



ARGENTINA REPORT

Follow-up on the Lima Agreement.
Citizen Corruption Observatory.



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Photo by:

Miguel César [File:Atardecer En El Congreso De La Nación Argentina \(69960133\).jpeg](File:Atardecer En El Congreso De La Nación Argentina (69960133).jpeg)

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Abbreviations

ACO: Anti-Corruption Office

AFL: Asset Forfeiture Law

APIR: Access to Public Information Request

CCO: Citizens Corruption Observatory

CFA: Citizen Forum of the Americas

CSO: Civil Society Organizations

NAP: National Action Plan

NACP: National Anti-Corruption Plan

NEP: National Executive Power

NGO: Non-governmental Organization

NPA: National Public Administration

OAS: Organization of American States

OPECML: Office of the Prosecutor for Economic Crime and Money Laundering

OPG: Open Government Partnership

PCSSA: Participation of Civil Society-Summit of the Americas

POSI: Preventive and Obligatory Social Isolation

POSDI: Preventive and Obligatory Social Distancing and Isolation

PPFA: Political Parties Finance Act

PPO: Public Prosecutor's Office

Redlad: Latin American and Caribbean Network for Democracy

RP: Remote Procedures



Introduction

The main purpose of the project titled “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 (REDLAD, by its Spanish initials) and the Citizen Forum of the Americas (CFA), an observatory that provides technical support to the implementation of the Project titled “Civil Society Participation in the Summit of the Americas” (PASCA, by its Spanish initials). 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 the participatory discussion of 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 of the continent, created to follow up on compliance with the agreements adopted by the governments of the hemisphere at the 8th 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 that regard, the country report aims to present a summary of the results and conclusions regarding monitoring of progress and/or fulfillment in Argentina, of the agreements made at the Summit in 2018, based on the methodology document used to monitor the Lima Agreement¹ and the review of this information carried out by eight Argentine civil society organizations. Full information on this report and its monitoring framework is available at the CCO’s website².

The methodology for monitoring the Lima Agreement allows civil society to assess the progress and/or compliance with 19 agreements prioritized³ by the CCO used for monitoring in each of the countries participating in this observatory. The follow-up is based on the review made in developments at both the policy and practical levels conducted by national governments over the last two years in respect to agreements agreed upon to fight corruption.

At the policy level, current regulations were 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 agreements made. For this purpose, 64 questions were asked, which were answered through requests for information, interviews, reference to announcements made by the media, reports and

¹ For further information on the methodology please visit: <https://occ-america.com/metodologia/>

² Please visit: <https://occ-america.com/>

³ The 19 commitments were prioritized considering the possibility of a comparative analysis in all CCO countries participating.



advanced research on the subject, among others. This information is the basis for evaluating each agreement in terms of effectiveness, efficiency and sustainability⁴.

Participating organizations

In Argentina, the CCO is made up of nine civil society organizations that shared different spaces for socializing; participated in training sessions; collaborated in the compiling of information; assessed the level of compliance with the agreements and validated the conclusions reached in this report. The participating organizations focus on the following topics: LGBTIQA+, Human Rights, Fight against Corruption, The Media and Political Advocacy.

The analysis and assessment of the chosen agreements are based on different information gathering and research methods. The work team submitted a total of 7 (seven) formal access-to-information requests to public institutions and held 10 (ten) interviews with representatives of state officials, OSC, journalists and experts on some of the previously mentioned topics.



Poder Ciudadano is a non-partisan and non-profit foundation created in 1989 as an initiative by a group of individuals concerned about protecting civil rights in our country. Our mission is to promote citizen engagement, transparency and public information access in order to strengthen democratic institutions through collective action. Since 1993, it is the Chapter of Transparency International in Argentina,

organization that leads the fight against corruption at the global level.

As National Coordination of the CCO in Argentina, Citizen Power was responsible for developing, leading and managing the activities of the local consortium made up of eight CSOs to follow up on the fulfillment of the 19 agreements reached at the 8th Summit of the Americas (2018).



Directorio Legislativo is a non-partisan and independent organization that for more than 10 years has been promoting the strengthening of legislative bodies and the consolidation of democratic systems in Latin America through transparency, access to public information and

dialogue with social actors of the public and private sector, as well as with those involved in academics and civil society.

⁴ We shall take a more detailed look at the report later, including the methods that led to this assessment.



As part of the CCO consortium and a focal point of the Citizens Forum of the Americas (CFA) in Argentina, the Legislative Directory has participated in socialization meetings, collaborated in the compiling and gathering of practice indicators, as well as in the validation of this report.

Asociación Civil por la Igualdad y la Justicia – ACIJ is a non-partisan non-profit organization, dedicated to defending the rights of society's most disadvantaged groups as well as strengthening democracy in Argentina. For the past 15 years, ACIJ has worked to promote public policies to prevent, investigate and punish corruption from a perspective based on its impact on democracy and human rights.



As part of the CCO consortium in Argentina, ACIJ has participated in socialization meetings, collaborated in the compiling and gathering of practice indicators, as well as in the validation of this report.

(Asociación Familias Diversas de Argentina-AFDA) is a non-partisan civil association (Asociación Civil in Spanish) that fosters full equality and non-discrimination for children, adolescents, women and the LGBTIQA+ population, through initiatives with social impact, community strengthening, uphold and protection of rights at the national, regional and international level. They work in an intersectional way with a transfeminist and LGBTIQA+ perspective to empower children, adolescents, women and the LGBTIQA+ community and their families.



As part of the CCO consortium in Argentina, AFDA has participated in socialization meetings and collaborated in the compiling and gathering of practice indicators, as well as in the validation of this report.



Cultura Democrática is a civil society organization in charge of research, training, and uphold of citizens' initiatives that contribute to the reinforcement of democracy and protection of essential rights based on humanist virtues such as solidarity and the principle of subsidiarity.

As part of the CCO consortium in Argentina, Cultura Democrática has participated in socialization meetings and collaborated in the validation of this report.



Fundación Nuestra Mendoza is a non-partisan entity that seeks to contribute in the transformation of Mendoza into a socially, politically, economically and environmentally sustainable place. With more efficient and transparent administrations and informed, responsible and engaged-in-participation citizens.

