

# The role of Parliament and Civil Society in demanding accountability: the case of Peru

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# Regional conventions against corruption

- The Inter-American Convention against Corruption (ICAC) of the Organization of American States, approved in 1996 and signed by the 34 member States of the OAS.
- Mandates that each State parties must promote and strengthen mechanisms to prevent, detect, punish and eradicate corruption.
- It has a permanent mechanism to follow up its implementation (MESICIC)

Perú 1992-2000 : Alberto Fujimori's corrupt organization in the government.

- During Alberto Fujimori's and Vladimiro Montesinos' regime, corruption obtained a high level of sophistication. Fujimori was able to use the State's structures as a way to obtain personal benefits by an organized and apparently legal scheme.

# Undermining democracy to avoid control over corruption

It is very important to highlight the fact that the first step that Fujimori took to eliminate check and balances was the military coup he organized on April 5th, 1992.

# Controlling the press

Fujimori's government "bought" owners of the private TV . Stations, the owners of "yellow newspapers" to attack members of the political opposition. 9million dollars were used annually for such purpose.

# Parliament and social demand for accountability

After the military coup of April 1992, a Constituent Assembly was elected. The governmental majority, passed laws affecting the judiciary independence and giving much more power to the Intelligence Service. First cases of corruption and human rights crimes were presented by the opposition groups in the Assembly.

# The role of opposition in Parliament (1995-2000)

- . It was an opposition parliamentary group the one that showed the video in which Vladimiro Montesinos is giving money to a congress member ; in order to dominate his voting decisions, in the name of Fujimori.

# Seeking for international support

- The parliamentary opposition took the cases to international instances such as the Interamerican Commission of Human Rights of the OAS and presented reports about governmental corruption to international civil society organizations like Transparency International and to the European Parliament.

# Congress Commissions about crimes produced under Fujimori's regime (2000-03)

Between November 2000 and June 2003, six parliamentary commissions performed an investigative duty to establish evidences about corruption and human rights crimes produced under the political direction of Alberto Fujimori and Vladimiro Montesinos.

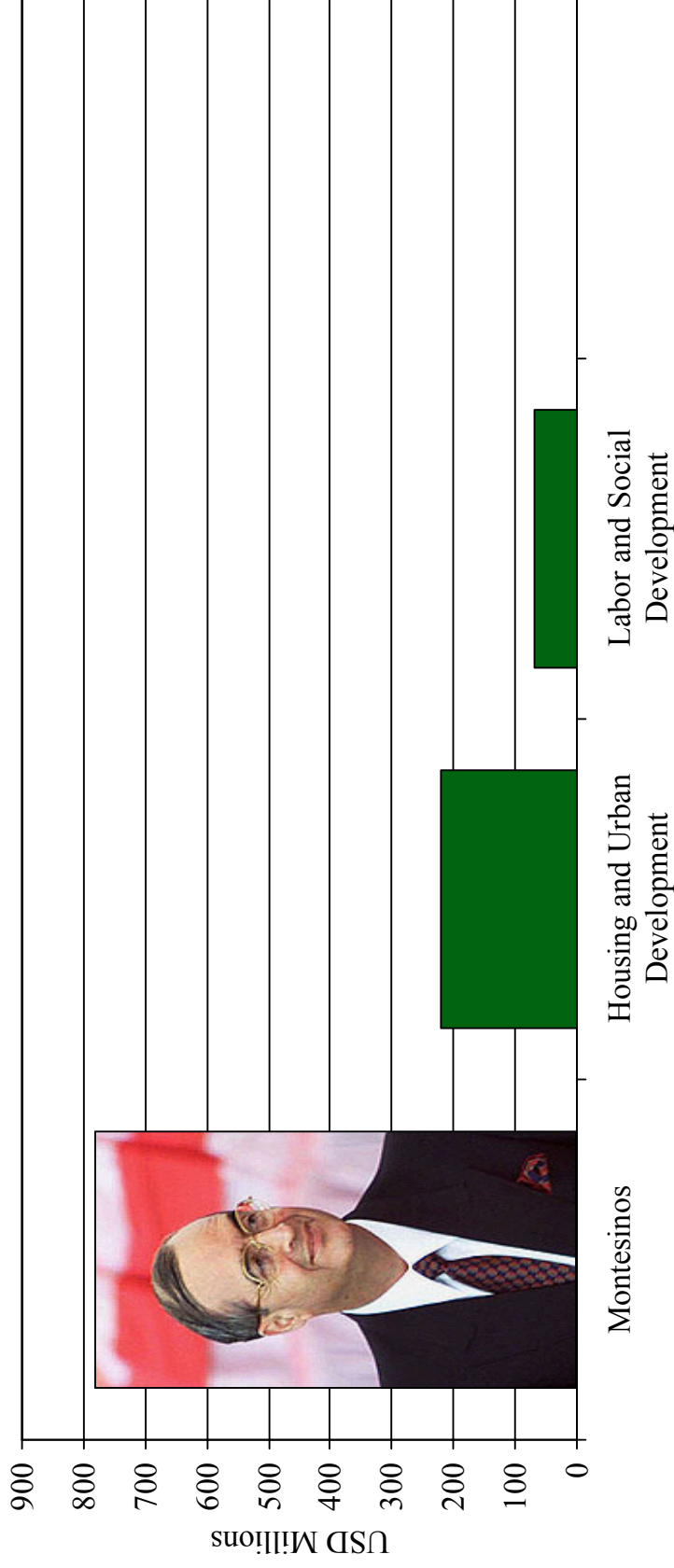
# Judicial investigations and Parliament

