechanisms should ensure citizen participation through access to information, but also as part of the control processes of the extraordinary funds for emergency response.</p>

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Actions	Recommendations
	<p>Ensure economic competition</p> <p>Governments should avoid concentration or hoarding in their emergency contracting procedures, whether for the acquisition of goods or the contracting of necessary consumer services during the force majeure contingency.</p> <p>Likewise, appropriate measures should be taken so that micro, small and medium-sized enterprises participate in the provision of goods and services needed during the emergency, considering the cost-benefit that this would represent, not only for the direct cost of the goods, but also for the potential effects on the promotion of economic activity in the countries.</p> <p>Governments are responsible for promoting free markets and competition, and it is their duty to avoid paying for overpriced goods and services. The use of framework contracts should be a priority strategy in public procurement to address emergencies when national laws consider them.</p> <p>Governments have the obligation to prevent and sanction price increases, hoarding and speculation in the provision of services. Governments should eliminate any type of potential or actual advantage in favor of one or several natural persons and/or legal entities over their competitors.</p> <p>In order to guarantee economic competition, the contracting entities must justify, review similar contracts, and establish the basis for maximum prices to be set for goods or services, which are considered necessary to get through the contingency stage. The State and the responsible entities must promote free competition under equal conditions to ensure their own interests and contract under the best conditions.</p> <p>Governments will probably face shortages of goods needed to deal with emergencies, so it is essential that</p>

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Actions	Recommendations
	<p>economic competition bodies prevent unfair practices. Companies that are to be awarded contracts during an emergency should be aware that if they do not apply fair practices, they will be subject to the corresponding sanctions and administrative liabilities to which natural persons, legal entities and public officials who participate in illegal acts are subject.</p> <p>Monitoring of public spending during force majeure contingencies</p> <p>In view of the emergency, it is necessary that extraordinary budgets be reviewed under extraordinary measures that guarantee efficiency and integrity in the use of resources. To this end, further oversight mechanisms should be implemented in addition to those provided for by national and local government laws.</p> <p>In particular, it is necessary that the oversight and auditing instances maintain constant coordination with the contracting entities in order to maintain effective control of the budget, as well as of the goods and services contracted to face the force majeure contingency.</p> <p>The auditing bodies should establish an action protocol for monitoring and auditing the exercise and destination of resources, in real time.</p> <p>The oversight and auditing bodies must have access to the records of the contracting procedures, including contracts, agreements, documents, data, books, files, and documentation of justification, and supporting documents related to public expenditure and compliance with the objectives in accordance with the needs determined by the contracting entities; as well as other information necessary for the review and audit</p>

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting	
Actions	Recommendations
	<p>of the budget allocated to address the force majeure contingency.</p> <p>At the same time, it is important to implement mechanisms for citizens to report any irregularities detected. These mechanisms must guarantee the anonymity and security of those who report, as well as the follow-up given to such reports.</p> <p>The results of the execution of the budget allocated to cover the needs of the population during the force majeure contingency must be evaluated by the corresponding technical instances, at each level of government or contracting entity, and the information derived from this evaluation must be published on the site intended to provide information on the emergency.</p> <p>The oversight and auditing bodies must permanently present to the public the reports containing observations and recommendations on the audited files, as well as the follow-up actions taken on them. This information must be published through the means defined for reporting on the emergency.</p>

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery	
Actions	Recommendations
<p>Separation of public powers to ensure balance and autonomy of the executive branch</p>	<p>Providing broad access to information on the magnitude and consequences of the actions of organized crime groups in Venezuela, in order to generate collective awareness of this reality. This should include:</p> <ul style="list-style-type: none"> • Designing a communications plan for the dissemination of the situation of organized crime in Venezuela.