As part of the CCO consortium in Argentina, Fundación Nuestra Mendoza has participated in socialization meetings, collaborated in the compiling and gathering of practice indicators, as well as in the validation of this report.



 **Fundación para el Desarrollo de Políticas Sustentables-Fundeps** is a non-profit organization located in the city of Cordova, that works on public policy advocacy at the local, national and international level to help develop sustainable policies and respect for human rights, through research, training, strategic litigation and cooperation in general.

As part of the CCO consortium in Argentina, Fundeps has participated in socialization meetings, collaborated in the compiling and gathering of practice indicators as well as in the validation of this report.



Ruido (Red contra el silencio oficial) is a national network of communicators specialized in open data who are members of civil organizations. They make visible around the country, publications that deal with corruption, public transparency and/or access to information, they also make sure that these publications adhere to veracity and comply with basic requirements on fact checking and validation. At the same time, they collectively produce research, reports and other related content, through a wide array of members and contributors throughout the country.

As part of the CCO consortium in Argentina, NOISE has participated in socialization meetings and collaborated in the validation of this report.



TECHO is an organization present in 19 countries of Latin America, that aims to eradicate poverty levels in which millions of people living in human settlements find themselves, through joint action of those living in such settlements and young male and female volunteers.

As part of the CCO consortium in Argentina, TECHO took part in the compiling and gathering of practice indicators, as well as in the validation of this report.

Argentinian Context

The situation in Argentina as far as its fight against corruption is full of ambivalence and because of this, quite worrisome, with great progress achieved in some areas and very little in others. For several years now, Argentina's anti-corruption system suffers from serious deficiencies that directly affects its effectiveness, especially the system's poor performance when it comes to investigating and punishing offenses related to corruption.



Generally speaking, Argentina boasts a fairly complete regulatory framework⁵ that complies with the international community's requirements. However, in practice, when the time comes to screen this regulatory framework, the results are quite different.

The justice system, responsible for ensuring compliance with this regulatory framework and making use of the tools provided by the system, has innumerable shortcomings. One of these is the lack of autonomy that the judiciary has in order to make full exercise of its functions, which comes as a consequence of the lack of separation of powers of the state, and that leads to cross-public and overlapping pressures. An effective investigation and control system is an essential element of anti-corruption public policies. If the system does not function properly, regardless of how complete the regulatory framework may be, it will suffer because of the loss of efficiency in its bid to prevent and fight corruption.

At the international level, Argentina scored 42 out of 100 possible points in the last Corruption Perception Index prepared by Transparency International, placing the country in 78th place, among the 180 countries surveyed. This perception of corruption in Argentina could be explained by the minimal substantial progress made which were identified by the CCO in terms of anti-corruption policies. On the other hand, the consequences of this slow progress were exacerbated by the crisis caused by the COVID-19 pandemic, where the weaknesses of the integrity systems were publicly displayed in scandals ranging from price-gouging of groceries to vaccine immunizations provided to only those with VIP status. In this regard, the weaknesses of the existing anti-corruption mechanisms affected the exercise of fundamental rights, especially those of groups in situations of vulnerability and exclusion. This situation not only weakens the response to the pandemic and its socioeconomic and health related consequences, but also strongly affects the subsequent recovery processes.

The CSO involved in the CCO faced many challenges when following up on the agreements of the Lima Summit. One of them was the lack of publicly available information on actions taken by the government related to the fulfillment of international agreements. This information vacuum, required making intensive submitting of information access requests (IAR) as well as conducting numerous interviews with government officials in order to be granted access to information pertaining to what has been done by the government in the last two years. Another challenge, and perhaps the most difficult one, was to adapt the organizations work to non-face-to-face interactions, which were measures prescribed by POSI and POSDI, to cope with the pandemic. Argentina, like most countries in the region, is being hard hit by the pandemic, with more than 85.000 deaths in June 2021 due to COVID-19.

One positive aspect worth noting is that the CCO did not receive threats and/or interference from external sources during the fulfillment of its duties. On the contrary, public officials showed a good predisposition to cooperate with the CCO.

The period under analysis was marked by political and electoral change. The 2019 presidential election which brought about political change on a national level, had a high impact on the

⁵ The CCO drew up a first assessment balance sheet of the regulatory indicators at the regional level, this 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/>



sustained development of anti-corruption public policies and the international agreements assumed by Argentina. This disharmonious transition between administrations of political opposites hit rock-bottom with the discontinuing of certain public policies implemented by the 2015-2019 administration and the reformulation of others, which were stepped-up at the beginning of 2020 because of the impact caused by the pandemic, which relegated this agenda to sit in the back so to speak because of the socio-sanitary emergency. At the closing of this report, Argentina is once again in the final stretch towards national legislative elections which, in a context of economic, social, health and political legitimacy crisis -both on the incumbent and on the opposition- find themselves colonized by these vectors and not necessarily by the integrity system.

COVID-19 has dealt Argentina a severe blow. With highly restrictive initial measures of mandatory isolation, formally kept at least for 8 months, the impact on the economy is enormous, raising poverty levels close to those of the 2021 crisis. In March of 2021, the National Institute of Statistics and Census reported that 42% of the population was poor and 10,5% indigent. This is clear proof of the deepening of pre-existing inequalities, which was countered by the state, with the expansion of emergency social protection mechanisms, surrounded by inflation and its little projection for sustainability in the framework of national finances in crisis.

The effects of the pandemic could also be found in the areas of transparency and the fight against corruption. From the beginning of the pandemic emergency, the National Public Administration (NPA) made decisions that weakened pre-existing levels of integrity, such as the implementation of an emergency procurement regime with little transparency and minimal accountability, the signing of non-accessible contracts with confidentiality clauses for the purchase of vaccines, and irregular handling of certain specific events related to the vaccination process⁶. This measures brought about a significant deterioration of citizen rights to exercise an effective control over what the government does—which in this case amounts to millions—and the public health.

