

Preliminary Recommendations to the Summit Implementation Review Group
8th Summit of the Americas: Democratic Governance against Corruption
Lima, Peru – 8-9-February 2018

1. Build support across political factions in national legislatures for the adoption of anti-corruption measures, hold governments accountable to commitments adopted at the 8th Summit of the Americas, and support their implementation.

- The specific identification of legislators in the Summit outcome document can allow them to recognize their roles and develop a sense of ownership and accountability for the commitments adopted at the Summit.
- The implementation of a significant number of anti-corruption measures requires the adoption of legislation, for example on: access and proactive disclosure of public information; statutory definition of acts of corruption including bribery, money laundering and embezzlement in criminal law; lobbying regulation; asset declarations; ethical conduct in public service; whistleblower protection; beneficial ownership transparency; the establishment of anti-corruption commissions, supreme audit institutions and other ombudsperson or enforcement bodies; civil society participation; private sector regulation; and freedom of the press; among anti-corruption related other areas.
- Legislatures have a responsibility to oversee the actions of their governments and ensure that these comply with commitments adopted at the Summit of the Americas, in the Inter-American Convention against Corruption, in the United Nations Convention against Corruption, as well as other international treaties and conventions.
- Corruption can also take place within legislatures and political parties. It must be confronted to enable legislators to effectively contribute to the fight against corruption across all branches of government. Political party financing regulations, ethical codes of conduct, and corresponding enforcement bodies are important instruments to prevent and sanction corruption.
- Cross partisan support and collaboration to prioritize anti-corruption initiatives can improve these measures' sustainability across electoral cycles. The engagement of citizens and other stakeholders in the development and monitoring of these initiatives is also critical to build shared ownership, strengthen their legitimacy and ensure their effectiveness.
- Parliamentary diplomacy and co-operation among national legislatures and legislators on matters of prevention, investigation and prosecution of acts of corruption including money laundering and the return of stolen assets can build political support for such cooperation between governments.
- Existing regional parliamentary bodies can be leveraged to foster diplomacy on matters of hemispheric anti-corruption cooperation and to share legislative best practices on transparency, accountability and oversight, citizen participation and ethical standards for public servants, as well as to inform legislators on hemispheric and international conventions and commitments undertaken by their respective governments so that national legislatures can effectively hold governments accountable for their implementation.

2. Mainstream gender into anti-corruption initiatives by considering how the effects of corruption may disproportionately affect women and by strengthening women's leadership in decision-making in the public and private sectors, in civil society and in parliament, to address social inequalities and other conditions that enable corruption to flourish.

- Women tend to be the poorest members of society, and corruption therefore disproportionately affects their access to essential public services, including justice and security. When a corrupt system is entrenched, individuals with greater resources are more likely to be in a position to pay the bribes demanded to access basic services.¹
- Women are underrepresented in positions of power and decision making about combatting corruption, thus limiting the inclusion of their experiences and expertise in the formulation of policy solutions.
- The United Nations Development Programme (UNDP) highlights two main challenges to consider when developing gender-sensitive anti-corruption policies: 1) addressing the forms of corruption that affect women more or in different ways than men such as sexual extortion, and 2) ensuring that women are fully included and engaged in anti-corruption and good governance efforts, whether within civil society or the public sector.
- Mainstreaming gender equality into anti-corruption reforms means assessing the implications of any planned action on both women and men, and ensuring that the design, implementation, monitoring and evaluation of policies and programmes reflects any differentiated needs and concerns. This, in turn, ensures more equitable outcomes for all members of society.²
- Gender-responsive budgeting can help balance the availability of resources for anti-corruption measures to tackle the forms of corruption that disproportionately affect women.
- Data disaggregated by sex and other demographic factors is essential for evidenced-based policy decisions on the gendered implications of corruption.
- Legislators have a critical role in the development and adoption of legislative anti-corruption reforms and in the oversight of government policy. It is important not only to have equal representation of women in legislatures but for all legislators to understand how to mainstream gender into their legislative and oversight responsibilities.
- Legislators, as representatives of citizens, have a duty to engage citizens, including women of various socio-economic backgrounds, in the legislative process to ensure that their views are considered in legislative initiatives to counter corruption and social inequalities that may exacerbate corruption.

¹ UNDP (2010). [*Corruption, Accountability and Gender: Understanding the Connections.*](#)

² Ibid

3. Promote open States in which the Executive, the Legislature and the Judiciary undertake transversal efforts to make their institutions more transparent, more accountable, and more responsive to citizens, with the ultimate goal of improving the quality of governance.

- Corruption rarely takes place in isolation and efforts to counter it must be undertaken across all branches of government; the Executive, the Legislature and the Judiciary must all be considered as crucial actors in the fight against corruption and must be held accountable for this responsibility.
- The principles of an Open State – transparency, accountability, citizen participation, integrity and ICT innovation – are fundamental to the fight against corruption.
- National legislatures have many roles in promoting an Open State, for example:
 - Championing and enacting legislation on openness, for example on: access and proactive disclosure of public information; lobbying regulation; asset declarations; ethical conduct in the legislature; whistleblower protection; beneficial ownership transparency; relevant enforcement bodies; civil society participation; freedom of press; open data; budget transparency; supreme audit institutions; among other areas.
 - Conducting government oversight to monitor and evaluate policies to ensure these are effective at curbing corruption and addressing social inequalities.
 - Advocating, raising awareness and prioritizing open government reforms.
 - Building political cross-partisan support for open government reforms (see recommendation 1).
 - Adopting reforms to open the national legislature itself, for example through the co-creation of Open Parliament Action Plans with civil society that promote legislative openness through efforts to increase transparency and access to public information, strengthen the accountability of democratic institutions, promote the participation of citizens in legislative decision-making, and ensure a culture of ethical behaviour and probity in national legislatures.
- The Open Government Partnership (OGP) is an important multilateral initiative for the promotion of open States which aims to secure concrete commitments from governments to create Open States through the development and implementation of national action plans with civil society.
- Latin America's national legislatures have adopted 39 new laws on openness since the launch of the OGP. Notably, 21 of these were parliamentary initiatives, a clear demonstration of parliament's power to advance open government. Several of these bills - including access to information laws in Argentina, Brazil, Colombia and Mexico, legislation on lobbying and conflicts of interest in Chile, and legislation on fiscal transparency in Uruguay - were taken up as OGP commitments.³

³ Open Government Partnership (2017). *Parliaments as Partners for Open Government Reform*.