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<ul style="list-style-type: none"> ● Producing communication tools in the form of documents, videos, and audios. ● Conducting meetings with CSOs to disseminate information. ● Defining and implementing mechanisms to guarantee the security of researchers and communicators of information. ● Establishing a control and follow-up mechanism for the implementation of the communication plan. <p>Monitoring and updating information on the behavior of criminal groups in Venezuela, criminal activities in the regions, and their relations with other actors. The following is recommended:</p> <ul style="list-style-type: none"> ● Update information on actions of criminal groups. ● Update information on criminal activities in the analyzed states. ● Include the states of Amazonas, Guárico, Miranda and the Capital District in the regional-level analysis of the crime situation. <p>Decreasing the forms of control applied by the State (monopolistic, discretionary, and lacking transparency) in public institutions at the borders, with the following actions:</p> <ul style="list-style-type: none"> ● Identify the forms of control. ● Formalize complaints about forms of control. ● Design a plan to decrease monopolistic, discretionary, and non-transparent forms of control. ● Implement a plan to reduce monopolistic, discretionary, and non-transparent forms of control.

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery	
Actions	Recommendations
	<ul style="list-style-type: none"> ● Establish a control and follow-up mechanism for the plan's implementation to reduce monopolistic, discretionary, and non-transparent forms of control. ● Normalize border trade and carry out business rounds to stimulate this distribution route for exports.
End of impunity	<p>Separation of public powers to ensure balance and autonomy of the executive branch:</p> <ul style="list-style-type: none"> ● Design a strategy for the separation of powers in the Venezuelan State, supported by the existing legal framework. ● Formalize the separation of powers established in the National Constitution.
	<p>Setting up parliamentary office for the identification and review of existing and necessary laws to prevent impunity and corruption:</p> <ul style="list-style-type: none"> ● Conceptualize the Parliamentary Office against Impunity and Corruption. ● Submit to the National Assembly the conceptualization of the Parliamentary Office against Impunity and Corruption. ● Get National Assembly to approve the Parliamentary Office against Impunity and Corruption.
	<p>Cessation of the occupation of Venezuelan territory, which is currently held by irregular groups:</p> <ul style="list-style-type: none"> ● Identify the territories to be occupied by the State, as well as the irregular groups operating there, and define some initial ideas to fight them. ● Define a strategy, by FANB, the Ministry of Justice and Peace, and specialized international organizations to vacate the territories taken by irregular groups, giving priority to the states of Bolivar, Amazonas,

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<p>Apure, Barinas, Táchira, Guárico, Miranda and Zulia, and the Capital District.</p> <ul style="list-style-type: none"> ● Implement a well-defined strategy to vacate territories taken by irregular groups, with priority in the states of Bolívar, Amazonas, Apure, Barinas, Táchira, Guárico, Miranda and Zulia, and the Capital District. ● Install a situation room to follow up on the operations derived from the defined strategy, to vacate the territories taken by irregular groups, with priority in the states of Bolívar, Amazonas, Apure, Barinas, Táchira, and Zulia. <p>The State must regain control over the prisons:</p> <ul style="list-style-type: none"> ● Design a plan for regaining control over prisons. ● Execute the plan for regaining control over prisons. ● Establish a monitoring and follow-up mechanism for the execution of the plan for regaining control over prisons. <p>Construction of maximum-security prisons to hold the most dangerous criminals, including the current criminal groups existing in prisons (<i>pranes</i>) and their lieutenants:</p> <ul style="list-style-type: none"> ● Conceptualize and prioritize the construction of maximum-security prisons. ● Open bidding process for the construction of maximum-security prisons. ● Initiate the construction of maximum-security prisons. <p>Strengthen protocols and measures for the custody of weapons of war for the defense of the nation, to prevent them from ending up in the hands of organized crime groups:</p>

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<ul style="list-style-type: none"> ● Review the necessary protocols and measures. ● Define a plan to implement the necessary measures for the custody of weapons and the implementation of the new protocols. ● Execute the plan to implement the necessary measures for the custody of weapons and the implementation of the new protocols. <p>Strengthen the Navy's custody of the nation's river spaces to prevent and fight drug trafficking and smuggling:</p> <ul style="list-style-type: none"> ● Identify fluvial spaces used for smuggling and drug trafficking. ● Define a plan for the strengthening of fluvial spaces. ● Execute the plan for the strengthening of fluvial spaces. <p>Identify the alleged ringleaders of organized crime organizations in Venezuela, according to judicial sources:</p> <ul style="list-style-type: none"> ● Identify criminal ringleaders and issue warrants for their arrest. ● Execute arrests. <p>Effective implementation of the Law that Regulates the Use of Mobiles and the Internet inside penitentiary establishments:</p> <ul style="list-style-type: none"> ● Implement the Law that regulates the Use of Mobiles and the Internet inside penitentiary establishments. ● Purchase mobile telephone signal blocking equipment through public tenders. ● Design the installation plan for mobile telephone blocking equipment.

