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MECHANISM FOR FOLLOW-UP ON
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**METHODOLOGY FOR CONSIDERING THE SYSTEM OF INDICATORS TO
PREVENT, DETECT, AND ERADICATE IMPUNITY
FOR ACTS OF CORRUPTION**



OAS MESICIC



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**METHODOLOGY FOR CONSIDERING THE SYSTEM OF INDICATORS TO
PREVENT, DETECT, AND ERADICATE IMPUNITY
FOR ACTS OF CORRUPTION¹**

I. INTRODUCTION

At its Thirty-Fourth Meeting, held March 9-12, 2020, the Committee of Experts of the MESICIC decided that continued consideration should be given to the draft System of Indicators to Prevent, Detect, and Eradicate Impunity for Acts of Corruption.

With that in mind, the Technical Secretariat has prepared the methodology for establishing a procedure for considering and determining the indicators in a series of phases that facilitates the Committee's deliberations and decisions on this matter and moves forward in achieving concrete results with respect to the mandates assigned to the Committee in this area by the Conference of States Parties to the MESICIC and the Heads of State and of Government in the Americas at the Eighth Summit of the Americas. It also provides the criteria for the preparation and review of the system of indicators to be developed during this first phase.

Taking into account that in the comments and suggestions received from States regarding the draft system of indicators within the deadline set by the Committee (April 12, 2020), there is a greater consensus by countries on the indicators related to the results of acts corruption, it is proposed to initiate a first phase with the consideration of these indicators.

To that end, reference will be made to the background of the proposed system of indicators; to the phases for developing them; and, finally, to the criteria and procedure for their preparation and consideration for this initial phase.

II. BACKGROUND

As set out in the Introduction to the revised version of the proposed system of indicators – which was prepared by the Technical Secretariat pursuant to the Committee's decision mentioned above – the evaluations and recommendations made by the MESICIC Committee of Experts underscore the need for indicators on the results of implementation in the areas covered by the Inter-American

¹ This Methodology was adopted by the Committee, at the plenary session held on the 10, 2021, at its Thirty-fifth meeting, held at OAS Headquarters, September 8 – 11, 2021.

Convention against Corruption (IACAC), in order to identify challenges and adopt the appropriate corrective measures, when appropriate.

Additionally, the last Conference of the States Parties of the MESICIC, held in December 2015, as well as the Heads of State and Government of the Americas at the Eighth Summit of the Americas, held in April 2018 under the central theme of "Democratic Governance against Corruption," emphasized the need for such indicators, adding other elements linked to those indicators, such as prevention and prompt risk analysis.

To that end, to facilitate the Committee's consideration of this topic, the Technical Secretariat prepared a "Proposed Framework of Indicators for Preventing, Detecting and Eradicating Impunity in Acts of Corruption," which was first submitted and distributed in the September 2019 meeting of the MESICIC Committee of Experts. This was in keeping with mandate 49 of the Lima Commitment, adopted at the Eighth Summit of the Americas, requesting that the MESICIC develop, among other things, indicators and mechanisms for the prevention of corruption and prompt risk analysis.

Regarding the aforementioned proposal, States sent in observations and suggestions that led to a first revised version that was presented in the March 2020 meeting of the MESICIC Committee of Experts. A second time around, observations and suggestions were received from States within the Committee established deadline of April 13, 2020, and a second revised version was prepared per the Committee's instructions.

III. PHASES FOR PREPARATION OF INDICATORS

In light of the above and bearing in mind the observations and suggestions received from the States, which are reflected in the second revised version of the proposal, the Technical Secretariat proposes that, with a view to facilitating an orderly review and points of consensus, consideration of the indicators be spread over several phases, as follows:

- 1) Commence a **phase one**, with consideration of the indicators on the results of acts of corruption contained only in **CHAPTER 1** of the proposed indicator framework, excluding indicators related to the protection of whistleblowers and/or witnesses, and other persons involved in judicial proceedings.

This takes into account that in the observations and suggestions sent in by the countries, there is consensus that these indicators should be part of the framework to be adopted, and that they

essentially correspond to those recommended by the Committee to its member States in their country reports for the preparation of statistical information on the results of acts of corruption.

The Technical Secretariat believes it is important to establish these indicators at the outset, as combating impunity for acts of corruption means, first and foremost, taking into account the results obtained in this respect, at both the investigation and prosecution phases, and in the adjudication and sentencing phase, given their importance for successful corruption-related prosecutions.

Once that has been established, the Technical Secretariat would draw up a proposal addressing only indicators on outcomes of acts of corruption, taking into account the observations and suggestions remitted by countries in that regard, as reflected in the second revised version of the indicators proposal, as well as the criteria for drafting the proposal dealing only with indicators on the outcomes of acts of corruption that are proposed below for consideration by the Committee at its plenary meeting in March 2021.

