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## PERU REPORT

### Follow-up on the Lima Agreement

### Citizen Corruption Observatory



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Country: Peru ——— Local partner: DESCO ——— Partner organization: PROETICA

## Credits

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## Abbreviations

CAN = Andean Community (Comunidad Andina)

CAS = Administrative service contract (Contrato administrativo de servicios)

CCO = Citizen Corruption Observatory

CFA = Citizen Forum of the Americas

CGR = Comptroller General (Contraloría General de la República)

CPA = Anti-Corruption Exclusive Council (Consejo Privativo Anticorrupción)

CRA = Anti-Corruption Regional Commissions (Comisiones Regionales Anticorrupción)

CSO = Civil society organization

JNE = National Election Jury (Jurado Nacional de Elecciones)

NGO = Non-governmental organization

OECD = Organization for Economic Co-operation and Development

OGP = Open Government Partnership (Alianza de Gobierno Abierto)

ONPE = National Office for Election Processes (Oficina Nacional de Procesos Electorales)

OSCE = Supervising Organism for State Public Procurement (Organismo Supervisor de las Contrataciones del Estado)

PASCA = Civil Society Participation in the Summit of the Americas (Participación de la Sociedad Civil en la Cumbre de las Américas)

PCM = Presidency of the Cabinet (Presidencia del Consejo de Ministros)

REDLAD = Latin American and Caribbean Network for Democracy



## 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 8<sup>th</sup> 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.

To this effect, the aim of the national report is to present a summary of the results and conclusions of the follow-up on the progress and/or compliance of the 2018 Summit in Peru. These results and conclusions have been built on the follow-up methodology to the Lima Agreement<sup>1</sup> and the data review carried out by thirteen civil society organizations. The whole data collected within the framework of the follow-up can be viewed on the CCO website<sup>2</sup>.

The methodology for monitoring the Lima Agreement allows civil society to assess the progress and/or compliance with 19 commitments prioritized<sup>3</sup> by the CCO for monitoring in each of the countries participating in this observatory. The follow-up is based on the review of developments at both the policy and practical levels made by national governments over the last two years in respect to commitments made in the fight against 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 commitments made. For this purpose, 64 questions were constructed, which were answered through requests for information, interviews, reference to media reports, reports and research on the subject, among others. This information is the basis for evaluating each commitment in terms of effectiveness, efficiency and sustainability<sup>4</sup>.

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<sup>1</sup> The methodology can be reviewed at <https://occ-america.com/metodologia/>

<sup>2</sup> Available on <https://occ-america.com/>

<sup>3</sup> The 19 commitments were prioritized taking into account the possibility of making a comparative analysis in all of the CCO participating countries.

<sup>4</sup> The methodological aspects of this assessment will be presented in more detail further on in the report.



## Participating Organizations

In Peru, thirteen civil society organizations or networks—representing several regions in the country and population groups—have participated in the follow-up process to the Lima Agreement.

A total of twenty-one organizations currently working in the country were invited to join the initiative. Two meetings were held with them, informing on the CCO as a whole, its dynamics, benefits and the methodology of the follow-up process to monitor the agreements prioritized in the Lima Agreement. The methodology was explained in full detail; two meetings to validate normative indicators were held; and also a follow-up meeting on the practical indicators. A special feature in the Peruvian case was that four people from the organizations supported the CSO entering and assessing the indicators, requesting information and carrying out interviews. In the end, thirteen organizations completed the process in the established timeframe. The report was produced by desco and shared with the organizations for validation—thus, some input has been included into this final version, approved and endorsed by all of them.



**Centro de Estudios y Promoción del Desarrollo - desco** is a non-governmental institution of the Peruvian civil society. For 55 years it has been dedicated to promoting the social development and capacity building of the most disadvantaged groups in the country. It is a private civil association with public aims, and it interacts with people's organizations, social and political actors, and state organizations in order to contribute to the capacity building of the civil society and the formulation of development proposals.

**desco** is the national coordinator and has led the follow-up process of the commitments prioritized in the CCO. It carried out presentations of the methodology and training on the use of the platform, as well as discussions and reflections regarding the commitments. desco also reached agreements with the CSOs representing the CFA on normative indicators, and established accords with 12 of them to assess the practice indicators. desco is also the focal point in Peru, and it is member of the CFA's executive board representing the Andean region.



**Grupo Propuesta Ciudadana - GPC** is a partnership of 10 institutions (NGOs) working in 12 regions in the country. It promotes the role and participation of social organizations and movements to consolidate the democratic system in Peru. It prompts transparency in public management, as well as citizen participation in multi-actor spaces for dialog. A focal point in Peru since 2016<sup>5</sup> and from the CFA, it promotes the articulation, reflection processes and the generation of proposals for CSO participation in the Summit of the Americas.

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<sup>5</sup> There are two CFA focal points in Peru—desco and the GPC.



As part of the CCO efforts, this group contributes with the follow-up of the Lima Agreement, participating in the prioritization of commitments, validation of indicators, and monitoring its compliance through evidence and reflection regarding its results.



**Proética**  
CAPÍTULO PERUANO DE TRANSPARENCY  
INTERNACIONAL

**Proética, Transparency International chapter in Peru** was formed in 2002 as the first Peruvian NGO dedicated exclusively to promoting ethics and fighting against corruption. Since then, it has carried out different activities with the aim of eradicating corruption from the country, studying this phenomenon and its causes, as well as promoting the involvement of other institutions in this issue and their actions against corruption. Along with prominent civil society organizations and a partnership of other Transparency International chapters in Latin America, it leads the CCO with the main goal of monitoring the compliance with the Lima Agreement. In Peru, this initiative is developed by desco, which leads the Citizen Forum of the Americas-Peru, a group of organizations seeking to strengthen participation in the Summit of the Americas, where Proética takes part.



**Red Interquorum** is a non-profit association oriented to strengthening democracy, human rights and environmental sustainability, with no political or religious affiliation. It was created with the ultimate goal of maintaining the validity and actions of citizen mobilization of young volunteers through inter-quorum local networks nationwide, with a focus on empowering youths and its lines of work. Its mission is to “promote the sustainable empowerment of youths with democratic values.”

It takes active and constant part in the CCO in order to achieve the country objectives. It coordinates the CFA-Peru’s northern macro-region. It has also carried out the validation of the practice indicators in the platform.



**cedepas norte**  
CENTRO DE ESTUDIOS Y PROMOCIÓN DEL DESARROLLO

**Cedepas Norte** is a non-profit civil association promoting human development since 1984, and improving income levels and reducing poverty in the intervention areas. With a gender-based approach, it builds the economic and social capacities of women and men for the effective exercise of their rights. It prioritized the relationships with small-scale farming producers, irrigation users, local and regional authorities, and leaders of the civil society to promote processes of institutional and productive transformation. Its interventions are grouped in three themes: the consolidation of local governance, democratic institutions, and social capital; the sustainable management of natural resources and the environment; and the competitiveness of economic sectors of the northern macro-region.

It coordinates the CFA-Peru’s northern macro-region. It has also carried out the validation of the practice indicators in the CCO’s follow-up platform.



