



NICARAGUA REPORT
Follow-up on the Lima Agreement
Citizen Corruption Observatory





Credits

Citizen Forum of the Americas' Escenario Nacional Nicaragua

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Abbreviations

CCO = Citizen Corruption Observatory

Cenidh = Nicaraguan Center for Human Rights (Centro Nicaragüense de Derechos Humanos)

Cepredenac = Coordination Center for Natural Disaster Prevention in Central America and the Dominican Republic (Centro de Prevención de los Desastres en América Central y República Dominicana)

CFA = Citizen Forum of the Americas

CGR = Comptroller General (Contraloría General de la República)

CSO = Civil society organization

DGI = Income Directorate-General (Dirección General de Ingresos)

Funides = Nicaraguan Foundation for Economic and Social Development (Fundación Nicaragüense para el Desarrollo Económico y Social)

IACHR = Inter-American Commission on Human Rights

Ipade = Institute for Democracy Development (Instituto para el Desarrollo de la Democracia)

NGO = Non-governmental organization

OAS = Organization of American States

PAHO = Pan American Health Organization

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

Redlad = Latin American and Caribbean Network for Democracy



Introduction

The main purpose of the project titled “Citizen Observatory against Corruption (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 VIII Summit of the Americas held 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 Nicaragua. These results and conclusions have been built on the follow-up methodology to the Lima Agreement¹ and the data review carried out by civil society organizations. The whole data collected within the framework of the follow-up can be viewed on the CCO website².

The methodology for monitoring the Lima Agreement allows civil society to assess the progress and/or compliance with 19 commitments prioritized³ 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 sustainability⁴.

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

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

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

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



Participating Organizations

The Escenario Nacional Nicaragua of the Citizen Forum of the Americas was in charge of the follow-up process to the compliance of the mandates of the Lima Agreement, along with other six civil society organizations—both for gathering and for considering and analyzing information. Due to security reasons, these organizations have requested their information to remain anonymous.

Nicaraguan context

Nicaragua is going through a severe crisis comprising all sectors: social, political, economic, environmental, etc. Even if democracy and the rule of law had been gradually weakening since 2007, it is with the start of civic resistance in April of 2018—peaceful demonstrations associated with social security reforms and the Government’s lack of response on the Indio Maíz Biological Reserve fires—that an escalation in institutional violence and paramilitary forces occurs against the population, protesting in the streets and demanding Daniel Ortega’s Administration to resign.

According to the Interdisciplinary Group of Independent Experts (GIEI, by its initials in Spanish), formed within the Organization of American States (OAS) to investigate the crisis in Nicaragua, between April 18 and May 30 of 2018 a total of 109 people were murdered, 1400 injured, and 690 arrested; many reporting the existence of mass graves. In their report, the crimes are categorized as crimes against humanity. These numbers have been increasing in 2018, 2019 and 2020, with over 100 thousand people forced to leave the country. All this has been widely documented by organizations like the Inter-American Commission on Human Rights (IACHR), Amnesty International, the Rose Luxemburg Foundation, the Office of the High Commissioner for Human Rights (OHCHR), among others.

Progress and challenges in the fight against corruption

Given the serious human rights violations, corruption in the Judiciary Branch is the main issue in the international reports since April of 2018. Several organizations, such as the IACHR and Transparency International, have documented the setbacks of the Nicaraguan Government in their fight against corruption and the systematic violation of human rights in the past few years.

The IACHR points to a strong link between big corruption and human rights violations when these are performed by powerful actors that mobilize large amounts of money and which, precisely because they are in the sphere of government and power, have a direct impact on the exercise of fundamental human rights.



There is a direct correlation between corruption, poverty and inequity. Corruption implies that citizens have nowhere to turn to if their rights are violated nor to demand the fulfillment of their basic rights, such as education, healthcare, food security, water, etc. Big corruption prevents this from happening, and Nicaragua still holds the second place in poverty in Latin America, and is among the top three places in perception of corruption, according to Transparency International (CCO in Nicaragua, 2021).

In their last Warning on the situation in Nicaragua, Civicus refers to the Resolution on Nicaragua, approved in the 46th session of the Human Rights Council. Civicus considers this resolution “represents a valuable international support to the thousands of people in Nicaragua who are demanding accountability and justice since 2018. We are asking the members of the Council to urge the Nicaraguan Government to free all human rights advocates and activists currently imprisoned, and to commit to guaranteeing a safe environment for civil society organizations and human rights advocates in the country.”

The score given by participating CSOs in the monitoring of the Lima Agreement on corruption display a clear picture of how the country is doing in this topic. Even with the advanced legal framework in force, especially regarding the fight against drug trafficking and asset laundering, in reality this legal framework is used for criminalizing civil society actors.

The institutions responsible for addressing this issue (the Comptroller General, the Public Prosecutor), even if declared autonomous, in reality they are dependent of the Executive Branch, and do not perform any investigations nor sanctions in corruption cases within the Government. On the other hand, the population have no confidence to report acts of corruption, for they might be harassed and criminalized by the regime.

Threats or difficulties to the work of the civil society organizations

For several years now, the Government through the Interior Ministry, has made it difficult for civil society to act. In 2018, the Government cancelled the legal status of nine NGOs and continues to deny them the due certificate of compliance regarding their responsibilities to the State as well as the certifications from the new board of directors. This is done so that the CSOs won't function properly and that remain hostages so to speak of the new and arbitrary impositions of the Government. This hinders the opening of bank accounts for the implementation of development projects in the most impoverished communities of Nicaragua, thus limiting access to cooperation funds.

In October of 2020, the National Assembly promulgated a law proposed by the Executive, called Law No. 1040, Law on the Regulation of Foreign Agents, which makes the work of non-profit organizations coming from cooperation agencies and foreign governments even more difficult.

They are prevented from participating in politics, in the context of an electoral process in November of 2021: Natural or legal persons, whether Nicaraguans or those of any other nationality who act as foreign agents must refrain, under penalty of legal sanctions, from

intervening in issues, activities or issues of internal and foreign policy. They can't neither finance nor promote the financing of any type of organization, any movement, any political party, coalitions or political alliances or associations that develop and implement carry out internal political activities in Nicaragua⁵.

