

Costa Rica

Western Hemisphere / **Central America**

CAPITAL San José	TERRITORY 51,060 km ²	POPULATION (2020) 5,094,114.00	GDP TOTAL (2020) \$61.52B USD	GDP PER CAPITA (2020) \$12,076.81 USD	INCOME GROUP Upper middle income
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Convention Implementation



Implemented

1st of 31 western hemisphere
1st of 8 Central American countries

Prevention



In progress

Criminalization and law enforcement

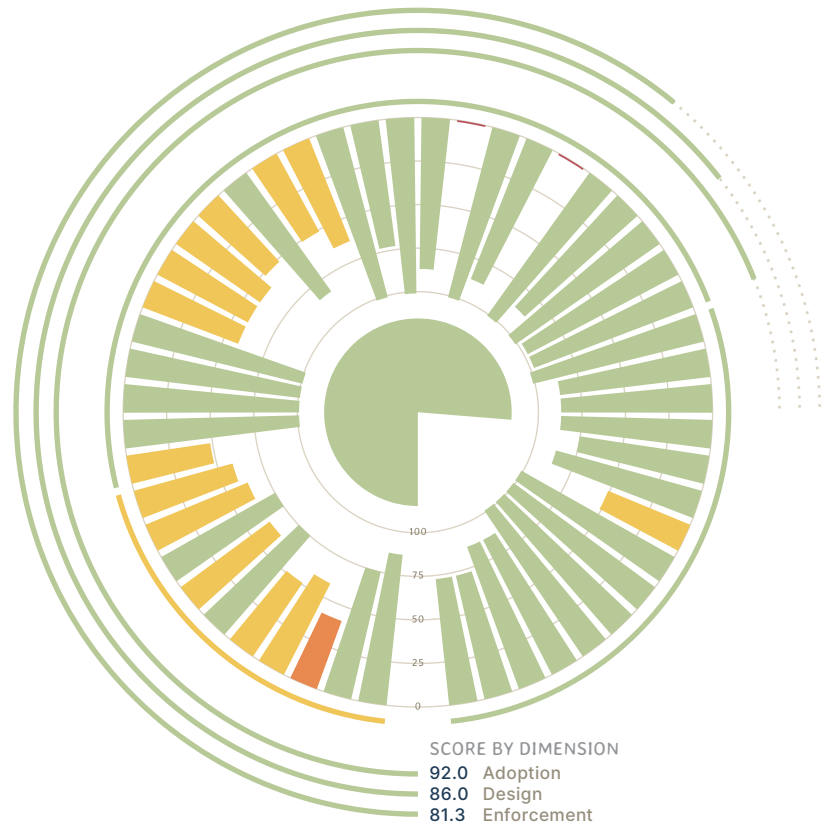


Implemented

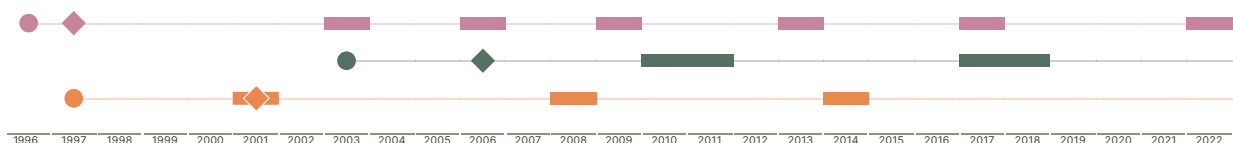
International cooperation



Implemented



Anti-corruption conventions timeline



CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

Prevention

In progress

64.0

✓ Adoption 95.0 ✎ Design 80.0 ⌚ Enforcement 73.3

Standards of Conduct Implemented 85.9 ✓ 100.0 ✎ 100.0 ⌚ 83.3	Enforcement of Standards of Conduct Implemented 74.2 ✓ 100.0 ✎ 83.3 ⌚ 83.3	Training of Public Officials Core-deficient 40.6 ✓ 75.0 ✎ 66.7 ⌚ 50.0	Asset and Conflicts of Interests Declarations In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Transparency in Government Contracting In progress 50.0 ✓ 75.0 ✎ 66.7 ⌚ 66.7
Elimination of Favorable Tax Treatment Implemented 74.2 ✓ 100.0 ✎ 83.3 ⌚ 83.3	Oversight Bodies In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Measures to Deter Domestic and Foreign Bribery Implemented 74.2 ✓ 100.0 ✎ 83.3 ⌚ 83.3	Encouraging Participation by Civil Society In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Study of Other Preventive Measures In progress 57.8 ✓ 100.0 ✎ 50.0 ⌚ 100.0