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<ul style="list-style-type: none"> ● Execute the installation plan for mobile telephone blocking equipment. ● Follow up on the application of the law.
Elimination of incentives and business opportunities for organized crime	<p>Redefine the gasoline subsidy:</p> <ul style="list-style-type: none"> ● Design a new gasoline subsidy and pricing policy based on production costs and international prices. ● Design a communications plan to disseminate the new gasoline subsidy and pricing policy. ● Execute a communications plan to disseminate the new gasoline subsidy and pricing policy. ● Implement the new gasoline subsidy and pricing policy.
	<p>Elimination of exchange control:</p> <ul style="list-style-type: none"> ● Design a plan to eliminate the exchange control. ● Implement the plan to eliminate the exchange control. ● Control and follow-up on the execution of the plan to eliminate the exchange control.
	<p>Elimination of price control:</p> <ul style="list-style-type: none"> ● Design a price control elimination plan. ● Implement the price control elimination plan. ● Follow-up the implementation of the price control elimination plan.
Institutional Health	<p>Strengthen relations with border countries and with agencies specialized in the fight against organized crime:</p> <ul style="list-style-type: none"> ● Identify the procedures in force to address border crimes.

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<ul style="list-style-type: none"> ● Identify the legal and institutional obstacles to establish cross-border institutional cooperation agreements. ● Redefine and reactivate cooperation agreements between the foreign ministries of the neighboring countries: Colombia, Brazil, Curaçao, Aruba, Trinidad and Tobago, as well as Guyana. ● Establish cooperation agreements between the prosecutors' offices and investigative agencies of the neighboring countries: Colombia, Brazil, Curaçao, Aruba, Trinidad and Tobago, as well as Guyana. ● Establish an alliance with UNODC, FBI, British Police, DEA, Europol, Eurojust, CEPOL, and other organizations specialized against organized crime and delinquency.
	<p>Laws to be reformed and approved. A giant task ahead.</p> <ul style="list-style-type: none"> ● Identify and verify the reforms required in the following laws and regulations: Organic Law on Drugs, Law against Corruption, Law on Smuggling, Organic Law against Organized Crime and Terrorism Financing, Organic Law on the Police Service and the Bolivarian National Police, Law on the Statute of the Police Function, Organic Law on the Armed Forces, Organic Law on Customs, Decree Creating the Orinoco Mining Arc, Law on Foreigners and Migration, Organic Law on the Right of Women to a Life Free of Violence, Criminal Code and Criminal Procedural Code. ● Draft new proposals for laws or regulations. ● Approve the newly proposed laws. ● Redesign the rules regulating public security and national defense agencies. ● Draft the following new laws: Transparency and Access to Public Information Law, Open Data Law, Whistleblower Protection Law, Effective Cooperator / Protected Witnesses Law, Plea and Cooperation Agreement Law, Repentance Law, Asset Recovery Law,

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<p>Asset Forfeiture Law, Lobbying Law, and Law on Accountability of Officials / related private parties.</p> <ul style="list-style-type: none"> ● Draft new laws. ● Pass new laws.
	<p>Strengthening of institutions.</p> <ul style="list-style-type: none"> ● Review the roles of mayors' and governors' offices and their links with other public institutions. ● Prepare a proposal on the roles of mayors' and governors' offices and their link with other public institutions. ● Design a non-conventional anticorruption and anti-impunity justice mechanism. ● Implement a non-conventional anticorruption and anti-impunity justice mechanism. ● Review the roles, at the borders, of Sebin, Seniat, FANB, PNB, Cicpc, Oncdoft, ONA, Courts, Public Prosecutor's Office, Saime, and exchange operators. ● Prepare a proposal on the roles of Sebin, Seniat, FANB, PNB, Cicpc, Oncdoft, ONA, Courts, Public Ministry, Saime and exchange operators. ● Rescue the autonomy, independence, and capacity of the Judicial Power and the other powers. ● Promote greater coordination among existing institutions. ● Strengthen the mechanisms of education and denunciation. ● Transform the governmental model, promote decentralization, and grant greater power and responsibility to local authorities. ● Improve the socioeconomic status of officials and rescue the public office career. ● Strengthen the mechanisms of the State's justice and financial institutions, to prevent organized crime