In the months of July and August of 2021, other CSOs have been intervened and their board of directors and/or officials detained, to be investigated and criminalized for alleged crimes of money laundering and ties to drug trafficking, such as The Violeta Barrios de Chamorro Foundation (founded and led by Cristiana Chamorro) and the Nicaraguan Foundation for Economic and Social Development (Funides), which carried out investigations into acts of corruption, economic studies or supported independent media.

Any person or organization that is identified as opposing the Government can be accused of High Treason, since the regime has new framework of laws it to justify its repressive actions in a supposed legality.

Electoral Processes

In Nicaragua, presidential and deputation elections will be held on November 7. The process began on May 11, 2021, the date of official publication of the Election Calendar.

In June and July 2021, processes such as the creation of electoral structures at the national level are being contemplated, proof of citizenship at all voting centers in the country; the nomination and provisional registration of candidates for President and Vice-president, representatives before the National Assembly (National and Departmental), representatives before the Central American Parliament. Likewise, information regarding political parties or political party coalitions will be provided with information regarding the demarcations and locations of voting centers where Receiving Boards will operate.

Despite being in the midst of an election, the possibility of a political transition, widely demanded by Nicaraguans, is almost nil. This start of the electoral process has meant a new wave of repression by the Ortega-Murillo regime, now directed against five presidential pre-candidates whom the population would have largely support by the population, according to independent polls.: Cristiana Chamorro, Félix Maradiaga, Juan Sebastián Chamorro, Arturo Cruz and Miguel Mora. Making use of a recently approved reform to the Penal Code, these pre-candidates will be held in preventive detention for 90 days, so far without respect for due process and what's more, they are already being investigated for trumped-up charges such as money laundering and inciting foreign meddling in Nicaragua, which effectively disqualifies them from taking part in these elections. Due to the fact that neither their families nor their lawyers have been allowed to see them, these detainees are considered as having been kidnapped by the regime.

⁵ [Law on the Regulations of Foreign Agents Law N°. 1040](#)

These pre-candidates reported crimes against humanity and State corruption at national and international level—crimes managed by the dynastic regime of the Ortega-Murillos. Some had even requested the international community to apply direct sanctions on the presidential family and high-ranking officers of the Government, the National Assembly, the Police and the Army.

There is an alarming concern at the national and hemispheric level due to the repeated violation of human rights against the opposition in Nicaragua. There are already countries reporting there is no room for just, free and competitive elections in the context of absolute control by the Ortega-Murillo family in the National Electoral Branch, and with recently approved elections reforms which prevent the participation of people who participated in the protests of April of 2018.

The OAS Permanent Council was summoned to an emergency meeting by the Secretary General, Mr. Luis Almagro on June 15, 2021, to address the situation in Nicaragua, after which a resolution was approved with the following issues:

- Condemn “unequivocally the arrest, harassment and arbitrary restrictions” imposed on presidential candidates, political parties and the media in Nicaragua.
- “Grave concern” on the part of the OAS over the fact that Government of Nicaragua has not implemented electoral reforms aimed at guaranteeing “free” and “fair” elections on November 7 when Ortega will seek his third consecutive reelection.
- To “energetically” urge the Government of Nicaragua to implement “without delay” measures to guarantee transparent elections and calls for independent electoral oversight from the OAS and other nations.
- Finally, the 26 countries that voted in favor of this Project agreed to closely monitor the electoral process in Nicaragua for its “possible” presentation before the General Assembly, the most important political forum in the OAS that brings together the delegations of all member states.

Faced with a repressive context against CSOs, critics and those opposing the Government, it was decided not to file any requests for information. These requests cannot remain confidential in Nicaragua, they must necessarily contain information such as name, voter’s ID number, telephone numbers and/or e-mail addresses of requestors. Dealing with an issue as sensitive as corruption, fulfilling this requirement on the part of the CCO, was and continues to pose great risk. Even independent journalism is under investigation by the Attorney General of Nicaragua, for crimes such as money laundering, and under precautionary measures (sometimes applied *de facto*) such as migratory retention and the prohibition of going to certain places or attending certain meetings. To deal with this situation, an exhaustive search was conducted in government websites and the information provided by organizations specialized in the various topics was used as well.

The Covid-19 Context



The making of this report has not been affected by the pandemic caused by the COVID-19 pandemic, since we relied on that very useful tool called Zoom to create meeting spaces for information compiling, evaluations and the writing of final reviews.

The Government keeps secret the current COVID-19 situation in Nicaragua and its actual impact on the population, to the point of providing non-verifiable information by third parties to international and regional organizations that monitor the impact and management of the pandemic such as the Pan American Health Organization (PAHO) and the Coordination Centre for the Prevention of Disasters in Central America and the Dominican Republic (Cepredenac). The mistrust of a large part of the citizenry and CSOs regarding the information provided by the Nicaragua's Ministry of Health (Minsa) regarding the actual situation there, persists. Faced with this situation, a group of health professionals carry out a more thorough, yet speculative and within their means follow-up, through a Covid-19 Citizen Observatory in Nicaragua. This is "a collaborative effort of an interdisciplinary team working with information provided by organizations, networks and the citizenry in general, that wish to fill in the information gap regarding the COVID-19 situation in Nicaragua".

According to data coming from this Observatory, "as of June 16, a grand total of 17.813 suspected cases have been reported by the Observatory... 3403 cases of deaths caused by pneumonia or suspected of having been caused by COVID-19." On the other hand, "1062 health care personnel with presumptive or otherwise related to COVID-19 have been reported Likewise, the suspected Covid-19 deaths of a total of 132 health care personnel have also been reported."

Results in Nicaragua

As a result of the 8th 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.