**Mesa de Diálogo de la Mujer de Huancayo (MDM-Huancayo)** is one of the nine roundtables constituting the Regional Council of Women in Junín (CRMJ), in charge of proposing, promoting, advising and guaranteeing the sustainability of the proposals from the Regional Council of women and the formulation of gender-based policies in its jurisdictional scope.

It prompts, proposes, advocates, manages and supervises the formulation of public policies within the framework of gender equity and equal opportunities, based on the citizen participation of women, and contributing to the full exercise of their civil, political, social, economic, and cultural rights. It works in seven themes—health, labor, violence against women, political participation, education, environment, and institutional. It coordinates CFA-Peru’s central macro-region, and has assessed the practice indicators of the PCC platform.



**Instituto de Desarrollo Socioeconómico Prospectiva Amazónica** is a non-profit association duly constituted and registered in the Public Records. It is dedicated to researching the economic, social and political processes in the country in

general, and specifically in the Amazonian region. Among the Institute’s goals, it seeks to “promote the economic culture, the study and development of economic and social issues, and the interdisciplinary research.” Likewise, it seeks to “develop and promote critical and amendment studies of the regulations within economic, social, and legal institutions, contributing to the progress of the country.” It consistently releases *Prospectiva Amazónica* (436 issues); *Nota de Información de Transparencia* (117 issues), and *Comentarios de Prospectiva* (121 notes). It is a part of CFA-Peru; its director is the coordinator of CFA-Peru’s Eastern macro-region. It has assessed the practice indicators in the CCO.



**Colectivo Uniones Perú** is a collective organization working for the social and legal recognition of same-sex unions and the diversity of existing family forms. It promotes the debate on LGBTI common-law relationships, LGBTI sexual and reproductive rights, and LGBTI citizenship.

Uniones has had an active role in supplementing the information, the validation of the practice indicators and the follow-up and advice to three social organizations that joined the process. It joined the CFA since the beginning.



**Centro de Desarrollo de la Mujer Negra Peruana – CEDEMUNEP** is an association working in favor of the Afro-Peruvian peoples for over 23 years and particularly for Afro-Peruvian women. Its main focus is fighting racism and ethnic discrimination, poverty and extreme poverty, and the respect and fulfillment of human and citizen rights, social economic, political and cultural rights. One of its strategies is based on the advocacy

work of Afro-Peruvian women and their particular demands, both at national and international levels.



Its role in the CCO is monitoring the commitments reached in the Summit of the Americas and the general assemblies, voicing the demands of the Afro-Peruvian community and those of African descent, and the challenges and obstacles they endure due to the structural racism and ethnic discrimination. It joined the CFA since the beginning.



**Red Ambiental Peruana – RAP** groups an organic cluster of 40 private Peruvian institutions working to improve environmental management and to increase the environmental knowledge and awareness for the preservation of nature and the improvement of the quality of life of present and future generations. RAP promotes corporate initiatives of the civil society in the important environmental issues and also the dialog between the civil society, the public sector and the private sector. At institutional level, it coordinates with the Peruvian Environmental Roundtable (Mesa Ambiental Peruana), with several environmental networks and communities, and with indigenous peoples.

Its role within the CCO includes efforts to raise awareness in the Peruvian society on the corruption at the three levels of government, prioritizing environmental issues. It joined the CFA since the beginning,



**Consejo Interreligioso del Perú – Religiones por la Paz** is the body where religious communities in Peru can meet, dialog and fraternize. It encourages, promotes and mobilized inter-religion cooperation through actions for peace, solidarity and care for creation, and the promotion of ethical and moral values in the country. As a member of the Religions for Peace world family, it shares the mission of promoting the cooperation among religious communities worldwide—including inter-religion dialog—, but also going further and allowing common actions for peace. It comprises the religious communities of all creeds in the country through their representatives.

It takes active and constant part in the CCO in order to achieve the proposed goals as a country. It participated in the validation of the practice indicators in the platform. It joined the CFA after the 8<sup>th</sup> Summit.



**Federación Nacional de Mujeres Campesinas, Artesanas, Indígenas, Nativas y Asalariadas del Perú – FENMUCARINAP** is a women’s social organization created in Lima in 2006 by peasant female leaders from different regions to promote, channel and raise awareness on the social, economic, ecological, cultural and political role of rural and migrant women, of the indigenous, native and original peoples of Peru in order to achieve an effective exercise of equal rights and opportunities for women and men, free of violence, subordination and exclusion, with better living conditions.

The Federation considers of critical importance to inform the 19 commitments from the perspective of indigenous and native women. They provided and collected data on corruption in the practice indicators, because in certain cases it has affected them directly, and other

opinion indicators according to their tasks as part of the civil society. It joined the process in 2021.



**Nodo Nacional Anticorrupción** are civil society groupings and social actors working nationwide in the area of prevention and fight against corruption. This space was created by the Summits Secretary to monitor the agreements adopted in the 8<sup>th</sup> Summit of the Americas. Nodo Perú was invited to participate in the CCO, given its core theme, which is related to our goals. Nine organizations of the CFA-Peru are part of the Nodo.

The Nodo has had an active role in supplementing the information on the normative indicators, the validation of the practice indicators and the follow-up and advice to the three social organizations that joined the process.

## Peruvian Context

In the past five years, the idea that Peruvian politics revolved around corruption became mainstream. This is the main impact of the Lava Jato case<sup>6</sup>. Since then, however, Peru has made important progress to prosecute crime, although with pending challenges in other components of the necessary anti-corruption strategy. Among these, the control systems, increasing the transparency standards, a more efficient public management with qualified human resources, citizen participation in the strategies against corruption, and the decentralization of operators and instruments of this strategy.

In this regard, it is worth noting that corruption was a problem that reached increasingly greater visibility. In 2013, Act 29976 was enacted, and created the High-Level Anti-Corruption Commission, with the aim of coordinating efforts and actions, and proposing short-, medium- and long-term policies to prevent and fight against corruption in the country.

After this, in September 2017, these efforts were intensified when the National Policy on Integrity and Fight against Corruption was endorsed through the Supreme Decree 092-2017 PCM. Already in 2018, the PCM's Secretariat of Public Integrity (PCM, 2018) had been created as the body responsible of governing the National Policy on Integrity and Fight against Corruption, as well as developing the mechanisms and instruments to prevent and manage the risks of corruption.

Within this framework, the 2018-2021 National Plan on Integrity and Fight against Corruption was implemented (PCM, 2018a). This is the core instrument of the Peruvian strategy, and it has been built on the following baseline documents:

- “Stopping Corruption, the Great Battle of these Times”, a report by the Presidential Commission on Integrity (December, 2016).

<sup>6</sup> In March, 2014 the biggest corruption scandal in the history of Brazil broke. The first implications of the Lava Jato case in Peru occurred in August, 2015, when Jose Dirceu—former advisor to President Lula de Silva, who had just been arrested—said he had met with public officials of the government of President Alan García.



- “Strengthen the Integrity of the Public Service for an Inclusive Development”, a study by the OECD on integrity in Peru (2017).
- “100 actions proposed by the Attorney General to build a country with no corruption” (June, 2017).
- Ombudsman’s Report # 176: Anti-Corruption Sectoral Plans. Recommendations to improve the formulation (March, 2017).
- Summit of the Americas’ Lima Agreement (May, 2018).

