



MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Twenty-Sixth Meeting of the Committee of Experts
March 7-11, 2016
Washington, D.C.

OEA/Ser.L.
SG/MESICIC/doc.459/15 rev. 4
11 March 2016
Original: English

ORIENTAL REPUBLIC OF URUGUAY

FINAL REPORT

(Adopted at the March 21, 2016 plenary session)

SUMMARY

This Report contains a comprehensive review of the implementation of the Recommendations that were formulated to Uruguay in the report of the Second Round with respect to paragraphs 5 and 8 of Article III of the Inter-American Convention against Corruption, which refer, respectively, to systems of government hiring and procurement of goods and services and for the protection of public servants and private citizens who, in good faith, report acts of corruption. Reference is also made, when appropriate, to new developments with respect to the implementation of these provisions.

In addition, the Report includes a comprehensive review of the implementation in Uruguay of paragraphs 3 and 12 of Article III of the Convention, which refer, respectively, to measures intended to create, maintain and strengthen instructions to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities; and a study of further preventive measures that take into account the relationship between equitable compensation and probity in public service. These provisions were selected by the MESICIC Committee of Experts for the Fifth Round.

The review was conducted in accordance with the Convention, the Report of Buenos Aires, the Committee's Rules of Procedure, and the methodologies it has adopted for conducting on-site visits and for the Fifth Round, including the criteria set out therein for guiding the review based on equal treatment for all the States Parties, functional equivalence, and the common purpose of both the Convention and the MESICIC of promoting, facilitating, and strengthening cooperation among the States Parties in the prevention, detection, punishment, and eradication of corruption.

The review was carried out taking into account Uruguay's Response to the questionnaire, as well as the information gathered during an on-site visit conducted between October 6 and 8, 2015, by representatives of Ecuador and the United States, with the support of the Technical Secretariat. During that visit, the information furnished by Uruguay was clarified and expanded and the opinions of civil society were heard.

With regard to the follow-up on the recommendations formulated to Uruguay in the Second Round and with respect to which the Committee, in the Third Round report, found required additional attention, based on the methodology for the Fifth Round and bearing in mind the information provided by Uruguay in its Response to the questionnaire and during the on-site visit, a determination was made as to which of those recommendations had been satisfactorily implemented, which required additional attention, which required reformulation and which were no longer valid.

With respect to systems of government hiring, it is pertinent to highlight the following: the establishment of 'Uruguay Concurso' as a portal for the recruitment of personnel in the Central Administration, and the adoption of defined criteria for the advertisement of hiring opportunities for vacancies in the Central Administration.

Regarding government systems for the procurement of goods and services, Uruguay has also implemented provisions that outline clear procedures for the selection of contractors in those situations where direct contracting is used; and implemented Electronic Bidding, an electronic bidding system for the acquisition of goods and services.

With respect to the protection of public servants that report acts of corruption, the Report makes reference to the establishment of a witness protection regime by Law 18.494, for proceedings that fall under the competence of the Specialized Magistrates and Prosecutors on Organized Crime.

Some of the recommendations formulated to Uruguay in the Second Round that are still pending or have been reformulated address issues such as: taking appropriate steps to bring the various career service systems in line with that of Uruguay Concursa, so that the specific and special systems created by law incorporate the same principles of merit and equality; consider taking the appropriate steps, whether through legislation or other administrative means that would provide the National Civil Service Office with the competence to declare null or invalid an irregular selection process for all the hiring mechanisms covered by Uruguay Concursa; defining the scope of application of the terms used in Article 33 (8) of the Accounting and Financial Management Integrated Text (TOCAF); periodically update the threshold for the formation of bid evaluation committees for abbreviated bids; and establish administrative protection measures that protect the identity of public servants that must report any irregularities or corrupt practices.

In addition, regarding the new developments in Uruguay with respect to the implementation of the provisions of the Convention selected for the Second Round, the Committee formulated recommendations, such as establishing a mechanism to ensure that relevant information on hiring competitions being carried out by agencies not part of the Central Administration is collected and analyzed; providing the State Agency for Procurement and Contracting with the necessary human, technological and budgetary resources to ensure that it carries out its function; and reviewing the provisions that require the rotation of procurement officers, in order to determine if they are beneficial or not.

For the review of the first provisions selected for the Fifth Round that refer to instructions to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities, as set out under Article III, paragraph 3 of the Convention, Uruguay selected the National Social Security Agency, the Court of Accounts and the National Tax Authority, as the country under review considers them as principal groups that merit review, due to them being a majority or based on the importance of their functions.

This review was focused on determining, with respect to the selected personnel, if the country under review has adopted provisions and/or measures which ensure the proper understanding of their responsibilities and the ethical rules governing their activities; the manner or occasions in which personnel are provided instructions; the programs in place for them; the bodies responsible for them; as well as the objective results obtained on the implementation of said provisions and/ or measures, taking into account any difficulties and/or weaknesses to achieve the purpose of this provision of the Convention.

Some of the recommendations formulated to Uruguay, for its consideration, with respect to this topic, are noted as follows:

Regarding the National Social Security Agency, maintain results on the programs in place that ensure the proper understanding of the responsibilities and ethical rules governing the activities of its personnel.

With respect to the Court of Accounts, carry out mandatory training on ethical rules governing the activities of the personnel of the Court of Accounts, as provided by Law 17.060; provide mandatory

training on the Code of Ethics of the Court of Accounts for its personnel; implement provisions that make induction training mandatory for the personnel of the Court of Accounts; and maintain results on the programs in place that ensure the proper understanding of the responsibilities and the ethical rules governing the activities of its personnel.

Regarding the National Tax Authority, adopt measures to address the high number of personnel that find the training provided by the National Tax Authority unsatisfactory, so that it can better ensure that its personal have a proper understanding of their responsibilities and ethical rules governing their activities.

In accordance with the aforementioned methodology, the review of the second provision selected for the Fifth Round, as set out under Article III, paragraph 12 of the Convention, which refers to the study of preventive measures that take into account the relationship between equitable compensation and probity in the public service, and if objective and transparent criteria has been established for determining the compensation of public servants, Uruguay has been recommended to consider adopting, through the appropriate authorities, provisions similar to those contained in the Public Service Statute and Law 18.172 for those government entities that fall outside of the Executive Branch, so that there are objective and transparent criteria for determining the compensation of those public servants; and provide guidelines on the application of components 3, 4 and 5 that make up a public servant's compensation, as found under Article 51 of Law 18.172, so that they are applied in an objective and transparent manner.

**COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM ON THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**FINAL REPORT ON FOLLOW-UP ON IMPLEMENTATION IN THE ORIENTAL
REPUBLIC OF URUGUAY OF THE RECOMMENDATIONS FORMULATED AND
PROVISIONS REVIEWED IN THE SECOND ROUND, AND ON THE PROVISIONS OF
THE CONVENTION SELECTED FOR REVIEW IN THE FIFTH ROUND¹**

INTRODUCTION

1. Content of the Report

[1] As agreed upon by the Committee of Experts (hereinafter “the Committee”) of the Follow-Up Mechanism for Implementation of the Inter-American Convention against Corruption (“MESICIC”) at its Twenty-fourth Meeting,² this report will first refer to follow up on implementation of the recommendations formulated to the Oriental Republic of Uruguay in the report from the Second Round,³ and which were deemed by the Committee to require additional attention in the report from the Third Round.⁴

[2] Second, where applicable, it will refer to new developments in the Oriental Republic of Uruguay with regard to the provisions of the Inter-American Convention against Corruption (hereinafter “the Convention”) selected for the Second Round, and regarding such matters as the legal framework, technological developments and results, and, if applicable, appropriate observations and recommendations will be formulated.

[3] Third, it will address implementation of the provisions of the Convention selected by the Committee for the Fifth Round. Those provisions are contained in paragraphs 3 and 12 of Article III regarding, respectively, measures to establish, maintain, and strengthen “*instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities*”, and “*the study of preventive measures that take into account the relationship between equitable compensation and probity in public service.*”

[4] Fourth, it will refer to the best practices, where applicable, that the Oriental Republic of Uruguay has wished to voluntarily share regarding implementation of the provisions of the Convention selected for the Second and Fifth Rounds.

2. Ratification of the Convention and adherence to the Mechanism

[5] According to the official records of the OAS General Secretariat, the Oriental Republic of Uruguay deposited the instrument of ratification of the Inter-American Convention against Corruption on December 7, 1998.

¹ This Report was adopted by the Committee in accordance with the provisions of Article 3(g) and 25 of its Rules of Procedure and Other Provisions, at the plenary session held on March 11, 2016, at its Twenty-Sixth meeting, held at OAS Headquarters, March 7 – 11, 2016.

² See the Minutes of the 24th Meeting of the Committee, available at: http://www.oas.org/juridico/docs/XXIV_min.doc

³ Available at: http://www.oas.org/juridico/english/mesicic_II_rep_ury.pdf

⁴ Available at: http://www.oas.org/juridico/english/mesicic_III_rep_ury.pdf

[6] In addition, the Oriental Republic of Uruguay signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2001.

I. SUMMARY OF INFORMATION RECEIVED

1. Response of the Oriental Republic of Uruguay

[7] The Committee wishes to acknowledge the voluntary offer by the Oriental Republic of Uruguay to participate in the first group of countries to be reviewed in the Fifth Round, as well as the cooperation that it received throughout the review process from the Oriental Republic of Uruguay, in particular, from the Transparency and Public Ethics Board, which was evidenced, inter alia, in its reply to the Questionnaire, in the constant willingness to clarify or complete its contents, and in the support for the execution of the *on-site* visit referred to below. Together with its response, the Oriental Republic of Uruguay sent the provisions and documents it considered pertinent.⁵

[8] The Committee also notes that the Oriental Republic of Uruguay gave its consent for the *on-site* visit, in accordance with provision 5 of the *Methodology for Conducting On-site Visits*.⁶ That visit was conducted from October 6 to 8, 2015, by representatives of Ecuador and the United States, in their capacity as members of the review subgroup, with the support of the MESICIC Technical Secretariat. The information obtained during that visit is included in the appropriate sections of this report, and the agenda of meetings is attached hereto, in keeping with provision 34 of the above-mentioned *Methodology*.

[9] For its review, the Committee took into account the information provided by the Oriental Republic of Uruguay up to October 8, 2015, as well as that furnished and requested by the Technical Secretariat and the members of the review subgroup, to carry out their functions in keeping with the *Rules of Procedure and Other Provisions*;⁷ the *Methodology for follow-up of implementation of the recommendations formulated and provisions reviewed in the Second Round and for the review of the provisions of the Convention selected for the Fifth Round*;⁸ and the *Methodology for Conducting On-site visits*.

2. Documents and information received from civil society organizations and/or, inter alia, private sector organizations, professional associations, academics, and researchers

[10] The Committee did not receive documents from civil society organizations within the time frame established in the schedule for the Fifth Round, as envisaged by Article 34(b) of the Committee's Rules of Procedure.

[11] Nonetheless, during the course of the *on-site* visit, information was gathered from civil society and private sector organizations; professional associations; and academics invited to participate in meetings to that end, pursuant to Article 27 of the *Methodology for Conducting On-site Visits*. A list of those persons is included in the agenda for the visit, which is appended hereto. Pertinent parts of this information are reflected in the appropriate sections of this report.

⁵ Available at: http://www.oas.org/juridico/spanish/mesicic5_ury.htm

⁶ Available at: http://www.oas.org/juridico/english/met_onsite.pdf

⁷ Available at: http://www.oas.org/juridico/PDFs/mesicic4_rules_en.pdf

⁸ Available at: http://www.oas.org/juridico/PDFs/mesicic5_metodologia_en.pdf

II. FOLLOW UP ON IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS WITH REGARD TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND

[12] First, the Committee will refer to progress made and new information and developments in the Oriental Republic of Uruguay with respect to the recommendations formulated and measures for their implementation suggested by the Committee in its report from the Second Round,⁹ which the Committee deemed required additional attention in the Third Round Report,¹⁰ and it will proceed to take note of those that have been satisfactorily considered and of those that need further attention, in which case it will refer to the ongoing relevance of those recommendations and measures and to their restatement or reformulation, pursuant to Section V of the *Methodology* adopted by the Committee for the Fifth Round.

[13] In this section, the Committee will, where applicable, take note of any difficulties indicated by the country under review with implementing the recommendations and measures alluded to in the foregoing paragraph and of any technical cooperation requested by the State in that connection.

[14] Second, where applicable, it will refer to new developments in the Oriental Republic of Uruguay in respect of the provisions of the Convention selected for the Second Round regarding such matters as the legal framework, technological developments and results, and will formulate any observations and recommendations that may be applicable.

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. SYSTEMS OF GOVERNMENT HIRING

1.1.1. Follow-Up to the Implementation of the Recommendations Formulated in the Second Round

Recommendation:

Establish, maintain and strengthen the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

Measure a) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Adopt, through the appropriate legislative and administrative procedures, a legal instrument that regulates the system for all government hiring based on the principles of merit and equality, providing clearly defined criteria on the manner to carry out examinations.

⁹ Available at: http://www.oas.org/juridico/english/mesicic_II_rep_ury.pdf

¹⁰ Available at: http://www.oas.org/juridico/english/mesicic_III_rep_ury.pdf

[15] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments. In this regard, the Committee notes, as a step that contributes to progress in the implementation of the measure, the following:¹¹

[16] *““In 2011, work began on Project ‘Uruguay Concurso’, as a privileged place for entry into the Uruguayan State. Currently Uruguay Concurso is located in the Recruitment and Selection Area of the National Civil Service Office of the Presidency of the Republic. The legal norms that underpin its work are Law 15.757 of July 15, 1985, which legislates the Civil Service; Law 18.172 of August 22, 2007; Article 127 of Law 18.719 of the National Budget (2010 – 2014); Law 18.651 of February 19, 2010; Law 19.122 of August 21, 2013 and its regulatory norm, Decree 144/2014; and Law 19.121 of August 20, 2013 (Public Servant Statute).*

[17] *In addition to the decrees that regulate the various contracting regimes, Regulatory Decree 223/013 of 1/8/013 governs the current Recruitment and Selection process.*

[18] *Uruguay Concurso has streamlined labor contractual arrangements in the Central Administration and is an Electronic Government project having as a component the use of information technology and communications. Part of its objective is to focus on standardizing the competition bases and the criteria for developing them.*

[19] *In carrying out this Project, it has received strong political support, a clear legal framework and an intensive and extensive technological network that provides it with the technical support for access to its services.”*

[20] As set out above, Article 127 of Law 18.719 of December 27, 2010, provides that the National Civil Service Office is to administer and manage a System for Recruitment of Human Resources.¹² Furthermore, Law 19.121 of August 20, 2013, which establishes the Public Servant Statute for the Central Administration, provides that the National Civil Service Office is responsible for the System for Recruitment of Personnel.¹³ It further provides that selection of candidates to the public service is to be carried out through competitive examination and merit, merit and background or by lot.¹⁴

[21] In addition, Decree 223/013 of August 1, 2013, sets out the process for selection and recruitment into the Central Administration. This Decree describes the steps for setting the annual staffing requirements; the method for selection; the stages of recruitment; and the scores to be used for competitions; among other things.¹⁵

[22] It also provides that all vacancy announcements are to be posted in the internet portal, ‘Uruguay Concurso,’ (www.uruguayconcurso.gub.uy), which is managed by the National Civil Service Office.¹⁶ In addition, once a vacancy announcement is approved, an Evaluation Committee (Tribunal de Evaluación), made up of three members and their respective alternates, is to carry out

¹¹ See Response by the Oriental Republic of Uruguay to the Questionnaire for the Fifth Round of Review, pg. 37, http://www.oas.org/juridico/PDFs/mesicic5_ury_resp.pdf

¹² See Article 11 of Law 18.719 of December 27, 2010, <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=18719&Anchor=>

¹³ See Article 93 of Law 19.121 of August 20, 2013, <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=19121&Anchor=>

¹⁴ Article 94, *ibid.*

¹⁵ Decree 223/013 of August 1, 2013,

http://www.onsc.gub.uy/onsc1/images/decreto_nuevo_procedimiento_reclutamiento_y_selecci%C3%B3n_223_013.pdf

¹⁶ Article 16 of Decree 223/013, *ibid.*

examinations and provide a score for each of the selected candidates. This Committee is appointed by the head of a Ministry, and is to consist of two representatives of the Ministry and chaired by one of them, and a representative of the National Civil Service Office. One of the two representatives of the Ministry is to have recognized technical expertise in the area of the competition itself, and cannot be a public official. It also provides that at least one of the members must be certified by the National Civil Service Office through the National Public Administration School. This Decree also provides in detail the steps to be carried out for recruitment and selection, the points to be awarded for a competition by the Selection Committee and a Selection and Recruitment Manual¹⁷ prepared for those involved in the selection process. In addition, during the on-site visit, in a presentation by the representatives of the National Civil Service Office, it was noted that the system covers 6 manners for entry into the civil service: as a public servant on a probationary basis; a contract for specific work or services; a labor contract; as a student; internship; and an employment contract.¹⁸

[23] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure a) of the foregoing recommendation. The establishment of Uruguay Concurra and the development of the legal framework for the adoption of a selection and recruitment process assures openness, equity and efficiency in the system whereby government hiring is based on the principles of merit and equality, and provides clearly defined criteria on the manner to carry out examinations.

[24] In that respect, during the on-site visit, the representatives from the National Civil Service Office noted that in 2014, Uruguay Concurra received an award for Open-Government and Access to Public Information from the OAS Department for Effective Public Management.

[25] Nevertheless, the Committee observes that the system is limited in scope for entry of personnel into important agencies of the public sector in Uruguay.

[26] During the Second Round of Review, the Committee reviewed the hiring system of not only public servants that fall under the Executive Branch, but also those employed in the Judicial and Legislative Branch, and in oversight bodies, such as the Court of Accounts. The Committee observes that in these instances, a system similar to Uruguay Concurra has yet to be implemented, as the Uruguay Concurra is only applicable to the subsections 02 to 15 of the Budget process for Uruguay, which effectively only covers part of the Executive Branch, known as the Central Administration, in particular, the following Ministries: Interior; Foreign Affairs; Economy and Finance; National Defense; Education and Culture; Transport and Public Works; Industry, Energy and Mining; Labor and Social Security; Public Health; Livestock, Agriculture and Fishing; Tourism and Sports; Housing, Land Management and Environment; and Social Development.¹⁹ The Committee notes that other than those that fall under this part of the Central Administration, it appears that there is no similar legal framework in place that regulates entry into the public service that fall under employees of the Judicial Branch, other than judicial positions, those that work in offices of the Legislative Branch, and important oversight bodies such as the Court of Accounts. In addition, Law 19.121, which established the Public Servant Statute, specifically excludes diplomatic and consular officials; military, police and the magistrates that fall under the ambit of the Office of the Attorney General

¹⁷ Recruitment and Selection Manual, 2015, on file with the Technical Secretariat of the MESICIC.

¹⁸ See Presentation by the National Civil Service Office, pgs. 6 – 7, http://www.oas.org/juridico/spanish/mesicic5_ury.htm and Recruitment and Selection Manual 2015, *ibid*, pg. 102.

¹⁹ See the Institutional Organization of the Oriental Republic of Uruguay, http://www.onsc.gub.uy/onsc1/images/stories/Estado/Org_Inst_2_II.pdf

from the scope of its law. As a result, the provisions contained on contracting personnel are not applicable to officials that work under these government institutions.

[27] The Committee does note that Article 102 F) of Law 19.121, provides, among other things, that the following areas of government that fall under Article 59 B) to E) of the Constitution, which correspond to the Judicial Branch, the Court of Administrative Judicial Review, except judicial positions; the Court of Accounts, the Electoral Court and Decentralized Services are to gradually apply and take into account the provisions of Law 19.121, within twenty four months of coming into force of the Law, in areas such as entry into the public service. Nevertheless, the Committee is not aware that this has taken place. The Committee will formulate a Recommendation. (see Recommendation 1.1.3.1 of Section 1.1.3 of Chapter II of this Report)

[28] In addition, the Committee notes that in a presentation made during the on-site visit, the representatives of the National Civil Service Office presented a graph on the scope of application of the system in place by Uruguay Concurza, in the Executive Branch. As stated previously, there are 6 methods of entry into the civil service covered by Uruguay Concurza: as a public servant on a probationary basis; a contract for specific work or services; a labor contract; as a student; internship; and an employment contract. The graph presented during the on-site visit demonstrated that only 26% of all government hiring into the Executive Branch is covered by Uruguay Concurza.²⁰ Moreover, as a whole, hiring into the Executive Branch encompasses solely 27.8% of all government hiring in the Uruguayan State. The Committee believes that the country under review should consider applying a system similar to Uruguay Concurza to all government hiring, in order to assure the openness, equity and efficiency of such hiring.

[29] In this regard, the Committee understands that the existence of hiring systems outside of Uruguay Concurza may be grounded in the unique and special nature of the functions that important government agencies perform. However, the Committee also believes that it would be advisable for the country under review to consider continuing to take the appropriate steps to bring the various hiring systems in line with that of the Central Administration, so that they incorporate the same principles of merit and equality and achieve the same level of openness. The Committee will formulate a recommendation. (see Recommendation 1.1.3.2 of Section 1.1.3 of Chapter II of this Report).

Measure b) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Adopt, through the appropriate legislative and administrative procedures, mechanisms that provide clearly defined criteria for the advertisement of hiring opportunities for all vacancies within the public service, ensuring that use is made of the mass media (e.g. newspapers or web pages).