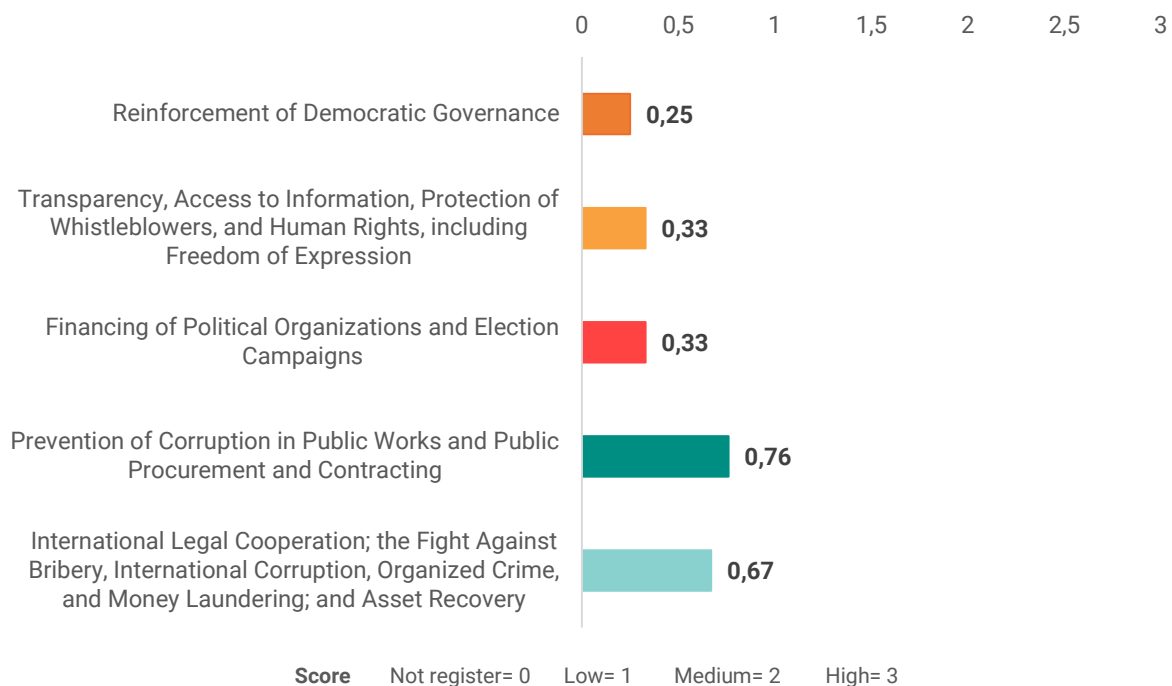
E. International Legal Cooperation; the Fight against Bribery, International Corruption, Organized Crime and Money Laundering, and Asset Recovery.

These commitments were analyzed by identifying regulatory and practical developments which were rated on a scale⁶ 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.

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

Chart 17. Lima Agreement topic results



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

- The best ranked topic is corruption prevention in public works, because there are regulations and proceedings which make these processes transparent. However,

⁶ Rated on a scale of 0 to 3: 0= no records, 1=low, 2=medium, and 3=high

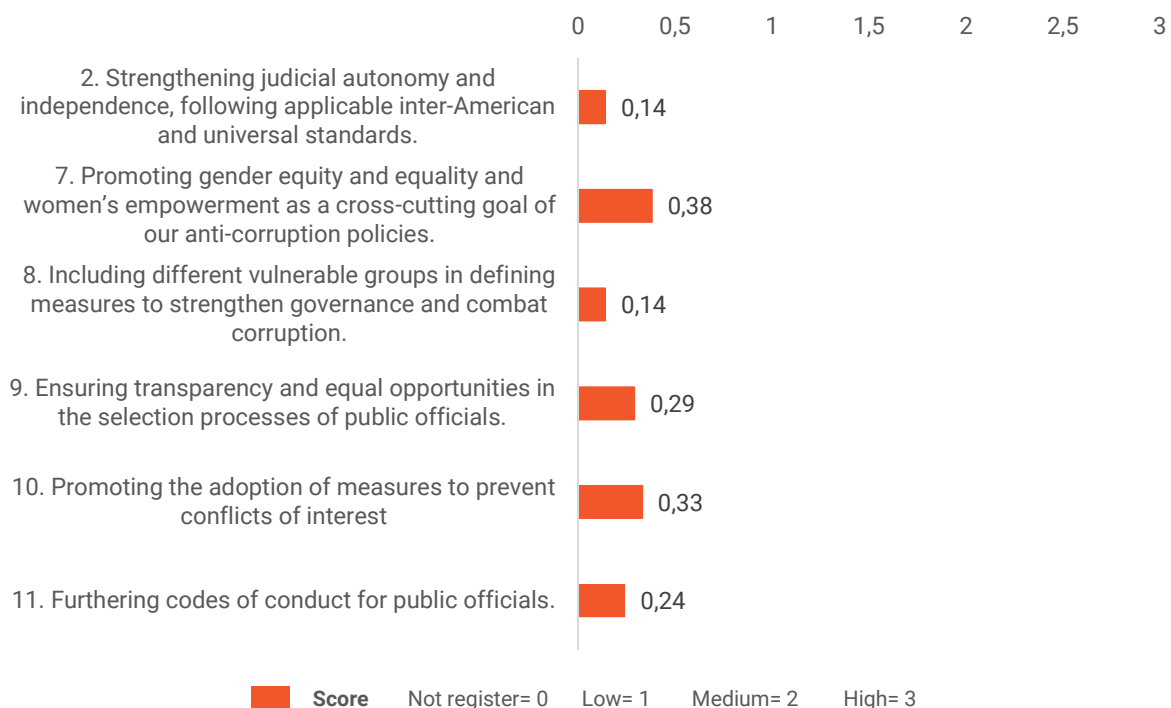
⁷ The colors implemented in the charts of this document reflect the decision made for each of the themes for the CCO, and have no correspondence to a numeric scale.

these are prior to 2018, and effectively there is very little information in the government institutions' websites for an appropriate follow-up.