The latter is especially relevant in that it is one of the components for the strategies and actions of the CFA and the Citizen Corruption Observatory.

Along with these actions, the management of the proceedings in cases of corruption were improved. To that effect, the redesign of prosecutor offices specializing in corruption cases began in 2011—an ongoing effort to the date (MINJUS, 2015); the Comptroller General was strengthened, now with sanctioning capabilities (Congreso de la República, 2018); the Specialized System for Corruption Offenses of Public Officials (SEDCF) was created, headed by the Judiciary Branch (Castañeda Otsu, 2018); prosecution offices specializing in corruption cases were strengthened; among other measures.

Despite this undeniable progress, the warnings from the civil society organizations were turned on periodically. For example, when prosecutor Julia Príncipe was removed from office in 2017 amidst suspicion of operating with political motivations, the head of Proética, Peruvian chapter of Transparency International, along with other Peruvian civil society organizations, announced that his organization was submitting an initiative to modify the institutional design of the prosecutor offices tasked with the fight against organized crime (Proética, 2017).

The current results are still poor. According to the Comptroller General (Shack, Pérez & Portugal, 2020), during the subsequent control interventions (Shack & Lozada, 2020), the amount of economic financial loss due to corruption in Peru in 2019 is around 15% of the Public Budget (around 3% of the gross domestic product).

For Civicus (CIVICUS, 2021), Peru is an “obstructed” civic space, in other words, less favorable for the work of CSOs. Thus, it is necessary to guarantee the work of the CSOs seeking to improve the results of the actions against corruption, especially when the agenda on corruption is now worn out, a situation which should be reverted (Proética, 2019).

The current election process in Peru is an accurate expression of this: no candidate offered proposals to reduce effect of corruption in the State, and little was mentioned around steps that had already been taken or were set aside because they were deemed ineffective<sup>7</sup>.

Conversely, the health crisis is an opportunity to apply innovative control mechanisms where social control plays a central role (Shack, 2021). The Comptroller General provided new mechanisms for civic supervision, such as the website “COVID-19 Control and Transparency

<sup>7</sup> Source: Proética website (2021) <https://www.proetica.org.pe/contenido/propuestas-electorales-contra-la-corrupcion/>



Monitor”, which was useful to provide citizens with information of the coverage of the control services.

Finally, assuming the reduced scope of the control system, efforts were doubled in order to expand the coverage. The Comptroller General reached a historical record: in 2020, 88% (1878) of all local entities—including district and provincial municipalities, public companies, charities and other entities—were subject to simultaneous control services of different types, such as citizen participation in the process of procurement and distribution of essential family baskets of goods.

## Results in Peru

As a result of the 8<sup>th</sup> 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” in which 57 commitments were made, 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 of the American hemisphere.

Four criteria were considered to select the commitments in the follow-up process: these had to be useful to analyze anti-corruption actions in the countries in the region, and also sustainable actions with a possibility of being institutionalized, incorporating new approaches in the anti-corruption actions and including the view of vulnerable people. As a result, 19 commitments were selected and classified in five specific themes:

- 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 regulatory and practical developments which were rated on a scale<sup>8</sup> of 0 to 3, taking into account the following follow-up criteria:

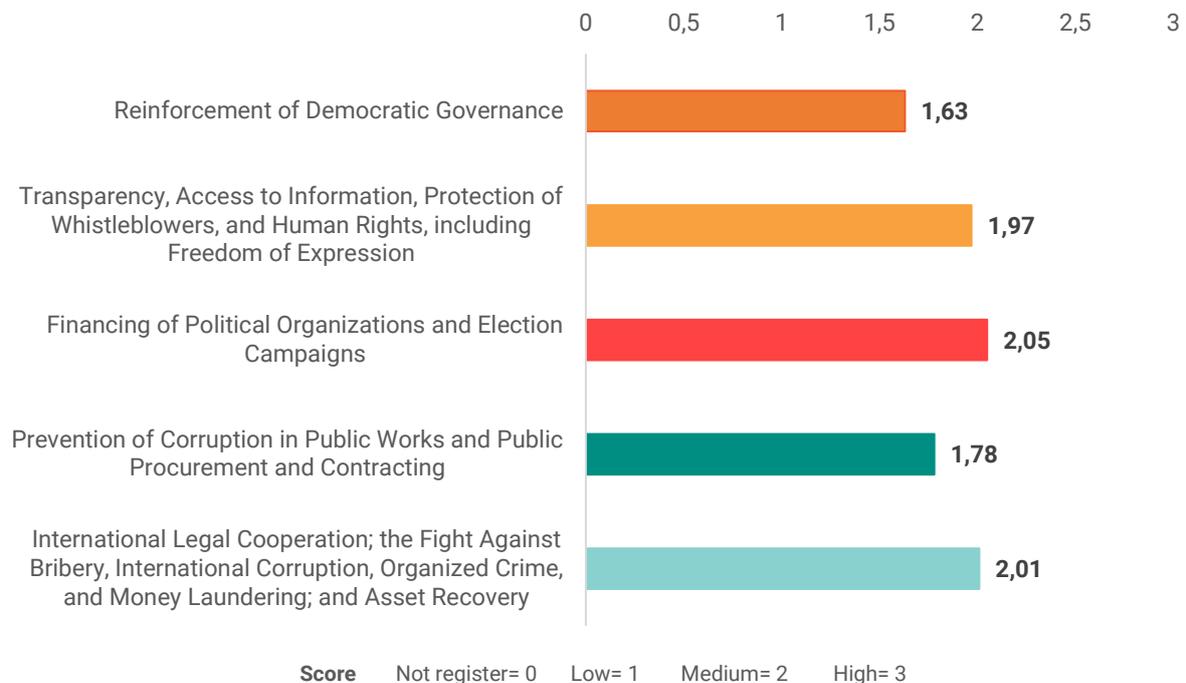
- **Effectiveness:** Establishes to what extent the actions developed by the government as a result of the Lima Agreement contribute to the fight against corruption in the country.
- **Relevance:** Establishes to what extent the actions developed by the government are timely, convenient and adequate 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.

<sup>8</sup> Rated on a scale of 0 to 3: 0= no records, 1=low, 2=medium, and 3=high



Chart No. 1 presents the general results for Peru within the five themes where the commitments were classified:

Chart 1<sup>9</sup>. Lima Agreement topic results



Compilation based on information provided by the CSOs participating in the CCO platform.

- The growing unrest and outrage reflected in the social mobilizations in Latin America and Peru come from a situation perceived as unfair, generated by the frustrations of expectations. One of the main causes points to an ineffective State which does not address nor give a satisfactory answer to basic demands of the people, and to the widespread feeling that “somebody” is benefitting from the situation—for instance, the indigenous and Afro-Peruvian populations, most of whom have been subject to structural and systemic racism, which in turn increases the inequity gaps.
- Thereby, the greatest challenge for Latin American and Peruvian democracies is the consolidation of institutions. At present, citizen perception of corruption in officials and authorities is extremely high, which results in very poor and less apt conditions for appropriate governance.
- The situation described fuels a growing distrust in citizens towards the institutions of the State. In this regard, the generalized mistrust damages the legitimacy of the Judiciary Branch and other agencies of the administration and justice prosecution.