[30] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments. In this regard, the Committee notes, as a step that contributes to progress in the implementation of the measure, the following:²¹

[31] *“Uruguay Concurza’ provides potential applicants relevant information, with a system of easy access and in turn allows the general public, with only to enter the Portal [www.uruguayconcursa.gub.uy](http://www.uruguayconcurza.gub.uy) or through a Call Center to exercise their right to be informed ...*

²⁰ Presentation by the National Civil Service Office, pg. 4, *supra* note 17.

²¹ Response to the Questionnaire, pgs. 39 – 41, *supra* note 11.

[32] *In order to ensure adequate publicity of announcements for entry into the public administration, both the rules and the implementation of the computer system are designed so that in the same system the Ministerial Resolutions, Profiles, the Bases, Records of the Announcement, results and all documents of importance in the selection process are published.*

[33] *Any person can register in the system and receive all communications and new developments that are publicized on the web portal, whether or not applicants.*

[34] *The system allows for communicating and automatically sending a convocation notice to the electronic mail registered by an applicant, for all stages of a vacancy announcement in question.*

[35] *The centralization of information in a single portal, the transparency of the processes, standardized criteria, the professionalism of the members of the selection committee, the technical facility for registration and enrollment, allows for citizens to have the same opportunities based on their skills in applying, regardless of where the applicant is located.*

[36] *The use of information technology and communications give citizens access to vacancy announcements no matter where located, regardless of geographical area or economic conditions that may exist in order to be informed and registered for the announcements. The National Civil Service Office has entered into agreements with the Ministry of Education and Culture so that from the computers located at the Centers for Citizen Services and the Centers of that Ministry located across the country, persons can access the Web portal and be provided with advice and assistance for those who intend to apply.*

[37] *In addition to the portal can be entered from the "ceibalitas". It should be explained that the project "Plan Ceibal" began in the previous term of office of Government, 2005-2010, by which, to date, each student in elementary and middle school is provided a personal computer. This reiterates the guarantee in the sense that in every home where there is a student, there are technological means to access the Portal "Uruguay Concurso."*

[38] The Committee notes that Article 4 of Law 18.834 of November 4, 2011 provides that all vacancy announcements in the public administration, and not just the ones for the Central Administration, are to be published on the website of the Recruitment and Selection System of the National Civil Service Office, Uruguay Concurso, and for a period of not less than 15 days.²² Moreover, the Selection and Recruitment Manual prepared by the National Civil Service Office provides that each government institution may also publicize a vacancy announcement by other means, such as national and local newspapers, on their institutional website, circulars or by other means through the press, in order to ensure that all possible candidates are made aware of the announcement.²³

[39] Moreover, Decree 223/013 of August 1, 2013 sets out the process for preparing and posting a vacancy announcement. Once a post has been approved for a competition, a government institution is to provide to the National Civil Service Office the request for the announcement. This request must contain, among other things: a) the type of competition, whether by merit and background, or competitive examination and merit or by lot; b) the maximum points to be allocated for each evaluation factor; c) the type of contract; d) the requirements for the post; e) the number of posts to

²² Law 18.834 of November 4, 2011, <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=18834&Anchor=> . Moreover, Articles 15 and 16 of Decree 223/013 of August 1, 2013 provides that the website for posting these announcements is Uruguay Concurso, and it is to be placed for a period of no less than 15 days, *supra* note 15.

²³ Recruitment and Selection Manual 2015, pg. 27, *supra* note 17.

be advertised and their profile; f) and conditions of employment (salary, hours of work, location, etc.).²⁴ Once received, the Office reviews the request and prepares a Vacancy Announcement, containing the information above, as well as specifying to which government institution the position is located; the timeframe, manner and requirements for applying; and the manner by which candidates will receive communications and notifications during the competition process; among other things.²⁵

[40] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure b) of the foregoing recommendation, noting the detailed manner in which vacancy announcements are prepared and then presented for publication on the Uruguay Concurso website. The Committee further observes that this development assures openness, equity and efficiency in the preparation of vacancy announcements, based on clearly defined criteria.

[41] Nevertheless, the Committee observes that the system is limited in scope, as the process of ensuring that the announcements are prepared in a transparent and consistent manner is applicable only to those government institutions that fall under the Central Administration, and not to other important government agencies in the Judicial and Legislative Branches, and oversight bodies, such as the Court of Accounts. Importantly, it also excludes important sectors of government, such as diplomatic and consular officials; military, police and the magistrates that fall under the ambit of the Office of the Attorney General.

[42] The Committee does note the requirement that these excluded government institutions to use Uruguay Concurso to post their vacancy announcements; however, there is no requirement to monitor the process to ensure that they are prepared and subject to review, to the extent provided by the National Civil Service Office. Given the foregoing, the Committee believes measure b) should be reformulated. (see Recommendation 1.1.3.3 of Section 1.1.3 of Chapter II of this Report).

Measure c) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Implement or strengthen, when applicable, legal provisions that establish governing or administrating authorities of the systems and control mechanisms, so that these authorities have the competence to oversee compliance with the selection standards in place for government hiring and that they have the necessary financial, human and technological resources to carry out their functions.

[43] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments. In this regard, the Committee notes, as a step that contributes to progress in the implementation of the measure, the following:²⁶

[44] *“The legal norms set out under measure a), paragraph A [of the Response to the Questionnaire] grant the authority to govern the Entry System to the State to the Recruitment and Selection Section of the National Civil Service Office, ‘Uruguay Concurso.’*

[45] *Among its competences is to continuously control and monitor this work, which has strengthened its results.*

²⁴ Decree 223/013, Article 7, *supra* note 15.

²⁵ *Ibid.*, Articles 8 – 12.

²⁶ Response to the Questionnaire, pgs. 42 – 44, *supra* note 11.

[46] *The situation before the implementation of the Uruguay Concursa project was as follows:*

[47] *In previous procedures, at the moment being validated by the National Civil Service Office and the General Accounting Office, and the Executive Unit of the Ministry of Economy and Finance, in many instances there were nullifications that could not be overcome in these procedures.*

[48] *Every section of the State carried out their personnel competitions in an isolated and independent manner, using differing criteria for evaluation of applicants. The vacancy announcements were published through various means, not always making them widely available.*

[49] *An applicant did not have a manner to follow the process through the web, thus undermining transparency in this process. Facing this situation, the National Government decided to create an Institutional Strengthening Group, which established a proposal with three themes: democratic entry into the State, simplification of personal links with the State, and a new Public Servant Statute.*

[50] *Starting from this, it legally provided the National Civil Service Office with the following duties:*

[51] *To Implement and Manage a Recruitment and Selection System of Human Resources in the Central Administration.*

[52] *Design, define and regulate the management policies of Human Resources.*

[53] *Prepare a Recruitment and Selection Manual.*

[54] *Reformulate the whole Recruitment and Selection Process.*

[55] *To address these task, it adopted the "single window" criterion to unify the requirements regarding the form and content of the vacancy announcements, focusing on the web Portal for the publication of these announcements and allowing the population in general, and not solely applicants, access to information on all the steps being carried out by a selection committee, while maintaining the anonymity of the applicants, since they are each assigned an application number.*

[56] *The principal objective is to assure the democratic entry into State employment, based on a centralized, transparent, open and professional system and equal opportunities for all. To achieve this objective, the Uruguay Concursa Unit was established with the following mission: to be a competent and reliable link between the public and the State, guaranteeing equal opportunities for entry to the Central Administration, establishing that entry to State employment is regulated by standardized, uniformed and objective criteria that would prevent discrimination and clientelism and that the system be easily accessible to the public."*

[57] The Committee notes that in the Second Round Report for the Oriental Republic of Uruguay, it was observed that the National Civil Service Office did not have sufficient authority to assure that a merit based system is in operation, nor for taking preventive or corrective measures against irregular selection, such as a fraudulent competition, or to declare invalid an irregular appointment.²⁷ To that end, the Committee notes that the legal regime established through Law 18.719 of December 27, 2010, Law 19.121 of August 20, 2013, and Decree 223/013 of August 1, 2013, has provided the National Civil Service Office the competence to address these concerns raised by the Committee in

²⁷ Report of the Second Round, pg. 7, *supra* note 3.

its Second Round Report. As noted previously, these legal instruments provide that the Office is to oversee the selection and recruitment system for the Central Administration of Uruguay. In addition, Article 100 of Law 19.121 provides that the appointment or hiring of public officials covered by the Law and which are carried out in contravention of its provisions, are void.

[58] With respect to the human resources provided to the National Civil Service Office, during the on-site visit, the representatives of this government body indicated that it had been able to recruit approximately 50 persons, through Uruguay Concursa, to help run and maintain this system. To this end, in accordance with a table breaking down the number of personnel in the Office, by type of position and grade, in accordance with the salary scale in place for Uruguay that was provided during the on-site visit there are 156 personnel employed in the Office.²⁸ In addition to the human resources, the budget provided for operating Uruguay Concursa online system is the following, according to the information as provided during the on-site visit:²⁹

Year	URUGUAY CONCURSA Expenses and Investments (in Uruguayan Pesos)³⁰	Percentage invested in software
2011	9 403 650	97.4%
2012	8 801 901	85.2%
2013	10 963 300	85.8%
2014	3 929 592	85.2%
2015	1 874 501	97.9%

[59] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure c) of the foregoing recommendation, as well as the need for it to continue to give attention thereto, bearing in mind that while the National Civil Service Office has been given the competence to administer the recruitment and selection system for Central Administration government hiring, the Committee is unaware of if similar authorities having been established, or assigned for other important areas of government that carry out their own hiring outside of the scope of the National Civil Service Office, such as for employees of the Judicial Branch, other than judicial positions, those that work in offices of the Legislative Branch, and important oversight bodies such as the Court of Accounts and the Office of the Attorney General. Given the foregoing, the Committee believes that measure c) should be reformulated. (see Recommendation 1.1.3.4 of Section 1.1.3 of Chapter II of this Report).

²⁸ Presentation by the National Civil Service Office, pg. 31, *supra* note 18.

²⁹ *Ibid.*, pg. 30.

³⁰ 1 US dollar is approximately equivalent to 29 Uruguay Pesos.

[60] The Committee also takes note that it is unclear the extent to which there are legal provisions in place that allow for the National Civil Service Office to take corrective measure against an irregular selection process or declare invalid an irregular appointment, other than those hired into the public service on a probationary basis. As stated above, Uruguay Concursa encompasses 6 manners to enter the public service: as a public servant on a probationary basis; a contract for specific work or services; a labor contract; as a student; internship; and an employment contract. Article 100 of Law 19.121, which provides that the appointment or hiring of public officials covered by the Law and which are carried out in contravention of its provisions, are void, is only applicable in the first instance, that is, as a public servant on a probationary basis. Given the foregoing, the country under review should consider of taking the appropriate steps, whether through legislation or other administrative means that would make it clear that the National Civil Service Office has the authority to declare null or invalid an irregular selection process for all the hiring mechanisms covered by Uruguay Concursa. The Committee will formulate a recommendation. (see Recommendation 1.1.3.5 of Section 1.1.3 of Chapter II of this Report).

[61] With respect to the resources the Committee observes that during the on-site visit, the representatives of the National Civil Service Office expressed their satisfaction with the resources entrusted to them for administering Uruguay Concursa. The Committee does note, however, the difficulty expressed by the country under review in its Response, whereby it states that:³¹

[62] *“Any difficulties lie in maintaining a stable team of Human Resources, based on experience and accumulation of skills and knowledge and have the approval of the budgetary funds for the maintenance of the project.”*

[63] It also observes that the amount provided to the National Civil Service Office for administering Uruguay Concursa, as noted in the table above, has decreased significantly for the years 2014 and 2015. The Committee notes that establishing a portal of this importance not only relies on substantial human and budgetary resources at its initiation, but is also required for its maintenance and any necessary upgrades. In order to ensure that Uruguay Concursa operates at its optimum and continues to serve as an example for other hiring systems in the public service in the Republic Oriental of Uruguay, the country under review should ensure that the National Civil Service Office has the necessary human, technological and budgetary resources to ensure that Uruguay Concursa continues to operate on an optimum basis. The Committee will formulate a recommendation. (see Recommendation 1.1.3.6 of Section 1.1.3 of Chapter II of this Report).

[64] Finally, the Committee notes that as an important government agency that provides important oversight over the government hiring system in Uruguay, the National Civil Service Office has a website in which the public may consult on the work it undertakes.³² This website, under a section titled ‘Transparency,’ contains information on the manner to carry out an access to information request, its Organizational Structure, Legal Framework, the Authorities responsible for the Office, the programs it administers, approved budget, as well contact information for the public, among other things.³³ The website of the Office also contains relevant publications, such as its Annual Reports, which provides updated information for the public on the work of this Office, including statistics on the operation of Uruguay Concursa.³⁴ The Committee, however, notes that the National Civil Service Office

³¹ Response to the Questionnaire, pg. 44, *supra* note 11.

³² National Civil Service Office, <http://www.onsc.gub.uy/onsc1/>

³³ Transparency, http://www.onsc.gub.uy/onsc1/index.php?option=com_content&view=article&id=232&Itemid=77

³⁴ Annual Reports, http://www.onsc.gub.uy/onsc1/index.php?option=com_content&view=article&id=69&Itemid=76

does not make all its annual reports publicly available on the website, nor are they found on any other government website. For example, the last annual report available on the website is that for 2012. Given that government agency is to carry out important functions of transparency in the government hiring system, the country under review should consider making all annual reports easily available on the website of the National Civil Service Office on a timely basis. The Committee will formulate a recommendation. (see Recommendation 1.1.3.7 of Section 1.1.3 of Chapter II of this Report).

Measure d) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Increase training programs for those responsible for managing public service selection and staffing processes, as well as training and induction programs for those who have who have recently entered the public service, so as to allow all employees to understand their duties and the functions expected of them.

[65] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments. In this regard, the Committee notes, as a step that contributes to progress in the implementation of the measure, the following:³⁵

[66] *“The National Civil Service Office provides training for those responsible for the selection processes and for those just entering into the civil service, and in general for all officials of the Public Administration, together with the National Public Administration School (ENAP). This Institute plans and teaches the classes that in the opinion of the Directorate of the National Civil Service Office, and in accordance with the data received from the various Ministries, are deemed necessary. First, all public servants that enter the Public Administration receive a general induction course. Secondly, each Ministry or state entity provides specific training in topics that fall under their competence.*

[67] *Specifically in terms of training for those responsible for recruitment and selection processes, courses are held that at least one of the members of a selection committee must have successfully completed. Furthermore they are trained in the use of the computer system used in Uruguay Concursa.*

[68] *Training provided to the members of the Selection committee includes knowledge of the applicable legal norms and instruction on best practices to adequately carry out all aspects of a selection process (Evaluation of Merit and Background, Examinations, Psicolabor Exams, Interview with Selection Committee).”*

[69] The Committee notes that the National Civil Service Office, in conjunction with the National Public Administration School, in November of 2011, began a series of training workshops for officials of the General Secretariat Directorate, Legal Affairs and Human Management sections of the government agencies that make up the Central Administration, to make them familiar with the Recruitment and Selection System.³⁶ One of the purposes of these workshops was to professionalize the work of those that would participate in Selection Committees in the System.³⁷ In 2011, these

³⁵ Response to the Questionnaire, pgs. 44 – 45, *supra* note 11.

³⁶ See Uruguay Concursa: Talleres en la ENAP, http://www.onsc.gub.uy/onsc1/index.php?option=com_content&view=article&id=130:uruguay-concursa-talleres-en-la-enap&catid=1:latest-news

³⁷ See 2011 Annual Report of the National Civil Service Office, pg. 4, http://www.onsc.gub.uy/onsc1/images/stories/Acerca_de_ONSC/Oficina_Nacional_del_Servicio_Civil_Memoria2011

workshops consisted of two modules that totaled 18 hours of instruction, and 523 public servants participated in them,³⁸ while for 2012, the total hours of instruction increased to 20.³⁹ During the on-site visit, the representatives of the National Civil Service Office stated that these workshops would emphasize the importance of uniform criteria in evaluating candidates, and would also include practical exercises.

[70] In addition the National Civil Service Office also provided technical assistance to all the government agencies of the Central Administration with respect to preparing vacancy announcements for competitions, as well as holding coordination meetings between the Uruguay Concursa Section and the Strategies and Human Resources Development Area in order to review the content of vacancy announcements, with officials of the Human Management area of these agencies.⁴⁰

[71] Moreover, during the on-site visit, the representatives of the National Civil Service Office provided a 2015 Recruitment and Selection Manual, which has been prepared to provide an overview of the Uruguay Concursa system, and is to be used by those selected to compose a Selection Committee as a reference.⁴¹

[72] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure d) of the foregoing recommendation, as well as the need for it to continue to give attention thereto. The Committee notes that in the Response to the Questionnaire, the country under review presented the following difficulty with respect to training of personnel that participate in a Selection Committee:

[73] *“Since the public servants involved belong to different Ministries and do not exclusively work in the constitution and participation in Selection Committees for Entry into the Administration, it becomes difficult logistically to take courses as they must do so without leaving aside their normal duties.*

[74] *These activities are not extraordinarily paid, so they are one more task to complete during normal working hours.*

[75] *Considering the fundamental importance of information and communications technology in the process, not all public servants have the basic tools to make full use of the courses.”*

[76] Given the foregoing, the Committee considers that measure d) should be reformulated and that the country under review should consider taking the appropriate steps to ensure that the training given to those participating in Selection Committees meets the criteria established in Decree 223/013, involving officials from the different Ministries with competence over selections processes, in order to ensure that they properly understand the contents thereof and their obligations in connection therewith. The Committee will formulate a recommendation. (see Recommendation 1.1.3.8 of Section 1.1.3 of Chapter II of this Report).

[77] Moreover, the Committee notes that it solely had access up to the 2012 Annual Reports of the National Civil Service Office, which makes it difficult to gauge the training being provided on the

³⁸ *Ibid.*

³⁹ See 2012 Annual Report of the National Civil Service Office, pg. 7,

http://www.onsc.gub.uy/onsc1/images/stories/Acerca_de_ONSC/oficina_nacional_del_servicio_civil_01.pdf

⁴⁰ See 2011 Annual Report, pg. 4, *supra* note 37 and 2012 Annual Report, pg. 7, *ibid.*

⁴¹ 2015 Recruitment and Selection Manual, *supra* note 17.

Recruitment and Selection System since that time, as these reports provide valuable information on the training provided during a given year of a Report. The Committee also notes that the website of the National Civil Service Office does not provide information on the training it provides that the Committee could review, such as number of training workshops carried out, number of participants, and identification of participating government institutions. The Committee will formulate a recommendation. (see Recommendation 1.1.3.9 of Section 1.1.3 of Chapter II of this Report).

[78] With respect to training and induction programs for those who have recently entered the public service, the Committee notes that this topic will be dealt with in greater depth in this Report under the topic of Instruction to Government Personnel to Ensure Proper Understanding of their responsibilities and ethical rules governing their activities, which corresponds to Article III, paragraph 3 of the Inter-American Convention against Corruption.

[79] Nevertheless, the Committee notes that the country under review provided pertinent information regarding this topic in its Response to the Questionnaire, which will not be reviewed by the Committee on its examination of Article III, paragraph 3, as information from other public entities selected for this purpose will be discussed.

[80] In this respect, the Committee notes that Article 95 of Law 19.121 of August 20, 2013, and Article 7 of Decree 130/014 of May 19, 2014, provide that all persons that enter the public service on a probationary basis are required to receive induction training with respect to the institutional objectives and administrative structure of the organization the person will be employed in, the duties and functions of the State, the disciplinary regime in place, the remuneration system, and public ethics, among other things, and that it is the Public Administration School of the National Civil Service Office that is to carry out this training.⁴² Moreover, this training is mandatory and is to be completed within 15 months of entering the public service on a probationary basis, in order to hold a budgeted position.⁴³ During the on-site visit, the representatives of the National Civil Service Office stated that the training is carried out in person and also through the internet for those persons that are not able to easily attend where the class is being held.

[81] The Public Administration School has prepared an Institutional Induction Program, which focuses on two topics: the structure and duties of the public administration; and ethics in the public service, including the Ibero-American Charter for the Public Service, which seeks to define the components of a professional and effective public service, establish a general framework of guiding principles, policies and management mechanisms to be used as a common language in the area of public service in Ibero-American countries, and inspire specific applications, regulations, developments and reforms which are necessary for the improvement and modernization of national public service structures.⁴⁴

[82] The Committee also notes that with respect to the topic of ethics, the material prepared by the Transparency and Public Ethics Board is utilized for the following areas: Conflicts of Interest

⁴² Law 19.121, *supra* note 13 and Decree 130/014,

http://archivo.presidencia.gub.uy/sci/decretos/2014/05/cons_min_851.pdf

⁴³ Response to the Questionnaire, pg. 27, *supra* note 11.

