

Colombia

Western Hemisphere / **South America**

CAPITAL Bogotá	TERRITORY 1,109,500 km ²	POPULATION (2020) 50,882,884.00	GDP TOTAL (2020) \$271.3B USD	GDP PER CAPITA (2020) \$5,332.77 USD	INCOME GROUP Upper middle income
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Convention Implementation



Implemented
3rd of 31 western hemisphere
2nd of 12 South American countries



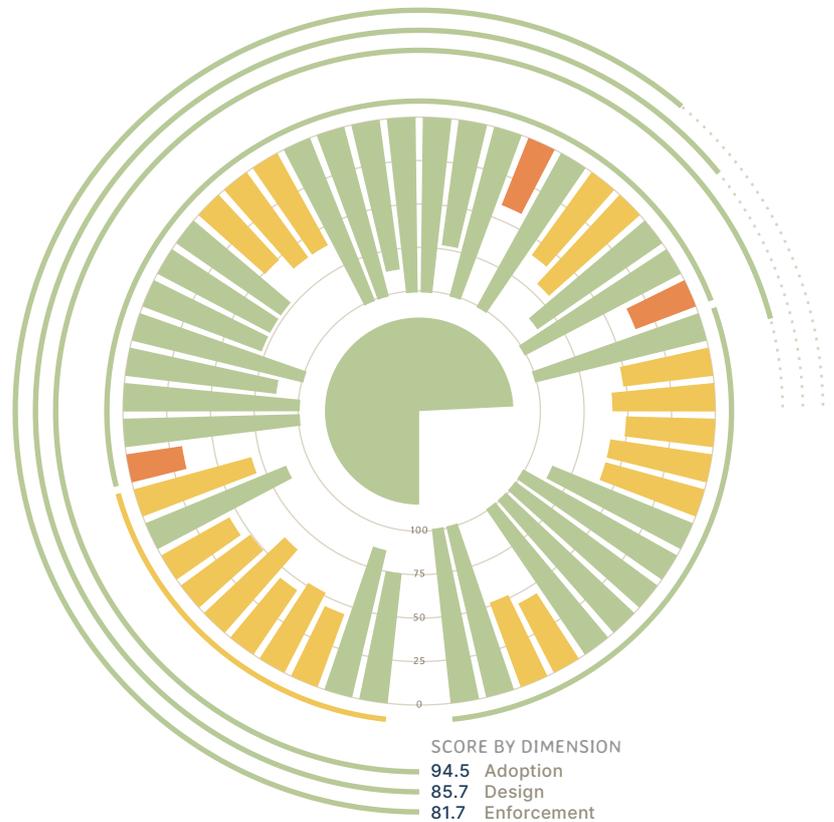
In progress



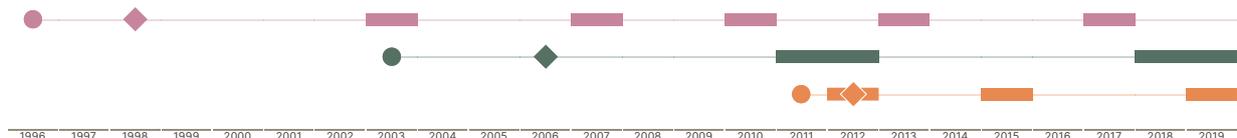
Implemented



Implemented



Anti-corruption conventions timeline



CONVENTIONS	KEY EVENTS
<ul style="list-style-type: none"> IACAC - Inter-American Convention Against Corruption UNCAC - United Nations Convention against Corruption OECD Anti-Bribery Convention 	<ul style="list-style-type: none"> Signed Ratified/acceded Review rounds

Prevention

In progress

60.8

✓ Adoption 95.0 ✎ Design 78.3 ⌚ Enforcement 70.0

Standards of Conduct Implemented 74.2 ✓ 100.0 ✎ 83.3 ⌚ 83.3	Enforcement of Standards of Conduct Implemented 85.9 ✓ 100.0 ✎ 100.0 ⌚ 83.3	Training of Public Officials Core-deficient 43.8 ✓ 100.0 ✎ 50.0 ⌚ 66.7	Asset and Conflicts of Interests Declarations In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Transparency in Government Contracting Core-deficient 43.8 ✓ 100.0 ✎ 100.0 ⌚ 33.3
Elimination of Favorable Tax Treatment In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Oversight Bodies In progress 48.4 ✓ 75.0 ✎ 66.7 ⌚ 66.7	Measures to Deter Domestic and Foreign Bribery Core-deficient 43.8 ✓ 100.0 ✎ 50.0 ⌚ 66.7	Encouraging Participation by Civil Society Implemented 85.9 ✓ 100.0 ✎ 100.0 ⌚ 83.3	Study of Other Preventive Measures In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0