<sup>9</sup> The colors implemented in the charts of this document reflect the decision made for each of the themes for the CCO, and do not represent a numeric scale.

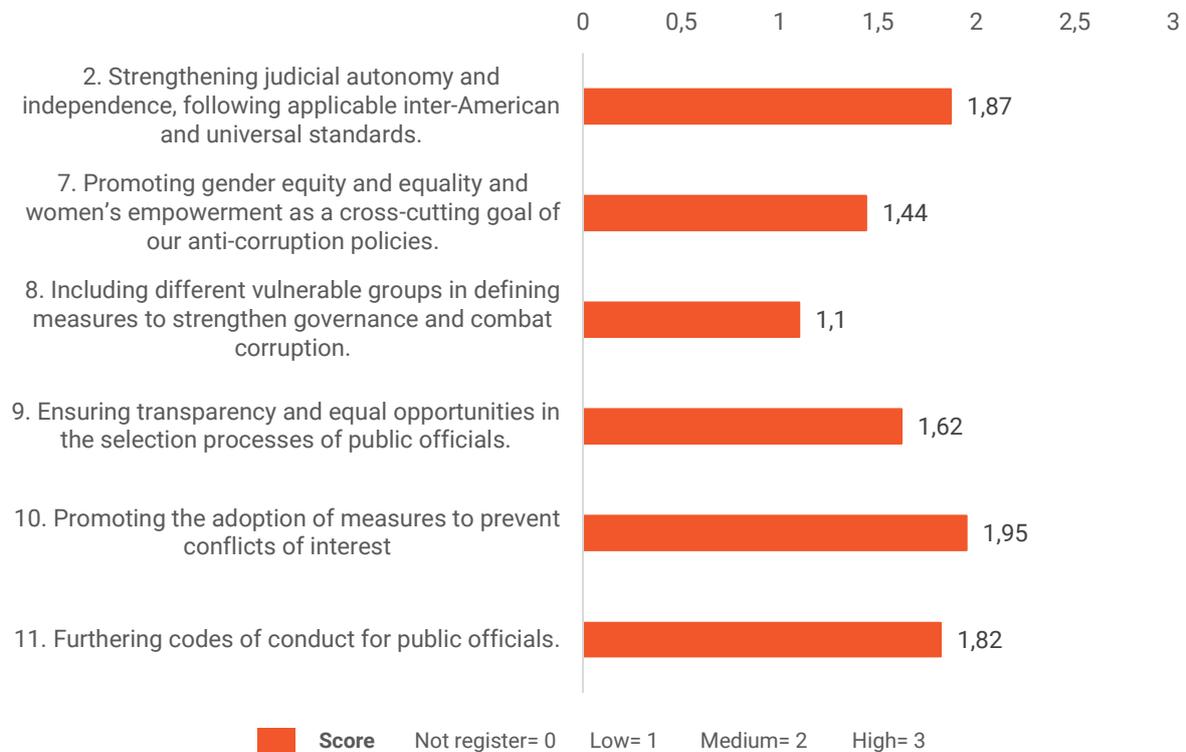


- There are two significant bottlenecks for democratic governance: an increasingly questioned representativeness of the elected authorities and the lack of electoral legitimacy to harbor good relations between those governing and those governed.
- The territorial inequities between the central nodes of development (i.e., Lima) and the rest of the territory are usually too broad, and this is counterproductive for the expected balance of a democratic government and the proper performance of its institutions.
- Peru has problems to implement data and monitoring systems of its public policies—especially in certain sectors at sub-national level—despite the relative progress in transparency and access to information. Support for the development of statistical capacities, including measuring and managing data, is minimal. The information produced by the Peruvian State is usually inappropriate and sometimes irrelevant, even when it can be of good quality. It is therefore important to include questions like ethnic self-identification in the statistical data, which will allow to steer public policies according to each reality and need.
- A great deal of the inefficiency of the control system is due to the lack of approaches and appropriate coordination of the public policies. Some policies and practices discourages monitoring, especially the proliferation of results-based frameworks and small interventions associated with data. This leads to non-harmonized approaches to monitor policies.
- Democratic governance, capable of eradicating corruption, demands strengthened areas and instruments at sub-national levels—regional and local—, as well as an active presence of regional agencies of autonomous control bodies, such as the Comptroller General (CGR), the Supervising Organism for State Public Procurement (OSCE), among others.
- Democratic governance and the control of State actions need a decided and profound boost from citizen participation, clearly establishing scope and capacities that will allow a greater legitimacy of the actions of the State.



## 1. Reinforcement of Democratic Governance

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



Compilation based on information provided by the CSOs participating in the CCO platform.

- Even when regulations and actions against corruption have been implemented, citizen perception is still quite negative, especially towards the Judiciary Branch, where problems dating decades still linger, like a poor internal control, a high number of interim judges and the extreme weakness of basic justice.
- There is a clear lack of competent human resources and proper management of financial resources for a greater interoperability within the judiciary system. Nevertheless, it is worth mentioning the creation of the Judicial National Board (Junta Nacional de Justicia), which replaced the National Council of the Judiciary (Consejo Nacional de la Magistratura), as the body responsible for selecting and appointing judges. This is relevant and necessary to strengthen the judiciary system.
- There are clear efforts to move forward regarding commitment No. 10 (1,95/3,0), the best rated in the thematic area, even when the estimate was taken on decisions taken prior to the endorsement of the Lima Agreement—for example, when the Comptroller General implements a Modernization Plan aiming to improve the control services of

the State related to affidavits. This is also associated to commitment No. 11(1,82/3,0), referring to the normative development around the Public Service Code of Ethics. But all this needs to be backed by complementary provisions, such as detailed sanctions, in order to achieve their goal. To that effect, one essential issue is that the State does not have an approximate number of civil servants—and among them, around 22% are estimated to be CAS (administrative service contract), which means no moral duty to the State. In March, 2021, Act 31131 was enacted to end the CAS modality, although it has not been implemented yet.