⁴⁴ Institutional Induction Program,

http://www.onsc.gub.uy/enap/images/Programa_de_Inducci%C3%B3n_Institucional_2015.pdf. In addition, the Ibero-American Charter for the Public Service was approved by the 5th Ibero-American Conference of Public Administration Ministers and State Reform, held in Santa Cruz de la Sierra, Bolivia, June 26-27, 2003. For more information, see: <http://www.onsc.gub.uy/onsc1/images/stories/Publicaciones/RevistaONSC/r29/29-7.pdf>

between the Private and Public; Anti-Corruption Institutional Framework; and Principles of Public Ethics.⁴⁵

[83] The Committee further observes that while the Public Administration School is primarily concerned with providing training to the Central Administration, it has also entered into agreements with other sectors of the public service that do not fall under its ambit to provide training as well. These include the Legislative and Judicial Branch. These agreements are available on the webpage of the School.⁴⁶

[84] Finally, in its Response to the Questionnaire, the country under review notes that between 2013 and 2015, 120 courses have been carried out, and 4794 public servants have received induction training.⁴⁷

1.1.2. New Developments with Respect to the provisions of the Convention on Systems of Government Hiring

1.1.2.1 New Developments with Respect to the Legal Framework

[85] Regarding new developments in the legal framework of the Oriental Republic of Uruguay with respect to systems for government hiring, the country under review, in its Response to the Questionnaire, notes the following:⁴⁸

[86] *“The Recruitment and Selection system described began to operate on January 1, 2011, when the budgetary law was approved and came into force.*

[87] *The legal norms referred to are the following: Law 15.757 of July 15, 1985, which legislates the Civil Service; Law 18.172 of August 22, 2007; Article 127 of Law 18.719 of the National Budget (2010 – 2014); Law 18.651 of February 19, 2010; Law 19.122 of August 21, 2013 and its regulatory norm, Decree 144/2014; and Law 19.121 of August 20, 2013 (Public Servant Statute).*

[88] *In addition to the decrees that regulate the various contracting regimes, Regulatory Decree 223/013 of 1/8/013 governs the current Recruitment and Selection process.”*

[89] The Committee notes the following pertinent legal instruments were described and reviewed under section 1.1.1 of this section:

[90] - Law 18.719 of December 27, 2010, Law 18.834 of November 4, 2011, Law 19.121 of August 20, 2013, Decree 223/013 of August 1, 2013, and Decree 130/014 of May 19, 2014.

1.1.2.2 New Developments with Respect to Technology

[91] With respect to new technological developments, the Committee notes, as described under section 1.1.1, that the country under review has established an internet portal, Uruguay Concur

⁴⁵ Courses: Ethics:

http://www.onsc.gub.uy/enap/index.php?option=com_content&view=article&id=269:etica&catid=57:materiales-curso-provisoriato&Itemid=69

⁴⁶ See Agreements with Other Agencies,

http://www.onsc.gub.uy/enap/index.php?option=com_content&view=article&id=61&Itemid=68

⁴⁷ Response to the Questionnaire, pg. 30, *supra* note 11.

⁴⁸ Response to the Questionnaire, pg. 68, *ibid.*

(www.uruguayconcurso.gub.uy), for administering and posting vacancy announcements in the Central Administration, and for posting vacancy announcements for all government institutions outside of the Central Administration. This system was established in 2011 and is administered by the National Civil Service Office.

1.1.2.3 Results

[92] The country under review, in its Response to the Questionnaire, and during the on-site visit, provided statistical information with respect to the operation of Uruguay Concurso.⁴⁹ In this respect, the country under review notes that since the implementation of the Recruitment and Selection System, 1390 competitions were opened, with a total of 409,655 applicants for these posts:

2011 - 2015

Status	Number of Competitions	Number of Posts	Number of Applicants
Enrolling	2	2	0
Closed Vacancies	1	9	3049
Ongoing Competition	12	191	20953
Finalized	1161	7413	363673
Abandoned ⁵⁰	135	191	7675
No Effect ⁵¹	23	48	2840
Suspended by Resolution ⁵²	56	91	11465
Total	1390	7945	409655

[93] The country under review also presented a table demonstrating the reduced time by which the process to fill vacancies have been carried out, which was updated by information provided during the on-site visit:⁵³

Year	CLOSE VACANCY ANNOUNCEMENT / ESTABLISHMENT OF SELECTION COMMITTEE in business days	ESTABLISHMENT OF SELECTION COMMITTEE/ SELECTION DECISION in calendar days	Average Time: CLOSE OF VACANCY ANNOUNCEMENT/ SELECTION DECISION in business days + calendar days
2011	95	93	187
2012	23	99	122
2013	8	77	85
2014	3	25	27
2015	3	40	43

⁴⁹ Response to the Questionnaire, pgs. 68 – 71, *supra* note 11 and Presentation by the National Civil Service Office, pg. 29, *supra* note 18.

⁵⁰ When a position offered competitively in a selection process is not awarded because none of the candidates meets the requirements set for it.

⁵¹ When a selection process will not produce results for being invalid.

⁵² When a selection process is suspended by a decision duly grounded in law.

⁵³ Presentation by the National Civil Service Office, pgs. 24 – 28, *supra* note 18.

[94] The Committee notes that the results presented by the country under review demonstrate the extensive use of Uruguay Concurza, as well as showing a general trend towards improved efficiency in carrying out the competition process as each year passes.

[95] The Committee observes, however, that this type of information is not available online and thus not readily available to the general public. In that regard, the Committee considers that the country under review would benefit from making information about the functioning of the hiring system easily available to the general public. The Committee does note that the National Civil Service Office provides statistics on the competition process in its Annual Reports, by year and by Ministry.⁵⁴ However, as noted in section 1.1.1, the Office has not made available online the Annual Reports for 2013 and 2014, and thus information accessible to the public is limited. The Committee will formulate a recommendation. (see Recommendation 1.1.3.10 of Section 1.1.3 of Chapter II of this Report)

[96] In this respect, the Committee notes that during the on-site visit, in a document provided by the representatives of the civil society organization, Uruguay Transparente, it noted the significant progress made by Uruguay on government hiring, but also observed that it had to be strengthened, with the public being provided with updated results on the operation of Uruguay Concurza.⁵⁵

[97] The Committee also believes it would be useful for the country under review to maintain statistics on the overall result and number of competitions being carried out in general in the public service of Uruguay. The Committee notes that the numbers provided by the National Civil Service Office appear to only correspond to the competitions that falls under the Central Administration. As noted in section 1.1.1, however, all vacancy announcements for entry into the public service of Uruguay have to be posted on Uruguay Concurza, including those from those employed in the Judicial and Legislative branch, and in important oversight bodies such as the Court of Accounts and Office of the Attorney General. In order to have a better overview of the hiring system within the Oriental Republic of Uruguay, the country under review should consider compiling and maintaining results similar to that of the National Civil Service Office with respect to the Central Administration. The Committee will formulate a recommendation. (see Recommendation 1.1.3.11 of Section 1.1.3 of Chapter II of this Report).

[98] Finally, the Committee observes that, as noted above, there are six methods of entry into the civil service covered by Uruguay Concurza: as a public servant on a probationary basis; a contract for specific work or services; a labor contract; as a student; internship; and an employment contract. In that respect, the country under review may consider maintaining results on the number and percentage of each type of method of entry carried out through Uruguay Concurza. For example, it should maintain results on the number and percentage of persons that enter under a contract for specific work or services; number and percentage of persons that enter under a labor contract; number and percentage of persons that enter under a student; number and percentage of persons that enter under an internship; and number and percentage of persons that enter under an employment contract. (see Recommendation 1.1.3.12 of Section 1.1.3 of Chapter II of this Report)

1.1.3. Recommendations

⁵⁴ See for example 2012 Annual Report, pgs. 8 and 9, *supra* note 39.

⁵⁵ Document submitted by Uruguay Transparente, pg. 2, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

[99] In light of the observations formulated in sections 1.1.1 and 1.1.2 of Chapter II of this Report, the Committee suggests that the country under review consider the following recommendations:

- 1.1.3.1 Take appropriate measures for the full implementation of Article 102 F) of Law 19.121. (See paragraph 27 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.2 Take the appropriate steps, consistent with national law, to bring the various career service systems in line with that of Uruguay Concursa, so that the specific and special systems created by law incorporate the same principles of merit and equality and achieve the same level of openness. (See paragraph 29 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.3 Ensure that all vacancy announcements posted on the Uruguay Concursa portal are prepared and subject to review, similar to that provided by the National Civil Service Office for the Central Administration. (See paragraph 42 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.4 Consider the implementation, consistent with national law, the establishment or strengthening, where appropriate, internal bodies in public institutions that have the competence to oversee compliance with the selection standards in place for government hiring. (See paragraph 59 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.5 Consider taking the appropriate steps to provide the National Civil Service Office with the authority to declare null or invalid an irregular selection process for all the hiring mechanisms covered by Uruguay Concursa. (See paragraph 60 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.6 Provide the National Civil Service Office with the necessary human, technological and budgetary resources to ensure that Uruguay Concursa continues to operate on an optimum basis, within available resources. (See paragraph 63 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.7 Ensure that all annual reports with respect to the work of the National Civil Service Office are easily and readily available to the public on its website. (See paragraph 64 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.8 Take the appropriate steps to ensure that the training given to those participating in Selection Committees meets the criteria established in Decree 223/013, involving officials from the different Ministries with competence over selections processes, in order to ensure that they properly understand the contents thereof and their obligations in connection therewith. (See paragraph 76 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.9 Collect and analyze information on the training the National Civil Service Office provides with respect to Uruguay Concursa, to identify challenges and recommend remedial measures and make the results available on its website. (See paragraph 77 of section 1.1.1 of Chapter II of this Report)

- 1.1.3.10 Make available on the website of the National Civil Service Office information on the operation of Uruguay Concursa, to facilitate its access to the public. (See paragraph 95 of section 1.1.1 of Chapter II of this Report)
- 1.1.3.11 Establish a mechanism to ensure that relevant information on hiring competitions being carried by agencies not part of the Central Administration is collected and analyzed, in order to identify challenges and recommend remedial measures, if applicable. (See paragraph 97 of section 1.1.2.3 of Chapter II of this Report)
- 1.1.3.12 Maintain information on the number and percentage of persons that enter government employment under each of the six hiring mechanisms and the training provided to each group in order to identify challenges and recommend remedial measures, if applicable. (See paragraph 98 of section 1.1.2.3 of Chapter II of this Report)

1.2. GOVERNMENT SYSTEMS FOR THE PROCUREMENT OF GOODS AND SERVICES

1.2.1 Follow-Up to the Implementation of the Recommendations Formulated in the Second Round

Recommendation 1.2.1:

Strengthen the procurement systems with and without public tenders.

Measure a) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Implement provisions that define the scope of application and clarify the ambiguous terms used in the exceptions found in Articles 33 (h) and (i) of the TOCAF, in order to limit the broad discretion that these provisions currently allows.

[100] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments, which the Committee notes as a step that contributes to progress in the implementation of the measure.⁵⁶

[101] The country under review notes that Articles 33(h) and (i) now correspond to Articles 33(8) and (9) of the revised Accounting and Financial Management Integrated Text (known as the Spanish acronym TOCAF), which is a compilation of legally binding provisions on the procurement system in Uruguay.⁵⁷ As it now reads, Article 33 provides, in part, that all government procurement is to be carried out through public tender or another specifically provided competitive process, in accordance with the general principles of administrative procurement and law. However, it provides for exceptions to this general principle, as set out in Articles 33(8) and (9), namely: when circumstances

⁵⁶ See Additional Response by the Oriental Republic of Uruguay to the Questionnaire for the Fifth Round of Review, pgs. 1 – 3, http://www.oas.org/juridico/PDFs/mesicic5_ury_resp_pt2.pdf

⁵⁷ The TOCAF is available at the following address: <http://www.impo.com.uy/bases/decretos-originales/150-2012>

require that the transaction be conducted in secrecy; and when proven unforeseen reasons for urgency come into play and public tender or auction is not possible or would seriously affect the services in question.

[102] With respect to Article 33(8), the country under review, in its Response, cites an academic author, who notes that in order to determine when a bidding process is to be carried out in secret, it is necessary to consider a set of guidelines or guiding criteria in the application of this exception, which would include: that the determination be strictly applied, that the circumstances for its application should be based on a higher priority of the State, citing for example national defense; and that the determination be technically and reasonably accredited by an authorized procurement officer.⁵⁸ In this respect, the Committee notes that Article 33 provides that any exceptions to competitive or abbreviated bidding are to be authorized by the primary procurement officer (*ordenadores primarios*) or by the secondary procurement officer (*ordenadores secundarios*), in appropriate cases.⁵⁹

[103] To this end, the Committee notes that in the Report of the Second Round, it was observed that the terms contained in this exception were ambiguous and the scope of application not clearly defined. The absence of a legally binding definition or explanation as to how this exception is to be properly applied could bring about its misuse since there is no clarity as to when the discretion found in this provision is to be properly used.⁶⁰ As such, the Committee reiterates its observation from the Second Round, that provisions should be put in place that clearly set out the parameters for application of this exception, and thus limiting the broad discretion in place. While the observations of the academic is useful for understanding how Article 33(8) may be applied in theory, it is not reflected in any legally binding provision with which a public servant is to comply.

[104] With respect to Article 33 (9), the country under review notes that Article 33(C) contains provisions that set out the parameters for when this exception may be used.⁶¹ Any procurement carried out under this provision must be certified by the Ministry of Economy and Finance, providing the reasons justifying the use of this exception, taking into account market prices and conditions. Moreover, the Ministry of Housing, Land Management and Environment may directly contract, without the authorization of the Ministry of Economy and Finance, when it is necessary to immediately respond to the following situations: a) defects or construction defects in the homes delivered by that Ministry and which is responsible for the construction of those homes; b) repair of sanitation and drinking water in those homes, which the Ministry has agreed to repair; c) construction

⁵⁸ Additional Response, pg. 2, *supra* note 56.

⁵⁹ The primary procurement officer is the maximum authority for a Government institution or branch. For example, for the Presidency of the Republic, it is the President; for the Executive Branch, the President in conjunction with the Minister or Ministers or Council of Ministers, as the case may be; for the Legislative Branch, the President of the General Assembly and the Presidents of each Chamber of the Legislature; for the Judicial Branch, the Supreme Court of Justice; and the Electoral Court, Court of Accounts and the Law of the Court of Administrative Judicial Review. These primary procurement officers can enter into contracts for any amount subject to their assigned budget. Secondary procurement officers are the heads of the government agencies that fall under the cited primary government institutions, and are given the competence to contract as provided by law. They include the Ministers in their Ministry, the Secretary to the Presidency of the Republic, the Director of the Office for Planning and Budget and the Director of the National Civil Service Office, among others. See Articles 26 - 29 of the TOCAF, *supra* note 57 and the Manual for Public Procurement of the State Agency for Procurement and Contracting, pgs. 96 – 98, <https://www.comprasestatales.gub.uy/wps/wcm/connect/pvcompras/128def61-b577-4700-91f3-2b4a5a49acdf/Manual.pdf?MOD=AJPERES>

⁶⁰ See Report of the Second Round, pg. 10, *supra* note 3.

⁶¹ Additional Response, pgs. 2 – 3, *supra* note 56.

of housing complexes not covered by Decree 51/995 of February 1, 1995;⁶² d) damage caused by emergency situations, such as floods, tornadoes and others; and e) when an immediate and temporary response is needed for families or people's lives are at risk due to an uninhabitable home, violence, or abuse.

[105] Moreover, the Ministry of Housing, Land Management and Environment is to inform the Ministry of Economy and Finance of all the contracts entered through this provision after the fact, so that the Ministry of Economy and Finance can verify the factors for use of this exception to competitive bidding.

[106] With respect to the Judicial Branch, the Legislative Branch, the National Public Education Administration, the University of the Republic, the Municipalities and the Electoral Court, this certification is to be carried out through the Court of Accounts. The National Public Education Administration, as a result of damages caused by climatic factors or emergencies that due to their severity, impair the provision of educational services, may contract directly without the prior certification of the Court of Accounts. In these cases, it is to notify the Court after the fact, so that the Court can verify the factors for use of this exception to competitive bidding.

[107] Article 33 also provides that all contracts that violate its provision are void.

[108] Finally, the country under review notes that Article 157 of the TOCAF provides that when reasons of emergency or unforeseen exceptional circumstances are invoked, they should be well founded, and in the first case, it shall be reported on the impossibility of foreseeing the emergency.

[109] The Committee notes that Article 33 of the TOCAF has undergone through updates and revisions since the review of the topic of government systems for the procurement of goods and services for the Second Round of Review. In this respect, the Committee is satisfied with the steps undertaken by the country under review to provide oversight to the scope of application and use of the terms in the exception to competitive bidding found under what was Article 33(i), now Article 33(9).

[110] Given the foregoing, the Committee believes that measure a) should be reformulated. The Committee will formulate a recommendation. (see Recommendation 1.2.3.1 of Section 1.2.3 of Chapter II of this Report).

[111] In this respect, a civil society organization, Uruguay Transparente, in a document presented during the on-site visit, noted that the TOCAF is enforced by officials that do not always understand the law and that while consultation with legal departments in the various state agencies is frequent; it is not always carried out. As such, ambiguous terms can lead to legal uncertainty and therefore clear understanding of the limits to the exception should be put in place.⁶³

Measure b) suggested by the Committee that requires additional attention within the Framework of the Third Round:

⁶² This Decree authorized the Ministry to build houses for the poorest sectors of the population through direct contracting, <http://www.impo.com.uy/bases/decretos/51-1995>

⁶³ Document submitted by Uruguay Transparente, pgs. 3 – 4, *supra* note 55.

Implement provisions outlining clear procedures for the selection of contractors in those situations where direct contracting is used.

[112] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.⁶⁴

[113] The country under review in its Response to the Questionnaire,⁶⁵ notes that Article 46 of the TOCAF provides that all natural and legal persons, nationals or foreigners, are able to enter into a contract with the State, so long as the following do not apply, among others: a) be a public servant or have an employment relationship of any kind with the government agency carrying out the procurement; or being the one receiving the offers personally, or by firms, companies or entities with which the person is attached for reasons of management or dependency; b) be suspended or have been removed from the National Register of State Suppliers (*Registro Unido de Proveedores del Estado*); is not enrolled in the National Register of State Suppliers; have acted as a public servant, or maintained any employment relationship of any kind, advisor, consultant in advising or preparing the bidding terms and conditions or other arrangements related to the bidding contract process; have no regularity in the trade or industry subject of the contract, except new firms that demonstrate solvency and responsibility.⁶⁶

[114] The Committee also notes that Article 36 of the TOCAF provides for the establishment of Framework Agreements (*Convenios Marco*), which is regulated by Decree 42/015.⁶⁷ These agreements establish technical and commercial conditions, including price, which will govern contracts to be awarded during a prescribed period for a list of products.⁶⁸ As set out under Article 2 of Decree 42/105, these Agreements include a published list of products, for which suppliers, prices and other purchasing conditions are set during a determined timeframe. Included in this list are those offers that satisfy the established conditions in the public call for a bid. Once an Agreement is established, and while it is in force, government agencies may purchase products included and established by this Agreement directly from suppliers, without a further bidding process, through a “Virtual Shop” (*Tienda Virtual*) similar to eCommerce.⁶⁹

[115] In order to establish such an Agreement, a government agency must have prior authorization from the State Agency for Procurement and Contracting and the Executive Branch. The government agency is responsible for carrying out a market study prior to drafting an Agreement, prepare the bid tender, publicize it, evaluate the offers, and approve those that can participate in the Virtual Shop.⁷⁰

[116] The country under review also notes in its Response to the Questionnaire that direct contracting is also allowed for professionals or technical persons, nationals or foreigners, who have

⁶⁴ Additional Response to the Questionnaire, pgs. 5 and 6, *supra* note 56.

⁶⁵ *Ibid*, pg. 5.

⁶⁶ See also Presentation, National Register of State Suppliers (*Registro Unido de Proveedores del Estado*), available at http://www.oas.org/juridico/spanish/mesicic5_ury.htm

⁶⁷ Decree 42/015, <http://www.impo.com.uy/bases/decretos/42-2015>

⁶⁸ Additional Response, pg. 14, *supra* note 56.

⁶⁹ This Virtual Shop consists of an “on-line market” within the website of Purchases and Contracts of the State (*Compras y Contrataciones del Estado*), which contains a set of available products that correspond to existing Framework Agreements, their conditions of contract and associated suppliers, see Additional Response, pg. 17, *ibid*.

⁷⁰ Decree 42/015, Article 3, *supra* note 67.

conclusively proven competence or experience that make hiring through a merit based competition unnecessary.⁷¹

[117] Moreover, as noted above, Article 33 of the TOCAF provides that any direct contracting has to be first authorized by the primary procurement officer (*ordenadores primarios*), who may delegate this competence to the secondary procurement officer (*ordenadores secundarios*).

[118] The Committee takes note of the various manners by which the country under review is able to select contractors when direct contracting is used, as set out under the various provisions in the TOCAF, and which were not in place when the Report of the Second Round was prepared and adopted.

[119] Given the foregoing, the Committee takes note of the satisfactory consideration by the country under review of measure b) of the foregoing recommendation.

Measure c) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Implement provisions that require prior planning sufficiently in advance of the launch of procurement process, such as preparing studies, designs and technical evaluations, and to verify the appropriateness and timeliness of the purchase.

[120] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.⁷²

[121] The country under review did note, in its Response to the Questionnaire, that the Framework Agreements is a new procedure for contracting, which requires a market study before preparing specific bidding conditions.⁷³ It also notes that although the planning is not published in advance to enable vendors to have more time to prepare their offers and more accurately assess its costs and present bids more convenient for a government agency, this new instrument implies an analysis of the requirements of government agencies, which allow for a clearer appreciation of the needs of government.

[122] The Committee also observes that the Manual for Public Contracting prepared by the State Agency for Procurement and Contracting notes the importance of planning prior to the launch of a procurement process.⁷⁴ For example, it provides that a government agency is to take into account a number of aspects, such as: the actual purchasing need; the moment in which the good, service or work is needed; alternatives to procurement; the existence of bidders, both local and abroad; the estimated expenditure; the type of contracting procedure to be used, such as competitive or direct bidding; and the competent procurement officers.⁷⁵

⁷¹ Additional Response, pg. 5, *supra* note 56 and Article 47 of TOCAF, *supra* note 57.

⁷² Additional Response to the Questionnaire, pg. 7, *supra* note 56.

⁷³ *Ibid.*

⁷⁴ Manual for Public Procurement of the State Agency for Procurement and Contracting, pgs. 89 – 90, *supra* note 59.

⁷⁵ *Ibid.*, pg. 89.