- The same is the case regarding international legal cooperation: there are agreements, commitments, specific regulations, but there is no access to the information on the actions from the Police or other governmental authorities to prevent or punish money laundering of drug trafficking.
- Democratic governance has the lowest score. There is extensive reference to the sustained violation of human rights of the Nicaraguan people in the Context subheading.
- The two remaining topics (Transparency and Financing of Political Organizations) also got very low scores. There is no freedom of expression nor access to public information.

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.

- The Judiciary Branch in Nicaragua has lost the autonomy its very organic law safeguards. There is a strong intervention of the Executive Branch, which determines the decisions and resolutions issued by public officials, especially in cases associated

to court proceedings against people who have protested against the Government or who have participated in the protests—at the same time, reducing sentences or absolving those who assault or murder government’s opponents.

In the past two years, the already weakened institutionality on access to information has become almost non-existent. The limited governmental data does not allow to verify the real situation of the public officials’ payroll nor whether they fulfill the requirements for their positions or if they were duly hired or with non-partisan criteria. This situation places the public administration in a situation of dependency and political patronage.

The Comptroller General, the entity in charge of demanding accountability from public servants through asset declarations, now lacks the capacity to act according to the laws that support it due to the existing collusion between its members and the ruling party. More recently, this institution has been asked on the current President’s assets, who has never submitted an asset declaration since he came to power in the 2006 presidential elections—revealing the inability of this entity to fulfill its duties.

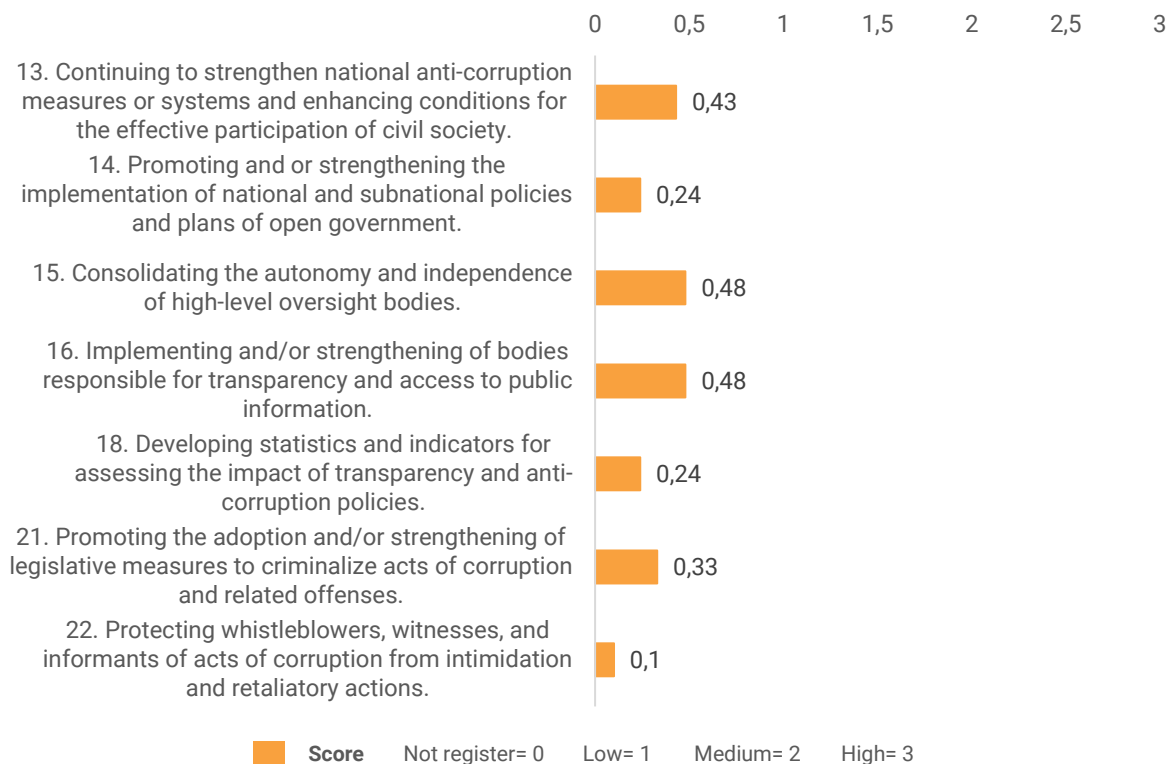
- The best ranked commitment was No. 7. In fact, the Nicaraguan Government uses messages of restitution and strengthening women’s rights as flagships, highlighting “extraordinary and consistent progress in the reduction of gender inequities”, although:
 - Despite the reforms to Acts 40 and 331 on gender parity in the State, elected women have no decision-making power. Only vice-president Rosario Murillo makes decisions and reports on them via emails and statements.
 - By 2021, the Ministry for Women was granted C\$ 30,3 million in the Republic’s General Budget (approximately USD 86 thousand), insufficient funds considering the high level of gender-based violence in the country.
- The worst rated commitment was No. 8. In general, there are no updated and/or efficient channels for vulnerable groups (according to a constitutional definition) to access information or request aid for initiatives and projects. The comprehensive law for victims’ assistance is not specific on these vulnerable groups—it refers to victims of the sociopolitical crisis of 2018.

For a sustainable governance, communities and vulnerable people need to be protected, a new order in participative democracy needs to be prompted, with full exercise of human rights, freedom of expression and mobility, based on the principles of cooperation and solidarity, with institutions that voice our citizenship and where democracy and the rule of law prevail, and people’s proposals and observations are

heard, and where the political determination of the ruling class meets the interests and needs of the people. This has not been the case for Nicaragua for many years.

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

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.

- There is a clear setback since endorsements like the Special Law against Cybercrime and the reports from the Comptroller General (CGR), where citizen's reports are not reflected—in other words, nobody knows if there have been any reports on acts of corruption in the past three years.

Not only is there lack of knowledge on the reporting mechanisms or lack of information of the corruption cases, but rather, even with these existing information mechanisms, there is a legitimate fear of reporting in Nicaragua, investigating them or speaking publicly, because whistleblowers can be harassed, stalked, or imprisoned.