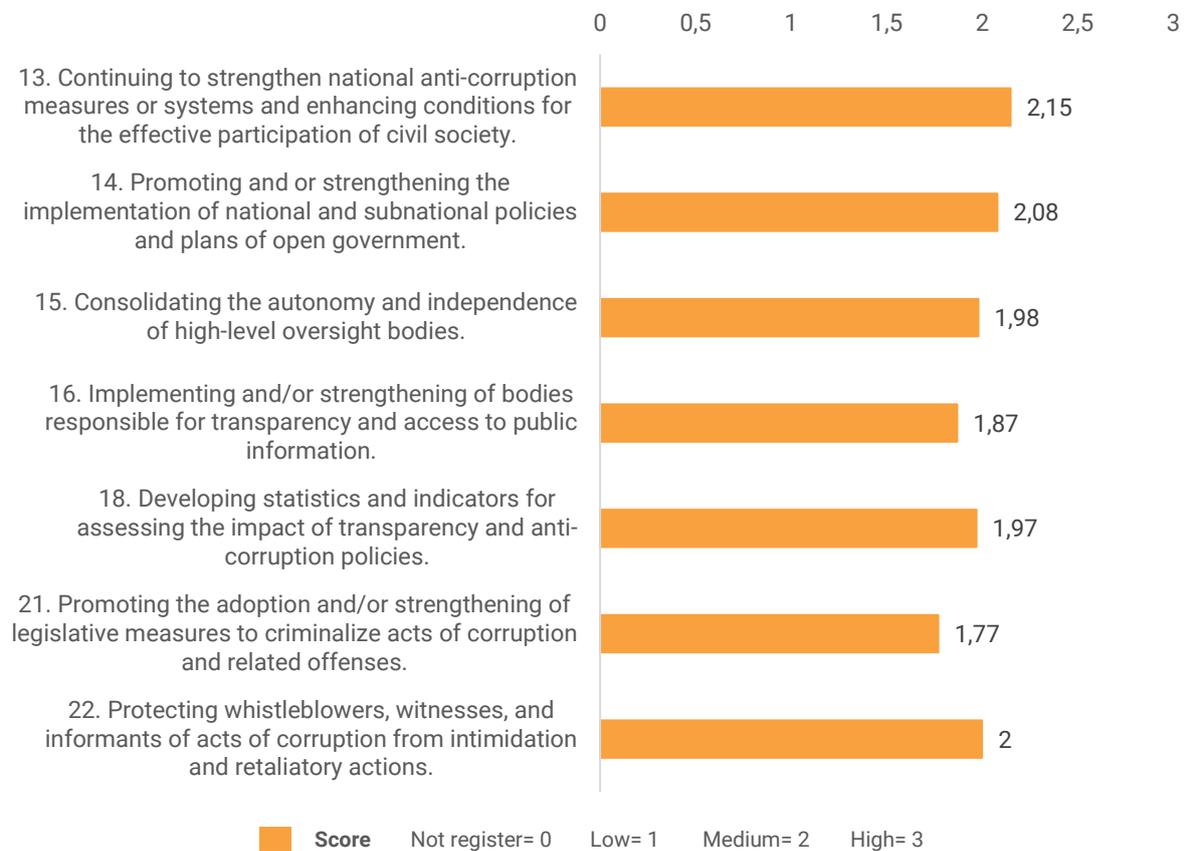
- The worst rated commitment was No. 8 (1,1/3,0). This indicates a huge deficiency regarding gender equality and inclusion of vulnerable groups, such as indigenous and Afro-Peruvian populations, people with disabilities, and LGTBI. The National Policy on Integrity and Fight against Corruption does not have a gender-based approach, therefore it cannot promote equality, parity nor the empowerment of women in anti-corruption policies. The steps taken are insufficient, ineffective and non-sustainable. Likewise, no actions have been taken to comply with this commitment regarding vulnerable populations. In that sense, one of the central issues is the little attention to the use and development of appropriate technologies allowing to include more people with disabilities. In brief, the measures undertaken do not identify women nor vulnerable populations, and they cannot cover their rights potentially violated rights due to corrupt practices.

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

- In Peru, the transparency standards have deteriorated in the last few years, and the mechanisms to comply with them are rarely efficient. These are not clearly perceived, because it is complicated to access them or even become aware of their existence and usefulness. In this regard, the reforms of the public service to achieve greater transparency have been important in the last decades, but incomplete and weak in the face of political and administrative resistance. Many of these measures are intended to identifying, reporting, and sanctioning bad practices—not preventing them. This also adds up to its very limited efficiency. On the other hand, the Comptroller General has been strengthened with sanctioning capacities, although it is not yet fully autonomous (especially in budget issues, a problem that all decentralized public organisms also suffer, such as the Ombudsman's Office).



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



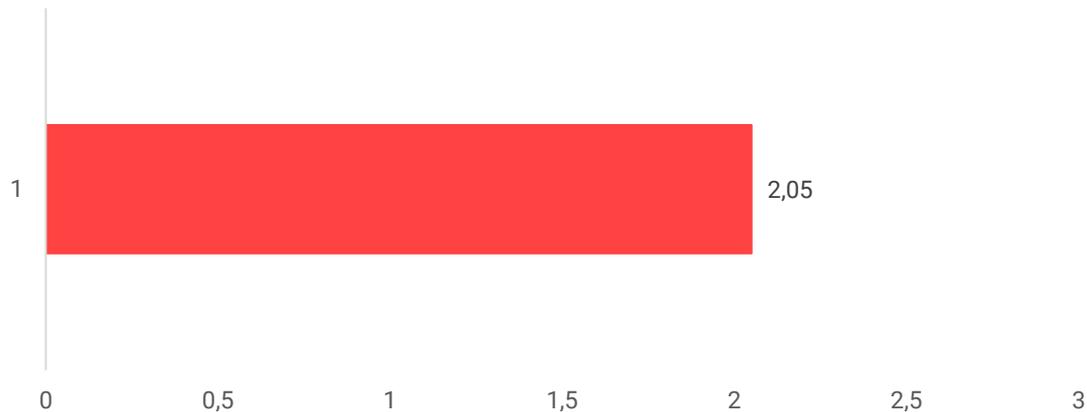
Compilation based on information provided by the CSOs participating in the CCO platform.

- Commitment No. 13 got the best rating (2,15/3,0) in this thematic area. Despite existing problems, the results in transparency are considered good. Efforts to implement and consolidate open government have been visible, even when their mechanisms need greater boost and dissemination (workshops). Likewise, the efforts made for sub-national governments (regional and local) to display greater transparency—whether through information in their websites, adaptation to open government or the use of open data—are also valued. The regulations and policies aiming to the protection of witnesses and immunized witnesses in cases of corruption are also considered important aspects.
- The worst rated commitment in this thematic area was No. 21 (1,77/3,0). It is important to note that all behaviors defined as corrupt by the Criminal Code refer to the public official as the active agent of the crime and not to private agents. This contradicts the modern doctrines where private agents are liable to commit and be sanctioned for these offenses. In addition, the lack of a gender-based approach prevents the impact of corruption on women to be visible, and thus taking legal action against crimes that

affect them. On the other hand, the legislation is generating some impact thanks to the investigations of big corruption cases, although cases of small-scale corruption go unnoticed, and some offenses or suspicions of corruption have not been clearly typified yet.

### 3. Financing of Political Organizations and Election Campaigns

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



■ 25. 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 electoral campaigns.