Results in Argentina

As a result of the 8th Summit of the Americas, an event in which the Citizen Forum of the Americas actively participated countries in the region signed the Lima Agreement, with the title, "Democratic Governance in the Face of Corruption" which established 57 agreements so that member states get involved and make it possible to implement concrete measures aimed at strengthening citizen confidence in institutions, reduce the negative impact of corruption at the moment of exercising human rights and the sustainable development of the populations of the American hemisphere.

⁶ Regarding "VIP vaccination" cases.



For the follow-up, four criteria were taken into account when selecting the agreements that were considered to be the most fit to analyze anti-corruption measures in countries in the region, that they were sustainable over time with the possibility of institutionalization, the incorporation of new approaches in anti-corruption measures and the inclusion of vulnerable populations' perspective. As a result, 19 agreements were selected focusing on 5 specific issues:

- 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 electoral 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 agreements were analyzed by identifying legislative and practical developments which were given a scale value⁷ ranging from 0 to 3 taking into account the following follow-up criteria:

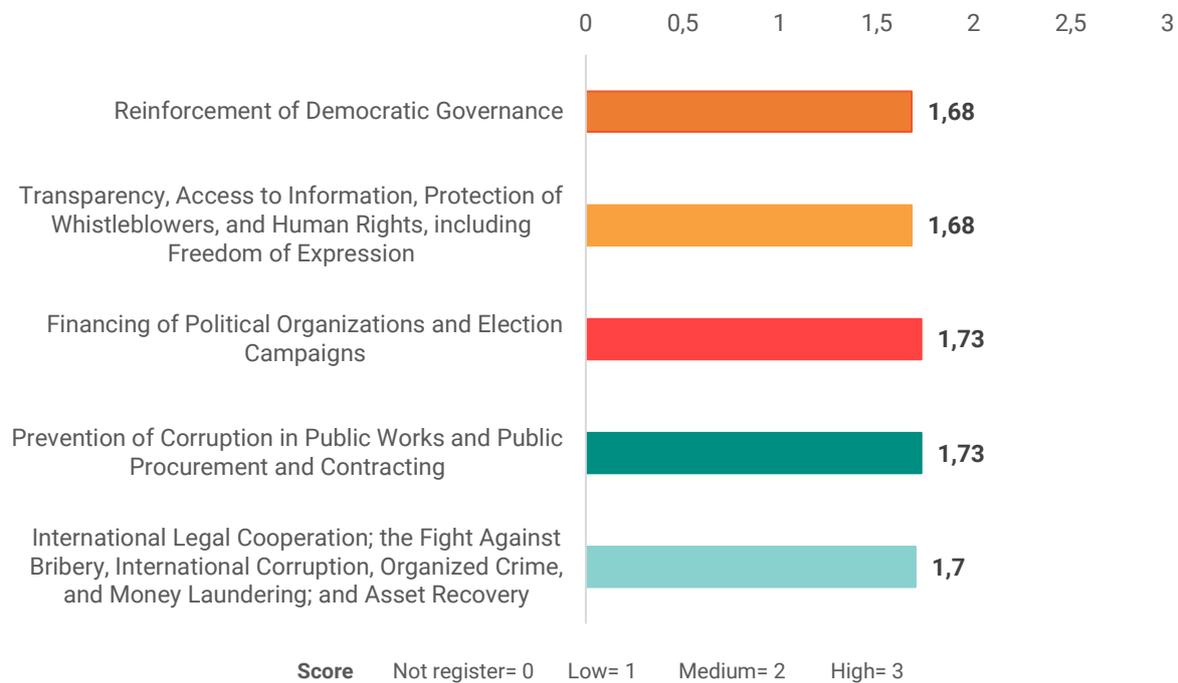
- **Efficiency**, establishes the extent in which the policies developed by the government as a result of the Lima Agreement – contribute to the fight against corruption.
- **Relevance**, establishes the extent in which the policies developed by the government are timely, convenient and adequate taking into consideration the country's economic, institutional and/or social context.
- **Sustainability**, determines the extent to which the actions taken to comply with the agreement will have continuity over time.

Chart No. 1, shows the general results obtained in Argentina according to the agreements classification:

⁷ Scores assigned on a scale between 0 and 3: 0= not register, 1=Low, 2=Medium and 3=High.



Chart 1. Lima Agreement topic results⁸



Compilation based on information provided by CSO participants in the CCO platform

In Argentina, the averages—between normative indicators and practice indicators, as well as different agreements by topic—place the progress in the **upper stratum at the low level** used to assess the performance of the selected agreements, figures that remain steady in the **strong existing divide between the regulatory framework—with better overall performance—and the practical implementation** of the anti-corruption practices analyzed.

- The fundamental issues “Reinforcement of Democratic Governance” and “Transparency, Access to information, protection of whistleblowers and human rights, including freedom of expression” had an **average score lower than all the others as a whole**, being their weak points those related to the judicial power’s lack of autonomy and the lack of a specific legal framework to protect individuals reporting acts of corruption.
- The fundamental issues “Financing of political organizations and election campaigns” and “Prevention of corruption in public works and public procurement and contracting” **performed better than the previous two**, this was due to reforms made to the 2019 regulatory framework regarding transparency and traceability of contributions made to political parties and election campaigns and the simplification of procedures and reduction of bureaucracy.
- The fundamental issue “International legal cooperation; the fight against bribery international corruption, organized crime, and money laundering; and asset recovery”,

⁸ The colors used by the CCO on the charts, reflect the decisions made for each topic and do not represent a numerical scale.



its rather low performance is related to how little the indicators showing how strong the Asset Forfeiture Law is, have evolved.

1. Reinforcement of Democratic Governance

Chart 2. Results related to the Reinforcement of Democratic Governance commitments



Compilation based on information provided by CSO participants in the CCO platform.