There is no independence. They are political-partisan appointments, going from the high-ranking officials to the low-ranking employees in the CGR. The Comptroller is a

weapon to persecute opponent municipalities, as is the case with the Municipality of Mulukukú, whose mayor felt obliged to go into exile due to the political persecution⁸.

In addition, many of the institutions' websites have deleted their sites from the Access to Public Information Bureau (OAIP), are not updated, or each has different handbooks and formats. There are setbacks, not progress.

- The best rated commitments in this thematic area were No. 15 and No. 16, because there are regulations and clear procedures to guarantee the transparency of public information. Unfortunately, these regulations are not enforced.

In terms of autonomy of the audit institutions, even if there is a legal framework to fight against corruption, in reality there is a corrupt government which profits directly from acts of corruption. The lack of autonomy of the branches of government, government institutions and their employees is an element which seriously undermines the national scene, and favors high levels of corruption.

The actions of the Nicaraguan state point to the cooptation of official entities to monitor the performance of the State employees through violations of the democratic institutions in the country. The hopes of the Nicaraguan population are placed on the possibility of a radical change in government that might allow the implementation of the legal framework in an effective manner.

Regarding the implementation and reinforcement of organisms in charge of transparency and access to information (commitment No. 16), even with mechanisms and entities able to process citizens' complaints against corruption, the population, organizations, etc., they do not use them on account of the risk of being stalked, harassed or criminalized for their complaints.

In the current context of institutional crisis, loss of the rule of law, repression, violation of human rights, complaints against corruption are not carried out, and the agencies in charge of providing information or receiving the complaints are virtually inoperative.

The agencies in charge of receiving complaints or providing information are within the government apparatus, and presumably have a budget for their operations.

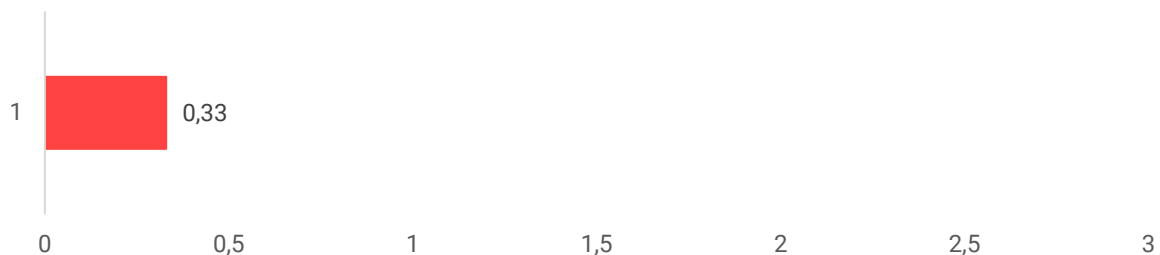
- The worst ranked commitment was No. 22. The Government shows no political willingness to improve the protection of those reporting public corruption, nor does it respect precautionary measures that have a jurisdiction in the country.

⁸ <https://theworldnews.net/ni-news/alcalde-de-mulukuku-obligado-a-salir-del-municipio-tras-persecucion-orteguista>

- The actions of the Government not only do not contribute to the fight against corruption in the country, but rather criminalize citizen participation in their fight against corruption.
- There are no protection provisions for whistleblowers and/or victims of corruption crimes. There is a 2006 Central American covenant, which is not implemented.

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.

- The proposal for electoral reform, submitted in April of 2021, blocks the free participation of people in the electoral process, and ignores the reforms proposed by the opposition and international organisms.⁹ Any person who had been associated to the international sanctions mechanisms against the Government or protesting against the Government is excluded from the elections, according the recently sanctioned Act 1055, Law for the Defense of People's Rights to Independence, Sovereignty, and Self-Determination for Peace.¹⁰

Regulating political financing over the last few years has been focused on weakening the political opposition in Nicaragua, and not to fight against corruption.

In the context of the sociopolitical crisis Nicaragua has experienced in the past few years with the enforcement of the Law of Foreign Agents, this lowers the possibility of democratic counterweight in Nicaragua.

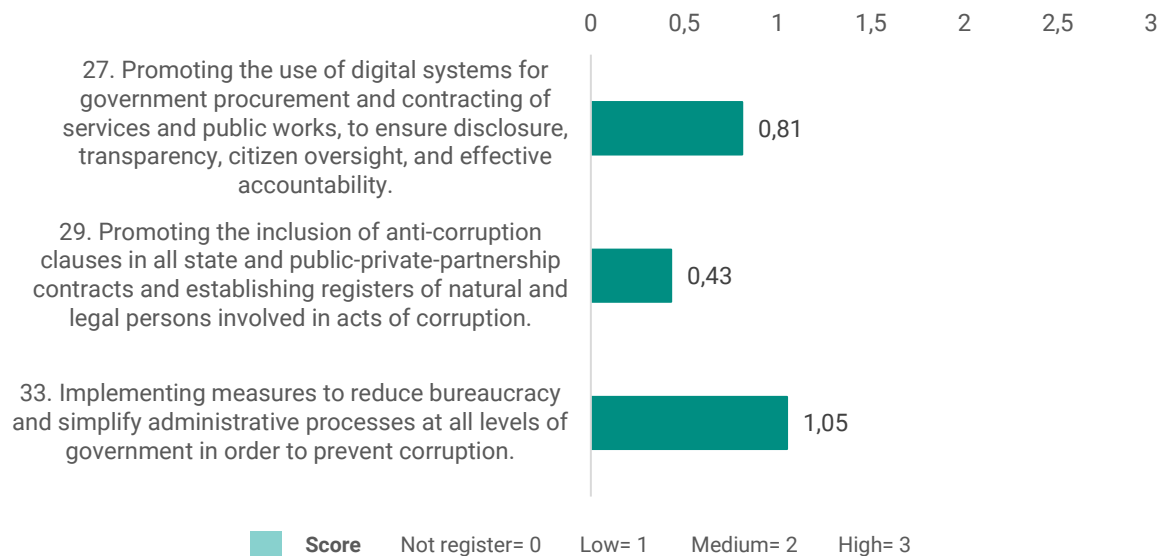
⁹ <https://www.hoybolivia.com/Noticia.php?IdNoticia=327830>

¹⁰ <https://www.france24.com/es/video/20210619-nicaragua-ley-de-soberan%C3%ADa-bloquea-cada-vez-m%C3%A1s-a-la-oposici%C3%B3n>

There are no actions to comply with this commitment. On the contrary, there are some to eliminate political pluralism in Nicaragua.