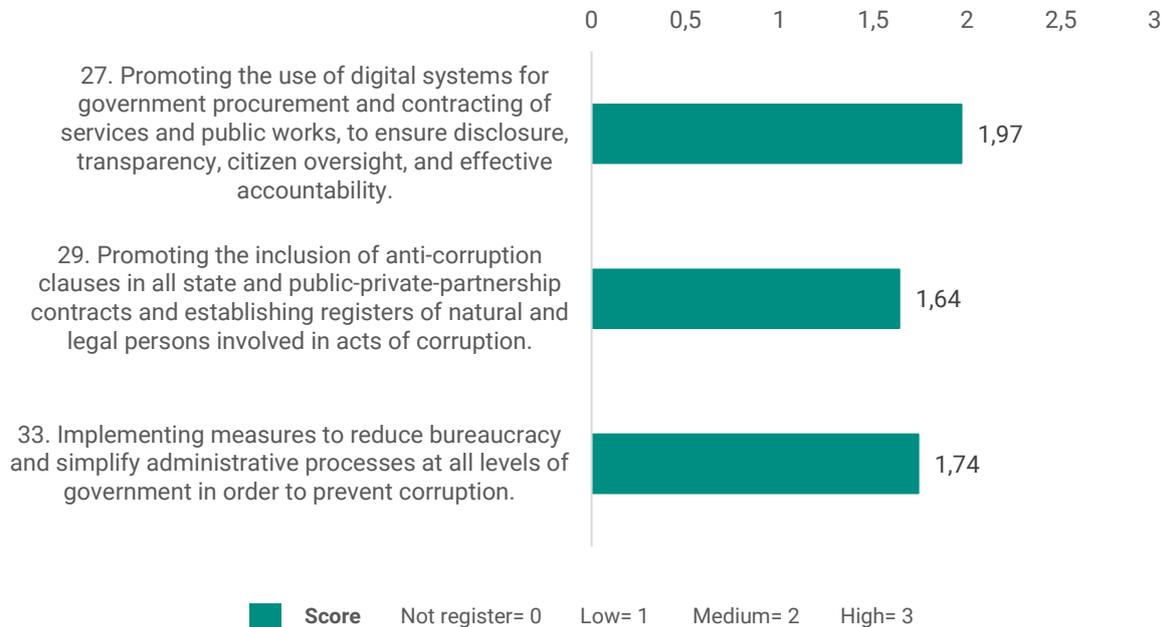
■ Score Not register= 0 Low= 1 Medium= 2 High= 3

Compilation based on information provided by the CSOs participating in the CCO platform.

- Even if the CCO rating of commitment No. 25 (2,05/3,0) shows an average rating. Private financing is a significant problem for political parties in Peru, due to the highly probable practice of money laundering.
- Furthermore, in September, 2020, the Law on Political Financing was enacted, which meant some progress, especially in transparency, accountability and determining sanctions. Likewise, another main progress was the veto on any contribution from private companies, which was included in the Law of Political Organizations (2017). However, the list of sanctions for those breaching this provision has yet to be regulated. In the recent election campaign (January to April, 2021), resources for political parties have been greatly reduced, as compared to previous occasions. All this progress in the current legislation is not likely to backtrack.

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

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



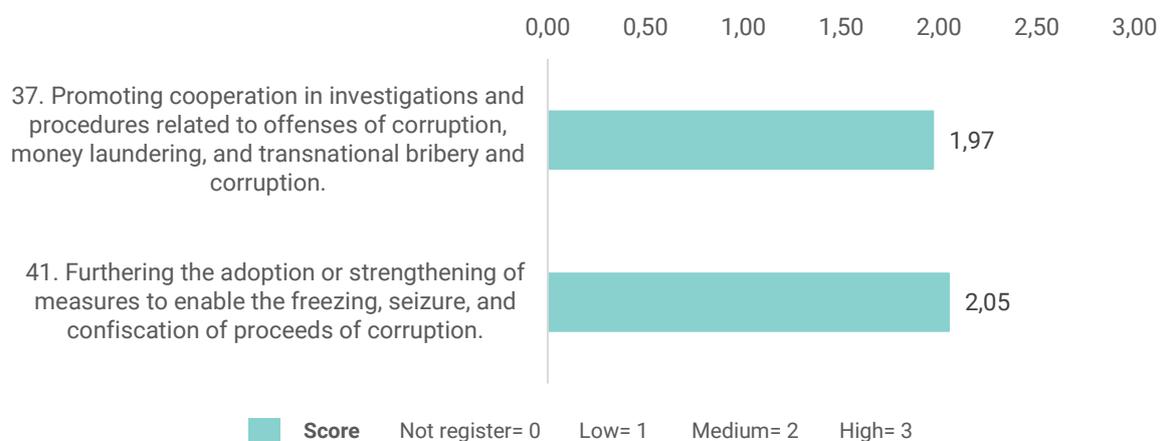
Compilation based on information provided by the CSOs participating in the CCO platform.

- Corruption prevention is the thematic area which, in general terms, got the worst rating in the follow-up activity. Even so, Peru has anti-corruption provisions in all government contracts, a unanimous measure since 2017, seeking to support audits and the adoption of measures defending state guarantees in cases of corruption. On the other hand, the country has held several processes of administrative simplification in the past few decades with overall acceptable results. Still, contractors, providers, business people and citizens raise complaints and show discomfort for what many in the country have dubbed “paperworkology” (*tramitología*).
- Commitment No. 27 got the highest rating (1,97/3,0) in this thematic area. The State is the main contractor in the country and one of its weaknesses is the lack of a governing body in the Procurement System. Furthermore, state organisms are encouraged to spend, but they care little for the quality of their expenditure. This might be remedied with electronic catalogs, the Providers’ Single File (which allows consolidating information to ensure the transparency of the providers’ conduct) and other tools. However, these mechanisms are still quite limited for citizens, for even when the information is available it is hard to comprehend, and there are no regular trainings.
- That said, commitment No. 29, on anti-corruption clauses, got the worst rating (1,64/3,0) due to observations made on the specificity of the responsibility of the contractors, and on the real impact to counteract the recruitment of people linked with

corruption or money laundering because of current cases of companies charged with bribe payments. Plus, these clauses should be part of the applied regulations to guarantee the legal classification of the responsibility of those involved with corruption and asset laundering, in order to avoid undermining the interests of the State.

## 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 the CSOs participating in the CCO platform.

- Peru has been progressively developing spaces for judiciary cooperation with other countries, especially from the Public Prosecutor’s Office. With the scandals of cases like Lava Jato, regulations and guidelines for action have been adjusted. All this progress is aligned with international commitments and especially with the recommendations of the OECD. Also, Peru has significantly progressed in generating regulations on the loss of control created long ago regarding drug trafficking, which now has expanded to cases of corruption.
- Commitment No. 41 (1,97/2,05) on the loss of control, regulations and proceedings, the CSOs considered them effective. However, the problem is on the judicial proceedings for corruption cases, usually quite slow, with shortcomings in the burden of proof and with many questioned sentences. In this respect, they should estimate how beneficial are the auctions of seized property on account of the pandemic, and whether their worth has increased or decreased. Accordingly, the actions allowing the preventive seizure of property will gain continuity as long as it remains within a democratic context.
- On the other hand, while examining the measures aiming to comply with commitment No. 41 (2,05/3,0), it became clear that—even when they have been adopted for judicial



cooperation and have greatly facilitated the work of public prosecutors abroad— the results also depend on the willingness of the authorities from other countries and that of those providing the information. In other words, cooperation needs to involve legal forms, such as immunized witnesses, with consequences in the committed countries. So even when certain actions have been carried out, it seems their results still fall short of expectations.

## Conclusions

As confirmed by this report, Peru had been making major progress regarding the eradication of corruption before endorsing the Lima Agreement. In this sense, a great deal of actions established in the Agreement had already been implemented or were about to be, whereas a significant percentage of these commitments were part of instruments (PCM, 2008) prior to the 2018-2021 National Plan on Integrity and Fight against Corruption (which incorporates the Lima Agreement as one of the basis for its formulation) (PCM, 2018b), which is the main current mechanism.

Thus, the significant level of compliance might indicate what had already been done and not so much the progress since 2018. Since 2008, when the first national plan against corruption is prompted, the guidelines of the Lima Agreement, such as the creation of an anti-corruption system, transparency practices and public service good governance, citizen participation, promotion of international mechanisms, among others, had started to develop.