There are some agreements that did show progress, such as measures aimed at preventing conflicts of interest in the public domain, the Integrity Programs in the criminal liability regulations of legal bodies and private individuals⁹ or those related to the mainstreaming of gender perspectives in anti-corruption policies, addressed by the Anti-Corruption Office (ACO) (Oficina Anticorrupción-OA in Spanish) and the Ministry of Women, Gender and Diversity (Ministerio de las Mujeres, Géneros y Diversidad in Spanish). In spite of this perspective having been considered, other vulnerable groups¹⁰ were neither included nor actively participated in the development of these public policies in general. As far as the selection process of public

⁹ Even though progress has been made, there still exists a need to reinforce Sworn Affidavits (Declaraciones Juradas in Spanish), granting it greater transparency and an upgrade concerning the Law of Public Ethics (Ley de Ética Pública in Spanish).

¹⁰ The policies developed by the NPA do not yet aim to encourage active participation of these groups for them to also be in control of integrity systems or of the policies that affect them as a target population in a systematic and explicit way.



officials, policies exist that ensure transparency and equal opportunities, in practice the current regulatory framework is rarely fully complied with.¹¹

The 7th Agreement obtained the highest score of them all. The creation of the Ministry of Women, Gender and Diversity at the end of 2019 implied in itself significant progress in Argentina turning into a needed foundation to comply with this agreement. The mainstreaming of gender perspective and diversity in public policies in general and action coordination by the ACO—as much as with the National Anti-Corruption Plan (NAP)¹² (Plan Nacional Anticorrupción PNA in Spanish) and with the organization’s work agenda—are vectors to effectively promote gender equality in anti-corruption policies. This leaves Argentina facing challenges such as the **inclusion of perspective diversity across the entire integrity system** and the reinforcing of the Ministry of Women, Gender and Diversity as a directing and coordinating authority that makes visible the importance of this perspective to reduce the impact of corruption on women and LGBTIQ+ groups, from an intersectional standpoint.

The worst ranked agreement is the one having to do with reinforcing judicial autonomy¹³. Even though Argentina has a law in place that establishes the autonomy of the judiciary, it suffers from meddling by the other branches, occurring under different forms and is a constant problem in all administrations; the constant structural problems must be mentioned as well¹⁴, which leads to a growing distrust on the part of society towards the functioning of the judiciary. Even though there is a draft amendment targeting the Judicial Branch, this one only focuses on partial issues while aggravating others, which is seen by different sectors as an attempt against its autonomy. It is obvious that the judicial system in Argentina is in need of an overhaul, but it must be structural, taking into account people’s historical grievances, including greater transparency, accountability and, more importantly, the inclusion of a trans feminist perspective.

¹¹ For example, entry to public jobs through open and competitive contests are not the rule but the exception.

¹² It is important to highlight that the NPA was evaluated in the new government administration, through which a National Integrity Strategy was developed that, in addition to including the NPA points, it also broadens its objectives.

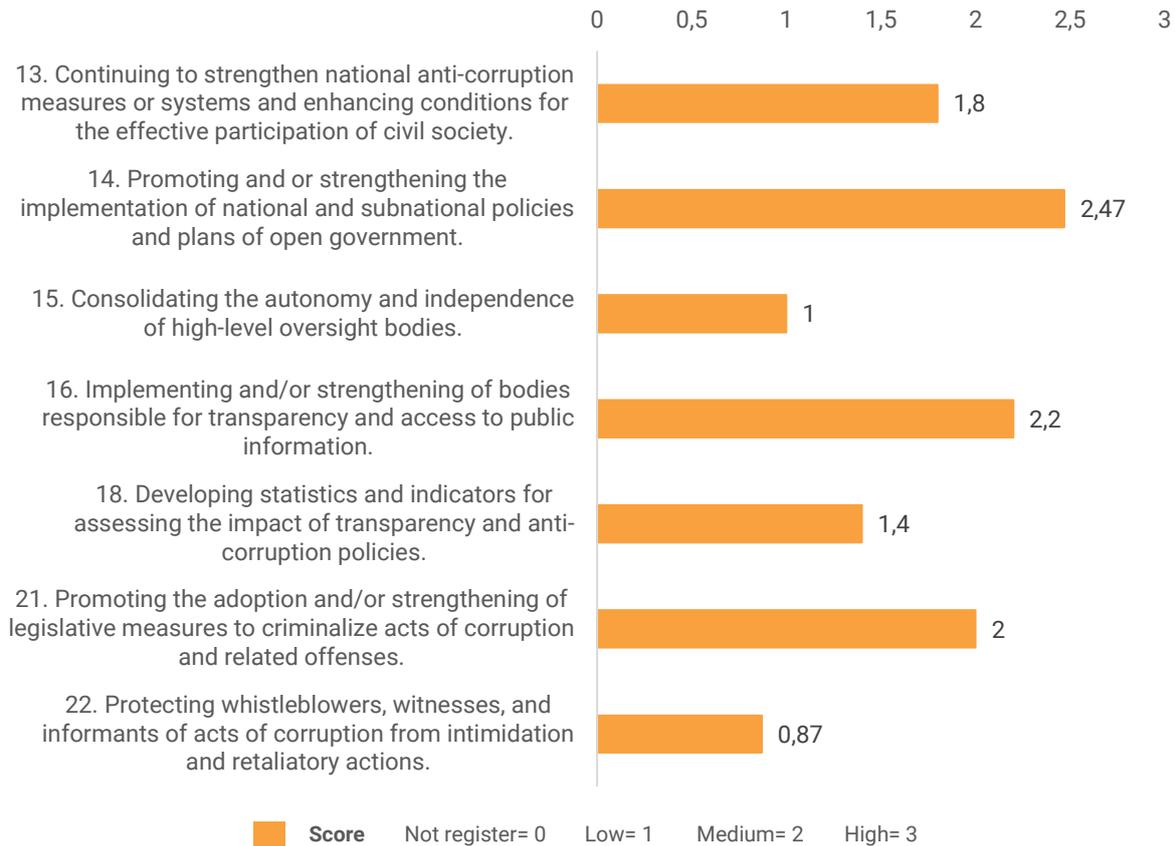
¹³ With a score of 1.13, which means that its level of compliance is significantly low.

¹⁴ This intrusion may include the appointment of judges outside traditional channels, delays in coverage of the courts and in the appointment of personnel as mechanisms of political pressure, indiscriminate use of sub-agency designations, public questioning regarding the autonomy of the Public Prosecutor’s Office, etc.