Criminalization and law enforcement

Implemented

77.9

✓ Adoption 92.0 ✎ Design 84.7 ⌚ Enforcement 88.7

Protection of Those who Report Acts of Corruption Core-deficient 31.3 ✓ 50.0 ✎ 83.3 ⌚ 33.3	Scope Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-by-National Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Jurisdiction: Offender-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Public Bribery In progress 71.9 ✓ 100.0 ✎ 100.0 ⌚ 66.7	Active Public Bribery In progress 71.9 ✓ 100.0 ✎ 100.0 ⌚ 66.7	Abuse of Functions In progress 71.9 ✓ 100.0 ✎ 100.0 ⌚ 66.7	Money Laundering In progress 50.0 ✓ 75.0 ✎ 66.7 ⌚ 66.7	Participation and Attempt In progress 59.4 ✓ 75.0 ✎ 83.3 ⌚ 66.7
Active Foreign Bribery In progress 59.4 ✓ 75.0 ✎ 66.7 ⌚ 83.3	Illicit Enrichment Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Use of State Property Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Illicit Acquisition of a Benefit Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Public Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Foreign Bribery Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Private Bribery In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Private Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Obstruction of Justice Core-deficient 40.6 ✓ 75.0 ✎ 33.3 ⌚ 100.0	Liability of Legal Persons Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Statute of Limitations In progress 57.8 ✓ 100.0 ✎ 50.0 ⌚ 100.0	Prosecution, Adjudication and Sanctions In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0	Consequences and Compensation Implemented 85.9 ✓ 100.0 ✎ 100.0 ⌚ 83.3	Cooperation With Law Enforcement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Asset Recovery Core-deficient 35.9 ✓ 75.0 ✎ 33.3 ⌚ 83.3