Additionally, we need to consider that as of 2020, this 2018-2021 National Plan on Integrity and Fight against Corruption had a 70% progress (PCM, 2021). One of the most important pending aspects is setting in motion the regional anti-corruption commissions which are key to the organizational scheme to eradicate corruption from the country.

Even so, the achievements in the last few years are important. For example, the creation of a special system to prosecute these offenses in the Public Prosecutor's Office (Lava Jato Special Task Force), in the Judiciary Branch (specialized courts) and in the State Defense (Lava Jato Ad Hoc Prosecutors' Office); the creation of a legal framework for witness immunity (Act 30737), the creation of a mechanism to guarantee civil reparations in order to protect the State's interests, for instance with trusts, among others.

However, there are also pending issues and challenges. For instance, a key aspect is the insufficient alignment of national policies with multilateral instruments. It is quite clear that corruption is a worldwide phenomenon which needs greater clarity on (i) the Chancellery's powers for the compliance of international agreements around corruption; (ii) the Chancellery's mandate in international negotiations in the issue of corruption; (iii) Peru as a promotor of international initiatives, as it happened with the active participation of the civil society in the 8<sup>th</sup> Summit of the Americas in 2018; and (iv) the involvement of the Chancellery in the supervision of tenders carried out through international organisms like the United



Nations Office for Project Services (UNOPS)<sup>10</sup>, the International Organization for Migration (IOM)<sup>11</sup>, Organization of Ibero-American States for Education, Science and Culture (OEI)<sup>12</sup>, among others, an aspect which is not considered in the indicators of the Lima Agreement. Moreover, an important sector of the population ignores some measures and mechanisms due to technological limitations, time availability, little understanding of the processes or limitations due to the official wording. Greater dissemination and implementation of inclusive, friendly versions of these proceedings.

In addition, an undertreated aspect is pinpointing the root causes which enable corruption acts to occur. In this regard, there have been progress, the control system is still weak and facilitates the concession and execution of infrastructure works with no financial control. This system should also refer to “institutionalized” practices in the Peruvian State which are difficult to eradicate, such as the “bribing culture” in the construction industry through fees according to the size of the project (1% to 3%)<sup>13</sup> or through manipulated arbitration via corruption in order to gain favorable awards for the contractor companies. Likewise, it refers to the “revolving door” (Durand, 2016), a method of preventing the inspection of businesspeople in public offices which favor particular interests. Lastly, it is important to note that with the regulations and evidence regarding the impact of corruption on the rights of indigenous, Afro-Peruvian populations, people with disabilities, and LGTBI, it is not possible to enable their participation in decision-making settings to fight against corruption.

## Calls for Action

This being the case and considering the Peruvian context, the progress made, the lines of action and the overall Peruvian situation, the country needs social organizations to direct their actions towards the following:

In the area of Reinforcement of democratic governance:

1. Disseminate the impact of corruption in the gender gap, and the levels of exclusion of vulnerable people (indigenous peoples, Afro-Peruvians, people with disabilities, and LGTBI), perpetuating inequities. Moreover, the strategies against corruption need to include these groups explicitly.
2. Strengthening and elaborating on the National Plan and Policy on Integrity and Fight against Corruption, because even with their savable shortcomings, they propose goals and provide a basic structure for action at all levels of the State. This year (2021) the validity of the current Integrity Plan is ending, and it is an appropriate time to discuss

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<sup>10</sup> Please review information on the UNOPS in Peru on: <https://www.unops.org/es/peru>

<sup>11</sup> Please review information on the IOM in Peru on: <https://peru.iom.int/>

<sup>12</sup> Please review information on the OEI in Peru on: <https://oei.int/oficinas/peru>

<sup>13</sup> Which became known with the so called “Construction Club”, which has spread its *modus operandi* in the private and the public sectors.



the difficulties found, the results and changes needed in order to achieve the intended outcomes.

3. Encourage and strengthen citizen participation in the fight against corruption, actively involving the civil society in transparency, monitoring and citizen control. To that effect, capacity building should be transferred from the organizations with more experience in this field towards those who want to monitor sectors like healthcare, education, labor and others where corruption issues are sensitive, as well as those who seek to take part in these strategies.
4. Sanction the Anti-Corruption Regional Commissions' (CRA) and the Anti-Corruption Exclusive Council's (CPA) failure to operate, as well as promoting their work within the National Plan against Corruption, including the participation of vulnerable groups (indigenous, Afro-Peruvian peoples, people with disabilities, and LGTBI) in the anti-corruption institutional plans (at regional, provincial and district levels).

In the area of Transparency and access to information:

5. Disseminate citizen awareness on the eradication of corruption and prevent the normalization of unethical behaviors, because they have an impact on everyday life. It is not only a matter of taking public resources, but a factor which erodes the trust towards the State and to other citizens. It is not possible to build a democratic society with high levels of corruption perception.
6. Promote an anti-corruption approach from the civil society which exceeds the legalistic framework of the State approach (prosecute and sanction the offense) and which promotes goals of capacity building through transparency, monitoring, enforceability and accountability. The eradication of corruption needs to increase the extremely low trust that Peruvians have to their State authorities.
7. Strengthen the technical capacities to implement anti-corruption tools, especially in the regional and local governments. At those subnational levels, the State tools to reduce corruption are essentially non-existent, and it is there where more difficulties arise for an effective control of the relevant agencies.
8. Disseminate the Open Government Partnership (OGP) in a way that citizen interest and participation be understood as a right and a duty to commit to and be involved in the processes of public institutions.

In the area of Financing of political organizations and election campaigns:

9. Promote the idea that funding for campaigns should be managed by the treasurers of the political parties. Likewise, promote a greater supervision role of the National Office for Election Processes (ONPE), because some limitations have been revealed, which is why it is important to grant more mandates to the ONPE, as well as granting more economic, logistic, and human resources in order to implement substantial improvements it is supervising role.
10. Generate mechanisms that allow for more effective corrective and disciplinary measures, such as the nullity of the registration of political parties involved in illicit



funding of campaigns. Even with the incorporation of articles on illegal funding into the Criminal Code, ONPE's coercive capacity is still pending and needs to enforce the compliance of the regulations within the political parties. The ONPE should also be encouraged to demand better quality in the financial reports submitted by the political parties, and reinforce the National Election Jury (JNE) to answer the challenges and appeals.

11. Assess the effectiveness of the regulations generating spaces to discuss valid norms and others that might be necessary, including actors from the three branches of the State and the civil society.

In the area of Prevention of corruption in public works and public procurement and contracting:

12. Considerably increase the investment on anti-corruption public integrity. The budget of the Secretariat on Public Integrity is minuscule (less than 1% of the Presidency of the Cabinet-PCM, where it is ascribed).
13. Simplify administrative proceedings, as well as evaluation and monitoring. In this way, it will be possible to speed these proceedings and avoid bad practices rooted in public institutions, which allow corruption to prevail.
14. Install the anti-corruption Institutional Plan. It should be an obligation of candidates and public officials.
15. Make the information on concessions, recruitment and public purchases accessible for all. Even when the information exists, accessing it is complicated due to the specialized jargon.
16. Train citizens in the use of transparency tools through public trainings and considering the level of digital literacy and mother tongue of the target groups.
17. Standardize the characteristics for purchases of high consumption and high turnover goods in order to avoid those that entail discretion and a predisposition for certain goods.