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

Chart 3. Results related to the Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, Including Freedom of Expression commitments



Compilation based on information provided by CSO participants in the CCO platform.

Here progress was made regarding agreements related to the implementation of open government policies and the reinforcement of transparency, access to public information bodies, such as the Access to Public Information Agency (Acceso a la Información Pública in Spanish), which is part of the NEP¹⁵, where the actions implemented in recent years at the normative and practical level are noteworthy¹⁶. On the other hand the rest of the agreements

¹⁵ In this case, the articulation and push of the CSO is critical, especially considering that it was thanks to civil society that it was possible to stop, at the beginning of 2021, the appointment of an unfit candidate to occupy the position of director in the aforementioned institution.

¹⁶ Among the measures worthy of mentioning are the implementation of the CONTRA.AR for the contracting and monitoring of Public Works Contracts, the COMPR.AR for the publication and follow-up of public procurement, the Open Congress Action Plan, created by the Public Works Observatory, open data availability on information related to the budget cycle and the National Open Government Roundtable.

scored “Low”¹⁷, especially when it came to rating the autonomy of higher control institutions and the implementation of methods for the protection of whistleblowers, witnesses and informants of acts of corruption, essential aspects for an effective fight against corruption.

The Agreement that obtained the highest score (2.47 over 3) was the 14th, this one being the highest score of all the agreements graded by the CCO in the country. The incorporation of Argentina in 2012 into the Alliance for Open Government, signaled continuous progress regarding the development of public policies of greater transparency, digital government, fiscal transparency and open budget. Since then, Argentina has been successfully implementing 4 National Action Plans¹⁸ and the objectives set out by the agreement have been achieved in a positive way, this being public policy that transcended governmental efforts of various types, reflecting its sustainability in the National Integrity Strategy and the Open Government Strategic Plan of 2020-2023.

The Agreement that obtained the lowest score (0.87 over 3) was the one that had to do with the protection of whistleblowers, witnesses and informants of acts of corruption. Argentina has a lot to answer for regarding this agreement, since the current regulatory framework lacks specific legislation designed to regulate ways to protect those reporting cases of corruption. Although it is true that since 2003 there has been a program called “National Program for the Protection of Witnesses and Defendants”, which has been used to protect witnesses of this type of offenses, it does not meet the minimum requirements that International Treaties establish as necessary for its effective use and application in cases of corruption and is currently undergoing a review seeing that its performance is not under citizen control.

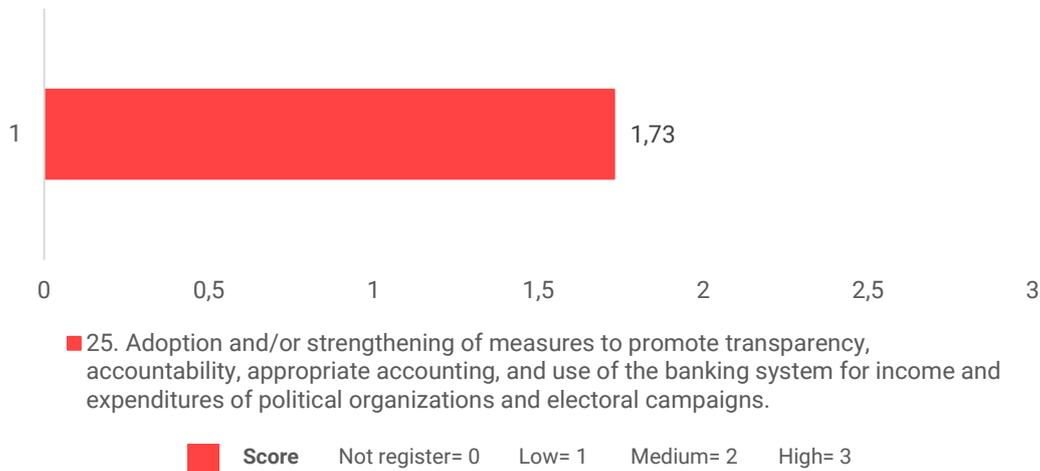
¹⁷ Among the agreements with the lowest score, one not even reaching the average in any case is agreement No. 13, the one having to do with the reinforcement of national anti-corruption systems or measures and improving the conditions for the efficient participation of civil society and social control, next in line is agreement No. 15, the one having to do with the consolidating of autonomy of higher control institutions, Agreement No. 18, the one having to do with the compilation of statistics and indicators that would allow the evaluation of the impact caused by transparency policies and the fight against corruption and finally there’s agreement No. 22, the one in charge of protecting whistleblowers, witnesses and informants of acts of corruption against intimidation and retaliation.

¹⁸ It is important to point out that the 4th Plan of Action is still under implementation until August 2022.



3. Financing of Political Organizations and Election Campaigns

Chart 4. Results related to the Financing of Political Organizations and Election Campaigns commitments



Compilation based on information provided by CSO participants in the CCO platform.

