



**CIVIL SOCIETY REPORT FOR THE IV ROUND OF ANALYSIS WITHIN
THE FRAMEWORK OF THE MONITORING MECHANISM OF THE
INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

Mechanisms to stimulate the participation of civil society and non-government organizations in efforts to prevent corruption

EXECUTIVE SUMMARY

Report produced by:

Mercedes Argaña – Gestión Ambiental (Geam)

Marta Ferrara – Semillas para la Democracia (Spd)

Ma. Victoria Rivas – Centro de Estudios Judiciales (Cej)

Oscar Morel – Centro de Estudios Judiciales (Cej)

Camilo J. Filartiga Callizo – Centro de Políticas Públicas UCA. (CPP-UC)

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Introduction

This document is the result of an analysis from the perspective of civil society of the degree of compliance with the Inter American Convention against Corruption in Paraguay, in particular as regards MECHANISMS TO STIMULATE THE PARTICIPATION OF CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANIZATIONS IN EFFORTS AIMING TO PREVENT CORRUPTION. A group of Civil Society Organizations (CSOs) has joined forces to produce the report and highlight progress made while observing the obstacles and weaknesses which Paraguay still faces in this matter. The Group comprises Semillas para la Democracia, Centro de Estudios Judiciales (CEJ), Centro de Políticas Públicas de la Universidad Católica Nuestra Señora de la Asunción, and Gestión Ambiental (GEAM).

The analysis covers the regulatory framework and initiatives carried out by institutions from the three branches of the State as regards the mechanisms mentioned above.

The group of CSOs who have produced this report consider that corruption is a grave problem which threatens the institutions which sustain democracy, and therefore must be fought bringing together diverse social actors, including civil society organizations.

International partnerships to fight this problem are highly relevant, and these must be enriched and supported by local efforts to achieve effective measures to fight corruption.

It is worth mentioning the context in which the IACC and national regulations against corruption operate, notably that in Paraguay clientelistic practices in the public sector and opacity in the management of public funds can still be observed. In this sense, Paraguay continues to score poorly on corruption perception indices, which merits a close look at the real functioning of the mechanisms and the challenges which are still to be faced.

The main observations and recommendations of this report are presented below:

Based on the analysis carried out, a series of observations and recommendations have emerged as to the possibility of strengthening the mechanisms of access to information and stimulating the participation of civil society and non-governmental organizations in public management.

A) Observations

Scarce progress as regards legislation

The Access to Information Law and Citizen Participation Law projects have not been given a high priority by Congress and continue to await discussion. In the meantime, high representatives of public powers continue to refuse information to citizens, such as for instance the recent case of the President of the National Congress setting out a

disposition which orders a written request to decide if authorization to provide information to citizens will be granted or not.

Lack of holistic commitment and shared vision on the part of the State to combat corruption. Isolated initiatives.

It is important to mention that despite the difficulties arising from not having specific legislation, during the period under review various initiatives have been identified which contribute to prevent corruption in the public sector, including the Transparency and Citizen Participation Units, and the Communication Offices which produce information on institutional management.

Notwithstanding the above, it does not seem that these initiatives are part of an integrated effort involving each part of the State, but rather respond to the particular interests of the administration in place at the time, with the risk that when the administration changes these initiatives will disappear.

As an example one can mention the diversity of approaches and functions these units have, the absence of shared standards which generate different levels of quality in their work and the low orientation towards accountability based on results.

An additional point is that although the number institutions with websites has grown, these do not always include the information which should be provided obligatorily, generating great disparity in the quality and variety of information each institution provides to citizens.

Scarce promotion of new information technologies

As regards new information technologies and communication, their use to promote citizen participation is still low and there is much yet to be developed on this front. The fact that the Government has an electronic government (e-government) plan is commendable, it is to be hoped that this will be implemented with the speed required.

Strengthening of public communication management

In particular as regards public communication management, a worrisome aspect is that the guides for communication management lack clarity as to what type of public information should be considered confidential, referring to future regulations on this point. To date it would seem this lack of clarity has not been resolved, which does not contribute to reducing opacity in public administration.

Need to institutionalize mechanisms and initiatives to combat corruption

Several initiatives have been developed in cooperation with CSOs and international donors. This situation can be seen in a positive light as it means working in cooperation with non-government actors; however it also generates vulnerability due to the dependence on external support for human and financial resources.

For the reasons mentioned, despite advances made as regards interesting initiatives in the prevention of corruption through active government transparency and incipient

efforts to bring government management closer to citizens, these as of yet lack a strategic, articulated and systematic approach to fighting corruption which emphasises citizen participation promoting their involvement. This is why one of the essential points for the strengthening of most of the mechanisms for access to information and promotion of citizen participation is for these to become institutionalized and have generalized coverage.

This institutionalization should occur through regulations which establish and make obligatory institutional practices of active transparency and promotion of citizen participation, but also through the development of new capacities in people and institutions to be able to attend to these demands.

In general, it is positive that diverse initiatives exist, mostly in the Executive and Judicial Branches, to favour the installation of participation and transparency mechanisms. These can also be observed in institutions external to the three main branches such as the General Comptroller of the Republic and the Public Ministry. Where fewer advances are seen is in the Legislative Branch, the organ of power of the political State par excellence, responsible for legislative innovations necessary for the establishment of more effective public management systems.

Although there is significant pressure from citizens, who obtain information via the media on parliamentary activities, there are not yet mechanisms through which citizens can advocate directly when it comes to controlling and participating in the activities of the Legislative Branch, above all as refers to demanding compliance with the country's obligations to implement the necessary laws to establish preventive and punitive measures for public corruption.

In summary, the absence of an Access to Public to Information law and of a Citizen Participation Law generates vacuums which contribute to opacity and make it more difficult to exercise the right to be informed and participate in public matters. Standard procedures have not been identified to receive and respond to requests from citizens and generally to favour cooperation between government and non-government actors.

Conclusion

In general, we can say that in comparison to the past access to information on the management of public institutions has increased. However, there is no single portal, which makes information disperse and hard to find, among other factors. As regards new information technologies and communication of government management it is positive that the government has developed a holistic e-government plan which includes three aspects: (a) Relationship of government with citizens; (b) relationship of government with business; (c) relationship of government with itself.

B) Recommendations

Institutionalize mechanisms and tools to combat corruption

As mentioned above, an essential point for the strengthening of access to information and citizen participation mechanisms is that these should be institutionalized and have

generalized coverage. This institutionalization should occur through **regulations which establish and make obligatory institutional practices of active transparency and promotion of citizen participation, together with regulated procedures to implement them.**

Develop new capacities for citizens and public institutions

New capacities need to be developed for citizens and institutions to attend to these demands. In particular, it would be desirable for the government to move forward with the implementation of the e-government plan and that this serves to better take advantage of opportunities offered by new technologies to promote citizen participation in public management.

Incentivize interaction and promote spaces for public-private articulation

It is also necessary for the government to set up a space for interaction with citizens to promote the participation of diverse social actors in initiatives carried out to fight corruption. From civil society we maintain that the time has come to consolidate the spaces for participation and access to information mechanisms by passing the respective laws, likewise to increase the consistency of the administrative measures which the institutions of the three Branches of the State can carry out.

Monitoring and compliance of IACC dispositions

Finally, in addition to the points mentioned in this report, constant progress is required in regards to other dispositions of the IACC. Only through measures which follow holistic and systematic criteria will it be possible to move beyond formalism towards quality public services. The systemic and holistic approach to the problem of corruption and interventions to minimize should not be abandoned.