[123] It also notes that to make efficient use of government resources, it is essential to plan the management and purchases in due time. To this end, the Manual highlights that appropriate planning allows for: determining with greater precision the actual necessary amounts of the various products and rationalize the use of resources; strategic decisions; agreements to acquire more economical lots; and standardizing, in so far as appropriate, the products purchased, which allows for the unification for purchasing procedures of similar items or services and for achieving competitive procedures, in order to obtain better prices for quantities purchased.⁷⁶

[124] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure b) of the foregoing recommendation, as well as the need for it to continue to give attention thereto, bearing in mind that while the procedures in place for Framework Agreements and the guidance provided in the Manual for Public Contracting are steps that can contribute to progress in its implementation, provisions have yet to be implemented that require prior planning sufficiently in advance of the launch of a procurement process.⁷⁷ (see Recommendation 1.2.3.2 of Section 1.2.3 of Chapter II of this Report).

Measure d) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Reevaluate the threshold for the formation of bid evaluation committees for abbreviated bids.

[125] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.⁷⁸

[126] The country under review does note, in its Response to the Questionnaire, that Law 18.834 of November 4, 2011,⁷⁹ modified the threshold for the formation of a bid evaluation committee for abbreviated bids, known as Advisory Award Committees, which is adjusted taking into account the consumer price index. In this respect, the amount has been increased, and currently, an Advisory Award Committee is to be established for abbreviated procurements that exceed \$2 079 000 Uruguayan Pesos, which is approximately \$70 400 US.⁸⁰

[127] The Committee notes that in the Report of the Second Round, it was observed that the then threshold of \$480,000 Uruguayan Pesos, approximately \$21,000 US dollars, was one that could leave too much discretion for a potentially significant amount of money to be awarded, without the need to substantiate or justify clearly the outcome of a bid evaluation through an Advisory Award Committee.⁸¹ Given the foregoing, the Committee believes that measure d) should be reformulated, whereby the country under review should consider periodically updating the threshold for the formation of bid evaluation committees for abbreviated bids. (See Recommendation 1.2.3.3 of Section 1.2.3 of Chapter II of this Report)

⁷⁶ *Ibid.*, pg. 90.

⁷⁷ Also see the Presentation by the State Agency for Procurement and Contracting on their Strategic Plan 2015 – 2020, where one of the principals proposal is the planning or purchases, pg. 2,

http://www.oas.org/juridico/spanish/mesicic5_ury.htm

⁷⁸ Additional Response to the Questionnaire, pg. 8, *supra* note 56.

⁷⁹ Law 18.834, *supra* note 22.

⁸⁰ Additional Response to the Questionnaire, pg. 8, *supra* note 56.

⁸¹ Report of the Second Round, pg. 11, *supra* note 3.

[128] The Committee further notes that the country under review, in its Response to the Questionnaire, refers to the important duties that these Advisory Award Committees, highlighting new provisions in Article 66 of the TOCAF regarding the work it undertakes.⁸² Among these are to carry out its functions within a set timeframe; the appointment from the Committee a person responsible for its work in order to facilitate its operation and comply with set deadlines; provide a report with its reasons on the admissibility and convenience of the bids received, within a set deadline; and carry out any other tasks that it deems convenient.⁸³

[129] To that end, during the on-site visit, it was noted that it appeared that there were no express conflict of interest provisions in place for those that participate in these Committees. The Committee does note that Decree 30/003 of January 23, 2003, Standards of Conduct in the Public Service, contains important provisions on this topic in the country under review.⁸⁴ Nevertheless, the Committee observes that further controls, such as express conflicts of interest provisions for those that participate in these Advisory Award Committees would help reinforce, in the country under review, the importance of an impartial, objective and transparent bidding process. In particular, the country under review could put in place provisions that require members of these Committees to disclose any relationship they may have with bidders, such as financial, business and/or familial ties, and recuse themselves from participating. Any ties that members of their families have as well with any bidders should be disclosed as well, as appropriate. The country under review may also consider putting in post-employment restrictions, prohibiting members of these Committees to engage in employment with companies or firms that won contract awards as a result of a favorable recommendation made by them. Finally, the country under review may consider implementing a code of ethics for purchasers and suppliers, taking into account the relevant provisions of the aforementioned Standards of Conduct in the Public Service. The Committee will formulate recommendations. (See Recommendations 1.2.3.4, 1.2.3.5 and 1.2.3.6 of Section 1.2.3 of Chapter II of this Report)

Measure e) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Reevaluate the threshold that allow government entities to notify interested parties on the outcome of the evaluation of bids prior to the final selection decision, in order to allow those parties to submit comments, observations, or challenges prior to award.

[130] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.⁸⁵

[131] The country under review does note, in its Response to the Questionnaire, that Law 18.834 modified the threshold for informing interested parties on the outcome of evaluation bids prior to the

⁸² Additional Reponse to the Questionnaire, pgs. 8 – 9, *supra* note 56.

⁸³ *Ibid.*

⁸⁴ Decree 30/003 of January 23, 2003, Standards of Conduct in the Public Service, <http://www.jutep.gub.uy/documents/10157/aa80ca48-359c-4f99-8819-ae9497e9949f>

⁸⁵ Additional Response to the Questionnaire, pg. 9, *supra* note 56.

final selection decision.⁸⁶ In this respect, the amount has been increased, and currently this occurs in competitive bids higher than \$27,716,000 Uruguay Pesos, approximately \$936,000 US.⁸⁷

[132] The Committee notes that in the Report of the Second Round, it was observed that the then threshold of \$6,400,000 Uruguayan Pesos, approximately \$268,000 US dollars, is a significant amount of money to not provide bidders an opportunity to address any errors in their bid and submit observations, criticisms or comments on the evaluation.⁸⁸ Given that this threshold has increased significantly, the Committee reiterates the need for the country under review to give additional attention to implementation thereto. (See Recommendation 1.2.3.7 of Section 1.2.3 of Chapter II of this Report)

Measure f) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Implement provisions that facilitate the participation of citizen overseers or watchdogs in monitoring the execution of contracts where the nature, importance or magnitude so warrants.

[133] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.⁸⁹

[134] Given the foregoing, the Committee takes note of the need for the country under review to give additional attention to implementation thereto. (See Recommendation 1.2.3.8 of Section 1.2.3 of Chapter II of this Report)

Recommendation 1.2.2 suggested by the Committee that requires additional attention within the Framework of the Third Round:

Make widespread the establishment of internal audit units as provided for under the TOCAF and Decree 88/000.

[135] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.⁹⁰

[136] The country under review does note that Law 16.736 of January 5, 1996 provides that internal audit units may be installed in government agencies and bodies that make up sections 2 to 15 of the National Budget, that is the Ministries of Interior; Foreign Affairs; Economy and Finance; National Defense; Education and Culture; Transport and Public Works; Industry, Energy and Mining; Labor and Social Security; Public Health; Livestock, Agriculture and Fishing; Tourism and Sports; Housing, Land Management and Environment; and Social Development.⁹¹ This is also set out in Decree 88/000, as reviewed in the Report of the Second Round, and Article 106 of the TOCAF. With

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ Report of the Second Round, pg. 11, *supra* note 3.

⁸⁹ Additional Response to the Questionnaire, pg. 10, *supra* note 56.

⁹⁰ Additional Response to the Questionnaire, pg. 11 – 12, *ibid.*

⁹¹ *Ibid.*

respect to these internal audit units, the National Internal Audit Office (*Auditoría Interna de la Nación*) is to provide technical supervisory oversight.⁹² Moreover for those units government bodies that fall outside of subsections 2 to 15 of the National Budget, such as Intendencies, Autonomous Entities and Decentralized Services, can voluntary enter into agreements with the National Internal Audit Office, so that it can provide technical supervisory oversight as well. In its Response to the Questionnaire, the country under review notes that 10 such agreements have been reached.⁹³ The Committee however, notes that it has not been provided information on whether internal audit units have been installed throughout the entities that make up the Uruguayan State.

[137] The Committee reiterates its observation from the Report of the Second Round, whereby it was noted that it is important for the widespread installation of internal control units in each entity so as to encourage a uniform control environment, which is important for maintaining proper controls over the government procurement system in place.⁹⁴ The Committee notes that this recommendation should apply for the government entities that make up the Uruguayan State as a whole, and not just limited to those found under section 2 to 15 of the National Budget. Given the foregoing, the Committee believes that Recommendation 1.2.2 should be reformulated. (See Recommendation 1.2.3.9 of Section 1.2.3 of Chapter II of this Report)

Recommendation 1.2.3 suggested by the Committee that requires additional attention within the Framework of the Third Round:

Develop and implement electronic procurement systems or electronic bidding for the acquisition of goods and services.

[138] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments. In this regard, the Committee notes the following as steps that lead it to conclude said measure has been satisfactorily considered:⁹⁵

[139] Law 18.834 of November 4, 2011, introduced amendments to the procurement system in the Oriental Republic of Uruguay, which amended the TOCAF as well. As noted by the country under review in its Response to the Questionnaire:⁹⁶

[140] *“These modifications are based on a need to adapt the legal regime then in place to the technological reality and current practice, striving to “bring more flexibility to procurement procedures,” such as increasing transparency and publication mechanisms. In this context in the past three years, a series of technological advances have been successfully carried out.”*

[141] In the first instance, Electronic Bidding (*Apertura Electronica*) is a method that can be used for any type of contracting process, which allows bidders to enter their offers directly, by Internet, from any place, without having to submit paper copies. Decree 275/013 of September 3, 2013, which regulates Electronic Bidding, provides that this process allows for an electronic platform for the presentation, reception, opening and access to procurement bids.⁹⁷ Article 3 of this Decree further

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ Report of the Second Round, pg. 12, *supra* note 3.

⁹⁵ Additional Response to the Questionnaire, pgs. 12 – 13, *supra* note 56.

⁹⁶ *Ibid.*

⁹⁷ Decree 275/013 of September 3, 2013, Article 1, <http://www.impco.com.uy/bases/decretos/275-2013>

provides that the electronic platform is to be made available to the public and compatible with information and general communication technology in use; be able to receive and store the entire contents referring to an offer; admit documents in open and standardized formats; ensure high levels of security, availability and accessibility; able to determine with certainty the date and time of receipt of tenders and the identity of the bidder, who must be authenticated in the computer system and in the National Register of State Suppliers; ensure that the content of bids are not available or that they have been entered into the system, until the expiry of the deadline for presentation; have only persons authorized to set or change date for the opening of bids; and maintain the confidentiality of the content of the bid offers. The State Agency for Procurement and Contracting is to provide this option on the website of Purchases and Contracts of the State, so that it is available for all state agencies.⁹⁸

[142] Moreover, there is also a Reverse Auction (*Pregon*), which is a method similar to auction, whereby bidders are provided a detailed and precise specification of the product to be purchased, and then, within a publicized, specified timeframe, bidders can offer decreasing bids to win the contract. A reverse auction will allow for electronically processing the competing offers by bidders that attest they can comply with the technical requirements established in the bid. All steps of this type of procurement process would take place online in the state procurement system.⁹⁹

[143] Finally, the country under review notes that Article 36 of the TOCAF provides for the establishment of Framework Agreements (*Convenios Marco*), which is regulated by Decree 42/015, as set out above. These agreements establish technical and commercial conditions, including price, which will govern contracts to be awarded during a prescribed period for a list of products.¹⁰⁰ Included in this list are those offers that satisfy the established conditions in the public call for a bid. Once an Agreement is established, and while it is in force, government agencies may purchase products included and established by this Agreement directly from suppliers, through a “Virtual Shop” similar to ecommerce.¹⁰¹

[144] Given the foregoing, the Committee takes note of the satisfactory consideration by the country under review of Recommendation 1.2.3.

Recommendation 1.2.4 suggested by the Committee that requires additional attention within the Framework of the Third Round:

Strengthen mechanisms allowing for citizen oversight over public works contracts, notwithstanding the existing institutional internal and external controls.

[145] With respect to the aforementioned measure, in its Response, the country under review presents information and states that the State Agency for Procurement and Contracting was not made aware of the recommendation and therefore no advances have been made on the topic.¹⁰²

⁹⁸ See also the Presentation, Electronic Bidding (*Apertura Electronica*), available at http://www.oas.org/juridico/spanish/mesicic5_ury.htm

⁹⁹ *Ibid.*

¹⁰⁰ Additional Response, pg. 14, *supra* note 56.

¹⁰¹ *Ibid.* See also the Presentation, Framework Agreements, (*Convenios Marco*), available at http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹⁰² *Ibid.*

[146] The Committee notes that this recommendation is very similar in substance to the one formulated under measure f) of Recommendation 1.2.1 above, which the Committee took note of the need for the country under review to give additional attention to implementation thereto. Given that under the procurement regime of the country under review, in general, there is no difference between the contracting system for goods and services and those for public works, which was observed in the Report of the Second Round,¹⁰³ the Committee believes that Recommendation 1.2.4 is redundant and should be eliminated, as it is already being addressed by now Recommendation 1.1.2.5.

1.2.2 New Developments with Respect to the provisions of the Convention on Government Systems for the Procurement of Goods and Services

1.2.2.1 New Developments with Respect to the Legal Framework

a) Scope

[147] In its Response to the Questionnaire, the country under review presents various laws and decrees that have been enacted, of which the Committee would like to highlight the following.¹⁰⁴

[148] Law 18.834 of November 4, 2011, which introduced various amendments to the TOCAF and also institutionalized the State Agency for Procurement and Contracting. This Law also introduced the use of Reverse Auctions (*Pregon*), Auctions (*Subasta o Remate*), Framework Agreements (*Convenios Marco*) and the use of electronic bidding procedures (*Apertura Electronica*). It also introduced amendments to existing provisions of the TOCAF, that addressed issues such as the requirements for national and legal persons to contract with the State; the content that the general and specific Bidding Terms and General Conditions of a procurement offer must contain; the publication requirements of all public procurement processes and auctions, as well as that for abbreviated ones; the content these publications are to required to provide; and the role and guidelines for the Awards Advisory Committee to carry out its work.¹⁰⁵

[149] Decree 155/013 of May 21, 2013, which regulates the National Register of State Suppliers. This Decree provides that the purpose of this Registry is an information system to be utilized by all state agencies, with the objective of facilitating and assuring the following: a) the enrollment of all persons interested in government contracts; b) the registration and maintenance of information related to them and required for the execution and performance of contracts; c) incorporation of information on the performance of contracts as well as final sanctions imposed; d) access of agencies to the information contained therein, through mechanisms that ensure the security and availability of such information, as well as interoperability with other information systems; and e) access to registered suppliers of all the information contained therein, without prior request.¹⁰⁶ This Decree also provides that as a general rule, suppliers must be registered to contract with the State.¹⁰⁷ This Decree also sets out the administrative sanctions that can be imposed on a supplier for infractions, which include: a) a warning; b) suspension for a period and scope to be determined in each case; c) removal of the offender as a supplier of the sanctioning body.¹⁰⁸ These sanctions can be imposed without prejudice to any established in the contracts, in the bidding terms and conditions, or in any other terms that govern the contract, which must be registered in the Register. The Decree further provides that the

¹⁰³ Report of the Second Round, pg. 12, *supra* note 3.

¹⁰⁴ Additional Response, pgs. 14 – 15, *supra* note 56.

¹⁰⁵ Law 18.834, *supra* note 22.

¹⁰⁶ Article 1 of Decree 155/013, <http://www.impo.com.uy/bases/decretos/155-2013>

¹⁰⁷ See Article 2, *ibid.*

¹⁰⁸ Article 18, *ibid.*

State Agency for Procurement and Contracting can also remove or suspend a supplier from the Register, thus prohibiting them from contracting with any State agency.¹⁰⁹

[150] Decree 275/013 of September 3, 2013, which regulates Electronic Bidding (*Apertura Electronica*) system. As noted in section 1.1.1.1, this is a method that can be used for any type of contracting process, which allows bidders to enter their offers directly, by Internet, from any place, without having to submit paper copies. It is an electronic platform that is to be made available to the public and compatible with information and general communication technology in use; be able to receive and store the entire contents referring to an offer; admit documents in open and standardized formats; ensure high levels of security, availability and accessibility; able to determine with certainty the date and time of receipt of tenders and the identity of the bidder, who must be authenticated in the computer system and in the National Register of State Suppliers; ensure that the content of bids are not available or that they have been entered into the system, until the expiry of the deadline for presentation; have only persons authorized to set or change date for the opening of bids; and maintain the confidentiality of the content of the bid offers. The State Agency for Procurement and Contracting is to provide this option on the website of Purchases and Contracts of the State, so that it is available for all state agencies.¹¹⁰

[151] Decree 131/014 of May 19, 2014, which regulates the Sole Bidding Terms and General Conditions of contracts for supplies and non-personal services.¹¹¹ This Decree provides that all contracts for supplies and non-personal services are to be governed by the attached bidding terms and general conditions in the Decree, for all contracts that are superior to \$1 500 000 Uruguayan Pesos (approximately \$50 700). It covers such areas such as General Provisions; Publication of the Procurement Offer; Clarifications of the Tender; Modifications to a Particular Tender; Formal Bid Requirements; Requirements for Presentation of Bids; Validity of Bids; Presentation, Confidentiality and Opening of Bids; and the Award process, among others. It also provides that provisions on the Evaluation of Bids; Place, Place and Time to request Clarifications to the Tender and Period for Making Consultations; Time and Manner to present Bids; as well as Fines and Sanctions in cases of non-performance are required in the Bidding Terms and General Conditions.

[152] Decree 42/015 of January 27, 2015, which is the Regulatory Decree for Framework Agreements.¹¹² As noted under Section 1.1.1.1, these agreements establish technical and commercial conditions, including price, which will govern contracts to be awarded during a prescribed period for a list of products. These Agreements are a published list of products, by which suppliers, prices and other purchasing conditions are set during a determined timeframe. Included in this list are those offers that satisfy the established conditions in the public call for a bid. Once an Agreement is established, and while it is in force, government agencies may purchase products included and established by this Agreement directly from suppliers, through a “Virtual Shop” (*Tienda Virtual*) similar to ecommerce.

[153] Decree 257/015 of September 23, 2015, which regulates the Sole Bidding Terms and General Conditions of contracts for Public Works.¹¹³ This Decree provides that all contracts for public works are to be governed by the attached bidding terms and general conditions in the Decree, for all

¹⁰⁹ Article 20, *ibid*.

¹¹⁰ See also the Presentation, Electronic Bidding (*Apertura Electronica*), *supra* note 98.

¹¹¹ Decree 131/014 of May 19, 2014, <http://www.impo.com.uy/bases/decretos/131-2014>

¹¹² Decree 42/015, *supra* note 67.

¹¹³ Decree 257/015 of September 23, 2015, <http://www.impo.com.uy/bases/decretos/257-2015>

contracts that are superior to \$1 500 000 Uruguayan Pesos (approximately \$50 700). As with the Sole Bidding Terms and General Conditions of contracts for supplies and non-personal services it covers such areas such as General Provisions; Publication of the Procurement Offer; Clarifications of the Tender; Modifications to a Particular Tender; Formal Bid Requirements; Requirements for Presentation of Bids; Validity of Bids; Presentation, Confidentiality and Opening of Bids; and the Award process, among others. Unlike the Sole Bidding Terms and General Conditions of contracts for supplies and non-personal services, however, it also contains provisions such as a Work Plan; Timeline for the Execution of the Work Contract; Extension of the Work Contract; Delays in Executing the Work Contract; and Suspension of the Work Contract; It also provides that provisions on the Evaluation of Bids; Place, Place and Time to request Clarifications to the Tender and Period for Making Consultations; Time and Manner to present Bids; as well as Fines and Sanctions in cases of non-performance are required in the Bidding Terms and General Conditions.

b) Observations

[154] First, the Committee wishes to acknowledge the new developments in the legal framework of the Oriental Republic of Uruguay that create, maintain and strengthen the government systems for the procurement of goods and services as referred to in Article III, paragraph 5 of the Inter-American Convention against Corruption.

[155] Notwithstanding, the Committee considers it appropriate to make a number of observations on the advisability of developing and complementing certain provisions that refer to these new developments, without prejudice to the observations made by the Committee in section 1.2.1 above with respect to the follow-up of the implementation of the recommendations that were formulated to the country under review in the Second Round.

[156] The Committee will first like to highlight the establishment of the State Agency for Procurement and Contracting. Law 18.834 of November 4, 2011, which institutionalized this Agency, notes that it is a semi-autonomous body that although it does not have its own budget operates with technical autonomy, and has the following relevant duties: a) provide advice to the Executive Branch with respect to the preparation and monitoring of public procurement policy and in the process of updating the norms on this area; b) provide advice to the dependent agencies of the Executive Branch on state procurement and purchasing and, through agreements, other autonomous public agencies; c) develop and maintain the National Register of State Suppliers; d) develop and implement a common catalog of goods and services for the exchange of information between government agencies; e) make the widest dissemination, preparation of training materials on the legal norms on state contracting and the best applicable practices, advocating the application of criteria and simple and uniform procedures to facilitate the task of buyers and suppliers; f) develop and maintain a website of state purchases and contracts where the Agencies of the Public Administration publish information on the procurement of works, goods and services, so as to constitute a tool of transparency available to the public; g) develop standards of quality for products and services, coordinating with standardization and certification agencies with the National Quality Institute; h) advise the Agencies of the Public Administration on improving its procurement management, propose procedure manuals, suggest actions that contribute to the efficiency and effectiveness of these processes and carry out evaluations subsequent to an award; and i) advise suppliers on best practices and applicable procedures and tools in the contract process.¹¹⁴

¹¹⁴ Article 14 of Law 18.834, *supra* note 22.