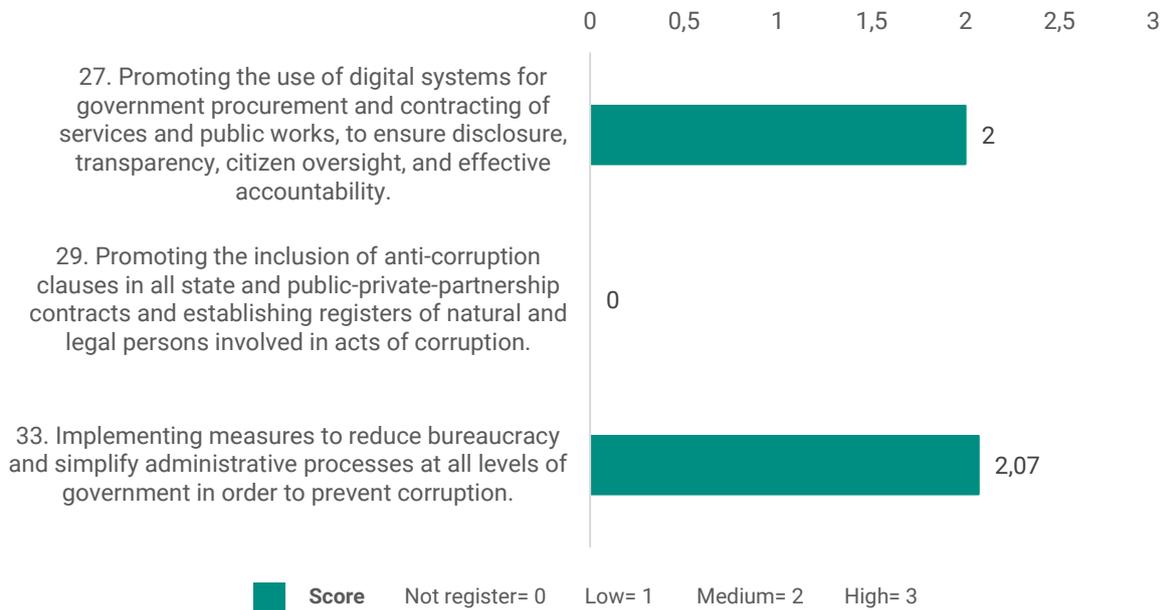
Reforming the PPFA, promoted greater transparency in accounting and management of party resources¹⁹, regulated the contributions of legal entities for the financing of campaigns including knowing where those resources came from and placed limits on contributions, which was forbidden, but was in reality a common and illegal practice. Although there are debates taking place in civil society about the relevance of legal entities' contributions, everyone agrees that the main weakness in the system remains tied to the fact that control and oversight procedures take place after the elections. For this reason, other control mechanisms have yet to be implemented, such as the concomitant publication of expenditures and all accountability-supporting documents to ensure disclosure on the part of political parties in order to achieve decisive progress in the fight against corruption and to make the link between money and politics more integral.

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

¹⁹ Prior to this regulation, they had a degree of opacity that made them highly vulnerable to being used for crimes, such as money laundering and the co-optation of candidacies among other irregularities.



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



Compilation based on information provided by CSO participants in the CCO platform.

Among these agreements, we can highlight actions that favor corruption prevention²⁰ and were highly relevant during the isolation caused by the COVID-19 pandemic, such as the fully operational platform called Remote Procedures (TAD-Trámites a Distancia in Spanish), the inclusion of anti-corruption clauses in government contracts and the use of electronic systems such as COMPR.AR and CONTRAT.AR that increase the likelihood of social oversight over public procurement. However, the measures adopted in the framework of the pandemic showed the need to reinforce these mechanisms from the point of view of integrity: in view of the need to streamline processes, exceptional procedures were used that implied serious setbacks in terms of integrity and transparency.

The Agreement with the highest score was the one related to the reduction of bureaucracy. Measures were developed to simplify procedures in the area of the NPA, such as the RP digital platform, which proved to be a crucial ally to respond to the needs of society, especially during the POSI and POSDI periods in 2020 and 2021. However, as already noted, some of the measures implemented to make the processes in which the private sector participates to make it more flexible, were not conceived in a comprehensive manner from an integrity perspective and have thus worked to the detriment of transparency²¹. It is also necessary to

²⁰ Specially regarding public works, contracting and public procurement.

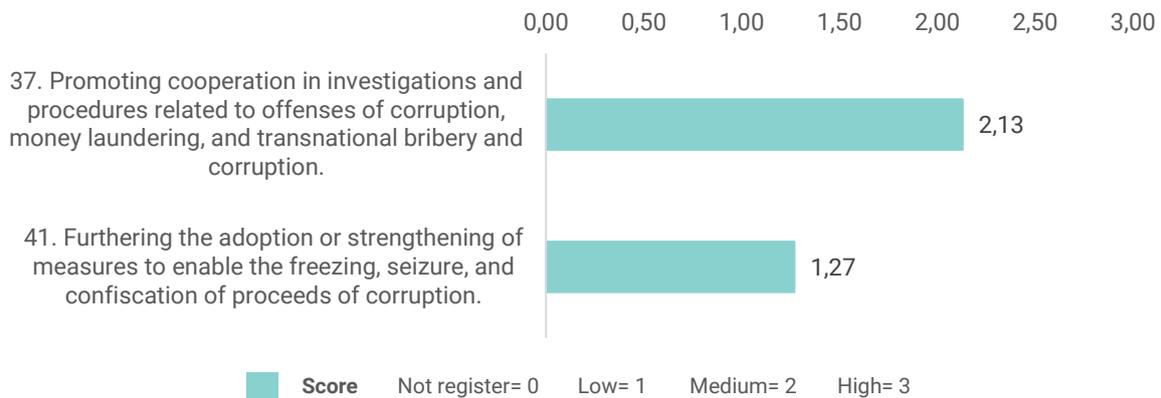
²¹ A clear example, is the exceptional regulation of purchases implemented in March of 2020 to allow for rapid purchasing procedures related to the health emergency. This regulation was strongly criticized by the CSO, for rendering purchasing processes nearly transparency-free and this way create innumerable opportunities for corruption to take place.

highlight the lack of unity in criteria between the different levels of government to coordinate actions which hinders accessibility based on equality.

The Agreement with the lowest score is a central mechanism in the fight against corruption: although measures were taken to include anti-corruption clauses in all government contracts, their impact hasn't been significant as long as they are not accompanied by a real and solid control system while at the same, they operate in a weak environment that makes it hard to investigate and prosecute crimes against the NPA. As one of the measures adopted, the National Anti-Corruption Plan, incorporated as an objective the integrity clauses in the procurement processes of the NPA bodies, however the Plan is still in progress and there is no available information as to its degree of implementation. Finally, there were no reports on registries of individuals or legal bodies with ties to corruption and money laundering activities being created, which would make their hiring difficult.

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

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



Compilation based on information provided by CSO participants in the CCO platform.

