

Report on the conference
Comprehensive Anti-Corruption Approach in Latin America and the Caribbean: Strategies and Practices for Prevention and Prosecution

26 and 27 September 2023
Santo Domingo, Dominican Republic

On 26 and 27 September 2023, a regional conference was organised in Santo Domingo by the Latin America and Caribbean Initiative to Promote Stability, Democracy and the Rules-Based International Order (LAK-FSDRIO) and the project Promotion of the Rule of Law in Central America and the Caribbean (FEDACC), two initiatives funded by the German Federal Foreign Office. The event focused on the key components of a **comprehensive anti-corruption approach** in Latin America and the Caribbean. Corruption – understood as the illicit enrichment of those who abuse public office for personal gain – is a complex phenomenon. It erodes public funds and the quality of public services, and it harms flesh-and-blood people, especially the weakest, as they are denied equal access to such services. As corruption occurs in the context of and through the exercise of public power, its perpetrators can easily ensure their impunity, thus threatening the rule of law and democracy.

Given the complexity of the problem and the harm it causes to society, the conference decided to pursue a comprehensive approach ranging from prevention to investigation and effective criminal justice. Despite there being substantial differences between the countries, the conference sought to capture lessons learned by civil society, international cooperation and government entities across the region. Recognising that corruption affects people differently depending on their level of access to legal protection, the conference explored questions around the impact of corruption on gender equity and the extent to which diverse groups, such as Indigenous Peoples and LGBTQI+ communities, have access to justice. Particular attention was paid to the fight against money laundering and the most effective ways of making the proceeds of corruption less attractive (asset recovery).

The conference included seven panel sessions and two workshops. A central feature of the panel debates was the sharing of experiences with a view to strengthening national capacities and extending this capacity development to other countries in the region. During the workshops, with the help of the participating regional experts, courses of action were devised, aimed at improving the prevention, investigation and prosecution of corruption.

The conference was attended by Maike Friedrichsen, German Ambassador to the Dominican Republic, who was accompanied by other representatives from the German Embassy; Cordula Geinitz, Deputy Director for Central America, the Caribbean and Mexico of the German Federal Foreign Office; representatives from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, the Konrad Adenauer Foundation, the European Union, the United Nations Office on Drugs and Crime (UNODC) and the Justice Studies Center of the Americas (JSCA); and high-level judges and public prosecutors, representatives of civil society organisations and reputable think-tanks and experts from Argentina, Chile, Colombia, the Dominican Republic, Germany, Guatemala, Honduras and Peru.¹

For most of the conference, there were also remote participants.

¹ A list of the panellists is provided at the end of this document.

The panel sessions

1. The opening panel **Corruption and its impact on the rule of law, democracy and trust in government institutions** served to introduce and set the scene for the conference. The panellists were Maïke Friedrichsen, German Ambassador to the Dominican Republic; Cordula Geinitz, Deputy Director for Central America, the Caribbean and Mexico of the German Federal Foreign Office; and Yeni Berenice Reynoso, Deputy Attorney General of the Dominican Republic, who was representing the Attorney General, Miriam Germán Brito.

The session focused on the importance of reducing corruption for the stability and development of democracy and the rule of law. The clear message that emerged was that Europe and Latin America are natural allies in this endeavour, with the Dominican Republic now demonstrating strong political will in the fight against corruption.

In her contribution, **Maïke Friedrichsen** highlighted the following factors:

- Corruption undermines people's trust in institutions.
- Combating corruption requires courage given that it makes the judiciary the target of attacks.
- The misappropriation of funds benefits the powerful to the detriment of the rights of ordinary people.
- Germany sees the Dominican Republic as its ally, a partner it can work with on promoting the anti-corruption agenda in the region.

For her part, **Cordula Geinitz** focused on the following points:

- The Federal Republic of Germany and the Dominican Republic have maintained diplomatic relations for 70 years, and they share democratic values and the vision of an international system based on rules and human rights.
- A strong rule of law forms the basis of a stable democracy that guarantees the human rights of its citizens.
- Corruption impacts on human rights.
- The separation of powers, transparency and an independent judiciary are the cornerstones of the rule of law.
- The fight against corruption requires the involvement of the economic sector and human rights organisations.
- States that operate on the basis of rules provide legal certainty, resolve disputes among citizens (stability) and foster an environment conducive to economic growth.
- Germany's feminist foreign policy dovetails with the fight against corruption.
- The aim is to provide a space for dialogue and exchange between those working to achieve this ambitious goal, so they can identify key factors for effectively combating corruption in the region.

Yeni Berenice Reynoso made the following points:

- Latin America and the Caribbean need to focus on a new comprehensive anti-corruption model for public administration.
- Legal certainty requires there to be predictability in the conduct of public servants.
- Corruption benefits the few at the expense of the many, violating human rights and damaging the legitimacy of the democratic system.
- Corruption is a direct attack on the rule of law, affecting citizens' rights and development. It is a violation of the principles of legality and equality before the law, and it oppresses the people.