[157] The Committee notes that it has played an important role in the development of the tools to help facilitate the procurement system in the country under review. For instance, it participates in the development of the Sole Bidding Terms and General Conditions of contracts for Public Works and the Sole Bidding Terms and General Conditions of contracts for supplies and non-personal services. Moreover, in addition to for maintaining the National Register of State Suppliers, it is also responsible for administering the Electronic Bidding system, as well as maintaining the internet portal to host this tool, the Purchases and Contracts of the State website, www.comprasestatales.gub.uy/consultas/.

[158] The Committee further observes that the website of the Agency, www.comprasestatales.gub.uy, has been redesigned and functions as a repository of all procurement rules, the gateway to all procurement management systems and the ideal place to find answers to the questions that emerge from daily operations on public procurement. It also provides sections for the legal framework, such as the laws and decrees in force; a section on Manuals for the various tools it administers, such as the general Manual for Public Contracting; Manual on the Integrated State Procurement and Contracting System (SICE); Manual on the National Register of State Suppliers; Manual on the Framework Agreements; and Manual on Reverse Auctions; among others.¹¹⁵

[159] It also provides extensive training material and courses offered to suppliers and state agencies, in keeping with a training plan and calendar of activities that is available online.¹¹⁶ It also provides self-study courses, such as those offered to suppliers and state agencies on the use of the National Register of State Suppliers.¹¹⁷ In addition, the Agency also makes available recommended lectures.¹¹⁸

[160] In addition, during the on-site visit, the representatives of the Agency provided a Strategic Plan for 2015 – 2020, which demonstrated the progress it has made from 2012 – 2015, such as the establishment of the National Register of State Suppliers, Electronic Bidding, Reverse Auctions and Framework Agreements. In the Strategic Plan, its principal proposals are the following: planning for purchases; interoperability of systems thought the chain of supplies; standardization of processes and tools; use of information and communication technologies and innovation; promotion of competence and better the quality of acquired products; professionalization of purchasers; adoption of sustainability criteria; and tools for monitoring, evaluation and control.¹¹⁹

[161] The Committee observes that this Agency has been very active in fulfilling its mandates since its establishment and is seeking to consolidating and strengthening its system. In this respect, during the on-site visit, it was noted, however, that there were issues with the resources afforded to it, as it competes with other resources with the State. Moreover, though it has technical autonomy and is a semi-autonomous body, it does not have its own budget.

[162] Given the foregoing, the Committee believes that the country under review should ensure that the State Agency for Procurement and Contracting have the sufficient human, technological and budgetary resources so that it may be able to carry out its important function and further consolidate

¹¹⁵ Manuals, <https://www.comprasestatales.gub.uy/inicio/capacitacion/capacitacion-manuales-compradores/>

¹¹⁶ Training Plan, <https://www.comprasestatales.gub.uy/inicio/capacitacion/plan-de-capacitacion/>

¹¹⁷ Self-Study Courses, <https://www.comprasestatales.gub.uy/inicio/capacitacion/cursos-de-autoestudio/>

¹¹⁸ Recommended Lectures, <https://www.comprasestatales.gub.uy/inicio/capacitacion/lectura-recomendada/>

¹¹⁹ Presentation by the State Agency for Procurement and Contracting on their Strategic Plan 2012 – 2015, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

and strengthen the procurement system in the Oriental Republic of Uruguay. (See Recommendation 1.2.3.10 of Section 1.2.3 of Chapter II of this Report)

[163] A difficulty that was presented during the on-site visit by the representatives of the State Agency for Procurement and Contracting was the requirement to rotate procurement officers from their post after a certain time period. In this respect, Article 24 of the Standards of Conduct in the Public Service provides that public servants responsible for the procurement of goods and services must periodically rotate out of this post, which must take place every thirty continuous months, and can only be extended for exceptional circumstances, such as lack of human resources in an entity.¹²⁰

[164] The representatives noted that this requirement to rotate affected the ability for procurement officers to carry out their work, as they know these posts are temporary in nature. The Committee notes that this could lead to public servants taking considerable time to be trained on the procurement process in the country under review, which is constantly being updated and new technological tools introduced, and once proficient, preoccupied with finding another post. The Committee also notes, however, that this provision would help prevent public servants from becoming too close to suppliers or having time to find loopholes in the system, if in that position for a considerable amount of time.

[165] Nevertheless, the country under review could consider reviewing this provision, to determine if the rotation of procurement officers from their post is still beneficial, considering the loss of training and efficiency that this can incur, and the added costs to the State Agency for Procurement and Contracting to constantly retrain public officers on a complex subject. The Committee will formulate a recommendation. (See Recommendation 1.2.3.11 of Section 1.2.3 of Chapter II of this Report)

[166] The Committee would also like to highlight the establishment of the tool for Electronic Bidding, as governed by Decree 275/013 of September 3, 2013. The Committee notes, however, that the use of Electronic Bidding is not mandatory. Each state agency that decides to use this tool is to specify it in the invitation for bids, or where appropriate, in the specific Bidding Terms and General Conditions of the procurement offer, and shall be included in the publication of the bid invitation. In a presentation on Electronic Bidding made available during the on-site visit, it was noted that this tool is to make the procurement process speedier, easier, more accessible, more secure, more economical and more transparent.¹²¹ To that end, the country under review, may consider implementing provisions that set out the mandatory use of the electronic bidding system in cases where the nature, importance or magnitude of a contract so warrants, in order to further assure the openness, equity and efficiency of the system of procurement of goods and services in the Oriental Republic of Uruguay. The Committee will formulate a recommendation. (See Recommendation 1.2.3.12 of Section 1.2.3 of Chapter II of this Report)

[167] The Committee further notes that the National Register of State Suppliers, as set out above, allows for the imposition of administrative sanctions on a supplier for infractions, which include: a) a warning; b) suspension for a period and scope to be determined in each case; c) removal of the offender as a supplier of the sanctioning body.¹²² These sanctions can be imposed without prejudice to any established in the contracts, in the bidding terms and conditions, or in any other terms that govern the contract, which must be registered in the Register. The State Agency for Procurement and

¹²⁰ Decree 30/003 of January 23, 2003, *supra* note 84.

¹²¹ Presentation, Electronic Bidding, *supra* note 98.

¹²² Decree 155/013, Article 18, *supra* note 106.

Contracting can also remove or suspend a supplier from the Register, thus prohibiting them from contracting with any State agency.

[168] To that end, the country under review may consider adopting provisions that regulate the manner these sanctions are to be imposed, as it appears there is no norm in place that set out when they apply and in what cases. By regulating the sanction regime, it will clarify for both purchasers and suppliers the consequences for breach of the procurement norms in place. The Committee will formulate a recommendation. (See Recommendation 1.2.3.13 of Section 1.2.3 of Chapter II of this Report)

[169] Finally, the Committee further observes that it appears that the current regime in place does not make it obligatory to publish on the website of the State Agency for Procurement and Contracting the final decision when awarding a contract for all contracting procedures. Under Article 51, it is only mandatory in the cases for competitive public bidding, thus excluding this obligation contracting procedures carried out under abbreviated bids, for example, and the new forms of contracting introduced in recent amendments to the TOCAF, such as Reverse Auctions. The Committee observes that in order to promote transparency and strengthen integrity in the government procurement system in the Oriental Republic of Uruguay, the country under review should consider making it mandatory to publish on the website of the State Agency for Procurement and Contracting, all final decisions with respect to the awarding of a contract. The Committee will formulate a recommendation. (See Recommendation 1.2.3.14 of Section 1.2.3 of Chapter II of this Report)

1.2.2.2 New Developments with Respect to Technology

[170] In its Response to the Questionnaire, the country under review presents various technological developments, which are presented as follows:¹²³

[171] In the first instance, the country under review notes that the website www.comprasestatales.gub.uy has been redesigned and functions as a repository of all procurement rules, the gateway to all procurement management systems and the ideal place to find answers to the questions that emerge from daily operations on public procurement. The improvements to the portal are intended to facilitate the use of two tools widely used by both buyers and suppliers, incorporating aspects of usability and accessibility. In addition it is a design that allows for the correct display on different devices: desktops, tablets and cell phones.

[172] Secondly, the country under review notes the creation of the National Register of State Suppliers. This Registry allows for all Agencies of the Public Administration to share information on their suppliers and record their history in connection to the fulfillment of contracts. This system also allows for suppliers to register and update their data directly through the Internet. The information provided by suppliers, which is scanned, can then be accessed by all agencies of the State. The system is integrated by computer with several public registries, thus eliminating the need for suppliers to provide information that is already held by the State. Currently, more than 13000 suppliers are found in the Registry and is incorporated in almost all of the Agencies of the Public Administration.

[173] Third, the country under review notes that the National Register of State Suppliers, a Virtual Shop and a Bidding Module are now integrated with the Integrated State Procurement and

¹²³ *Ibid.*, pg. 15.

Contracting System (SICE), an electronic system that registers all information relative to the contracts carried out by the State. During 2013, changes in the system and incorporation of features were identified, as well as new controls on the amounts awarded to comply with the legal limits established by TOCAF. New features for monitoring the use of the Public Procurement Program for Development was also introduced, a program supported by Micro, Small and Medium Sized Enterprises as suppliers to the State. In addition, a system of electronic notifications for registry and publishing of purchases was also incorporated into the SICE. Finally, incorporating the National Register of State Suppliers for state owned companies and departmental governments that do not use SICE to register their purchases required changes in the interface of publications, which led to one interface of purchases that will allow the State Agency for Procurement and Contracting to have all information on contracts throughout the State.

[174] Fourth, the country under review also notes that through Decree 42/015, that regulates Framework Agreements, a new tool was implemented that is available for all in the public administration: a Virtual Shop. This consists of a “on-line market” within the website of Purchases and Contracts of the State, mentioned above, which contains a set of available products that correspond to existing Framework Agreements, their conditions of contract and associated suppliers.

[175] Finally, the country under review notes that a Public Procurement Channel (*Canal de Compras*) developed by the State Agency for Procurement and Contracting, and yet to be established, consists of an information and management system of some of the usual activities in the procurement process of the State. It contains an input and output information interface that allows for the interoperability with management systems of user agencies. It also uses web services published on the Electronic Government Platform of the Uruguayan State. The Channel is a system that covers the various stages in the rules governing the procurement process.¹²⁴

[176] The Committee would also like to highlight that the country under review, in its Response to the Questionnaire also mentioned the implementation of an Electronic Bidding system (*Apertura Electronica*), which allows bidders to enter their offers directly, by Internet, from any place, without having to submit paper copies.

1.2.2.3 Results

[177] The country under review, in its Response to the Questionnaire, provided results.¹²⁵ In this respect, it notes that more than 13,000 suppliers have been registered in the National Register of State Suppliers; 57 government agencies use the SICE; 264 executing agencies use the SICE; 360 purchasing agencies use the SICE; and that more than 3900 procurements have been carried out under the electronic bidding system, Electronic Access.

[178] Moreover, the country under review provided two tables regarding the consultations carried out by the State Agency for Procurement and Contracting:

SUPPLIERS

¹²⁴ See also Presentation, Public Procurement Channel (*Canal de Compras*), available at: http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹²⁵ Presentation, Electronic Bidding, pgs. 17 – 18, *supra* note 98.

	2014	2015 up to May 31
Inquiries through call center	30 558	10 453
Inquiries through email or telephone	16 667	2 688

PURCHASERS

	2014	2015 up to May 31
Inquiries through email or telephone	12 942	3 425

[179] The Committee observes that during the on-site visit, the representatives of the State Agency for Procurement and Contracting were in the process of establishing an Observatory, whereby information on the operation of the procurement system in Uruguay would be maintained. The representatives further noted that this Observatory would be able to keep statistics on the type and number of contracting processes that have been carried out. The Committee notes, however, that this Observatory has yet to be launched. To that end, the Committee believes that the country under review should collect and analyze relevant information relating to the various types of purchases and contracts conducted by the government institutions of the State so as to monitor the functioning of government procurement systems and identify areas for possible improvement.

[180] The Committee notes that Article 33 of the TOCAF provides that all contracts, including those of public works, are to be entered into through public tender, but also provides exceptions for abbreviated bidding and direct contracting. In this respect, the Committee observes that Article 33 alone provides 33 instances where direct contracting is allowed. In order to obtain a better overview of the contracting system in the country under review, and verify that competitive bidding is the norm, the country under review should maintain results as set out above, in order to identify challenges and recommend corrective measures. The Committee will formulate a recommendation. (see Recommendation 1.2.3.15 of Section 1.2.3 of Chapter II of this Report)

[181] Finally, the Committee further notes that the National Register of State Suppliers, as set out above, allows for the imposition of administrative sanctions on a supplier for infractions, which include: a) a warning; b) suspension for a period and scope to be determined in each case; c) removal of the offender as a supplier of the sanctioning body and that the State Agency for Procurement and Contracting can also remove or suspend a supplier from the Register.

[182] To that end, the country under review may consider maintaining results on the sanctions that have been imposed on suppliers, broken down as set out in Decree 155/013 that governs the Registry, that is, by type of administrative sanction, reason for imposition of sanction, identification of

offending supplier, as well maintain a list of suppliers removed from the Register, in order to identify challenges and recommend corrective measures. The country under review may also consider making public the imposition of these sanctions, in order to further transparency in the government system for the procurement of goods and services. The Committee will formulate recommendations (See Recommendations 1.2.3.16 and 1.2.3.17 of Section 1.2.3 of Chapter II of this Report)

1.2.3 Recommendations

[183] In light of the observations formulated in sections 1.2.1 and 1.2.2 of Chapter II of this Report, the Committee suggests that the country under review consider the following recommendations:

- 1.2.3.1 Define the scope of application of the terms used in Article 33 (8) of the TOCAF, in order to ensure its proper application. (See paragraph 110 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.2 Implement provisions that require prior planning sufficiently in advance of the launch of procurement process, such as preparing studies, designs and technical evaluations, and to verify the appropriateness and timeliness of the purchase. (See paragraph 124 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.3 Determine whether the threshold for the formation of bid evaluation committees for abbreviated bids should be periodically updated. (See paragraph 127 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.4 Consider implementing provisions that require members of Advisory Award Committees to disclose any relationship these members may have with potential bidders, such as financial, business, and/or familial ties. (See paragraph 129 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.5 Consider implementing post-employment restriction provisions on members of Advisory Award Committees, prohibiting these members in engaging in employment with bidders that have won contract awards as a result of a favorable recommendation, for an appropriate time. (See paragraph 129 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.6 Implement a Code of Ethics for Purchasers and Suppliers in the system for government procurement in the Oriental Republic of Uruguay. (See paragraph 129 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.7 Reevaluate the threshold above which government entities may notify interested parties on the outcome of the evaluation of bids prior to the final selection decision, in order to allow those parties to submit comments, observations, or challenges prior to award. (See paragraph 132 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.8 Implement provisions that facilitate the participation of citizen overseers or watchdogs in monitoring the execution of contracts where the nature, importance or magnitude so warrants. (See paragraph 134 of section 1.2.1 of Chapter II of this Report)

- 1.2.3.9 Make widespread the establishment of internal audit units as provided for under the TOCAF for all State Agencies in the Oriental Republic of Uruguay, as appropriate. (See paragraph 137 of section 1.2.1 of Chapter II of this Report)
- 1.2.3.10 Provide the State Agency for Procurement and Contracting with the necessary human, technological and budgetary resources to ensure that it carries out its function, within available resources. (See paragraph 162 of section 1.2.2.1 of Chapter II of this Report)
- 1.2.3.11 Carry out a review of the provisions that require the rotation of procurement officers, in order to determine if this rotation is beneficial or not. (See paragraph 165 of section 1.2.2.1 of Chapter II of this Report)
- 1.2.3.12 Consider implementing provisions that set out when use of the electronic bidding system should be mandatory in cases where the nature, importance or magnitude of a contract so warrants. (See paragraph 166 of section 1.2.2.1 of Chapter II of this Report)
- 1.2.3.13 Consider adopting provisions that regulate the imposition of sanctions applicable to suppliers as contemplated in Decree 155/013, which regulates the National Register of State Suppliers. (See paragraph 168 of section 1.2.2.1 of Chapter II of this Report)
- 1.2.3.14 Carry out mandatory publication on the website of the State Agency for Procurement and Contracting, of all final decisions with respect to the awarding of a contract. (See paragraph 169 of section 1.2.2.1 of Chapter II of this Report)
- 1.2.3.15 Maintain relevant results on the purchases and contracts conducted by the government institutions of the State, in order to identify challenges and recommend corrective measures, if appropriate. (See paragraph 180 of section 1.2.2.3 of Chapter II of this Report)
- 1.2.3.16 Maintain results on the sanctions imposed on suppliers, broken down by type of administrative sanction, reason for imposition of sanction, identification of offending supplier, as well maintain a list of suppliers removed from the Register, in order to identify challenges and recommend corrective measures, if appropriate. (See paragraph 182 of section 1.2.2.3 of Chapter II of this Report)
- 1.2.3.17 Make available to the public information on the sanctions imposed on suppliers, as a result of breach of the procurement norms in place. (See paragraph 182 of section 1.2.2.3 of Chapter II of this Report)

2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

2.1 Follow-Up to the Implementation of the Recommendations Formulated in the Second Round

Recommendation:

Strengthen systems for protecting public servants and private citizens who in good faith report acts of corruption.

Measure a) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Strengthen mechanisms for protection of identity of whistleblowers.

[184] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments, which the Committee notes as a step that contributes to progress in the implementation of the measure.¹²⁶

[185] – Article 8 of Law 18.494 of June 11, 2009 provides that witnesses that act as experts and collaborators in proceedings that fall under the competence of the Specialized Magistrates and Prosecutors on Organized Crime (*Juzgados Letras de Primera Instancia Especializados en Crimen Organizado*) and thus the proceedings of the Criminal Courts of First Instance on Organized Crime, may be subject to protection measures when there are grounds for believing that his or her life or physical integrity is at serious risk, both themselves and their families.¹²⁷ This Article further provides that the protection measures may include: use of mechanisms that prevent their visual identification by third parties outside a process, when the person is to appear for the taking of evidence; that any appointment is made in confidence, driven by an official vehicle and that an exclusion zone is established for receiving a witnesses' declaration; prohibition to take photos or register and dissemination of an image, both by individuals as for the media; possibility of receiving testimony through audiovisual means or other adequate technology; relocation, use of another name and provision of new identity documents; and total or partial prohibition of disclosure of their identity or whereabouts. Article 9 of this Law also provides that any public official that reveals the protective measures in place and the identity of those protected is to be punished from 2 to 6 years in prison.

[186] – Supreme Court Justice Circular No. 156/2014 of October 22, 2014, which recommends to instruct all courts on the inconvenience of aggregating data and photographs of victims of criminal proceedings.¹²⁸

[187] – The New Criminal Code of Procedure, which will enter into force in 2017, also sets out norms that place the responsibility of protection of whistleblowers, victims and witnesses to prosecutors. For example, there are provisions that state that during a criminal proceeding, the prosecutors are to adopt measures to protect victims, and that witnesses may also ask for protection for themselves and their family, both physical integrity and their belongings, if deemed necessary. It will also allow for the protection of identity, personal information, or any other information that could identify a witness.¹²⁹

¹²⁶ Response to the Questionnaire, pgs. 58 – 59, *supra* note 11.

¹²⁷ Law 18.494 of June 11, 2009, <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=18494&Anchor=>

¹²⁸ Supreme Court Justice Circular No. 156/2014 of October 22, 2014, http://www.poderjudicial.gub.uy/images/stories/circulares/2014/156-14_Inconveniencia_de_la_agregaci%C3%B3n_de_fotograf%C3%ADas_y_datos_de_las_v%C3%ADctimas_de_los_procesos_penales.pdf

¹²⁹ Response to the Questionnaire, pgs. 59, *supra* note 11.

[188] – Moreover, the country under review notes that the agencies involved in implementing the measure are: when they originate from a criminal proceeding, it is the Judicial Branch through the Judge responsible for the case and the Office of the Prosecutor, which is currently under the Ministry of Education and Culture of the Executive Branch, but there is a draft law to transform it into a decentralized agency; and when they originate from an administrative setting, it is the agency in which the public servant is employed and made a report.¹³⁰

[189] The representatives of the Office of the Attorney General, during the on-site visit, also noted that this regime does not replace the witness protection program established by Law 16.907 of July 19, 1995, and regulated by Decree 209/2000 of July 25, 2000, and which was reviewed by the Committee during the Second Round of Review, which is still in place.

[190] The Committee takes note that the application of the protection measures, in particular those set out under Article 8 of Law 18.494, are applicable in very limited cases. For example, the cases of corruption by which the Specialized Magistrates and Prosecutors on Organized Crime may provide, are solely for offences against public administration that occur within the Departments of Montevideo and Canelones, which involve an amount greater than \$20,000 US Dollars.¹³¹

[191] Moreover, these regimes do not address the concern raised by the Committee during the Second Round of Review, and is the subject of measure a) of the foregoing recommendation, namely that the country under review should:

[192] *“Review the possibility of establishing mechanisms that ensure the safety and the confidentiality of the identity of the public servant and private citizen who, in good faith, report acts of corruption, in order to provide protection from threats or reprisals at the moment of the report, especially taking into account that public servants, under the legal norms in place, must report irregularities or corrupt practices to their superiors.”¹³² In this regard, the Committee will formulate a recommendation.”¹³³*

[193] The Committee notes that there are no provisions in place, administratively, to protect the identity of public servants that must report any irregularities or corrupt practices, especially in cases where it may involve their superiors. And as noted above, a public servant may only seek protective measures in the agency they work in, which may discourage reporting acts of corruption if it involves a public servant’s superior, and there are no measures in place to protect his or her identity.

[194] To this end, the Committee notes that in the Response to the Questionnaire, the country under review stated that if a whistleblower is a public servant, it is difficult to maintain his or her identity confidential in the agency where this person is employed due to risk of filtration of information, and it would be advisable to transfer this person to another office or agency.