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.

- There are mechanisms for becoming a provider of the State, register and participate in tenders for public works. The problem is that the purchase decision is made among a select circle of providers, associated with decision-makers—the rest of suppliers used to legitimize said purchase¹¹.

Although there are websites to access information and procedures for public works tenders, these pages are old and in several cases have not been regularly updated, improving the interaction or simplifying the processes¹².

There has been no significant progress towards the compliance with the commitments, and laws had been passed in previous years, but used as an excuse to criminalize the Nicaraguan civil society.

¹¹ <https://expedientepublico.org/la-triste-y-corrupta-realidad-de-las-contrataciones-publicas-de-nicaragua/>

¹² <https://www.gestion.nicaraguacompra.gob.ni> Act 977, Law against Asset Laundering and Terrorist Funding to remove the unjustified restrictions on freedom of association, in compliance with articles 21 and 22 of the International Covenant on Civil and Political Rights. Social organizations in Nicaragua halt their actions due to Ortega's Law of Foreign Agents | International | EL PAÍS (elpais.com)

- In this thematic area, the best ranked commitment was No. 33. The reduction of bureaucracy was conducted with collection purposes but not to reduce the size of the State nor to fight against corruption. There is a Proceedings Handbook of the Income Directorate-General (DGI) as well as the Comptroller General (CGR), showing updated documents to improve the processes with resource training, although no budget training.

Even with tools and mechanisms, these are mere decorations, in other words, to pretend some transparency; but there are journalistic reports and public testimonies, like that of Mr. José Dolores Blandino, Daniel Ortega's son father-in-law, which are clear indications of corruption and should be investigated¹³.

- The worst rated commitment in this thematic area was No. 29. Since there are no explicit commitments on anti-corruption clauses, follow-up and monitoring of corruption cases and asset laundering is nearly impossible, especially from the civil society. The existing regulations for asset laundering from the central government have been used as a weapon to prosecute civil society and independent media outlets. So much is the case, that a compelling phrase about what is happening in Nicaragua is:

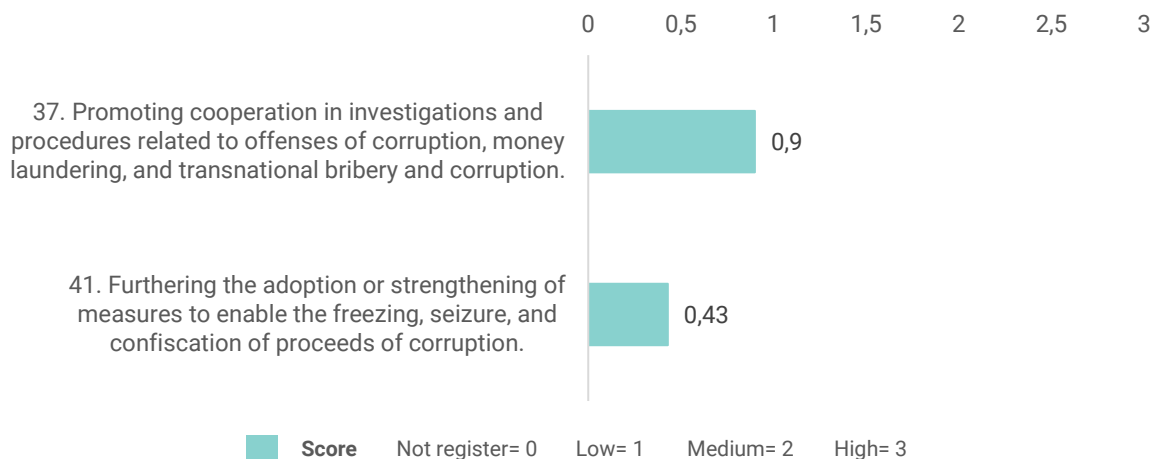
These laws, about which is said no one is above, how many Government employees are being investigated or already in prison? Are they going to place the ruling family in the dock? Or are they actually above the law? To illustrate this point, I bring the striking statements of my friend and colleague Octavio Enríquez when exiting the Prosecutor's Office: "If they truly want to investigate a case of money laundering, they have the Hotel Seminole across the street, purchased with funds from Alba," he said; and later added, "None of this would be happening if we were on the side of power."

(Fabián Medina. En letra pequeña. Opinion column in *La Prensa*. June 17, 2021).

¹³ [Canal 12 Nicaragua | Denuncian actos de corrupción en construcción del paso a Desnivel Las Piedrecitas](#)

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.

- Although some State institutions, like the Attorney General's Office, issue press releases on the progress regarding the fight against asset laundering, they do not really address the issue, and the laws passed in previous years have been used as an excuse to criminalize the work of Nicaraguan civil society. The subjects to whom these laws have been applied are human rights advocates, social activists, and executives and personnel of non-profit organizations. We have no knowledge of any case of state corruption currently under investigation¹⁴.
- Even with an appropriate legal and normative framework, in reality it is not implemented or is implemented in a discretionary manner to criminalize people participating in citizen protests, who are later accused of possession of drugs and drug trafficking or financing terrorists.
- Not only there have been very little progress, but we can see there are serious setbacks—people committing acts of corruption in the Government are being protected and, on the other hand, the political opposition to the regime is being criminalized with accusations of laundering and bribery.