Criminalization and law enforcement

Implemented

75.6

✓ Adoption 87.0 ✎ Design 83.3 ⌚ Enforcement 80.7

Protection of Those who Report Acts of Corruption In progress 47.7 ✓ 75.0 ✎ 50.0 ⌚ 83.3	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 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offender-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Public Bribery In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Active Public Bribery In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Abuse of Functions In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Money Laundering In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Participation and Attempt Implemented 82.8 ✓ 75.0 ✎ 83.3 ⌚ 100.0
Active Foreign Bribery In progress 50.0 ✓ 75.0 ✎ 66.7 ⌚ 66.7	Illicit Enrichment In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Use of State Property Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Illicit Acquisition of a Benefit In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Public Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Foreign Bribery Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Private Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Obstruction of Justice Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Liability of Legal Persons No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0
Statute of Limitations Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Prosecution, Adjudication and Sanctions Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Consequences and Compensation Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Cooperation With Law Enforcement Implemented 96.9 ✓ 75.0 ✎ 100.0 ⌚ 100.0	Asset Recovery Implemented 96.9 ✓ 75.0 ✎ 100.0 ⌚ 100.0

International cooperation

Implemented

85.6

✓ Adoption 98.3 ✎ Design 94.4 ⌛ Enforcement 87.8

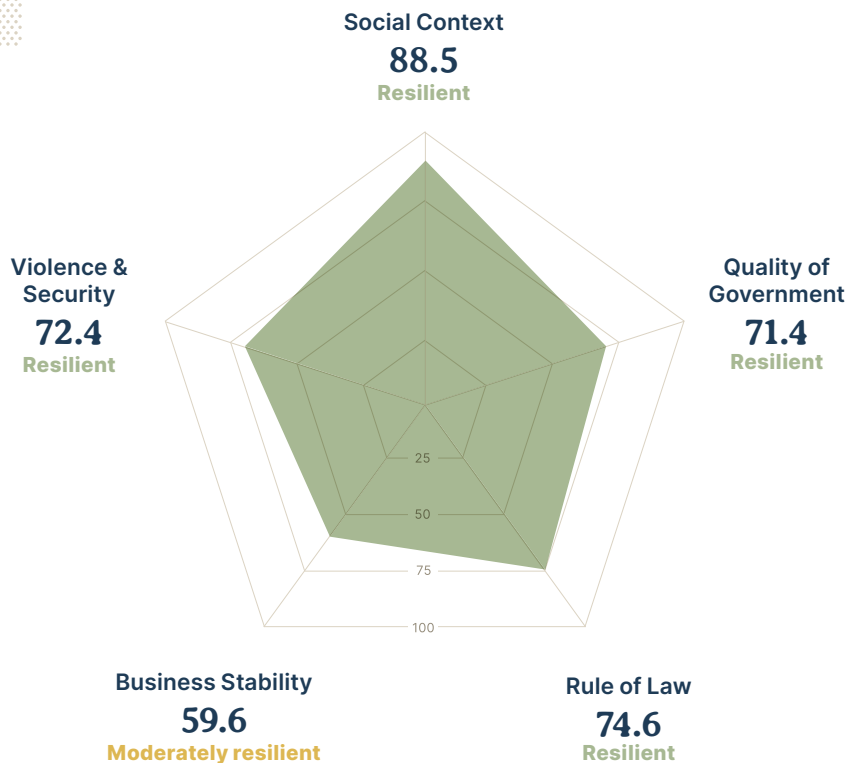


Corruption Resilience

73.3

Resilient

2nd of 31 western hemisphere
 1st of 8 Central American countries



Analysis

Convention Implementation

Costa Rica signed the Inter-American Convention Against Corruption (IACAC) on March 29, 1996, and ratified it on May 9, 1997. 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 March 21, 2007. Costa Rica is also party to the OECD Anti-Bribery Convention (OECD-ABC), having deposited the instrument of accession on May 24, 2017. Accordingly, Costa Rica has undergone six rounds of review under MESICIC (of which only the first five were considered here, as the final report for the sixth round was only adopted on September 16, 2021), one round of review under the UNCAC review mechanism, and two phases of evaluation by the OECD Working Group on Bribery.

Costa Rica'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 76.3, the measures adopted place the country at the highest level of compliance with international norms in the region, followed by Argentina (75.2) and Colombia (74.2). In fact, three out of every five measures evaluated as implemented, and only three measures across all section received a failing score—one core-deficient and two fully unimplemented. Despite achieving higher success in regard to criminalization and international cooperation (as is the case throughout the region) the great majority of preventive measures are found to be in progress or implemented; consequently, a reasonably well distributed degree of progress is found in all three sections.

The prevention of corruption is undergoing, with a promising score of 64.0 and all of the measures evaluated as “in progress” given a score of 50 or above—transparency in government contracting (50.0), systems for registering asset and conflict of interests' declarations (57.8), the study of preventive measures related to equitable compensation (57.8), the state of oversight bodies (62.5), and initiatives to encourage the participation of civil society (62.5). Within this section, only one measure is found somewhat deficient—the training of public officials (40.6). Other measures in this section are considered to be implemented—although none of them fully—including the adoption of standards of conduct and their enforcement, which are highlighted here due to the difficulties experienced in that regard by other countries in the region.