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<p>organizations from being able to move and freely use the capital generated by their criminal activities.</p> <ul style="list-style-type: none"> ● Strengthen the system for the protection and assistance to victims. <hr/> <p>Security and control agencies.</p> <ul style="list-style-type: none"> ● Evaluate the possibility of creating a specialized border security agency. ● Create an agency or other organizational security system specialized in borders. ● Create a new anti-narcotics police force in Venezuela. ● Purge the police and security forces. ● Improve the socioeconomic status of police officers and create career plans.
<p>Initiatives for civil society's engagement for change</p>	<p>Civil society engagement for change.</p> <ul style="list-style-type: none"> ● Strengthen CSOs and their initiatives. ● Implement, through CSOs, comprehensive social crime prevention programs, aimed primarily at young people in order to prevent them from joining organized crime organizations.
<p>Mitigation of forced displacement to other countries</p>	<p>Mitigation of forced displacement to other countries.</p> <ul style="list-style-type: none"> ● Design and implement a dissemination campaign to raise awareness of the migration situation at the Venezuelan borders. ● Establish cooperation agreements with neighboring countries and with those affected by Venezuelan migration. ● Creation of Protection Councils in partnership with organized civil society actors.
<p>Address risks of gender</p>	<p>Design and implementation of public policies to reverse the vulnerability of women and other historically excluded groups.</p>

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<ul style="list-style-type: none"> ● Design an effective strategy to fight corruption, which should include structural reforms aimed at reversing the vulnerability of women and other historically excluded groups. ● Execute an effective strategy to fight corruption that should reverse the vulnerability of women and other historically excluded groups. ● Create or adapt the Protection Councils with differentiated services for cases involving trafficking of indigenous girls and adolescents, for sexual slavery in mines, and those who are taken to other countries, such as Trinidad and Tobago or to brothels in Venezuela, as well as special support for women whose children have been murdered or enslaved. ● Promote the participation of women in the design of public policies, and the inclusion of their needs, as an urgent measure to overcome the obstacles that limit the achievement of the UN Sustainable Development Goal 5. ● Give priority to those public policies that promote overcoming inequalities both in salary and in women's access to hierarchical positions.
	<p>Dealing with gender issues at the Venezuelan borders.</p> <ul style="list-style-type: none"> ● Enter into binational cooperation agreements between various agencies and entities to solve the main migratory problems involving women in general, young women, and girls. ● Design protection mechanisms to prevent labor exploitation and other forms of inhumane and degrading treatment of displaced people. ● Strengthen border prosecutors' offices, with capacity, resources and competencies to address

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<p>gender crimes, organized crime, and corruption at borders.</p> <ul style="list-style-type: none"> ● Create or adapt the Protection Councils, with differentiated services for cases involving trafficking of girls and adolescents. <p>Institutional strengthening and cooperation to address human trafficking and sexual abuse.</p> <ul style="list-style-type: none"> ● Encourage whistleblowing and make visible, through campaigns, that the demand of sexual acts by a public official is a form of corruption. ● Implement a "zero tolerance" policy towards the demand of acts of a sexual nature in exchange for benefits, which is an abuse of the entrusted power, whether in the public or private sphere. ● Establish a toll-free hotline for reporting any type of illegal conduct incurred by any public official, including custodial staff in detention centers and centers of deprivation of liberty. ● Strengthen international cooperation strategies and articulation, at the inter-institutional and intra-institutional level, among anti-corruption actors against human trafficking, through strategies, protocols, or operational standards. ● Develop awareness-raising and training strategies to highlight the influence of corruption in the criminal chain of human trafficking, and to encourage whistleblowing within institutions and in society.
<p>Initiatives for removing the military from public administration</p>	<p>Removing the military from public administration.</p> <ul style="list-style-type: none"> ● Further the rescue and definitive implementation of professionalization of the military institution. ● Adjust the performance of the professionals that make up the military sector towards the operational aspects of national defense, and to avoid their