¹⁴ <http://www.pgr.gob.ni> > Noticias, [Nicaragua: el PE pide derogar las leyes punitivas contra la oposición](#) | Noticias | Parlamento Europeo (europa.eu)

- In this thematic area, commitment No. 37 got the best score. Act 977, Law against Asset Laundering, Terrorist Funding and Funding the Proliferation of Weapons of Mass Destruction was approved on July 16, 2018 to be used against opponents to the regime, sanctioning freedom of expression, and affecting the assets of organizations and individuals. Regarding the forfeiture of goods, there is an attempt to legalize the unlawful appropriation of infrastructure, with furniture and equipment, as has been the case for media outlets like “100% Noticias” and “Confidencial”, and non-governmental organizations, such as the Nicaraguan Center for Human Rights (Cenidh), the Del Río Foundation, the Institute for Development and Democracy (Ipade), the Popol Na Foundation, and the Leadership Institute of las Segovias (ILLS), among others.
- After the confiscations, those buildings are turned into healthcare facilities, even using the same furniture that was confiscated from another media outlet.
- While decisions and legislation are based on partisan-family criteria in Nicaragua, laws and proceedings will only be mirages to pretend there is justice, in an effort to normalize flagrant violations to individual property and the exercise of people’s constitutional rights.
- Commitment No. 41 was the worst ranked in the topic of international legal cooperation. There are regulations to control the money coming into the country in the form of donations, projects or foreign remittances, so it can be associated with Article 1 of Act 1055, where any person working in projects against the stance of the Government can be dubbed a “high traitor”.

Even though the State of Nicaragua has laws (on paper) that claim to fight corruption and asset laundering (as well as financing terrorists), in reality these are regulations created to criminalize the work of the civil society and of political opponents.

Any individual opposing the government is being monitored with these laws in order to be prosecuted if the work they perform goes against the current power; for example, demands for sanctions, requesting funds for justice-seeking projects, mobilization of activists or resources for the historical memory of the country.

We know of blows against drug trafficking, where huge amounts of drugs and money are seized; however, it is entirely unknown whether these drugs are properly destroyed or whether the money is distributed according what the Law of Prevention, Investigation and Prosecution of Organized Crime and Management of Forfeited, Confiscated and Abandoned Goods establishes. This information cannot be verified in the publications of State institutions, nor in newsletters or annual reports.

Conclusions and Calls for Action

The Lima Agreement Lima turned out to be a great opportunity to endorse previously assumed international agreements by the Government of Nicaragua, as well as to identify propitious scenarios for the discussion, elaboration and implementation of anti-corruption measures in this country based on the work carried out within the framework of the Citizen Corruption Observatory to follow up on the agreements at the Summit of Lima, however, in spite of this, it can be concluded that the Government of Nicaragua has not made significant progress regarding this issue in recent years.

The issues regarding reinforcement of democratic governance, transparency, access to information, whistleblower protection and financing of political parties made the least amount of progress. As indicated in the context section, the crisis that Nicaragua has gone through since April of 2018, the continued repression, and the suspension of civil liberties, paint a picture in which it is impossible to think about the full exercise of the people's human rights.

The latest repressive acts of the Ortega-Murillo regime, in the electoral context, stand out with a set of unconstitutional laws that criminalize any attempt to protest or political opposition in Nicaragua. The aforementioned statement, suggests that the situation in the short and medium term will continue to be bloody and in violation of human rights of the people of Nicaragua.

Although the eyes of many countries and international organizations are focused on what is happening in the country, the regime has shown that international pressure, reports presented by various and prestigious organizations, such as the GIEI, IAHR, OHCHR, Amnesty International, are not enough to stop the government's agenda to crush any political opposition.

Within this framework, the government has made progress in the prevention of corruption in public works and international legal cooperation, issuing regulations, policies and procedures that could be considered a good framework for the fight against corruption in these areas. However, in practice there appears to be total secrecy regarding the application of these mechanisms, which are once again used to criminalize political opposition as well as initiatives taken by the non-profit organizations which are considered uncomfortable by the regime.

In the fight against drug trafficking, although there is no reliability regarding the total transparency of the information provided, it could be concluded that it is the area where the greatest impact has taken place. in embargo, However, the use of revenue deriving from the seizure of drugs and assets, become part of that vicious circle of generalized corruption that operates in a system controlled by the Executive.

November 7 will be a new turning point in a country that hasn't known tranquility for a long time. This country report should become a valuable tool to sensitize the population and leadership across the land about this situation. The Observatory will carry out a series of

exchanges with interest groups of the Forum in Nicaragua, in order to discuss the outcomes of the process and design actions in a concerted manner.

Corruption, in both its forms from the payoffs or bribes made to traffic police or the ones made to a public official to expedite a process, as well as grand corruption, the one that decimates the resources allocated by the State and prevents the improvement of living conditions of the population in a country that continues to be one of the poorest in Latin America, is a phenomenon that affects us all. And it's not just about embezzling public funds, but also about a flagrant and continuous violation of fundamental human rights.

The diagnose in this follow-up exercise to the compliance of the Lima Agreement on issues of corruption will be an important tool to be disseminated and analyzed in the different territories of the country, with leadership and grassroots organizations.

It also shows important elements to consider, so when a significant change occurs in the government, the legal framework and public policies may be revised. At normative level, it is necessary to advance in aspects like confidentiality while browsing for public information, protection for whistleblowers, political and financial autonomy in all agencies involved in the investigation, indictment and prosecution of corruption cases.

As understood from public policies against corruption, power should go back to the people, to independent journalism and to the non-profit organizations, which will allow to turn the instrumentalization of corruption as a means to hunt opponents to seeking a more just society with guarantees for competitiveness for economic sectors. Eradicating big corruption will also mean having more economic resources to face and solve, at least at a minimum, the issues of food security and poverty which are keeping Nicaragua in the first places of the poverty ranking in Latin America.

