

Civil society organization point out little progress in the compliance of the commitments in the fight against corruption in Costa Rica

- A study done by the Citizen Corruption Observatory reveals deficient progress regarding the open data subject and access to information in different government institutions.

San José, October 27, 2021. For the first time, different Civil Society Organizations in Costa Rica are monitoring a statement made by the Summit of the Americas; this is possible with the creation of the Citizen Corruption Observatory that has as a main purpose to actively work in the fight against corruption.

Recently, a follow-up to the compliance of the commitments taken at the VIII Summit of the Americas was done simultaneously by different countries of the region. Thanks to it, the study revealed that there are main issues regarding open data and access to information in our country, at least according to the parameters set out at the Summit.

The Lima Agreement "Democratic Governance against corruption" establishes 57 commitments and concrete actions from the signatory countries in seven specific areas; however, within this follow-up, 19 commitments were selected and prioritized from the first five topics included in said document, which are, specifically:

- Reinforcement of Democratic Governance.
- Transparency, access to information, protection of whistle-blowers, and human rights, including freedom of expression
- Financing of political organizations and election campaigns
- Prevention of corruption in public works and public procurement and contracting.
- International legal cooperation; the fight against bribery, international corruption, organized crime, and money laundering; and asset recovery.

The commitment with the best score was No. 21, about the classification of corruption offenses based on the International Conventions (CNUCC and CICC). While the offenses are classified according to these instruments, there are not under a single corpus, and a something that may be affecting the corruption cases prosecution is the little use of the Law against Corruption and Illicit Enrichment in the public sector (LCCEIFP) by the prosecutors or maybe because of lack of training.

Another two commitments had zero progress: No. 18, about statistics on the evaluation of the corruption and transparency policies impact and No. 29, about anti-corruption clauses in contracts taken with the State. Some gaps related to this non-compliance are the following:

- When several policies about access to public information coexist, the tendency is to prioritize the old one and to disregard the newest, which is the General Law of Access to Information.
- If there are no clear sanctions to the non-compliance of the policies, discretion plays an important role, which does not motivate the compliance.

- There is no legal obligation to produce basic information; the data produced is not uniform and sufficient to make comparisons.

The most obvious observation is that “without information there is no transparency and without transparency there is no freedom”, as Douglas Chacón stated, a researcher on the study.

The next 15 commitments have an above-medium compliance, which reflects some strengths in the national institutionality.

The assessment was done in several practical work sessions, as well as trainings, investigation and data gathering according to the methods set out by the study, an initiative driven by a consortium of five organizations, which are International Transparency (IT) chapters in Latin America, and it is funded by Red Latinoamericana y del Caribe para la Democracia (REDLAD) [Latin American and Caribbean Network for Democracy (LACND)] and the Citizen Forum of the Americas (CFA).

“The purpose of the Observatory is to create awareness about the damage caused by the corruption in the people, especially those in a vulnerable situation. Aside of this, there’s the need to monitor and report about the government administration to fight this scourge through pertinent, effective and sustainable public policies”, added Tracy Rivera Obando, Coordinator of the Project in Costa Rica.

After the analysis, it was concluded that Costa Rica is a country in which there are, indeed, different initiatives to fight corruption. However, fragmentation and lack of coordination remain to be an obstacle. The implementation capacity of the commitments taken at an international level is faced with a weak institutional framework and the lack of organizational culture. The inclusion of different vulnerable groups continues to be an aspect to improve in the country.

The Citizen Corruption Observatory proposes three calls to action, with the purpose of promoting a higher transparency and efficiency at a national level:

- It is imperative to improve the efficiency at the corruption judicial processes, as well as the resolution times, the witness protection and generation of statistics to make decisions.
- It is important to make general decisions so the institutions can incorporate database and statistics generations in their routines in order to improve their understanding of the services offered to the population.
- To design a political and regulatory course of action to be included in government contracts, the anti-corruption clauses in their purchase and contracting processes.

Costa Rica has a great task ahead: to modernize the country with as a State under the rule of law and at the same time, with the help of the people, because the power from an informed, rational and free population must not be disregarded.