¹³⁰ *Ibid.*

¹³¹ Response to the Questionnaire, pg. 58, *supra* note 11.

¹³² See Article 40 of Decree 30/003, *supra* note 84 and Article 175 of Decree 500/91 of September 27, 1991, General Standards of Administrative Action and Regulation of the Proceedings in the Central Administration, <http://www.parlamento.gub.uy/OtrosDocumentos/decreto500/decr500.htm>.

¹³³ Report of the Second Round, pg. 14, *supra* note 3.

[195] Given the foregoing, the Committee believes that measure a) should be reformulated, as there are no legal provisions that protect the identity of public servants as set out above. The Committee will formulate a recommendation. (see Recommendation 2.3.1 of Section 2.3 of Chapter II of this Report).

Measure b) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Strengthen mechanisms for reporting threats or reprisals that the public servant and private citizen may face, as a consequence of reporting acts of corruption which, among other aspects, favors employment stability of the public servant, especially in cases when the report involves a superior or colleagues from the office.

[196] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments:¹³⁴

[197] – Regarding the Office of the Prosecutor, Article 4 of Law 17.060 of December 23, 1998 provides that reports on acts of corruption are to be made to the competent court or to the Office of the Prosecutor, which also includes complaints or threats received by the complainant, whether a public servant or private citizen. In these cases, the Judge or Prosecutor shall intervene.¹³⁵

[198] – In the amendments to the Office of the Prosecutor that is expected when the new Criminal Code of Procedure comes into force, it is proposed that a specific area of care for victims and whistleblowers is to be established, and which threats and/or reprisals may be reported.

[199] The Committee notes that the information and new developments presented by the country under review were either already analyzed during the Second Round of Review, or are yet to be implemented. In addition, the mechanisms cited, while useful, are solely applicable when criminal proceedings are involved, rather than administrative ones. The Committee further notes that the subject of measure b) of the foregoing recommendation are mechanisms to report threats or reprisals, especially when it involves a superior or colleague, and that takes into account the employment stability of a public servant. To that end, it appears that such mechanisms do not exist in the country under the review, where public servants and private citizens may report these threats or reprisals, and have remedial actions taken other than if it involves a criminal proceeding.

[200] Given the foregoing, the Committee believes that measure b) should be reformulated, taking into account the criteria established in the "Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses."¹³⁶ (see Recommendation 2.3.2 of Section 2.3 of Chapter II of this Report).

Measure c) suggested by the Committee that requires additional attention within the Framework of the Third Round:

¹³⁴ Response to the Questionnaire, pgs. 61 – 62, *supra* note 11.

¹³⁵ Law 17.060 of December 23, 1998, <http://www.jutep.gub.uy/documents/10157/3d8c14ee-555b-44b2-ae8e-0a36b9f23659>

¹³⁶ Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses, http://www.oas.org/juridico/PDFs/model_law_reporting.pdf

Establish Mechanisms that facilitate international cooperation in addressing this topic, when appropriate.

[201] With respect to the aforementioned measure, in its Response, the country under review presents information and new developments, which the Committee notes as a step that contributes to progress in the implementation of the measure.¹³⁷

[202] – Article 8.4 of Law 18.494 provides that agreements may be entered into between the country under review and other States in order to relocate victims, witnesses or collaborators, in order to protect them.

[203] The Committee notes that any agreements can only be entered into for specific cases, that is, in proceedings before the Criminal Courts of First Instance on Organized Crime. As noted above, this applies to offences against public administration that occur within the Departments of Montevideo and Canelones, which involve an amount greater than \$20 000 US Dollars.¹³⁸ As such, agreements for relocation with another State can only be entered in that specific instance, and those using the protective measures found under Law 16.907 of July 19, 1995, and regulated by Decree 209/2000 of July 25, 2000, may not benefit from this additional measure of protection.

[204] Moreover, the Committee has not received information on whether the country under review has implemented other forms of international cooperation to address this topic, such as the technical assistance and reciprocal cooperation described in the Inter-American Convention against Corruption, along with exchanges of experiences, training, and mutual assistance.

[205] Given the foregoing, the Committee believes that measure c) should be reformulated, taking into account the criteria established in the aforementioned "Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses."¹³⁹ The Committee will formulate a recommendation. (see Recommendation 2.3.3 of Section 2.3 of Chapter II of this Report).

Measure d) suggested by the Committee that requires additional attention within the Framework of the Third Round:

Strengthen the body entrusted with the task of receiving and responding to requests for protection, as well as promoting the provision of the necessary measures of protection; and ensure that they have the necessary resources and personnel to carry out their functions.

[206] In its Response, the country under review did not report any developments with respect to measure d) of the foregoing recommendation.¹⁴⁰

[207] The Committee notes that although measure d) of the foregoing Recommendations calls for strengthening the body entrusted with the task of receiving and responding to requests for protection, it appears that no such body has been established for this purpose in the country under review. For

¹³⁷ Response to the Questionnaire, pg. 62, *supra* note 11.

¹³⁸ *Ibid.*, pg. 58.

¹³⁹ Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses, *supra* note 136.

¹⁴⁰ Response to the Questionnaire., pgs. 63 – 64, *supra* note 11.

example, although Article 43 of the Standards of Conduct in the Public Service provides that any person or public servant who reports acts of corruption in good faith shall be covered by the witness protection program stipulated in Law 16.707, there is no body or instance that has been established that such a person may request protection measures. Moreover, the Committee notes that while Decree 209/2000 sets out the protective measures that the witness protection program can provide, in accordance with Law 16.707, the protection measures in place are focused on criminal investigations, and not administrative ones.¹⁴¹ As such, the protection measures that are available, such as mechanisms to prevent visual identification of a witness, are not applicable when administrative protective measures in the workplace are what is required, that favor employment stability of the public servant, especially in cases when the report involves a superior or colleagues from the office. And as noted above, under the system currently in place for the Oriental Republic of Uruguay, a public servant's only recourse in reporting an act of corruption or violation of the standards of conduct in place is to that public servant's superior. Moreover, no mechanisms are specified for remediating prohibited retaliation when it occurs within the workplace.

[208] In this respect, the Committee notes that one of the difficulties cited by the country under review in its Response to the Questionnaire is the fact that it is difficult to keep confidential the identity of a public servant in their workplace because there is a risk of filtration of information. In these cases, it is advisable to transfer these individuals from their office or agency.¹⁴²

[209] Given the foregoing, the Committee believes that measure d) should be reformulated and that the country under review should consider establishing a body that has the competence to receive and respond to requests for administrative protection measures, including providing necessary measures of protection and remediation, and sanctions in the event prohibited retaliation occur; and ensure that they have the necessary resources and personnel to carry out their functions. The absence of such a body for public servants to request protection measures, at the administrative level, can have a serious impediment on the reporting of acts of corruption.

[210] In addition, it should consider amending the provisions in place so as to allow public servants the option to report any acts of corruption or violations of the standards of conduct in place to other bodies or instances, rather solely to one's superior. To that end, it should consider implementing provisions that regulate the manner public servants can request administrative protection measures as a consequence of reporting acts of corruption or violation of the standards of conduct in place, and that set out the mechanisms that can be carried out that favor employment stability of the public servant, especially in cases when the report involves a superior or colleagues from the office. The Committee will formulate recommendations. (see Recommendations 2.3.4 and 2.3.5, 2.3.6 and 2.3.7 of Section 2.3 of Chapter II of this Report).

[211] The Committee further notes that as set out above, there are two regimes that offer protection measures for criminal proceedings, and which require resources to provide them: the witness protection program set out under Law 16.707, as regulated by Decree 209/2000, and the one provided by Article 8 of Law 18.494, for proceedings that fall under the Criminal Courts of First Instance on Organized Crime. Moreover, as noted during the on-site visit, once the new Criminal Code of Procedure is in force in 2017, a specialized unit for the protection of witnesses will be established.

¹⁴¹ See for example see Article 1 of Decree 209/200, <http://www.impo.com.uy/bases/decretos/209-2000>

¹⁴² Response to the Questionnaire, pg. 60, *supra* note 11.

[212] The Committee notes that currently, for criminal proceedings, there is no sole body responsible for receiving and responding to requests for protection, as well as promoting the provision of the necessary measures of protection, and as noted during the on-site visit, these are carried out on an ad hoc basis. Currently, it is the judge involved in a case that grants protection measures, at the request of the Office of the Public Prosecutor (*Ministerio Publico*), or by petition of the victim, witness, expert or collaborator, under the regime established by Law 18.949, while under the witness protection program established under Law 16.707 as regulated by Decree 209/2000, a person may request a protective measure to the competent authority.¹⁴³

[213] The Committee believes the country under review should consider designating or establishing one body the sole responsibility of receiving and responding to requests for protection, as well as promoting the provision of the necessary measures of protection, such as the Office of the Public Prosecutor, given the important role that it will undertake on these matters once the new Criminal Code of Procedure is in force. To this end, it should consider enacting provisions that establish one program that regulates the protection measures that can be provided under criminal proceedings to whistleblowers, rather than the mixture of norms currently in place, so as to avoid confusion, duplication of efforts and resources. In addition, it should ensure that the body that receives requests for protection, such as the Office of the Public Prosecutor, has sufficient resources to carry out this important work. To this end, it may take into consideration the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses. The Committee will formulate recommendations. (see Recommendations 2.3.8 and 2.3.9 and 2.3.10 of Section 2.3 of Chapter II of this Report).

2.2 New Developments with Respect to the Provision of the Convention on Systems for Protecting Public Servants and Private Citizens Who, in Good Faith, Report Acts of Corruption

[214] The country under review did not provide information on new developments for the aforementioned provision of the Convention. The Committee, nonetheless, would like to highlight the enactment of Law 18.494 of June 11, 2009, which provides protection measures to those that act as witnesses, experts and collaborators in proceedings that fall under the competence of the Specialized Magistrates and Prosecutors on Organized Crime (*Juzgados Letras de Primera Instancia Especializados en Crimen Organizado*) and thus the proceedings of the Criminal Courts of First Instance on Organized Crime. The Committee also notes that Supreme Court Justice Circular No. 156/2014 of October 22, 2014 recommends instructing all courts on the inconvenience of aggregating data and photographs of victims of criminal proceedings. Finally, the New Criminal Code of Procedure, which will enter into force in 2017, sets out norms that place the responsibility of protection of whistleblowers, victims and witnesses on prosecutors.

2.3 Recommendations

[215] In light of the observations formulated in section 2.1 and 2.2 of Chapter II of this Report, the Committee suggests that the country under review consider the following recommendations:

2.3.1 Establish administrative protection measures that protect the identity of public servants that must report any irregularities or corrupt practices. (See paragraph 195 of section 2.1 of Chapter II of this Report)

¹⁴³ See Article 3 of Decree 209/2000, *supra* note 141.

- 2.3.2 Strengthen administrative mechanisms for reporting threats or reprisals that the public servant and private citizen may face, as a consequence of reporting acts of corruption which, among other aspects, favors employment stability of the public servant, especially in cases where the report involves a superior or colleagues from the office. (See paragraph 200 of section 2.1 of Chapter II of this Report)
- 2.3.3 Establish mechanisms that facilitate international cooperation on the foregoing matters, including the technical assistance and reciprocal cooperation described in the Inter-American Convention against Corruption, along with exchanges of experiences, training, and mutual assistance. (See paragraph 205 of section 2.1 of Chapter II of this Report)
- 2.3.4 Establish a body that has the competence to receive and respond to requests for administrative protection measures, as well as promoting the provision of the necessary measures of protection, remediation and sanctions in the event retaliation does occur. (See paragraph 210 of section 2.1 of Chapter II of this Report)
- 2.3.5 Ensure that the body entrusted with providing administrative protection measures has the necessary resources and personnel to carry out its functions. (See paragraph 210 of section 2.1 of Chapter II of this Report)
- 2.3.6 Consider amending the provisions in place so as to allow public servants the option to report any acts of corruption, irregularities or violations of the standards of conduct in place to other bodies or instances, rather than solely to one's superior. (See paragraph 210 of section 2.1 of Chapter II of this Report)
- 2.3.7 Consider implementing provisions that regulate the manner public servants can request administrative protection measures as a consequence of reporting acts of corruption or violation of the standards of conduct in place, and that set out the mechanisms that can be carried out that favor employment stability of the public servant, especially in cases when the report involves a superior or colleagues from the office. (See paragraph 210 of section 2.1 of Chapter II of this Report)
- 2.3.8 Designate or establish one body with sole responsibility of receiving and responding to requests for protection, for criminal proceedings, as well as promoting the provision of the necessary measures of protection. (See paragraph 213 of section 2.1 of Chapter II of this Report)
- 2.3.9 Consider enacting provisions that establish one program that regulates the protection measures that can be provided to whistleblowers for all criminal proceedings in the Oriental Republic of Uruguay. (See paragraph 213 of section 2.1 of Chapter II of this Report)
- 2.3.10 Ensure that the body entrusted with the task of receiving and responding to requests for protection under criminal proceedings, as well as promoting the provision of the necessary measures of protection, has the necessary resources and personnel to carry out its functions. (See paragraph 213 of section 2.1 of Chapter II of this Report)

3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

[216] No recommendations were formulated to the country under review under this section during the Second Round of Review.

4. GENERAL RECOMMENDATIONS

Recommendation 4.1 suggested by the Committee that requires additional attention within the Framework of the Third Round:

Design and implement, when appropriate, training programs for public servants responsible for implementing the systems, standards, measures and mechanisms considered in this Report, for the purpose of guaranteeing that they are adequately understood, managed and implemented.

[217] Given that in sections 1, 2 and 3 of Chapter II of this Report provides an updated and detailed follow-up of the recommendations formulated to the Oriental Republic of Uruguay in the Second Round of Review, as well as the systems, standards, measures and mechanisms that the suggested recommendations concern, the Committee adopts what is set out in said sections, and, therefore, believes that this recommendation is redundant.

Recommendation 4.2 suggested by the Committee that requires additional attention within the Framework of the Third Round:

Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, standards, measures and mechanisms considered in this Report, and to verify follow-up on the recommendations made herein.

[218] Given that in sections 1, 2 and 3 of Chapter II of this Report provides an updated and detailed follow-up of the recommendations formulated to the Oriental Republic of Uruguay in the Second Round of Review, as well as the systems, standards, measures and mechanisms that the suggested recommendations concern, the Committee adopts what is set out in said sections, and, therefore, believes that this recommendation is redundant.

III. REVIEW, CONCLUSIONS AND RECOMMENDATIONS ON IMPLEMENTATION BY THE ORIENTAL REPUBLIC OF URUGUAY OF THE CONVENTION PROVISIONS SELECTED FOR THE FIFTH ROUND

1. INSTRUCTIONS TO GOVERNMENT PERSONNEL TO ENSURE PROPER UNDERSTANDING OF THEIR RESPONSIBILITIES AND THE ETHICAL RULES GOVERNING THEIR ACTIVITIES (ARTICLE III, PARAGRAPH 3 OF THE CONVENTION)

[219] In accordance with the Methodology adopted by the Committee for the Fifth Round regarding the implementation of Article III, paragraph 3 of the Convention, which refer to measures that intended to establish, maintain and strengthen “*instruction[s] to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities,*” the country under review selected the National Social Security Agency (*Banco de Prevision Social*), the Court of Accounts (*Tribunal de Cuentas*), and the National Tax Authority (*Direccion General Impositiva*) as the country under review considers them as principal groups that merit review, due to them being a majority or based on the importance of their functions.

[220] The following is a brief description of the three bodies selected by the Oriental Republic of Uruguay that are to be examined in this section:

[221] The National Social Security Agency is the body responsible for ensuring coverage of social contingencies to the community as a whole and the collecting of resources in an effective, efficient and equitable manner, and for promoting policies and initiatives on social security.

[222] The Court of Accounts is the oversight entity that monitors budget execution and controls all activities connected with state finance.

[223] The National Tax Authority is responsible for collecting the resources of the State from the domestic tax system through the effective implementation of standards that support it. It also promotes voluntary compliance by those subject to tax, within a framework of respect of their rights, acting with integrity, efficiency, and professionalism, in order to provide a good service to society.

1.1. Existence of a legal framework and/or other measures

[224] The Oriental Republic of Uruguay has a set of provisions and/or measures that provide instructions to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities, among which the following are highlighted:

- Statutory and other legal provisions applicable to the personnel of the National Social Security Agency, among which the following should be noted:

[225] With respect to provisions and/or measures for providing instructions to the personnel of the National Social Security Agency, which ensure proper understanding of their responsibilities and the ethical rules governing their activities, there exists the Public Servant Statute of the National Social Security Agency (*Estatuto Funcionario del Banco de Prevision Social*).¹⁴⁴ Article 8 of this Statute provides that permanent ongoing training is to be provided for the development of its personnel, in order to improve them in their personal growth in their administrative career, to encourage efficiency and productivity in a post as a way for ensuring fast and efficient service. This Article further states that training will be provided by a specialized unit, notwithstanding the responsibilities of each superior.

[226] Furthermore, this Statute provides that this training is to increase the knowledge and ability of an official to carry out a specific post and its duties. Finally, it also provides that the National Social Security Agency may authorize participation in university level courses, as well as participation in seminars or conferences when these contribute to the development of the Agency.¹⁴⁵

[227] To this end, the country under review also notes that the National Social Security Agency has put in place a Regulation and Training Plan, 2014 – 2015 (*Reglamento y Plan de Capacitacion*), which contains an Institutional Training Plan (*Plan de Formacion Institucional*), that sets out the

¹⁴⁴ Public Servant Statute of the National Social Security Agency, <http://www.bps.gub.uy/bps/file/9958/4/estatuto-del-funcionario.pdf>

¹⁴⁵ See in general Articles 9 – 12 of the Statute, *ibid.*

courses to be offered, and the Regulation for the Institutional Training Plan (*Reglamento del Plan de Formacion Institucional*).¹⁴⁶

[228] The National Social Security Agency also has Administrative Procedure Regulation (*Reglamento de Procedimiento Administrativo*), which regulates all administrative steps and procedures.¹⁴⁷

[229] With respect to provisions and/or measures for providing instructions to the personnel of the National Social Security Agency, which ensure proper understanding of their responsibilities and the ethical rules governing their activities, this Agency is subject to Law 17.060 and Decree 30/003, which establish the scope of the obligations and prohibitions placed on public servants in general. Law 17.060 implements norms that refer to the improper use of public power (corruption), while Decree 30/003 refers to the Standards of Conduct in the Public Service.¹⁴⁸

[230] To that end, the country under review also provided an Agreement with the Transparency and Public Ethics Board (*Convenio con Junta de Transparencia y Etica Publica*), the objective of which is to promote, develop and implement training activities that will be organized by the National Social Security Agency, in accordance with the Board, in order to carry out training events and have discussions on the issues of public ethics, transparency in State management and institutional instruments that the Uruguayan government has taken in the fight against corruption, thus contributing to a better functioning of the state and the dignity of its officials as public servants.¹⁴⁹

[231] In addition, the National Social Security Agency has an Administrative Responsibility Regulation for its personnel, which governs the responsibility of personnel in carrying out their tasks.¹⁵⁰

[232] Regarding the manner that personnel are informed of their responsibilities and functions, the country under review notes that it is carried out through notifications, which are sent to all administrative units of the provisions in place, through the institute's electronic mail.¹⁵¹ In addition, they are published on the institute's intranet page, and also paper copies are made and courses carried out.¹⁵²

[233] Moreover, the country under review notes that personnel are informed of their responsibilities and functions, once they are hired, through induction courses. Moreover, once there are regulatory changes, or new ones are adopted, a large number of courses are held for all personnel.¹⁵³

[234] With respect to the existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities, the country under review states, in its

¹⁴⁶ Regulation and Training Plan, 2014 – 2015, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹⁴⁷ Administrative Procedure Regulation, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹⁴⁸ Response to the Questionnaire, pg. 8, *supra* note 11. See also Law 17.060, *supra* note 135 and Decree 30/003, *supra* note 84.