International cooperation

Implemented

77.0

✓ Adoption 98.3 ✎ Design 92.2 ⌛ Enforcement 77.8

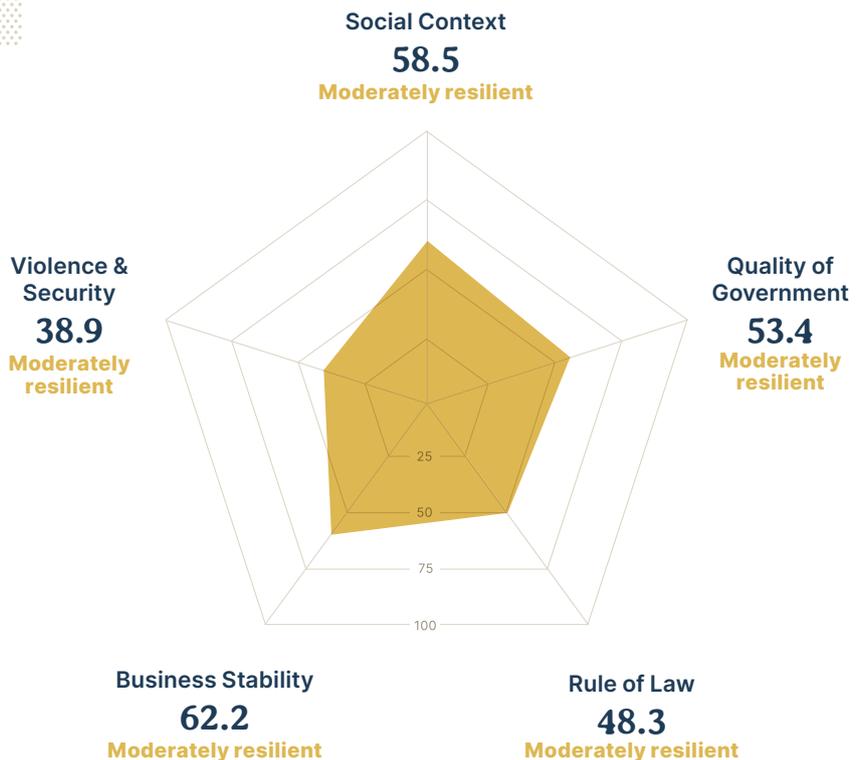


Corruption Resilience

52.3

Moderately resilient

21st of 31 western hemisphere
8th of 12 South American countries



Analysis

Convention Implementation

Colombia signed the Inter-American Convention Against Corruption (IACAC) on March 29, 1996, and ratified it on November 25, 1998. It is a State Party to the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) since June 4, 2001. The country also signed the United Nations Convention Against Corruption (UNCAC) on December 10, 2003, and subsequently ratified it on October 27, 2006. Colombia is also party to the OECD Anti-Bribery Convention (OECD-ABC), having deposited the instrument of accession on November 20, 2012. Accordingly, Colombia has undergone five rounds of review under MESICIC, one round of review under the UNCAC review mechanism, and three phases of evaluation by the OECD Working Group on Bribery.

Colombia's record in implementing its commitments to IACAC, UNCAC and OECD-ABC exhibits a large number of successes and very few failures. With an overall score of 74.2, the measures adopted place the country at the higher point of compliance with international norms, surrounded by Chile (70.5), Peru (72.3), Argentina (75.2), and Costa Rica (76.3). Despite achieving higher success in regard to criminalization and international cooperation (as is the case throughout the region) the majority of preventive measures are found to be in progress or implemented, while an equal number of failed measures pertain to criminalization and law enforcement. Consequently, a reasonably well distributed degree of progress is found in all three sections.

The prevention of corruption is undergoing, classified as "in progress" by its average score and with all but three measures given a score above 50—the training of public officials, transparency in government contracting, and actions to deter domestic and foreign bribery related to accounting regulations—all three of which receive a score of 43.8. Indeed, the majority of preventive measures are considered to be in progress, including the adoption and enforcement of systems for registering asset and conflict of interests' declarations and the state of oversight bodies, among others. Significantly, standards of conduct and their enforcement in Colombia, as well as the initiatives to encourage the participation of civil society, are found to be almost fully implemented. Success in this regard is highlighted due to the difficulties experienced by other countries in the region; concerning one area of the assessed measure, MESICIC reported in its first round that Colombia's "standards and mechanisms considered seek to prevent conflicts of interest with

regard to public servants of all levels... Other measures adopted in Colombia also contribute to preventing conflicts of interest and achieving the purposes referred to in the Convention." Similar praise is extended to the country's efforts to ensure the conservation and adequate use of resources and whistleblowing requirements in the public sector.

In terms of criminalization and law enforcement, Colombia shows strong results. The country is found to have implemented over half of its commitments, including the full implementation of measures against illicit enrichment, embezzlement in the public sector, and the passive bribery of foreign officials; as well as the liability of legal persons and legal mechanisms to facilitate cooperation with law enforcement (e.g., plea bargain), both of which are required by UNCAC. Furthermore, key commitments that are evaluated as remaining in progress received very promising scores—the criminalization of active and passive bribery in the public sector, abuse of functions, and bribery in the private sector. Three measures are found deficient within this section—the criminalization of obstruction of justice in all its forms (40.6), asset recovery (35.9), and the protection of those who report acts of corruption (31.2).

Finally, Colombia is found fully compliant in its commitments to establish jurisdiction over the offenses covered by the conventions, including those that have been committed inside its territory, committed by a national, or when the offender is present in its territory, among other required forms. The country's mild implementation of its commitments regarding international cooperation is reflected in over half of all measures within this section receiving an "implemented" score and only one measure found deficient at core—the responsibilities of central authorities charged with receiving requests for assistance, whose features are evaluated as inconsistent with the aims of the conventions.

Corruption Resilience

With respect to the social context indicator, Colombia's score experienced a marginal decrease of 1.0 points between 2019 and 2020—resulting in a score of 58.5—which falls 6 points below the Western Hemisphere average of 64.9 and into the 25th percentile for the region. Over the last decade, Colombia has consistently scored below the Western Hemisphere average. Despite constitutional protections for the freedom of expression and opinion, the Colombian media continue to face serious challenges at the hands of the government. Since the 2017 national strike—which demanded

President Duque's administration take greater actions toward thwarting corruption within the country—the media have been labeled and treated as enemies of the state. Hundreds of attacks against members of the press have been reported, both during and following the 2017 national strike, while serious media restrictions have left an estimated 7.8 million Colombians without access to local news within their municipalities.