Once these indicators have been defined, the Technical Secretariat would prepare a proposal that addresses solely indicators on results of acts of corruption, taking into account the observations and suggestions submitted by the countries in that connection, which are reflected in the second revised version of the proposed indicators. In addition, criteria for the preparation of this proposal, on indicators on results of acts of corruption, are also to be considered by the Committee.

Subsequently, the proposal prepared by the Technical Secretariat on indicators on results would be submitted to the Committee for consideration. After being discussed and adopted with the modifications that may be necessary, the Committee would then be able to demonstrate initial progress towards fulfilling the mandates it had been given on this topic, especially with that of the Conference of States Parties to the MESICIC, which had instructed the Committee to adopt indicators on results in the areas covered by the Convention and had requested the Technical Secretariat with drafting proposals thereon.

- 2) Once phase one has been completed, and if the Committee deems it feasible, **phase two** would consider the indicators contained in **Chapter 1** of the proposed system, which deals with protection for whistleblowers and/or witnesses, and other persons involved in judicial proceedings. These proposed indicators would only cover matters related to protection for those who in good faith report acts of corruption, as provided for in the Convention as a complementary chapter on indicators on the results of acts of corruption, or as a separate document. Determination of the content and scope of this second phase will be made by the

Committee once the first phase has concluded, and the indicators on results to which it refers are available.

- 3) As soon as phase two has concluded, and if the Committee deems it feasible, a **phase three** would consider the indicators contained in **Chapter 2** of the proposed system, regarding the factors that influence results in the investigation, prosecution, adjudication, and criminal punishment of acts of corruption. Determination of the progress made with respect to this phase, as well as its content and scope, will be made by the Committee once phase 2 has concluded, if the Committee has considered the development of the indicators referred to in phase 2 feasible.
- 4) Upon completion of phase three, and if the Committee deems it feasible, **phase four** would consider the indicators contained in **Chapter 3** of the proposed system. These are designed to help countries put early warning systems in place to detect impunity risks in the investigation, prosecution, adjudication, and criminal punishment of acts of corruption. Determination of the progress made with respect to this phase, as well as its content and scope, will be made by the Committee once phase 3 has concluded, if the Committee has considered the development of the indicators referred to in phase 3 feasible.
- 5) After completion of the fourth phase, and if the Committee deems it feasible, **phase five** will consider the indicators contained in **Chapter 4** of the proposed system, which are designed to help countries identify corrective measures to impunity risks detected in the investigation, prosecution, adjudication, and criminal punishment of acts of corruption. Determination of the progress made with respect to this phase, as well as its content and scope, will be made by the Committee once phase 4 has concluded, if the Committee has considered the development of the indicators referred to in phase 4 feasible.

The indicators covered in **CHAPTERS 2, 3, and 4** of the proposed system are included pursuant to mandate 49 of the Lima Commitment, adopted at the Eighth Summit of the Americas, which requests the MESICIC to, among other things, devise indicators and mechanisms for corruption prevention and prompt risk analysis. This also helps countries move in the direction that the MESICIC Committee of Experts has already signaled, when it gave them recommendations to provide results, with a view to identifying challenges and adopting the appropriate corrective measures.

IV. CRITERIA AND PROCEDURE FOR PREPARATION AND CONSIDERATION OF PROPOSED INDICATORS FOR PHASE ONE

A. CRITERIA

In order to have a first version of indicators on results of acts of corruption, the Technical Secretariat proposes that the Committee instruct it to prepare that version, taking into account the following criteria:

- 1) Reference should be made only to acts of corruption in criminal matters, in the investigation, prosecution, adjudication, and sentencing phases.
- 2) This should be divided into two sections: a section for indicators on the results of investigations and prosecutions of acts of corruption, and a second section on the results of adjudication and sentencing for acts of corruption.
- 3) Preferably use the language and style that the Committee has been utilizing in making recommendations in the country reports on the results of acts of corruption.
- 4) The indicators contained in this first chapter should be quantitative in nature, in the interest of greater objectivity.
- 5) Focus on data referring to criminal proceedings, omitting references to civil proceedings.
- 6) Establish a five-year time frame as a basis for data preparation, which is the same time frame that the Committee has set in the recommendations made in the country reports, regarding the results of acts of corr.

B. PROCEDURE

In preparing and considering the indicators for phase one, the procedure to be applied shall be as follows:

- 1) Based on the criteria described in the preceding section, the Technical Secretariat will prepare the proposed indicators on the results of acts of corruption and then send them to the Lead Experts three (3) months prior to the Thirty-Sixth Meeting of the Committee.



- 2) Through their Lead Experts to the Committee, States shall send the Technical Secretariat their comments and proposals on the text of the proposed indicators developed by the Technical Secretariat, no later than two (2) months prior to the Thirty-Sixth Meeting of the Committee.
- 3) The Technical Secretariat will incorporate the comments and proposals received from States in a revised version, which will then be forwarded to the Committee members prior of the Thirty-Sixth Meeting of the Committee.
- 4) The Committee will consider the revised version at its Thirty-Sixth Meeting.