Actions and Recommendations for the Fulfillment of the Lima Agreement in Nicaragua

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
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.	<p>The Nicaraguan Government has not participated in the drafting process nor subscribed to the Lima Agreements.</p> <p>The critical situation the country is going through leaves no room for recommendations that may be considered, analyzed or accepted by the government.</p>

Topic 1. Reinforcement of Democratic Governance	
Action	Recommendations
<p>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.</p>	<p>Only a change in government might allow a window of opportunity to work in all the mandates of this topic.</p> <p>The only possible recommendation and action is to socialize the Country Report with civil society organizations, social movements and leaderships in the territories in order to disseminate the current state of each topic at national, municipal and sectorial levels.</p> <p>The situation of corruption in the country will continue to be documented in accordance with the reality, marked by a systematic violation of human rights, of which corruption is the most important part.</p>
<p>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.</p>	
<p>Ensure transparency and equal opportunity employment in the hiring selection processes of public servants, based on objective criteria such as merit, equity and aptitude.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	

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

Action	Recommendations
<p>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.</p>	<p>The Nicaraguan Government has not participated in the drafting process nor subscribed to the Lima Agreements.</p> <p>The critical situation the country is going through leaves no room for recommendations that may be considered, analyzed or accepted by the government.</p> <p>Only a change in government might allow a window of opportunity to work in all the mandates of this topic.</p> <p>The only possible recommendation and action is to socialize the Country Report with civil society organizations, social movements and leaderships in the territories in order to disseminate the current state of each topic at national, municipal and sectorial levels.</p> <p>An ongoing monitoring of the official media in order to collect the little information available on corruption.</p>
<p>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.</p>	
<p>Consolidate the autonomy and independence of high-level oversight bodies.</p>	
<p>Implement and/or strengthen transparency bodies and access to public information based on the best international practices applied.</p>	
<p>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.</p>	
<p>Promote the adoption and /or strengthening of legislative measures necessary to</p>	

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

Action	Recommendations
<p>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).</p>	
<p>Protect whistleblowers, witnesses and informants of acts of corruption from intimidation and retaliation.</p>	

Topic 3. Financing of Political Organizations and Election Campaigns

Action	Recommendations
<p>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.</p>	<p>The Nicaraguan Government has not participated in the drafting process nor subscribed to the Lima Agreements.</p> <p>The critical situation the country is going through leaves no room for recommendations that may be considered, analyzed or accepted by the government.</p> <p>Only a change in government might allow a window of opportunity to work in all the mandates of this topic.</p> <p>The only possible recommendation and action is to socialize the Country Report with civil society organizations, social movements and leaderships in the territories in order to disseminate the current state of each topic at national, municipal and sectorial levels.</p> <p>The situation of corruption in the country will continue to be documented in accordance with the reality, marked by a systematic violation of human rights, of which corruption is the most important part.</p>

Topic 4. Prevention of Corruption in Public Works and Public Procurement and Contracting	
Action	Recommendations
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.	The Nicaraguan Government has not participated in the drafting process nor subscribed to the Lima Agreements.
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.	The critical situation the country is going through leaves no room for recommendations that may be considered, analyzed or accepted by the government.
Implement measures to reduce bureaucracy and simplify procedures at all levels of government to prevent corruption.	Only a change in government might allow a window of opportunity to work in all the mandates of this topic.
	The only possible recommendation and action is to socialize the Country Report with civil society organizations, social movements and leaderships in the territories in order to disseminate the current state of each topic at national, municipal and sectorial levels.
	The situation of corruption in the country will continue to be documented in accordance with the reality, marked by a systematic violation of human rights, of which corruption is the most important part.

Topic 5. International Legal Cooperation; the Fight against Bribery, International Corruption, Organized Crime and Money Laundering, and Asset Recovery	
Action	Recommendations
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.	The Nicaraguan Government has not participated in the drafting process nor subscribed to the Lima Agreements.
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.	The critical situation the country is going through leaves no room for recommendations that may be considered, analyzed or accepted by the government.
	Only a change in government might allow a window of opportunity to work in all the mandates of this topic.

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

Action	Recommendations
	<p>The only possible recommendation and action is to socialize the Country Report with civil society organizations, social movements and leaderships in the territories in order to disseminate the current state of each topic at national, municipal and sectorial levels.</p> <p>The situation of corruption in the country will continue to be documented in accordance with the reality, marked by a systematic violation of human rights, of which corruption is the most important part.</p>

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Annexes

Annex No. 1 Assessment of the Lima Agreement in Nicaragua

Table 1. Follow-up criteria for the commitments regarding 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.	0.29	0.14	0.00	0.14
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.	0.57	0.14	0.43	0.38
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.	0.14	0.14	0.14	0.14
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.	0.29	0.29	0.29	0.29
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.	0.29	0.29	0.43	0.33
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.	0.29	0.14	0.29	0.24

Table 2. Follow-up criteria for the commitments regarding transparency, access to information, protection of whistleblowers and human rights, including freedom of speech.

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.	0.57	0.43	0.29	0.43
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.	0.43	0.14	0.14	0.24
15. Consolidate the autonomy and Independence of high-level oversight bodies.	0.43	0.57	0.43	0.48
16. Implement and/or strengthen transparency bodies and access to public information based on the best international practices applied.	0.57	0.29	0.57	0.48
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.	0.43	0.00	0.29	0.24
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).	0.29	0.43	0.29	0.33
22. Protect whistleblowers, witnesses and informants of acts of corruption from intimidation and retaliation.	0.00	0.00	0.29	0.10

Table 3. Follow-up criteria for the commitments regarding the financing of political organizations and election 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.	0.14	0.57	0.29	0.33

Table 4. Follow-up criteria for the commitments regarding the prevention of corruption in public works and public procurement and contracting

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.	1.00	0.57	0.86	0.81
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.	0.29	0.57	0.43	0.43
33. Implement measures to reduce bureaucracy and simplify procedures at all levels of government to prevent corruption.	0.86	1.14	1.14	1.05

Table 5. Follow-up criteria for the commitments regarding the international legal cooperation; the 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.	1.00	0.71	1.00	0.90
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.	0.29	0.43	0.57	0.43