In terms of criminalization and law enforcement, Costa Rica shows strong results. The country is found to have implemented almost two thirds of its commitments, including the full criminalization of embezzlement in the public and private sectors, as well as providing a long statute of limitations and broader consequences—such as the rescinding of contracts and obtaining compensation—for the commitment of corrupt offenses (as required by UNCAC). However, important measures remain in progress, such as those pertaining to money laundering and the active bribery of foreign officials. Other measures are similarly found in progress due to weaknesses in data production; these include active and passive bribery in the public sector and the abuse of functions. Within this section, only two measures are found to be completely lacking—the liability of legal persons (required by UNCAC and OECD-ABC) and the specific criminalization of bribery in the private sector (required by UNCAC).

Finally, Costa Rica 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 active implementation of its commitments regarding international cooperation is another point worth highlighting, with the large majority of measures within this section receiving an “implemented” score of various degrees.

Corruption Resilience

Between 2019 and 2020, Costa Rica's social context indicator score saw a marginal increase of 0.4 points—resulting in a score of 88.5—which falls within the 75th percentile for countries within the Western Hemisphere. Over the last decade, Costa Rica's indicator score retained consistently high measures, ranging between a low of 87.5 in 2017 and a high of 89.7 in 2010. When compared to its regional counterparts, Costa Rica is the safest country for journalists. This is largely due to guarantees safeguarding the freedom of expression. Beyond these conditions, Costa Rica's 2020 score is mainly attributed to respected civil liberties, political rights, and media freedom which remain protected by progressive legislation.

With respect to the quality of governance and institutions, Costa Rica is one of the highest performing countries within this indicator. In 2020, Costa Rica's score increased by 6.1 points from the previous year—resulting in a score of 71.4—which exceeds the

Western Hemisphere average of 50.6 by 20.8 points. The country's score reflects a decade average of 69.9, achieving its lowest score of 65.3 in 2019 and its highest score of 72.4 in 2018. The quality of government score for Costa Rica in 2020 was largely determined by the country's high performance in fundamental rights, checks on government, impartial and effective administration, control of corruption, and effective and transparent institutions. In Central America, where many countries suffer from weak democracies and widespread corruption, Costa Rica's achievements are remarkable.

Costa Rica's rule of law score (74.6) exceeds the regional average by 23.5 points and falls within the top 75th percentile. Over the last decade, the country has retained consistently high scores within this indicator, and this is largely attributed to the successful implementation of anti-corruption laws within the country—in addition to maintaining an independent judiciary which is impermeable to the influence of political actors.

Over the last decade, Costa Rica's business stability indicator has steadily increased from their lowest score of 57.2 in 2010, to their highest score of 59.6 in 2020. The country's score falls within the 75th percentile for the region and exceeds the average for Western Hemisphere countries by 9.1 points. Costa Rica's score for business stability is largely influenced by effective regulations, but there are occasions when policies regarding property rights are contradictory or incomplete.

With respect to the violence and security indicator, Costa Rica is a top performer and its 2020 score—72.4—falls within the top percentile. While the country's indicator score declined by 4.3 points from the previous year, Costa Rica's score significantly exceeds the regional average of 55.0 for 2020. In 2017, Costa Rica strengthened its anti-money laundering legal framework, however threats posed by organized crime and the trafficking of narcotics continue to be a major cause for concern.

Transparency

MAIN REPORTING NGO

Asociación Costa Rica Íntegra (CRI)

REPORT DATE	REVIEW YEAR	DOCUMENT REVIEWED	LANGUAGE
Mar-2021	2018-2019	Full Report	English

Did the government make public the contact details for the country focal point? ✔ Yes

Was civil society consulted in preparation for the self-assessment? ✘ No

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 Civil Society Parallel Review report on Costa Rica's compliance with UNCAC was authored by the Asociación Costa Rica Íntegra (CRI), the Costa Rican chapter of Transparency International, based on information that was obtained between 2018 and 2019. The report assessed Costa Rica's compliance with the implementation and enforcement of articles found within chapters II and V of UNCAC. Generally, the report noted that UNCAC-related information was easily obtainable and accessible. Statistics and information on follow-up reports authored by national and international organizations were readily available online. With that said, no information on the recovery, return, or disposal of assets could be found online. In regard to the legal framework on anti-corruption, the report notes that Costa Rica has a comprehensive legal system—but there is still room for improvement in strengthening preventive approaches. The report also highlights several deficiencies limiting Costa Rica's compliance progress, chief among these is the lack of a coordinating entity to lead prevention efforts.

There is also no domestic policy that identifies objectives for the fight against corruption. Significant gaps in the country's ability to recover and direct the return of assets are also a cause for concern. Secondly, there are few mechanisms that enable reporting and whistleblower protections. The report's findings emphasized several areas for priority actions to address major deficiencies. Namely, the reviewing organization called for the strengthening of

preventive anti-corruption policies and practices by consolidating responsibilities for anti-corruption practices into a single entity. Moreover, preventive anti-corruption bodies should be provided with additional resources to carry out regulatory reform reports, provide greater input to the Public Prosecutor's Office, and strengthen coordination across agencies.