- Corruption affects legal certainty and the public authorities which must act in accordance with the law.
- The Office of the Attorney General of the Dominican Republic is fully committed to combating corruption and has dealt with dozens of cases in recent years thanks to the dedication of its staff.
- Events such as this conference have a strong impact on the work of government institutions, in terms of both training and cooperation.
- With the Office of the Attorney General pursuing its fight against corruption, this cooperation is timely and necessary.

2. In the panel session **Comprehensive anti-corruption policy in the Dominican Republic and Latin America and the Caribbean**, the following ideas were prominent:

- Forms of corruption differ in terms of their level of complexity (high, medium, low). The instruments used to fight corruption must be diverse and suited to the level of complexity: the more complex the case is, the more coordination is required between different government entities.
- Building transparency into government operations is key.
- Corruption is not a petty crime; it leads to serious human rights violations.
- Women and priority vulnerable groups are particularly affected by corruption.
- It would be advantageous for anti-corruption and human rights organisations to cooperate more closely.
- It is important for victims and NGOs to act as co-complainants or co-plaintiffs.
- The protection of human rights defenders, investigative journalists and whistle-blowers is crucial, as is witness protection.
- The Dominican Republic's current anti-corruption legislation is inadequate. This is in contrast with many other countries where the legislation is adequate and the problem is with implementation and enforcement.
- The Office of the Attorney General of the Dominican Republic is actively seeking 'increased legality' and needs to promote more effective methodologies.
- There needs to be greater openness of data and information in the public sector.
- In areas of government where contracts are awarded, there must be prioritised policies and a move towards a paradigm of transparent and effective public administration.
- To deter those in a position to corrupt or be corrupted, the system of sanctions needs to be improved.

3. In the panel session **Role of international cooperation in anti-corruption efforts**, there was a call for the following:

- The exchange of good practices for cooperation between states.
- Cooperation networks linking up states' justice systems for investigation, prosecution and punishment.
- Cooperation on protecting investigators who are at risk.
- Cooperation on improving capacities.
- The strengthening of coordination and cooperation between international organisations.
- An adequate regulatory framework that ensures the political will required to fight corruption.
- In international cooperation, preliminary assessments, conducted before taking action, and evaluations of effectiveness are required.
- The strengthening of investigative journalism: capacity-building and support on controlling disinformation and observation missions.
- The democratisation of knowledge for citizens, generating a critical mass for integrity.

- The strengthening of e-government, election observation and transparency. It was emphasised that this requires the successful functioning of an entire ecosystem and involves a variety of actors, such as NGOs, local authorities, journalists and the legislature.

Other ideas put forward focused on the following:

- When anti-corruption policies/initiatives are being implemented, political and diplomatic follow-up is important.
- When working to strengthen judicial integrity, exemplary judicial officials should be supported and encouraged, fostering a critical mass for integrity that positively influences the entire judicial system.
- There is no magic wand to wave away corruption. What is required is ongoing dialogue. The fight must be seen as a marathon and not a sprint.

4. In the panel session **Deepening capacities for the prosecution of corruption offences**, the following ideas were raised:

- Money laundering and asset recovery are particularly important aspects of the fight against corruption.
- Reducing impunity is also vital because corruption is endemic and socially accepted to a certain extent in some countries.
- Even in corrupt systems there are 'islands of integrity', and these must be strengthened with the goal of building a critical mass for integrity.
- In the context of efforts to ensure the independence of the judiciary, it is essential to safeguard objective selection procedures for judges and public prosecutors.
- Excessively long legal proceedings (delays) leave the way open for corruption.

The following measures were also suggested:

- Strengthen independent criminal prosecution bodies so they can gather evidence of a high probative value in a timely fashion.
- Employ specific investigation methods consistent with the level of complexity of the corruption case.
- Have criminal prosecution policies in place that set out priorities and allocate resources for specialisation.
- Give consideration in corruption cases to negotiated justice and alternatives to trial.
- Ensure that rulings on prominent cases are given publicity.
- Keep morale high by providing those working to combat corruption with ongoing support.

5. In the panel session **Role of non-governmental actors in the formulation of a regional anti-corruption strategy**, the ideas put forward included the following:

- It is useful to know the profile of offenders. It helps prevent the corrupt from penetrating the echelons of power (parliament, etc.) where they might even be able to influence public policy-making.
- Civil society organisations have an important role to play as complainants, especially because they can force the government to remedy the consequences of corruption.
- Through its reports, civil society brings into view the effectiveness of the justice system and the Public Prosecutor's Office in particular so that the 'good people' are recognised and rewarded.

- Unlike public sector operations, there is continuity in the work of civil society. NGOs therefore need to exert greater influence in the prevention and combating of corruption.
- Observatories play a key role, as they produce valuable information that can be used in the fight against corruption.
- Through coordination with the media, it is possible to shine a light on how money laundering works and the impact of pretrial detention and to open up a discussion on the appropriate tools for promoting integrity in public service.
- Financial investigations are key for ‘following the money’, recovering assets and gathering evidence on perpetrators. Greater capacity therefore needs to be developed in this area.
- The Public Prosecutor’s Office needs to be supported and its good work and successes publicised more effectively.

