

Survey on the Effectiveness of Anticorruption Authorities

Background Information

1. Please enter country name in the space below

Peru

2. Name of the agency

High-Level Anti-Corruption Commission [*Comisión de Alto Nivel Anticorrupción*]

3. Date of establishment

January 28, 2010

4. Contact Information

Susana Silva Hasembank
General Coordinator of the High-Level Anti-Corruption
Commission [*Comisión Alto Nivel Anticorrupción*]
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5. Website

<http://can.pcm.gob.pe>

Legal Framework

6. What are the main anti-corruption laws in your country?

- Supreme Decree No. 119-2012-PCM of December 9, 2012. National Anti-Corruption Plan.
- Supreme Decree No. 046-2013-PCM of April 23, 2013. Anti-Corruption Strategy of the Executive Branch.
- Law No. 27806 of August 3, 2002. Law on Transparency and Access to Public Information.
- Law No. 29542 of June 22, 2010. Law on the Protection of Whistleblowers in the Administrative Sphere and Effective Collaboration in Criminal Matters
- Law No. 28024 of July 12, 2003. Law Regulating Lobbying within the Government.
- Law No. 27815 of August 13, 2002. Civil Service Code of Ethics Law.
- S.D. 027-2007-PCM of March 25, 2007. Defines and establishes mandatory national policies for National Government entities.
- Law No. 27785 of July 23, 2002. Organic Law on the National Oversight System and of the Office of the Comptroller General of the Republic (CGR)
- Law No. 28716 of April 18, 2006. Law on Internal Oversight of State Entities.
- Law No. 27482 of June 14, 2001. Law Regulating the Publication of Sworn Declarations of Income, Assets, and Revenue by State Officials and Civil Servants.
- Law No. 26771 of September 1, 1999 (and any amendments thereto). Law that establishes a prohibition on the appointment and recruitment of staff in the Public Sector, if there is a family relationship [Law on nepotism].
- Law No. 27588 of December 12, 2001. Law that establishes prohibitions and defines conflicts of interest for civil servants and public officials, as well as persons who provide services to the State under any contractual modality.

7. Does your Government have a single or primary anti-corruption strategy?

The country's anti-corruption strategy is set out in the National Anti-Corruption Plan, which establishes the general guidelines and vision for the entire country, while respecting the autonomy and independence of each public entity.

8. Does your country have freedom of information legislation?

Yes No

9. Does your country have conflict of interest legislation?

Yes No

10. Does your country have a financial disclosure system to help prevent conflicts of interest?

Yes No

Institutional Framework

11. What are the main functions and operations of your agency? Please check all that apply

Research Prevention Investigation Prosecution Forensics Accounting Policy

12. Is there one agency in charge of coordinating AC efforts across agencies?

Yes No

If yes, please specify:

The office responsible for coordinating efforts across entities with specific responsibility to combat corruption is the High-Level Anti-Corruption Commission [CAN Anticorrupción].

13. Does your agency have the ability to share information or data with

(a) Other agencies within your Government, and

Yes No

(b) Government partners from other countries?

Yes No

14. Please enter the current size of permanent staff in the space below.

11

15. Number of prosecutors (if applicable)

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16. Number of investigators (if applicable)

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17. Number of cases handled annually (if applicable)

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18. Please enter the names of other agencies with similar functions

There is no other agency (or institution) here, in Peru, with a function similar to that of *CAN Anticorrupción*. The only entity that engages in coordination and collaboration among all the entities that have the specific mandate to combat corruption is *CAN Anticorrupción*.

19. Does your agency have a system to monitor performance of staff?

Yes No

Monitoring of the staff of the General Coordination Office of *CAN Anticorrupción* is done based on the performance of specific duties assigned to each staff member.

20. Are human resource management actions, i.e., recruitment, promotion, and termination based primarily on staff integrity and professionalism?

Yes No

21. Who appoints the head of your agency?

CAN Anticorrupción has a President, who is elected from among all the members for a management period of 2 years.

In the case of the General Coordinator, the appointment is made by the Office of the President of the Council of Ministers (PCM) because the General Coordination Office, as a supporting agency, is administratively attached to the PCM. This appointment is discussed in advance with the members of the Commission.

22. Who has the authority to remove the head of the ACA?

In the case of the President, no provision has been made for this. Notwithstanding, s/he could be removed by decision of all the members. To date, this has not happened.

The General Coordinator may be removed from his/her post by decision of the President of the Council of Ministers, subject to consultation with the members of *CAN Anticorrupción*.

23. Is there any term limit for the head of the ACA?

Yes No

If yes, please specify: In the case of the President, the management period is 2 years; and in the case of the General Coordinator there is no term as the appointment is based on trust.

24. Is the agency subject to judicial review?

Yes No

25. Is the agency subject to expenditure reviews?

Yes No

26. Does your agency publish an annual report of activities?

Yes No

27. Does your agency measure performance?

Yes No

If yes, against which indicators?

- Number of investigations conducted
- Number of investigations concluded
- Ratio of number of investigations/staff
- Percentage of total budget allocated to outreach activities and communication.
- Others, please specify **Number of unanimous agreements of the Commission, actions in the National Anti-Corruption Plan, best practices for preventing corruption, and anti-corruption proposals implemented.**

28. Does your agency keep a comprehensive skill list of its staff?

Yes No

29. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?

Yes No

There is no regular program as there is no budget; however, staff members are encouraged to participate in subsidized refresher programs.

30. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistleblowing)?

Yes No

31. Does your agency have a communication strategy?

Yes No

32. Does your agency have a comprehensive corporate plan?

Yes No

33. Is there a strategy for formulating a partnership with outside agencies to fight corruption?

Yes No

34. Is there a strategy for dealing with the media?

Yes No

Resource Mobilization

35. Does your agency have budgetary autonomy?

Yes No

36. What is the annual budget of your agency?

In ordinary resources: 1,149,984 soles, which is approximately US\$ 426,000.

37. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)

<input type="radio"/>	Number of staff
<input type="radio"/>	Number of investigations
<input type="radio"/>	Budget is constitutionally mandated
<input type="radio"/>	Other, please specify Number of activities and goals

38. How much does it roughly cost to (please enter the dollar amount per stated activity)?

\$	File a case	\$	Manage a paper case	\$	Analyze a case
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This does not apply because CAN Anticorrupción does not look at nor investigate cases.

39. Any donor involvement?

Yes No

40. Does your agency use a computerized system to handle cases?

Yes No **Not applicable**

Social Framework

41. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?

Yes No

42. Does your agency or government provide a hotline to report corruption?

Yes No

43. Does your agency produce regular public reports of its activities?

Yes No