Parliamentarian committees permitted the

Judiciary Power to present as of December 2005, charges against 1509 persons involved in corruption ,and to recover U\$ 197,628,788 from secret bank accounts located overseas.

# Montesinos stole more than ten times what Perú spent in labor and social programs

Comparison of Montesinos and Partners' Select Transactions (1997-2002)\*



# Alberto Fujimori's extradition

Alberto Fujimori has been extradited from Chile to Peru to respond about 3 human rights crimes and 5 corruption crimes.

# Intergovernmental cooperation against corruption : the Peruvian case

- The first Parliamentary Committee of Research about the criminal actions produced by Fujimori's and Montesinos' regime had the cooperation of the American Government in the area of disclosing secret bank accounts.
- In the year 2001 the Parliamentarian of Peru received the disclosed documents from the American State Department related with Fujimori and Montesinos activities.

# Main legislation promoting anticorruption and transparency approved in Perú (2000-06)

- Law establishing benefits to the efficient collaboration of individuals involved in crimes.
- Law establishing the protective procedures in favor of crimes' witnesses.
- Law that permits a longer period of arrest of accused individuals if they are involved in complex cases.
- Law creating "Fedadoi", the Special Fund of the Justice sector administration of money obtained in an illegal way.

# Legislation promoting transparency in the public sector.

- Access to Information law.
- Law regulating the functioning of lobbies.
- Law regulating the political parties' system in Perú establishing the external oversight of their financial resources.
- Decree creating the National Anticorruption Office.

# Main current challenges ,1

- For the Judiciary Power : the performance of an objective trial for Fujimori, without accepting economical and political pressure.
- To speed the work of the Judiciary Power in processing corruption cases. Between the year 2000 and 2006, only 40 cases out of 246 linked with the corrupt organization lead by Fujimori and Montesinos, concluded with a legal punishment or sentence.

# Main current challenges ,2

- According to the calculations of the General Comptroller's Office, in 2004, 15% of the national budget is lost annually due to corruption.

# Main current challenges,3

- 89 % of Peruvians consider themselves not informed at all or poorly informed about the State agencies ' spendings.

Source : University of Lima, survey of 2006

# Main current challenges,4

- The Peruvian Parliament is disapproved by 78% of the people, Judiciary Power by 76% and the Executive Power by 68%.
- In Latin America, only 23% of the people expect to have more democracy in the long term, 43% think corruption will grow.

# Main current challenges,5

- Peru is one of 3 countries in Latin America presenting the lowest level of appreciation for democracy.

Source : The Latino barometer, 2007

# Advances performed by the OAS,1

- The Follow Up Mechanism for the Interamerican Convention against Corruption(ICAC)prepared and published Anticorruption Law models in its website.

# Advances performed by civil society in Peru,1

- Two examples :
  1. Confederacion de Mujeres por la vida y el desarrollo (The National Confederation of Women promoting peace and development), a grass root organization performing an oversight work over the quality of food aid provided by 14 out of 25 Regional Governments in Peru.

# Advances performed by civil society in Peru, 2

- 2. Ciudadanos al día (Updated Citizens) non governmental organization which installed the prize for public institutions presenting Best Practices in Government ( local or national) in 2004. It has identified 296 best practices in 14 departments in Peru ( territorial jurisdictions)

# Important actions to be taken,1

- Encourage the creation of an Inter American Commission and Court to investigate and sanction States' violations of the ICAC
- Approve the elimination of the Statute of limitations or periods of prescription for corruption crimes in countries of LAC.

# Important actions to be taken, 2

- Reform of the public procurement system.
- To provide the General Comptroller Offices with a larger budget.
- Approve Laws creating a Civil Service.
- Open a debate about public funding for political campaigns, to avoid the interference of unlawful or dirty money among them.
- Have an active role towards the Interamerican Convention against Corruption 's accomplishment.
- Follow the recommendations given annually by Follow-up Mechanism of that Convention.