In the area of International legal cooperation; the fight against bribery, international corruption, organized crime and money laundering; and asset recovery:

18. Strengthen the fight against bribery of foreign public officials in international commercial transactions. It is therefore important to approve the draft modifying Act 30424, which regulates the administrative responsibility of legal entities, promoted by the CAN.
19. Strengthen the prosecutors in order to avoid unjustified withdrawals from cases, to reduce the number of judges and interim prosecutors and supernumeraries. Whistleblowers should also be protected while promoting a culture of complaints and improving the coordination and control of the requests for reciprocal judicial assistance with other countries. Thus, the OECD Task Force's report on bribery should be highlighted—it recommends the improvement and reinforcement of judicial and prosecution institutions in Peru.



## Actions and Recommendations to comply with the Lima Agreement in Peru

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
Disseminate the impact of corruption in the gender gap, and the levels of exclusion of vulnerable people (indigenous peoples, Afro-Peruvians, people with disabilities, and LGBTI).	The strategies against corruption need to include these vulnerable groups explicitly (indigenous peoples, Afro-Peruvians, people with disabilities, and LGBTI).
Strengthening and elaborating on the National Plan and Policy on Integrity and Fight against Corruption, because they propose goals and provide a basic structure for action at all levels of the State.	This year (2021) the validity of the current Integrity Plan is ending, and it is an appropriate time to discuss the difficulties found, the results and changes needed in order to achieve the intended outcomes.
Encourage and strengthen citizen participation in the fight against corruption.	Actively involve the civil society in transparency, monitoring and citizen control.
	Transfer the capacity building of organizations with more experience towards those who want to monitor in healthcare, education, labor, and others.
Sanction the CRA's and the CPA's failure to operate, as well as promoting their work within the National Plan against Corruption.	Include the participation of vulnerable groups (indigenous, Afro-Peruvian peoples, people with disabilities, and LGTBI) in the anti-corruption institutional plans (at regional, provincial and district levels).

Topic 2. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression	
Action	Recommendations
Disseminate citizen awareness on the eradication of corruption and prevent the normalization of unethical behaviors.	Consider that corruption is not only a matter of taking public resources, but a factor which erodes the trust towards the State and to other citizens. It is not possible to build a democratic society with high levels of corruption perception.
Promote an anti-corruption approach from the civil society which exceeds the legalistic framework of the State approach (prosecute and sanction the offense) and which promotes goals of institutional capacity building.	Use mechanisms of transparency, monitoring, enforceability and accountability. The eradication of corruption needs to increase the extremely low trust that Peruvians have to their State authorities.

Strengthen the technical capacities to implement anti-corruption tools, especially in the regional and local governments.	Consider that at those subnational levels, the State tools to reduce corruption are essentially non-existent, and it is there where more difficulties arise for an effective control of the relevant agencies.
Disseminate the Open Government Partnership (OGP) in a way that citizen interest and participation be understood as a right and a duty.	These actions will allow citizens to commit to and be involved in the processes of public institutions.

### Topic 3. Financing of Political Organizations and Election Campaigns

Action	Recommendations
Promote the idea that funding for campaigns should be managed by the treasurers of the political parties. Likewise, promote a greater supervision role of the National Office for Election Processes (ONPE).	Grant more mandates to the ONPE in order to perform appropriate supervisions.  Likewise, grant more economic, logistic, and human resources to ONPE in order to implement substantial improvements it is supervising role.
Generate mechanisms that allow for more effective corrective and disciplinary measures, such as the nullity of the registration of political parties involved in illicit funding of campaigns.	Some articles on illegal funding have been incorporated into the Criminal Code; however, ONPE's coercive capacity is still pending and needs to enforce the compliance of the regulations within the political parties.  The ONPE should also be encouraged to demand better quality in the financial reports submitted by the political parties, and reinforce the National Election Jury (JNE) to answer the challenges and appeals.
Assess the effectiveness of the regulations.	Generate spaces to discuss valid norms and others that might be necessary, including actors from the three branches of the State and the civil society.

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting	
Action	Recommendations
Considerably increase the investment on anti-corruption public integrity.	Consider that the budget of the Secretariat on Public Integrity is minuscule (less than 1% of the Presidency of the Cabinet-PCM, where it is ascribed).
Simplify administrative proceedings, evaluation and monitoring.	This will allow avoiding bad practices rooted in public institutions, which allow corruption to prevail.
Install the anti-corruption Institutional Plan.	It should be an obligation of candidates and public officials.
Make the information on concessions, recruitment and public purchases accessible for all.	The information exists, but it is complicated to access it due to the specialized jargon.
Train citizens in the use of transparency tools.	Public trainings should be held considering the level of digital literacy and mother tongue of the target groups.
Standardize the characteristics for purchases of high consumption and high turnover goods.	Avoid those purchases that entail discretion and a predisposition for certain goods.

Topic 5. International Legal Cooperation; the Fight against Bribery, International Corruption, Organized Crime and Money Laundering, and Asset Recovery	
Action	Recommendations
Strengthen the fight against bribery of foreign public officials in international commercial transactions.	It is important to approve the draft modifying Act 30424, which regulates the administrative responsibility of legal entities, promoted by the CAN.
Strengthen the prosecutors in order to avoid unjustified withdrawals from cases. Reduce the number of judges and interim prosecutors and supernumeraries. Likewise, whistleblowers should be protected while promoting a culture of complaints and improving the coordination and control of the requests for reciprocal judicial assistance with other countries.	The OECD Task Force's report on bribery should be highlighted—it recommends the improvement and reinforcement of judicial and prosecution institutions in Peru.

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## Annexes

### Annex No. 1 Assessment of the Lima Agreement in Peru

**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.	1.92	1.77	1.92	1.87
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.	1.33	1.47	1.53	1.44
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.	1.15	1	1.15	1.1
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.	1.62	1.38	1.85	1.62
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.	1.92	1.85	2.08	1.95
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.	1.85	1.85	1.77	1.82

**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	2.31	2.15	2	2.15



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.				
14. Promote and/or reinforce the implementation of national and, when appropriate, sub-national 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.	1.92	2	2.31	2.08
15. Consolidate the autonomy and Independence of high-level oversight bodies.	2.15	1.77	2	1.97
16. Implement and/or strengthen transparency bodies and access to public information based on the best international practices applied.	1.85	1.92	1.85	1.87
18. Compile statistics and indicators in our 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.	2	1.92	2	1.97
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).	1.46	1.92	1.92	1.77
22. Protect whistleblowers, witnesses and informants of acts of corruption from intimidation and retaliation.	2.08	2	1.92	2

**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.	2.23	2	1.92	2.05

**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.	1.92	2	2	1.97
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.	1.85	1.46	1.62	1.64
33. Implement measures to reduce bureaucracy and simplify procedures at all levels of government to prevent corruption.	1.85	1.62	1.77	1.74

**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
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.	2.08	1.85	2	1.97
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.	2.31	1.92	1.92	2.05