6. In the panel session **The influence of women as a driving force in the fight against corruption**, the following ideas were highlighted:

- Women and other population groups are disproportionately affected by corruption. It is they who are most likely to see their rights and lives disrupted when corruption occurs and who have the least chance of securing legal protection.
- The phenomenon of ‘sextortion’ – where women are coerced into providing sexual favours to receive public services – demonstrates how corruption is linked to other offences that directly violate human rights. Corruption is yet another form of gender-based violence.
- While there is no data to show that women are more honest than men, there are certainly more men in the corridors of power and thus in a position to commit acts of corruption. We also know that, when teams are diverse, there is less corruption.
- Time and again, women are used as a smokescreen erected on the common misperception that having women in public office makes government more honest.
- Corruption is a misuse of power and causes harm to individual rights, and this harm is greater among those most exposed to abuses of power.
- Supporting women’s networks is crucial in the context of fighting corruption. Within the framework of Germany’s feminist foreign policy, German cooperation can contribute significantly to this.
- At present, staff development measures in the judiciary are far too male-oriented, failing to sufficiently consider the need to balance work and family commitments.
- The demands placed on women in public service are often disproportionately high.
- Witness protection does not sufficiently accommodate the reality of women’s lives.

7. Prior to the two workshops in the final part of the conference, **three short presentations** were delivered.

GIZ’s **Astrid Bosch**, Technical Advisor for the LAK-FSDRIO project of the German Federal Foreign Office, described this project’s work to build the capacities of criminal justice officers in the region.

GIZ’s **Andreas Forer**, Director of the FEDACC project of the German Federal Foreign Office, reported on the launch of FEDACC operations in the Dominican Republic.

Verena Blickwede, GIZ’s Country Director for the Caribbean, provided an overview of GIZ’s work in the region.

8. The final part of the conference comprised **two workshops** to which delegates were invited in advance.

One workshop focused on the **LAK-FSDRIO** project, developing a concept for a hybrid training module for the project on the investigation and prosecution of money laundering offences and producing a script for a video clip to be included in the module.

The other workshop focused on the **FEDACC** project, drawing up specific recommendations for the project's future measures in Central America and the Caribbean and identifying areas in need of action. These areas included, among others, measures to speed up investigative and judicial processes, case selection, prosecution strategies, cooperation between different judicial authorities and with other agencies, the protection of judges, public prosecutors, witnesses and leniency programme beneficiaries, and civil society judicial observatories. It was established that there is a significant need for ongoing training.

The sessions concluded with the two groups sharing the outcomes of their workshop.

Berlin, 20 October 2023

Conference panellists

(in alphabetical order)

- **Ana Linda Solano López**, academic researcher, Global Initiative Against Transnational Organized Crime, Colombia
- **Ana María Calderón**, former head of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH)
- **Daniel Kempken**, jurist and consultant on issues concerning the rule of law, judicial systems and the fight against corruption
- **Demil Ramírez**, International Relations Expert, Chamber of Accounts, Dominican Republic
- **Gabriela Castellanos**, Executive Director, National Anti-Corruption Council (CNA), Honduras
- **Guglielmo Castaldo**, Crime Prevention and Criminal Justice Officer (Anti-Corruption), UNODC Anti-Corruption Hub for Latin America and the Caribbean, Mexico
- **Hartmut Rank**, Head of the Rule of Law Programme in Latin America, Konrad Adenauer Foundation
- **Karen Hussmann**, Chief of Party, Partners for Transparency (JxT), USAID
- **Karina Kalpschtrej**, Deputy Executive Director, Citizen Power Foundation, Argentina
- **Karla María Martínez**, Judge of the Court of Appeal for Corruption, Honduras
- **Katya Salazar**, Executive Director, Due Process of Law Foundation (DPLF)
- **Leonel González**, Head of International Relations, Institute for Comparative Studies in Criminal and Social Sciences (INECIP), Argentina
- **Luis Alejandro Yshii Meza**, Professor of Criminal Law, Pontifical Catholic University of Peru (PUCP)
- **Marco Antonio Villeda**, Judge specialised in asset forfeiture, Guatemala
- **Nataly Ponce Chauca**, Executive Director, Justice Studies Center of the Americas (JSCA)
- **Servio Tulio Castaños Guzmán**, Executive Vice-President, Institutionalality and Justice Foundation (FINJUS), Dominican Republic
- **Stefaan Pauwels**, Head of Section, Delegation of the European Union to the Dominican Republic
- **Wilson Camacho**, Deputy Prosecutor, Specialised Prosecutor's Office for Administrative Corruption (PEPCA), Dominican Republic
- **Yeni Berenice Reynoso**, Deputy Attorney General, Dominican Republic