With two agreements in the “Middle” and “Low” ranges the measures adopted by the Public Prosecutor’s Office or PPO to promote cooperation between judicial authorities, police, prosecutors, intelligence agencies, financing institutions and administrative authorities, pertaining to conducting investigations of offenses of corruption is seen as progress in this matter, all of this will lead to a better partnership in operations in several specific cases.²²

On the other hand, the existence of an Asset Forfeiture Law, owing to its technical characteristics of being a Decree of Need and Urgency of the NEP is not quite sufficient as a recovery tool of public goods obtained through corruption. Thus, what’s missing here is the

²² In its Management report, PROCELAC indicated that it had worked together with several organizations in 7 high-profile cases which prosecuted money laundering activities, organized crime and, corruption among others.



existence of an Asset Forfeiture Law based on international standards that through an in-depth debate in congress, may lead to its fruition.

Agreement No. 37 obtained the highest score with a total of 2.13. The PPO took steps to develop and increase collaboration between institutions at the national and international level. Reports coming from this agency indicate that, as a result of these steps, a greater number of cases of money laundering and transnational corruption were discovered and prosecuted in recent years. However, despite the PPO's efforts, the actual progress achieved is insignificant as long as these investigations continue to be processed in a legal environment fraught with structural problems that negatively affect its performance in cases of corruption.

The Agreement obtaining the worst score with a total of 1,27 points is Agreement no. 41. The measures adopted within the framework of this commitment have not contributed effectively to the fight against corruption. Although the existence of minimal regulation in the Asset Forfeiture Law cannot be denied, in practice it's hard to tell of its application in any specific cases. Besides, for it to be effective, it must be accompanied by other tools in the hands of prosecutors in other to verify any significant progress: traceability and transparency in the administering of recovered funds, public registries of these assets, clear policies within the judiciary relating to asset recovery, among others.



Conclusions

The Lima Agreement was a great opportunity to endorse previous international commitments assumed by the government of Argentina, as well as to identify propitious scenarios for the discussion, elaboration and implementation of anti-corruption measures in this country. The most significant progress among the commitments assumed by Argentina at the 2018 Summit of the Americas are listed below:

- The promotion and reinforcement of national and sub-national policies, in matters of open government, digital government, open data, fiscal transparency, open budgets and electronic public procurement systems.
- The measures implemented to promote gender equality, the empowerment of women and their inclusion in public policies in general, including those that pertain to the field of anti-corruption, with the articulation between the recently created Ministry of Women, Gender and Diversity and the Anti-Corruption Office.

However, all this progress made, as important as it is, **it hasn't been accompanied by measures aimed at strengthening what's at the heart of the prevention and the fight against corruption systems.**

From the assessment carried out, it can be deduced that the current integrity system in this country create a favorable scenario for impunity to take hold which brings with it a lack of trust towards institutions on the part of citizens: **Its ability to protect whistleblowers, witnesses and informants of acts of corruption is almost non-existent**, which undermines from the beginning any preventive attempt in this field and prevents the correct functioning of everything else in the anti-corruption chain.²³ To this gets added not only **the weakness produced by the lack of autonomy on the part of the corruption control and sanctioning bodies**, but also, **the existing vacuum around basic mechanisms for the fulfillment of their duties and deterrent capacity** – such as strong and enforceable clauses in public contracting and tools such as preventive embargo, a solid asset recovery policy and additional tools that allow the confiscation of resources and goods illegally obtained from the public treasury.

To complete this picture, we have what is arguably one of the most worrying problems in the anti-corruption system in Argentina: **the poorly efficient and slow functioning of the judiciary in its non-delegable role of investigator and punisher of corruption.** One of the main reasons for its poor performance in cases of corruption, is the lack of guarantee in autonomy with the regard to pressures and, above all, in its relationship with other branches of the government. This problem is critical for Argentina's anti-corruption system and its prevalence affects the effectiveness of any anti-corruption measure to be implemented in this country, and it is urgent that measures be developed to solve it through transparency and seriousness.

²³ Prevention, detection, investigation, sanctions, recovery and damage repair.



Actions and Recommendations to comply with the Lima Agreement in Argentina

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
Commitment No. 2: Autonomy and Independence of the Judicial Power and the Public Ministry.	Promote a structural and comprehensive reform of the judicial system, with clear control mechanisms that ensure non-interference by the other acting branches of government, which should include a trans feminist perspective that respects the rights of everyone.
Commitment No. 7: Gender equity and equality and inclusion of vulnerable groups.	Reinforce and institutionalize the joint work between the Ministry of Women, Gender and Diversity and the Anti-Corruption Office.
Commitment No. 8: Include vulnerable groups when coming up with measures to fight corruption.	Promote the inclusion of other vulnerable groups ²⁴ as active participants in the defining of public policies in general and in the fight against corruption in particular.
Commitment No. 9: Equal opportunities regarding the selection processes of public officials.	Establish strict controls that ensure the effective implementation of hiring when applying for public office, this way avoiding the indiscriminate use of direct hiring mechanisms.
Commitment No. 10: Promoting the adoption of measures to prevent conflicts of interest on the part of public officials.	Reinforce and adapt the system of Sworn Affidavits (SA), taking into account the principle of maximum disclosure and the principle of progressiveness of rights, especially regarding access to information and social control of patrimonial data of spouses, partners and minor children.
Agreement No. 11: Furthering codes of conduct for public officials.	Comprehensive review and update of the Public Ethics Law.

²⁴ Intersectionally affected by inequality gaps.



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

Action	Recommendations
Commitment No. 14: Open Government, Digital Government.	Include diversity of groups and CSO-related issues ensuring the plurality of voices in the drafting of public policies.
Commitment No. 15: Autonomy and Independence of high-level oversight bodies.	Reinforce high-level oversight bodies and create clear procedures to ensure compliance.
Commitment No. 22: Protection of whistleblowers.	Generate specific regulations to protect those reporting acts of corruption, including all the guarantees and protective measures necessary for the professional, personal and physical safety of individuals.

Topic 3. Financing of Political Organizations and Election Campaigns

Action	Recommendations
Commitment No. 25: Financing of political organizations.	Reinforce mechanisms for the implementation of the law and effective control over campaign resources, concomitant publication of expenses, the publication of all supportive documentation in matters of accountability on the part of political organizations; deterrent sanctions and of effective compliance.
	Include gender and diversity perspective to bring equality in matters of competition and access to resources between male and female candidates,

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

Action	Recommendations
Commitment No. 27: Promote the use of digital systems to ensure disclosure, transparency, citizen oversight and effective accountability.	Promote the use of digital systems in public procurement. Ensure disclosure, transparency, citizen oversight and effective accountability of all procedures being especially careful in emergency situations.