In terms of the quality of governance and institutions, Colombia's score decreased by 3.0 points between 2019 and 2020—resulting in a score of 53.4. While the country's score saw marginal improvements from 2010 to 2020, it remained just above the regional average by 2.8 points. Colombia's 2020 score is largely influenced by concerning levels of corruption, flawed democratic institutions, and the reemergence of conflict with the Revolutionary Armed Forces of Colombia (FARC).

The rule of law indicator score saw a marginal decrease of 0.9 points between 2019 and 2020—resulting in a score of 48.3—which falls under the Western Hemisphere average of 51.1 by 2.8 points. While Colombia's rule of law indicator score fluctuated over the last decade, it consistently remained below the regional average. For example, between 2010 and 2020 the country's average rule of law score was 48.8, while its regional counterparts held an average of 50.6 during the same period of time. Colombia's score is largely influenced by the obstacles faced by the judiciary, which stem from institutionalized corruption. In recent years, allegations of

corruption and extortion have emerged—incriminating the country's supreme court justices and exposing a network (the Cartel de la Toga) of bribery among judges, lawyers, and political elites.

Despite problems with corruption, Colombia's business stability score (62.2) ranked within the higher percentile of the region—exceeding the regional average by 11.7 points in 2020. While Colombia's business stability score only saw a marginal increase of 0.1 points from the previous year, the country continues to maintain an open business environment and is home to the fourth largest economy in the region. Additionally, Colombia has signed a bilateral trade agreement with the United States, which has provided further incentive for the country to improve its regulatory system and policies impacting its business environment.

In terms of the violence and security indicator, Colombia ranks within the lower percentile for the region with a score of 38.9—a 1.6-point decrease from 2019. Despite the country's low score in 2020, Colombia saw significant improvements in its rule of law score over the last decade, increasing a total of 12.4 points between 2010 and 2020. More specifically, the country's score increased following the 2016 peace accords with FARC but began to decrease again as relations between the government and FARC deteriorated in 2017. Beyond these conditions, Colombia's score was influenced by a history of homicide and insecurity related to organized crime networks and drug trafficking.

Transparency

MAIN REPORTING NGO

Corporacion Transparencia Por Colombia

REPORT DATE	REVIEW YEAR	DOCUMENT REVIEWED	LANGUAGE
Feb-2013	2011-2012	Executive Summary	Spanish

Did the government make public the contact details for the country focal point?  **No**

Was civil society consulted in preparation for the self-assessment?  **Yes**

Was civil society invited to provide information to the official reviewers?  **No**

Was the self-assessment published online or provided to CSOs?  **No**

Assessment of the Review Process Civil Society Parallel Reports

Source: UNCAC CIVIL SOCIETY COALITION

The parallel country review report for Colombia took place between 2011 and 2012 and was led by Corporacion Transparencia Por Colombia, the Colombian chapter of Transparency International. While both the executive summary and full report were available online, the documents were only accessible in Spanish. Therefore, the following is a translated summary of key points and details highlighted within the report. First, the report noted that the Colombian government did not release the information or contact details of the officials responsible for leading the review process within the country. Transparency for Colombia was able to receive access to UNCAC-related documents and data as a result of persistent communication with government officials which were working on international anti-corruption conventions. The availability of information was scarce, many statistics were inaccessible, and it remained unclear which government entities were tasked with their management.

In terms of the legal framework, the report noted that Colombia has complied with the implementation of the regulations found within chapters III and IV of the Convention. The country has also made significant strides in criminalizing offenses against public administration, and improved policies on extradition. While gaps in regulation still exist, the report's findings show that the largest obstacle stunting Colombia's compliance are the deficiencies in the implementation of regulations. More specifically, there is concern that the number of individuals convicted of crimes against the public administration do not reflect the reality of corruption within the country. The report notes that this can only be mitigated by providing adequate tools for investigating acts of corruption, training public officials to recognize these issues, and creating a culture of open and transparent access to public information. The report concludes that priority actions must focus on the immediate adoption of a comprehensive public policy to combat corruption.