¹⁴⁹ Agreement with the Transparency and Public Ethics Board, Second Paragraph, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹⁵⁰ Administrative Responsibility Regulation, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹⁵¹ Response to the Questionnaire, pg. 9, *supra* note 11.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

Response to the Questionnaire, that there exists the aforementioned Regulation and Training Plan (*Reglamento y Plan de Capacitacion*), which was adopted in September of 2013, and the Study Center for Social Security, Health and Administration (*Centro de Estudio en Seguridad Social, Salud y Administracion*) carries out its planning and execution. This Study Center falls directly under the Chair of the Board of the National Social Security Agency.¹⁵⁴

[235] Regarding the use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly, the country under review notes that it uses information and communication technologies, such as the institution's electronic mail, taking into account that posts, routines and work processes of almost all its personnel are computerized. In addition, each person, through the institution's intranet, has access to a Human Resources area where they can find all the provisions on the topic, as well as frequently asked questions and search tools. Training is not only provided in the classroom but also through virtual ones, allowing a fluid and rapid access to cover training for all personnel throughout the country.¹⁵⁵

[236] With respect to existence of bodies which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly, the country under review notes that personnel can consult, through electronic mail, senior staff or the specific service area that has better understanding of the topic, and it may access the material on the intranet.¹⁵⁶

[237] Regarding the existence of a governing organ, authority or body responsible for steering, advising or supporting the manner in which personnel are to be informed of their responsibilities and functions, the country under review note that the Board of the National Social Security Agency determines the provisions that apply on the topic, the Unit Heads notify and disseminate these provisions, and the Study Center carries out the required training regarding these provisions.¹⁵⁷

[238] Regarding the way personnel are informed of ethical rules governing their activities, the country under review notes that it is carried out through notifications, which are sent to all administrative units of the provisions in place, through the institute's electronic mail. In addition, they are also published on the institute's intranet page, and also paper copies are made and courses carried out.¹⁵⁸

[239] With respect to the occasions when personnel are informed of ethical rules governing their activities, this is carried out once they are hired through induction courses. Moreover, once there are regulatory changes, or new ones are adopted, a large number of courses are held for all personnel.¹⁵⁹

[240] Regarding the existence of introductory training or instructional programs and courses for personnel on the ethical rules governing their activities, in its Response to the Questionnaire, that there exists the aforementioned Regulation and Training Plan (*Reglamento y Plan de Capacitacion*), which was adopted in September of 2013, and the Study Center for Social Security, Health and Administration (*Centro de Estudio en Seguridad Social, Salud y Administracion*) carries out its planning and execution. This Study Center falls directly under the Chair of the Board of the National

¹⁵⁴ *Ibid.*, pg. 10.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.* pg. 11.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

Social Security Agency.¹⁶⁰ Moreover, the country under review notes that the Training Plan approved by the Board establishes ethical training for all personnel, which is carried out by the Transparency and Public Ethics Board, as set out by the aforementioned Agreement.¹⁶¹

[241] With respect to the use of modern communication technologies to apprise personnel of the ethical rules in place, the country under review notes that it uses information and communication technologies, such as the institutions electronic mail, taking into account that posts, routines and work processes of almost all its personnel are computerized. In addition, each person, through the institution's intranet, has access to a Human Resources area where they can find all the provisions on the topic, as well as frequently asked questions and search tools. Training is not only provided in the classroom but also through virtual ones, allowing a fluid and rapid access to cover training for all personnel throughout the country.¹⁶²

[242] Regarding the existence of bodies to which personnel can resort to obtain information or resolve doubts about the scope or interpretation of ethical rules, the country under review notes that personnel can consult, through electronic mail, senior staff or the specific service area that has better understanding of the topic, and it may access the material on the intranet.¹⁶³

[243] With respect to the existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, the country under review notes that the Board of the National Social Security Agency determines the provisions that apply on the topic, the Unit Heads notify and disseminate these provisions, and the Study Center carries out the required training regarding these provisions.¹⁶⁴

- Statutory and other legal provisions applicable to the personnel of the Court of Accounts, among which the following should be noted:

[244] With respect to provisions and/or measures for providing instructions to the personnel of the Court of Accounts, which ensure proper understanding of their responsibilities and the ethical rules governing their activities, the country under review in its Response to the Questionnaire cites Law 17.060 and Decree 30/003, which establish the scope of the obligations and prohibitions placed on public servants in general.¹⁶⁵ Law 17.060 implements norms that refer to the improper use of public power (corruption), while Decree 30/003 refers to the Standards of Conduct in the Public Service.

[245] In addition, the Court of Accounts has adopted a Code of Ethics for its personnel.¹⁶⁶ This Code is applicable to all personnel of the Court of Accounts, and its purpose is to inspire and guide, through the ethical and moral principles contained therein, all institutional activities and each person working for this body. Basic principles include integrity, probity, impartiality, transparency, and contain provisions on conflicts of interest and use of information. In addition, Article 9 of this Code

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

¹⁶³ *Ibid.*, pg. 12.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*, pg. 14. See Law 17.060 *supra* note 135 and Decree 30/003, *supra* note 84.

¹⁶⁶ Code of Ethics of the Court of Accounts,

http://www.tcr.gub.uy/archivos/res_destacadas_78_C%C3%93DIGO%20DE%20C3%89TICA.pdf. This Code was adopted in June 2015.

provides that personnel are required to seek ongoing training, in order to be able to exercise their functions with full knowledge of the topics under their consideration. It further provides that the Court of Accounts is to encourage personnel to take refresher courses, especially those that promote the dissemination of standards tied to public ethics. Finally, Article 18 of the Code provides that the provisions contained therein are the minimum guiding criteria for the performance of all personnel, and that their violation constitutes an administrative offense, and thus subject to the Rules of Disciplinary Procedure of the Court of Accounts.

[246] Regarding the manner that personnel are informed of their responsibilities and functions, the country under review notes that the contract and internal regulations summarize their principal obligations. Once hired, their instructions are received verbally. The country under review also notes that personnel are informed of their responsibilities and functions once they are hired, when they begin performing them, or when there is a change of functions, due to a change of posts.¹⁶⁷

[247] With respect to the existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities, the country under review states, in its Response to the Questionnaire, that induction courses are carried out based on the principal aspects of their duties.¹⁶⁸ Subsequently, training is provided depending on the necessities identified by their superior. In this regard, Article 414 of Law 17.930 establishes the Government Audit School, which is empowered to provide training to officials of the Court. The School imparts training to staff with a view to contributing to the improvement and transparency of the management of state finances.¹⁶⁹ The objectives of the School are to: (a) design, impart, and maintain the Government Auditors Training and Updating Program; (b) include in the Program modern techniques for prevention, detection and correction of fraud and administrative corruption in the public sector; (c) establish training systems based on the latest technology for transmission and real exchange of knowledge and experience at the national, regional, and international level; (d) operate the auditor's update system to annually refresh their knowledge and skills, in addition to keeping a record of the process; and (e) organize technical events on its areas of expertise by holding forums, workshops, or seminars open to the public.¹⁷⁰

[248] The country under review further notes that the training process consists in: a) the person hired is given several basic courses that provide information on the main functions carried out by the Court; b) next, the new hires are assigned to different departments and only the heads of these departments determine their weaknesses and requests the Government Audit School to generate the required activities; c) also, taking into account evolving changes, the heads request the Government Audit school the issues on which personnel should be trained; d) after training is provided, the heads are asked if there has been a transfer of the acquired knowledge to the workplace.¹⁷¹

[249] Regarding the use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly, the country under review notes that electronic mail and the internet are used. In addition, the country under

¹⁶⁷ Response to the Questionnaire, pg. 14, *supra* note 11.

¹⁶⁸ *Ibid.*, pg. 15.

¹⁶⁹ See Article 414 of Law 17.930, www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=17930&Anchor=

¹⁷⁰ See Government Audit School, www.tcr.gub.uy/institucional_competencias.php

¹⁷¹ Response to the Questionnaire, pg. 17, *supra* note 11.

review observes that proper orientation of performance is the responsibility of the respective division directors and department where an individual performs his or her duties.¹⁷²

[250] With respect to existence of bodies which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly, the country under review notes that personnel of the Court of Accounts can look to their superiors to clarify any doubts they may have with respect to conflicts of interest or in carrying out their duties. The country under review also notes that there are regulations that provide for this possibility, and that their superior must always provide guidance in this respect.¹⁷³

[251] Regarding the existence of a governing organ, authority or body responsible for steering, advising or supporting the manner in which personnel are to be informed of their responsibilities and functions, the country under review notes that there is no governing organ in place and that personnel can consult their superiors.¹⁷⁴

[252] Regarding the way personnel are informed of ethical rules governing their activities, the Court of Accounts has adopted the aforementioned Code of Ethics, which has been distributed electronically to all personnel. As well, courses are offered on Standards of Behavior in the public service, although the country under review notes these are not obligatory.¹⁷⁵

[253] With respect to the occasions when personnel are informed of ethical rules governing their activities, the country under review notes that a written copy of the Code of Ethics to all new personnel upon entry into the Court of Accounts. The other personnel of this body receive a copy through electronic means and it is also made available on its webpage.¹⁷⁶

[254] Regarding the existence of introductory training or instructional programs and courses for personnel on the ethical rules governing their activities, the aforementioned Government Audit School offers a course on Standards of Behavior, which is carried out internally for the personnel of the Court, and externally for other public servants in other bodies.¹⁷⁷

[255] With respect to the use of modern communication technologies to apprise personnel of the ethical rules in place, the country under review notes that the courses are carried out in person. In addition, the internet and the institutional electronic mail complete the communication system of the Court in this area.¹⁷⁸

[256] Regarding the existence of bodies to which personnel can resort to obtain information or resolve doubts about the scope or interpretation of ethical rules, Article 20 of the Code of Ethics of the Court of Accounts establishes an Ethics Committee, composed of one of the Ministers of the Court, the General Directors of the Legal and Audit Division, the Internal Auditor of the Court, and a staff member appointed by the most representative union. This Committee is responsible for interpreting the meaning and scope of the provisions contained in the Code, and acts as an advisory

¹⁷² *Ibid.*, pg. 15.

¹⁷³ *Ibid.*

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*, pg. 16.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

body regarding any doubts that may arise by any of the officials subject to the Code.¹⁷⁹ This Committee is also responsible for promoting workshops and seminars that allow all personnel to become familiar with the provisions of the Code.¹⁸⁰

[257] With respect to the existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, the country under review notes that the aforementioned Ethics Committee carries out these functions. In this regard, it has the competence to update, revise, correct, modify or suggest new content to the Code, as well as issuing binding opinions, when requested to do so, on possible infringements of the norms contained therein.¹⁸¹

- Statutory and other legal provisions applicable to the personnel of the National Tax Authority, among which the following should be noted:

[258] With respect to provisions and/or measures for providing instructions to the personnel of the Court of Accounts, which ensure proper understanding of their responsibilities and the ethical rules governing their activities, the National Tax Authority is subject to Law 17.060 and Decree 30/003, which establish the scope of the obligations and prohibitions placed on public servants in general. Law 17.060 implements norms that refer to the improper use of public power (corruption), while Decree 30/003 refers to the Standards of Conduct in the Public Service.

[259] In addition, the National Tax Authority has adopted a Code of Ethical Conduct for its personnel.¹⁸² This Code is applicable to all personnel of this body, regardless of the manner hired, and its purpose is to enunciate basic ethical principles that should inspire the conduct and work of all personnel, while providing a framework for the expected behavior and promote the importance of integrity in a sound and effective management in order to maintain and strengthen the confidence of the community. Basic principles include integrity and honesty, probity, conflicts of interest and use of official information. In addition, Article 4 of this Code provides that personnel are responsible for knowing and understanding the Code.

[260] Regarding the manner that personnel are informed of their responsibilities and functions, the country under review notes personnel receive instructions verbally, in writing and through the institution's intranet.¹⁸³

[261] Moreover, the country under review notes that personnel are informed of their responsibilities and functions once they are hired through induction training and lectures and workshops.¹⁸⁴ The induction training focuses on the organizational structure of the Tax Administration, and the vision, mission, strategic objectives, substantial duties, and the support and tasks assigned to different areas.

[262] Once a person is assigned a post or there is a change of functions, their immediate supervisors are to explain their specific duties to be carried out, and are to provide manuals. In

¹⁷⁹ *Ibid.* and Code of Ethics, *supra* note 166.

¹⁸⁰ Code of Ethics, Article 21, *ibid.*

¹⁸¹ *Ibid.*, Article 20 and Response to the Questionnaire, pg. 17, *supra* note 11.

¹⁸² Code of Ethical Conduct, <http://www.dgi.gub.uy/wdgi/page?2.principal.etica.O.es.0>.

¹⁸³ Response to the Questionnaire, pg. 19, *supra* note 11.

¹⁸⁴ *Ibid.*, pg. 20. See also Annex 1: Training – Induction (*Capacitacion – Induccion*) and Annex III: Lectures – Workshops (Chalras – Talleres), http://www.oas.org/juridico/spanish/mesicic5_ury.htm

addition, in cases where there are regulatory changes or amendments, courses are carried out for personnel affected by these changes.¹⁸⁵

[263] With respect to the existence of introductory training or instructional programs and courses for personnel on how to perform their responsibilities, the country under review states, in its Response to the Questionnaire, that the Internal Audit Unit of the National Tax Authority (*Auditoria Interna*), for 2010 to 2015, has programmed, organized and executed the following training and dissemination activities: induction courses on the functions to be performed for those entering the National Tax Authority, which includes disciplinary norms and responsibilities; Conferences on Ethics, Rights and Duties in the Public Service and Tax Administration; Lectures and Workshops on “Disciplinary Procedures and Responsibility of Public Servants; Academic Conference on “Rights of Public Servants and their Responsibility;” Primer on the duties of auditors and correlative duties of all officials of the Tax Administration; in 2015, in order to train officials on Control and Audit, the National Tax Authority signed an agreement with the Catholic University of Uruguay, for which the institution has developed a Diploma in Ethics and Internal Auditing. All these training activities are coordinated with the Department of Human Resources and Training.¹⁸⁶

[264] Regarding the use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly, the country under review notes that the following tools are used: the webpage of the institution, the institutional intranet, electronic mail, and the simultaneous use throughout the country of the videoconferencing rooms of the National Administration of Telecommunications (ANTEL).¹⁸⁷

[265] With respect to the existence of bodies which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly, the country under review notes that personnel can obtain information or answers from the unit or office in which they perform their tasks, from the Internal Audit Unit, as well as from the Lectures-Workshops which are carried out on an annual basis. If there are any doubts regarding the proper performance of their duties, personnel are to consult with their immediate supervisor, who, in addition to overseeing their work, is the natural and primary instance for consultation.¹⁸⁸

[266] Regarding the existence of a governing organ, authority or body responsible for steering, advising or supporting the manner in which personnel are to be informed of their responsibilities and functions, the country under review note that this governing authority is the Director General of Revenue (*Director General de Rentas*). In addition, they note the following bodies: the Ethics Committee (*Comité de Ética*), the Internal Audit Unit (*Auditoria Interna*), and the Planning, Organization and Oversight Advisory Unit (*Asesoría en Planificación, Organización y Control*).¹⁸⁹

[267] Regarding the way personnel are informed of ethical rules governing their activities, the National Tax Authority informs its personnel verbally, in writing and through the institution’s intranet.¹⁹⁰

¹⁸⁵ Response to the Questionnaire, *ibid.*, pg. 20.

¹⁸⁶ Response to the Questionnaire, *ibid.*, pg. 21. See also Annex I to VI of the Response for the National Tax Authority, available at, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

¹⁸⁷ *Ibid.*, pg. 21.

¹⁸⁸ *Ibid.* pg. 22.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

[268] With respect to the occasions when personnel are informed of ethical rules governing their activities, the country under review notes that new personnel are informed upon entry into the National Tax Authority, and afterwards through lectures-workshops. When modifications are introduced to the ethical rules, personnel are informed as well.¹⁹¹

[269] Regarding the existence of introductory training or instructional programs and courses for personnel on the ethical rules governing their activities, the country under review, in its Response to the Questionnaire, note that Resolution 356/2011 of February 16, 2011 approved the Ethic and Integrity Program of the National Tax Authority, and through Resolution 731/2011, the Ethics Plan for 2011 – 2014 was approved, which includes the strategic guidelines to the aforementioned Program.¹⁹² In this respect, in accordance with this Ethics Plan, it carried out the induction courses for new personnel on ethical norms; the Conferences on Ethics, Rights and Duties in the Public Service and Tax Administration; Lectures and Workshops on the Code of Ethics, the Statute and competences of the Internal Audit Unit, Academic conference on ethics and duties of personnel; Dissemination and promotion campaigns on ethical values; Primer on the duties of auditors and correlative duties of all officials of the Tax Administration; and in 2015, the National Tax Authority signed an agreement with the Catholic University of Uruguay, for which the institution has developed a Diploma in Ethics and Auditing, which is designed for public officials and the general public.¹⁹³

[270] With respect to the use of modern communication technologies to apprise personnel of the ethical rules in place, the country under review notes that the following tools are used: the webpage of the institution, the institutional intranet, electronic mail, and the simultaneous use throughout the country of the videoconferencing rooms of the National Administration of Telecommunications (ANTEL).¹⁹⁴

[271] Regarding the existence of bodies to which personnel can resort to obtain information or resolve doubts about the scope or interpretation of ethical rules, the country under review notes that personnel can obtain information or answers from the Lectures-Workshops, which are carried out on an annual basis.¹⁹⁵ Moreover, the country under review notes that staff may resort to the Internal Audit Unit to obtain information or dispel doubts as to the scope of ethical rules or how to interpret them.

[272] With respect to the existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, the country under review notes that this governing authority is the Director General of Revenue (*Director General de Rentas*). In addition, they note that Resolution 1525/2010 established the Steering Committee on Ethics (*Comité Directiva de Ética*), which is responsible for assigning responsibilities in the implementation and development strategy of the Ethics and Integrity Program of the National Tax Authority.¹⁹⁶

¹⁹¹ *Ibid.*, pg. 23.

¹⁹² *Ibid.*

¹⁹³ *Ibid.* See also Annex I to VI of the Response for the National Tax Authority, *supra* note 186.

¹⁹⁴ *Ibid.*, pg. 24.

¹⁹⁵ *Ibid.* pg. 24.

¹⁹⁶ *Ibid.* pg. 25.

[273] Moreover, in Decree 337/2011, the Internal Audit Unit is responsible for ensuring the dissemination and updating of the Code of Ethics.¹⁹⁷

1.2. Adequacy of the legal framework and/or other measures

[274] With respect to the statutory and other legal provisions reviewed by the Committee on the measures intended to provide instructions to government personnel of the three bodies selected by the country under review that ensure proper understanding of their responsibilities and the ethical rules governing their activities, the Committee notes that they are relevant for promoting the purposes of the Convention.

[275] Nevertheless, the Committee considers it appropriate to set forth some observations with respect to these provisions and/or other measures:

- With respect to the provisions and/or other measures applicable to the personnel of the Court of Accounts, the Committee notes the following:

[276] The Committee observes that for personnel in the Court of Accounts, it is not mandatory to receive training on ethical rules governing their activities. As noted in the Response to the Questionnaire, the country under review states the following:¹⁹⁸

[277] *“Training on standards of conduct is not mandatory for officials of the Court. Nevertheless, courses have been carried out repeatedly, internally and for the rest of the public servants.”*

[278] The Committee does note that Article 28 of Law 17.060 provides that public bodies, which includes the Court of Accounts, are to put in place training for personnel entering the public service, as well as carry out updated training every three years, which is to include aspects such as administrative morality, incompatibilities, prohibitions and conflicts of interest in the public service. It is also mandatory for public servants to attend these courses.

[279] The Committee believes that the country under review should ensure that all of its personnel receive training on ethical rules governing the activities of the personnel of the Court of Accounts, and that this be mandatory.

[280] Likewise, the Committee notes that Article 9 of the Code of Ethics of this body provides that personnel are required to seek ongoing training, in order to be able to exercise their functions with full knowledge of the topics under the Code. It further provides that the Court of Accounts is to encourage personnel to take refresher courses, especially those that promote the dissemination of standards tied to public ethics. Rather than requiring personnel to seek training opportunities on ethics, the Court of Accounts should consider providing this training itself, and make mandatory refresher courses, as already required by Law 17.060. The Committee will formulate recommendations. (See Recommendations 1.4.1 and 1.4.2 of Chapter III of this Report).

[281] As noted by representatives of the Court of Accounts during the on-site visit, one of the difficulties it faced in providing training to public bodies on ethics is the perception by superiors that

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*, pg. 18.

this training is considered voluntary, not mandatory. As such, as an oversight body, it is important for the Court of Accounts to set an example and lead on this issue for other public bodies to follow.

[282] The Committee also notes that there are no provisions in place that make induction training for new personnel mandatory. In this respect, the Committee notes that Article 95 of Law 19.121 of August 20, 2013, and Article 7 of Decree 130/014 of May 19, 2014, provide that, for the Central Administration, all persons that enter the public service on a probationary basis are required to receive induction training with respect to the institutional objectives and administrative structure of the organization the person will be employed in, the duties and functions of the State, the disciplinary regime in place, the remuneration system, and public ethics, among other things, and that it is the Public Administration School of the National Civil Service Office that is to carry out this training.¹⁹⁹ Moreover, this training is mandatory and is to be completed within 15 months of entering the public service on a probationary basis, in order to hold a budgeted position.²⁰⁰

[283] The Committee believes that the country under review should consider implementing provisions that make such induction training mandatory for the Court of Accounts. The Committee will formulate a recommendation. (See Recommendation 1.4.3 of Chapter III of this Report)

[284] Moreover, not only should induction training be mandatory, but also ongoing training that ensures proper understanding of their responsibilities. In this respect, the Committee notes that the country under review, as noted above, states that the Court of Accounts informs its personnel of their responsibilities and functions once they are hired, when they begin performing them, or when there is a change of functions, due to a change of posts. However, there is no indication if training is provided to ensure that personnel have a proper understanding of these responsibilities when they begin performing them, or when there is a change of functions. The Committee will formulate a recommendation. (See Recommendation 1.4.4 of Chapter III of this Report)

[285] In this regard, it is difficult for the Committee to determine what courses are offered to the personnel of the Court of Accounts, given that its website does not contain information on the courses offered by the Government Audit School, unlike the Public Administration School of the National Civil Service.²⁰¹

[286] To this end, the Committee notes that the Court of Accounts was reviewed during the Fourth Round of Review, as it was selected as an oversight body by the Oriental Republic of Uruguay, and in that Report, the following was observed:²⁰²

[287] *“The Committee notes the important work undertaken by the Government Audit School. As mentioned under section 3.1 of this Report, this School provides training to its staff to improve transparency in the management of the National Treasury. In this respect, the Response to the Questionnaire mentions that the School offers courses on integrity in the public service. These courses complement the training received from the Transparency and Ethics Board on standards of conduct in the public service, and other courses offered by the National Civil Service Office. Moreover, during the on-site visit, the representatives stated that there are courses on standards of*

¹⁹⁹ Law 19.121, *supra* note 13 and Decree 130/014, *supra* note 42.

²⁰⁰ Response to the Questionnaire, pg. 27, *supra* note 11.

²⁰¹ See, for example, the Ongoing Training Courses of the Public Administration School,

http://www.onsc.gub.uy/enap/index.php?option=com_content&view=article&id=252&Itemid=75

²⁰² Report of the Fourth Round of Review, pg. 29, http://www.oas.org/juridico/pdfs/mesicic4_ury_en.pdf

conduct carried out in the Court and provided to the Judicial Branch. These courses look at ethical aspects and international conventions. It is carried out as workshops involving practical cases and with post evaluations. There is a network of schools throughout the country, which assists in disseminating these standards of conduct.

