

**EXECUTIVE SUMMARY PREPARED FOR THE PUBLIC ETHIC CIVIL COUNSEL ASSOCIATION (PRTOETICA –PERÚ) FOR THE THIRD EVALUATION ROUND FOR COMPLIANCE OF THE INTERAMERICAN CONVENTION AGAINST CORRUPTION**

1. The level of compliance of the Peruvian State for implementing and incorporate in its legislation the CICC guidelines is adequate. They have achieved the introduction of the majority of the recommendations included in the CICC.

This is clear regarding the tax benefits denial for payments that could be related or are related to acts sanctioned by the CICC; bribes prevention from national and foreign public executives; it has been incorporated at the Penal Code the felony of Transnational Bribe (art. 397-A CP); an adequate treatment of the Illegal Enrichment felony exists; and, there is a significant advance regarding extradition, as it was possible as well as extradition concessions for several prosecuted individuals of corruption acts.

2. Nevertheless, a lack of balance is reflected between the level of completion for implementing in the National Legislation the CICC dispositions and the level of completion related to the statistic information system applied to the results reached with these dispositions.

In this way, we can mention the Peruvian State as an example, as it does not mention the objective results of the denial tax benefits applied to individuals related to corruption acts; regarding the national and foreign executives' bribes prevention, the SUNAT (National entity for Taxes Administration) does not inform neither about the results obtained. This was informed by the UIF (Finance Intelligence Unit) in a report presented to the Congress, but it is well known that the numbers included in this report are lower than the ones considered in the assets laundering.

Regarding the Transnational Bribe, as it was just incorporated in the National Legislation, there is no statistic data regarding its application. Nevertheless, there exists statistic data regarding illicit enrichment from the Judicial Power, which reflects the processes treated for this felony.

3. Regarding the level of compliance of recommendations made in previous rounds, it is reflected that in some points these recommendations were not totally complied. This happens with conduct norms established for the prevention of interest conflicts, which are wide-spread and generic and the sanction considered is basically unnecessary.

A similar situation is reflected in the delivery of assets to public executives for the compliance of their duty, as well as for publishing the results of the anti corruption policies: a clear normative frame which ensures the correct use of these assets does not exist. Likewise, there is no obligation for public executives to declare their debts. On the other hand, the electronic way is not implemented yet by the Peruvian State to denounce corruption acts.

4. It is important to highlight, in the Peruvian case, the creation at the end of 2007 of the National Anticorruption Office (ONA) which was mainly in charge of designing the anticorruption policy at a national level and investigate the corruption acts. Nevertheless, this office was created as a dependency of the Ministers Counsel, so this is why it presented a lack of budget and functional autonomy. Likewise, it was not implemented with sufficient and qualified personnel and a series of responsibilities were under their functions which at the same time make it impossible to comply with them. The ONA was closed by mid 2008. The experience left by this Office is that the Government created it not for fighting against corruption but for having a governmental entity, symbolic, that they can show but it can not take any action.
5. Above paragraph can be complemented by mentioning that there is no Controller in the Republic General Controller's Office since last year. This situation has generated a lack of clear direction in this office and there is a risk that the supervision and control of National Contracts will be performed in an incorrect way.