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

Action	Recommendations
Commitment No. 41: Asset Forfeiture	Promote the legislative approval of an AFL that addresses central issues such as: transparency in the administration of recovered funds, the recording of these funds in the public records, clear policies within the judicial system related to asset recovery, among others.

Annexes

Annex No. 1 Assessment of the Lima Agreement in Argentina

Reinforcement of Democratic Governance

Table 1. Criteria for the monitoring of Agreements related to the Reinforcement of Democratic Governance

Commitment	Relevance	Effectiveness	Sustainability	Country Average
2. Reinforce judicial autonomy and Independence, following applicable Inter-American and universal standards on the matter, with the goal of promoting respect for the Rule of Law and access to justice, as well as promoting and pushing policies of integrity and transparency in the judicial system.	1.40	1.00	1.00	1.13
7. Promote gender equity and equality and the empowerment of women as a cross-cutting objective of our anti-corruption policies, through a work group on leadership and empowerment of women that actively promotes collaboration between Inter-American institutions and synergy with other international agencies.	2.20	2.00	2.60	2.27
8. Include the various groups in situations of vulnerability when taking measures to reinforce governance and the fight against corruption, recognizing their serious impact on these populations.	1.80	1.60	2.00	1.80
9. Ensure transparency and equal opportunity employment in the hiring selection processes of public servants, based on objective criteria such as merit, equity and aptitude.	1.20	1.20	1.40	1.27
10. Promote the adoption of measures that prevent conflicts of interest, as well as the submitting of patrimonial statements and financial records on the part of public servants, as appropriate.	1.80	1.80	2.00	1.87
11. Promote the creation of codes of conduct for public servants that contain high standards of ethics, probity, integrity, and transparency, taking as a reference the "Guidelines for the Management of Integrity Policies in the Public Administrations of the Americas", and urge the private sector to develop similar codes of conduct.	1.80	1.80	1.60	1.73

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



Table 2. Criteria for the monitoring of Agreements related to Transparency, Access to Information, Protection of Whistleblowers and Human Rights, Including Freedom of Expression

Commitment	Relevance	Effectiveness	Sustainability	Country Average
13. Continue to strengthen national anti-corruption systems or measures and improve the conditions for the effective participation of civil society, social organizations, academia, the private sector, citizens and other social actors in overseeing governmental management, including the establishment of preventive mechanisms, channels to report possible acts of corruption, as well to facilitate the work of citizen observatories or other mechanisms of social oversight, encouraging the adoption of electronic participation systems.	1.80	1.60	2.00	1.80
14. Promote and/or reinforce the implementation of national and, when appropriate, subnational plans and policies in matters regarding open government, digital government, open data, fiscal transparency, open budgets, electronic systems designed to aid in public procurement and contracting and public registry of State providers, taking into account civil society and other social actors' participation.	2.20	2.40	2.80	2.47
15. Consolidate the autonomy and independence of high-level oversight bodies.	0.80	1.20	1.00	1.00
16. Implement and/or strengthen transparency bodies and access to public information based on the best international practices applied.	2.20	2.20	2.20	2.20
18. Compile statistics and indicators not only in Argentina but also in other countries that would allow the evaluation of the impact of transparency and anti-corruption policies and, thus, reinforcing the State's capabilities in the matter.	1.40	1.00	1.80	1.40
21. Promote the adoption and /or strengthening of legislative measures necessary to criminalize acts of corruption and other related acts, in accordance with the United Nations Convention Against Corruption (UNCAC), the United Nations Convention Against Transnational Organized Crime and the Inter-American Convention Against Corruption (ICAC).	2.00	2.00	2.00	2.00
22. Protect whistleblowers, witnesses and informants of acts of corruption from intimidation and retaliation.	0.80	1.00	0.80	0.87

Financing of Political Organizations and Election Campaigns

Table 3. Criteria for the Monitoring of Agreements Related to the Financing of Political Organizations and Electoral Campaigns

Commitment	Relevance	Effectiveness	Sustainability	Country Average
25. Promote the adoption and/or strengthening of measures that promote transparency, accountability, proper accounting and banking income and expenditures of political parties and organizations, especially when it pertains to their election campaigns, thus guaranteeing that the contributions have been legally obtained and the consequences when they otherwise haven't been obtained in a legal and lawful manner.	1.60	1.60	2.00	1.73

Prevention of Corruption, in Public Works, Contracting and Public Procurement

Table 4. Criteria for the Monitoring of Agreements Related to Prevention of Corruption in Public Works, Contracting and Public Procurement

Commitment	Relevance	Effectiveness	Sustainability	Country Average
27. Promote the use of electronic systems for government procurement, contracting of services and public works in order to ensure transparency, publicizing, citizen oversight and effective accountability.	2.00	2.00	2.00	2.00
29. Promote the inclusion of anti-corruption clauses in all State and public-private associations contracts and establish registries of natural and legal persons linked to acts of corruption and money laundering to prevent their hiring.	1.00	1.20	1.20	1.13
33. Implement measures to reduce bureaucracy and simplify procedures at all levels of government to prevent corruption.	2.00	2.20	2.00	2.07

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

Table 5. Criteria for the Monitoring of Agreements Related to International Legal Cooperation; Fight Against Bribery, International Corruption, Organized Crime and Money Laundering; and Asset Recovery

Commitment	Relevance	Effectiveness	Sustainability	Country Average
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<p>37. Promote the broadest cooperation between judicial authorities, police departments, prosecutors, financial intelligence units and administrative authorities, in investigations and procedures relating to crimes of corruption, money laundering, bribery both local and transnational.</p>	2.40	2.00	2.00	2.13
<p>41. Encourage the adoption or reinforcing of measures carried out by competent institutions, to allow preventive embargo, asset forfeiture and the confiscation of assets resulting from corruption.</p>	1.40	1.20	1.20	1.27



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