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<p>participation in areas other than national affairs, which might lead to their political involvement.</p> <ul style="list-style-type: none"> ● Reestablish in legal and practical terms the apolitical, obedient, and non-deliberative character of the members of the FANB, and the prohibition to exercise military authority simultaneously with civilian authority. ● Reverse, to the extent necessary, the process of economic reconfiguration undergone by the military organization, within the framework of a reformulation of the competencies of the national State. ● Apply military justice strictly to cases of military nature.
<p>Asset recovery</p>	<p>Recovery of assets resulting from the proceeds of crime in Venezuela is based on the United Nations Convention Against Corruption, a treaty signed and ratified by the Republic. The national laws also provide for the establishment of confiscation measures and civil action procedures that guarantee the recovery of the assets involved or proceeds of crime, as well as the redress of victims.</p> <p>However, legal, and institutional reforms are necessary to put an end to institutions that do not prosecute corruption crimes, and to a saturated and biased criminal justice system, in which it can take years or even decades to obtain a final conviction, in order to be able to continue the procedures with the respective civil action.</p> <p>It is necessary that the National Assembly approve the bill of asset recovery, so that, through the asset forfeiture action contained therein, assets may be recovered without the need to obtain a criminal conviction, which could be due to the absence of the subject who actually committed the crime (examples of confiscation actions without the need of a</p>

Topic 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Actions	Recommendations
	<p>conviction can be found in foreign legislations such as in the United States).</p> <p>Legal and institutional reforms to be carried out must make the Venezuelan legal system fully compliant with UNCAC provisions and make it easy to cooperate internationally in the field of mutual legal assistance.</p>

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Annexes

Annex No. 1 Rating of the Lima Agreement in Venezuela

Table 1. Follow-up criteria for commitments related to Reinforcement of Democratic Governance

Commitment	Relevance	Effectiveness	Sustainability	Country Average
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.	0.22	0.11	0.22	0.19
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.	0.44	0.33	0.22	0.33
8. Including different vulnerable groups in defining measures to strengthen governance and combat corruption, recognizing their serious impact on these populations.	0.22	0.33	0.22	0.26
9. Ensuring transparency and equal opportunities in the selection processes of public officials, based on objective criteria, such as merit, equity, and aptitude.	0.22	0.22	0.00	0.15
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.	0.33	0.67	0.33	0.44
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.	0.33	0.33	0.22	0.30

Table 2. Follow-up criteria for commitments related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
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.	0.89	0.78	0.56	0.74
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	0.22	0.22	0.22	0.22
15. Consolidating the autonomy and independence of high-level oversight bodies.	0.22	0.33	0.22	0.26
16. Implementing and/or strengthening of bodies responsible for transparency and access to public information, based on applicable international best practices.	0.11	0.11	0.11	0.11
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.	0.11	0.22	0.11	0.15
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).	0.22	0.56	0.22	0.33
22. Protecting whistleblowers, witnesses, and informants of acts of corruption from intimidation and retaliatory actions.	0.67	0.44	0.33	0.48

Table 3. Follow-up criteria for commitments related to Financing of Political Organizations and Election Campaigns

Commitment	Relevance	Effectiveness	Sustainability	Country Average
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.	0.44	0.22	0.33	0.33

Table 4. Follow-up criteria for commitments related to Prevention of Corruption in Public Works and Public Procurement and Contracting

Commitment	Relevance	Effectiveness	Sustainability	Country Average
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.	0.11	0.11	0.11	0.11
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.	0.11	0.56	0.11	0.26
33. Implementing measures to reduce bureaucracy and simplify administrative processes at all levels of government in order to prevent corruption.	0.33	0.33	0.22	0.30

Table 5. Follow-up criteria for commitments related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Commitment	Relevance	Effectiveness	Sustainability	Country Average
37. Promoting the broadest possible cooperation among judicial, police, and prosecutorial authorities, financial intelligence units, and administrative authorities in investigations and procedures related	0.11	0.22	0.22	0.19

Commitment	Relevance	Effectiveness	Sustainability	Country Average
to offenses of corruption, money laundering, and transnational bribery and corruption.				
41. Furthering the adoption or strengthening of measures through relevant institutions to enable the freezing, seizure, and confiscation of proceeds of corruption.	0.22	0.22	0.22	0.22