[288] *The Committee observes, however, that information on its courses and training program is not available online, unlike the training activities carried out by other oversight bodies, such as the Transparency and Public Ethics Board. In the interests of promoting transparency and demonstrating its commitment to this end, the Committee considers that the training program as well as the courses undertaken by the Court should be made publicly available on its website. The Committee will formulate a recommendation in this regard.”*

[289] Given the foregoing, the Committee reiterates Recommendation 3.4.5 of that Report, whereby the country under review is to make available on the website of the Court of Accounts information on the courses and training program carried out by this oversight body.

[290] The Committee further observes that without further information on the training programs carried out by this body, it is unclear what formal training program is in place for its personnel. During the on-site visit, mention was made that some personnel had received training and pursued post-graduate studies in the University of the Republic, however it appears these training opportunities are carried out on an ad hoc basis, and a structured program should be in place, containing the courses to be offered, and a timeline. Such a training program should also be established on an annual basis, taking into account the needs of the personnel of the Court of Accounts and include modules on the recently adopted Code of Ethics. The Committee will formulate a recommendation. (See Recommendation 1.4.5 of Chapter III of this Report)

[291] The Committee would also like to highlight that in the Response to the Questionnaire, the country under review observes that the Court of Accounts uses electronic mail and the internet to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly. During the on-site visit, the representatives of this body noted that it did not carry out virtual training, like the long distance training provided by the Transparency and Public Ethics Board and the National Civil Service Office, but it was something to be adopted in the future.

[292] In order to help ensure that its personnel have proper understanding of their responsibilities and the ethical rules governing their activities, the Court of Accounts should consider incorporating modern communication technologies, such as the use of videoconferencing. The Committee will formulate a recommendation. (See Recommendation 1.4.6 of Chapter III of this Report)

[293] The Committee further notes that the Court of Accounts does not have a governing organ, authority or body responsible for steering, advising or supporting the manner in which personnel are to be informed of their responsibilities and functions, and that in this regard, personnel can consult their superiors. The Committee observes that this body should consider establishing such a governing authority, as it would also prove useful with respect to establishing an overall training program. The Committee will formulate a recommendation. (See Recommendation 1.4.7 of Chapter III of this Report)

[294] Finally, as noted during the Fourth Round of Review when this oversight body was examined, the issue of resources is also a difficulty identified during the on-site visit. The use of

modern technologies and implementation of a formalized training program for the personnel of the Court of Accounts will require dedicated resources that should be made available on an annual basis. To that end, the country under review should consider providing the Court of Accounts with the necessary budgetary, technological and human resources so that it can carry out a training program that ensures that its personnel have a proper understanding of their responsibilities and the ethical rules governing their activities. The Committee will formulate a recommendation. (See Recommendation 1.4.8 of Chapter III of this Report)

1.3. Results

[295] Both in its Response to the Questionnaire and during the on-site visit, the country under review provided the following results regarding the application of the provisions and/or measures relating to instructions to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities, such as:

[296] – With respect to the National Social Security Agency, the country under review, in its Response to the Questionnaire, notes that training has been carried out for 100% of personnel (4400 persons) regarding the provisions set out in section 2.1 of this Chapter, from entry into the Agency, as well as in executing their functions.²⁰³ Moreover, in implementing the ethics training in accordance with the Agreement with the Transparency and Public Ethics Board, it notes that the courses began in 2013, each course is for a 3-hour duration, and that 100% of new personnel have taken them and provides the following table:²⁰⁴

Year	Groups	Participants
2013	10	318
2014 – 2015	19	532
Total:	29	850

[297] The country under review further notes that it is planned that all personnel of this body, amounting to approximately 4400 persons, will be trained by 2018.

[298] The Committee notes, however, that aside from the table cited above, which was provided in the Response to the Questionnaire, it does not have any other information that demonstrates the scope and content of the training provided by this body. As the information provided focuses solely on ethical training, it does not provide information on any induction and ongoing training provided by this body to its personnel.

[299] Given the foregoing, with respect to instructions to ensure that its personnel has an appropriate understanding of their responsibilities and functions, the National Social Security Agency

²⁰³ Response to the Questionnaire, pg. 12, *supra* note 11.

²⁰⁴ *Ibid.*, pg. 13.

should consider collecting and analyzing information to cover issues such as the nature and periodicity of the training provided; the number of personnel trained; the preparation of guidelines for public servants on the proper performance of their functions and the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern technology for this purpose; and indicators that this information was understood and applied in the performance of their functions.

[300] Moreover, with respect to instructions to ensure that its personnel has an appropriate understanding of the ethical rules governing their activities, the National Social Security Agency should consider summarizing the results obtained on this area by providing information on issues such as: preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force. In this respect, the Committee will formulate recommendations. (See Recommendations 1.4.9 and 1.4.10 of Chapter III of this Report)

[301] – With respect to the Court of Accounts, during the on-site visit, the representatives of this body provided the following table:²⁰⁵

INFORMATION ON STANDARDS OF CONDUCT TRAINING	
Year	Number of Trained Personnel
2007	15
2008	23
2009	55
2010	9
2011	54
2013	173

²⁰⁵ Tribunal de Cuentas: Información sobre Capacitación de Normas de Conducta, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

2014	55
2015	38
TOTAL	422

[302] The majority of personnel that received training were from the Court of Accounts, the Ministry for Social Development, the Judicial Branch, the National Public Education Administration and the National Administration of Telecommunications and Electric Power Plants.

[303] The representatives of the Court of Accounts, during the on-site visit, noted that the training received by these public servants was carried out in four, 3 hour workshops: i) workshop focused on international standards and conventions, such as the Inter-American Convention against Corruption, constitutional provisions, and ethics; ii) theory on ethics and different thoughts on morality; iii) specific laws in place in the Oriental Republic of Uruguay, such as Law 17.060 and Decree 30/003, and the internal standards in place for the agency receiving training; and iv) Conclusions and Recommendations. In addition, it was noted that throughout the workshops, practical exercises were included and criminal sanctions are examined as well.

[304] The Committee notes, however, that the results provided by the country under review focus solely on ethical training provided by the Court of Accounts, but does not provide information on any induction and ongoing training provided by this oversight body to its personnel. Moreover, the information provided is an overall number of personnel that has received training by the Court of Accounts, and does not indicate the number of its own personnel that have received ethics training.

[305] Given the foregoing, with respect to instructions to ensure that its personnel has an appropriate understanding of their responsibilities and functions, the Court of Accounts should consider collecting and analyzing information to cover issues such as the nature and periodicity of the training provided; the number of personnel trained; the preparation of guidelines for public servants on the proper performance of their functions and the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern technology for this purpose; and indicators that this information was understood and applied in the performance of their functions.

[306] With respect to instructions to ensure that its personnel has an appropriate understanding of the ethical rules governing their activities, the Court of Accounts should consider summarizing the results obtained on this area by providing information on issues such as: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force. In this

respect, the Committee will formulate recommendations. (See Recommendations 1.4.11 and 1.4.12 of Chapter III of this Report)

[307] – With respect to the National Tax Authority, in the Response to the Questionnaire, it provided a list of training opportunities carried out by this body.²⁰⁶

[308] For example, it provided information on the induction training carried out by this body. In that respect, it provided a list of all the training courses carried out from 2010 to 2014. The Committee notes that for new personnel, induction training is provided in courses such as Structure and Organization; Ethics and Values; and Plans, Goals and Indicators. It also represents an extensive list of the various courses offered for personnel on various aspects of their work, such as the Tax Code and updates on laws.²⁰⁷

[309] It also provided information on the Conferences on Ethics, Rights and Duties in the Public Service and Tax Administration that has been held on an annual basis since 2011.²⁰⁸ These Conferences look at issues such as rights and duties in the public service and the Tax Administration; ethics, rights and duties in the public service; and the civil responsibility of a public servant.

[310] With respect to Lectures – Workshops, it provided information on the various lectures and workshops that the Internal Audit Unit of this body carries out. These events cover issues such as “Some Aspects on Disciplinary Procedures and the Internal Audit Unit.”²⁰⁹

[311] Information was also provided on the Academic Conferences and Symposiums carried out by the Internal Audit Unit of the National Tax Authority. A specific Conference on Ethics was carried out in May 2013, while other ones cover topics such as Criminal Law and the Duties of Public Servants; Public Administration and International Law on Human Rights; and Complaints, Administrative Offenses and other aspects of the Disciplinary Procedure.²¹⁰ Moreover, the Internal Audit Unit has prepared a Primer on the duties of auditors and correlative duties of all officials of the Tax Administration, carried out within the framework of the Campaign for the Promotion of Ethical Values (*Campaña de Promoción de Valores Éticas*).²¹¹

[312] The National Tax Authority also provided information on a Diploma in Ethics and Internal Auditing, which it carried out in the Faculty of Law of the Catholic University of Uruguay, which covered areas such as relevance of public ethics, among others.²¹²

[313] The Committee further observes that during the on-site visit, the representatives of the National Tax Authority provided further results on the training carried out by this body. For example, it provided a list of activities carried out for 2011 to 2014, as well as a summary of those activities, as represented by the table for 2014:²¹³

²⁰⁶ Response to the Questionnaire, pgs. 21 – 22, *supra* note 11.

²⁰⁷ See Annex I, Capacitación – Inducción, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

²⁰⁸ See Annex II, Jornadas (Conferencias), http://www.oas.org/juridico/spanish/mesicic5_ury.htm

²⁰⁹ See Annex III, Charlas – Taller, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

²¹⁰ See Annex V, Conferencias y Simposio, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

²¹¹ See Annex IV, Cartillas, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

²¹² See Annex VI, Diplomado, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

²¹³ Dirección General Impositiva: Listado de Actividades 2014, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

Purpose	Information	Total
Induction	Number of Activities	41
	Number of Hours Taught	267
	Total Participants	1834
Updating	Number of Activities	203
	Number of Hours Taught	2629
	Total Participants	6906
Specialization	Number of Activities	8
	Number of Hours Taught	376
	Total Participants	113
Training	Number of Activities	11
	Number of Hours Taught	39
	Total Participants	71
Total Number of Activities		263
Total Number of Hours Taught		3311
Total Number of Participants		8924

[314] These training activities, in the induction and general training program, included courses on ethics and values as well.

[315] The representatives of the National Tax Authority also provided a summary of the training activities on ethics, carried out between 2011 – 2014, as well as specific training activities carried out by year, as well as a summary of those activities, as represented by the table for 2014:²¹⁴

NAME OF ACTIVITY	HOURS	TOTAL PARTICIPANTS
Ethics and Values	4	56
2014 Campaign - Induction: Ethics and Values	2	111
Criminal Law and Duties of Public Officials	2	128
Total	8	295

[316] The representatives of this body also included a breakdown by level of responsibility, regarding the training received in a given year, as represented in the table below for 2014:

	Level	Dec-14
Directors	Number of Directors Trained	8
	Total Number of Directors	10
	Proportion of Directors Trained	80.00%
Managers	Number of Managers Trained	45
	Total Number of Managers	55
	Proportion of Managers Trained	81.82%
Supervisors	Number of Supervisors Trained	159
	Total Number of Supervisors	155

²¹⁴ Direccion General Impositiva: Listado de Actividades Eticas 2014, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

	Proportion of Supervisors Trained	102.58%
Professionals	Number of Professionals Trained	464
	Total Number of Professionals	492
	Proportion of Professionals Trained	94.31%
Non Professionals	Number of Non Professionals Trained	386
	Total Number of Non-Professionals	668
	Proportion of Non-Professionals Trained	57.78%
Other Forms of Contracts	Number Trained	194
	Total Number	49
	Proportion Trained	395.92%
Total Number of Personnel Trained		1256
Total Number of Personnel		1429
Training Coverage		87.89%

[317] Taking the foregoing into account, the Committee notes that the training activities carried out by the National Social Security Agency National Tax Authority are relevant for promoting the purposes of the Convention.

[318] However, the Committee does note that in a document presented by the representatives of the National Tax Authority, in a survey taken of personnel that have received training, in October 2014, it was found that 43% of personnel found it satisfying to very satisfying, however 31% found them unsatisfying to very unsatisfying.²¹⁵ To this end, the National Tax Authority should follow-up on the survey and adopt measures that can better improve the training provided by this body, given that about 1/3 of personnel are apparently not finding them acceptable. The Committee will formulate a recommendation. (See Recommendation 1.4.13 of Chapter III of this Report)

1.4 Conclusions and Recommendations

[319] Based on the review conducted regarding the implementation of by the Oriental Republic of Uruguay of Article III, paragraph 3 of the Convention, the Committee offers the following conclusions and recommendations:

[320] The Oriental Republic of Uruguay has considered and adopted measures intended to establish, maintain and strengthen the instructions provided to government personnel by the bodies selected that ensure proper understanding of their responsibilities and the ethical rules governing their activities, as described in Chapter III, Section 1 of this report.

[321] In light of the comments made in the above-noted section, the Committee suggests that the country under review consider the following recommendations:

²¹⁵ See Encuesta de Clima Organizacional, Octubre 2014, pg. 56, http://www.oas.org/juridico/spanish/mesicic5_ury.htm

- 1.4.1 Carry out the mandatory training on ethical rules governing the activities of the personnel of the Court of Accounts, as provided by Law 17.060. (See paragraph 280 of section 1.2 of Chapter III of this Report)
- 1.4.2 Provide mandatory training on the Code of Ethics of the Court of Accounts for its personnel. (See paragraph 280 of section 1.2 of Chapter III of this Report)
- 1.4.3 Implement provisions that make induction training mandatory for the personnel of the Court of Accounts. (See paragraph 283 of section 1.2 of Chapter III of this Report)
- 1.4.4 Provide training to the personnel of the Court of Accounts so that they have a proper understanding of their responsibilities when there is a change of functions. (See paragraph 284 of section 1.2 of Chapter III of this Report)
- 1.4.5 Establish a structured training program of courses to be offered by the Court of Accounts to its personnel, which include modules on the Code of Ethics. (See paragraph 290 of section 1.2 of Chapter III of this Report)
- 1.4.6 Incorporate modern communication technologies, such as the use of videoconferencing, in the training programs offered to the personnel of the Court of Accounts. (See paragraph 292 of section 1.2 of Chapter III of this Report)
- 1.4.7 Establish a governing organ, authority or body responsible for steering, advising or supporting the manner in which personnel of the Court of Accounts are to be informed of their responsibilities and functions. (See paragraph 293 of section 1.2 of Chapter III of this Report)
- 1.4.8 Provide the Court of Accounts with the necessary budgetary, technological and human resources so that it can carry out a training program that ensures that its personnel have a proper understanding of their responsibilities and the ethical rules governing their activities, within available resources. (See paragraph 294 of section 1.2 of Chapter III of this Report)
- 1.4.9 Collect and analyze information with respect to the instruction provided to ensure that the personnel of the National Social Security Agency have an appropriate understanding of their responsibilities and functions. This information could cover issues such as the nature and periodicity of the training provided; the number of personnel trained; the preparation of guidelines for public servants on the proper performance of their functions and the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern technology for this purpose; and indicators that this information was understood and applied in the performance of their functions. (See paragraph 300 of section 1.3 of Chapter III of this Report)
- 1.4.10 Summarize the results obtained with respect to instructions to ensure that the personnel of the National Social Security Agency have an appropriate understanding of the ethical rules governing their activities, by providing information on issues such as: preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the

objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force. In this respect, the Committee will formulate recommendations. (See paragraph 300 of section 1.3 of Chapter III of this Report)

- 1.4.11 Collect and analyze information with respect to the instruction provided to ensure that the personnel of the Court of Accounts have an appropriate understanding of their responsibilities and functions. This information could cover issues such as the nature and periodicity of the training provided; the number of personnel trained; the preparation of guidelines for public servants on the proper performance of their functions and the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern technology for this purpose; and indicators that this information was understood and applied in the performance of their functions. (See paragraph 306 of section 1.3 of Chapter III of this Report)
- 1.4.12 Summarize the results obtained with respect to instructions to ensure that the personnel of the Court of Accounts has an appropriate understanding of the ethical rules governing their activities, by providing information on issues such as: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force. (See paragraph 306 of section 1.3 of Chapter III of this Report)
- 1.4.13 Adopt measures to address the high number of personnel that find the training provided by the National Tax Authority unsatisfactory, so that it can better ensure that its personnel have a proper understanding of their responsibilities and ethical rules governing their activities. (See paragraph 318 of section 1.3 of Chapter III of this Report)

2. THE STUDY OF PREVENTIVE MEASURES THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN EQUITABLE COMPENSATION AND PROBITY IN PUBLIC SERVICE (ARTICLE III, PARAGRAPH 12 OF THE CONVENTION)

2.1 STUDY OF PREVENTIVE MEASURES THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN EQUITABLE COMPENSATION AND PROBITY IN PUBLIC SERVICE

[322] In its Response to the Questionnaire, the country under review notes that the Office of Planning and Budget (*Oficina de Planeamiento y Presupuesto*) is currently undergoing an analysis of the salary of its personnel in order to study the relationship between salaries, the functions performed

and the degree of complexity of tasks, which take into account the guiding criteria of equity.²¹⁶ In this regard, during the on-site visit, it was noted that this study was still being carried out and should be approved by March 2016. The country under review also notes that the salary scale of the Office of Planning and Budget, as of January 2015, is available online at www.opp.gub.uy, in the section on Transparency.

[323] In addition, in its Response to the Questionnaire, the Ministry of Economy and Finance observes that there are specific instances with regard to the promotion of compensation that consider the relationship between equity and probity, in particular two areas where traditionally, the indices of perception of corruption appear conflictive: the National Tax Authority (*Dirección General Impositiva*) and the National Customs Directorate (*Dirección Nacional de Aduanas*).²¹⁷

[324] In this respect, the country under review notes that for the National Tax Authority, in 2005, it went through a modernization process, and the issues raised in the question for this section is addressed in Decree 166/005 and its amendments, which establish that the work carried out is a full time basis and sets out what it describes as a significant list of incompatibilities and an extraordinary system of remuneration, which includes compensation for exclusivity, as well as premiums for group performance. It further notes that this information is available at the website, www.dgi.gub.uy.²¹⁸

[325] The National Customs Directorate also went through a reform process, which included an organizational restructuring, work on an exclusive, full time basis, and what it describes as extraordinary compensation, as well as incentives to personnel for best performance. These were established by Decrees 204/013 and 403/013, which are available at www.aduanas.gub.uy.²¹⁹

2.2 ESTABLISHMENT OF OBJECTIVE AND TRANSPARENT CRITERIA FOR DETERMINING THE COMPENSATION OF PUBLIC SERVANTS

2.2.1 Existence of a legal framework and/or other measures

[326] The Oriental Republic of Uruguay has a set of provisions that are intended to establish objective and transparent criteria for determining the compensation of public servants, of which the following are noted:

[327] The country under review, in its Response to the Questionnaire, notes that compensation is based on objective and subjective criteria, and that there are numerous norms that have determined more than a thousand objects of expenditures and others.²²⁰ Law 18.172 classifies these objects into 5 categories: 1) remuneration based on position; 2) remuneration based on grade; 3) special compensation; 4) personal compensation; and 5) incentives.²²¹

²¹⁶ Response to the Questionnaire, pg. 31, supra note 11.

²¹⁷ *Ibid.*,

²¹⁸ *Ibid.* See also Decree 166/005, <http://www.impo.com.uy/bases/decretos/166-2005>

²¹⁹ *Ibid.*, pgs. 31 – 32. See also Decree 204/013, available at, <http://www.impo.com.uy/bases/decretos/204-2013> and Decree 403/013, available at, <http://www.impo.com.uy/bases/decretos/403-2013>

²²⁰ Response to the Questionnaire, pg. 32, *ibid.*

²²¹ *Ibid.* See also Article 51 of Law 18.172, <http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18172&Anchor=>

[328] To this end, categories 1 and 2 are career objective criteria, while 3 and 4 tend to be discretionary criteria. The country under review observes that category 5 should be based on objective criteria, through the payment of incentives or particular temporary employment conditions, although the country under review notes that in many cases, these become permanent.²²²

[329] The country under review, in its Response, also notes that Article 34 of Law 19.121 of the Public Servant Statute provides that the official compensation offered to a public servant in a government body, will be established taking into account the position, the occupation or function, and associated responsibilities and specialty. It also may consider a variable component related to skilled activities, which may consider one or more of the following: strategic value, supply of that activity in the market, and exclusive dedication to a post.²²³

[330] Article 34 further provides that the compensation may be composed of temporary and variable incentives or supplements available by the Administration as a reward for performance evaluation, or in response to special working conditions. Such temporary incentives or supplements are not to exceed one year and are to be ratified or rectified at the end of this term, as they are expressly classified as “transitory incentives or supplements.”

[331] In addition, Article 35 of this Law established the Occupational and Remuneration Analysis Commission, which is responsible for studying and advising the occupational and remuneration system for sections 2 to 15 of the National Budget, which corresponds to the Central Administration for the country under review, and is responsible for the adjustment of positions. Moreover, the compensation related to the occupational and functional component and the variable and cyclical nature related to skilled activities, is to be determined by the Executive Branch, following a report by the Occupational and Remuneration Analysis Commission, to be capped by the resources made available to the agencies for this purpose in the National Budget.²²⁴

[332] Furthermore, the Executive Branch is to regulate the operation of this Commission, which may establish technical sub-commissions, with the participation of representatives of the public service.

[333] The country under review also notes that Law 19.149, under Article 16, provides a salary scale for those public servants in the Executive Branch that work 8 hours a day, 40 hours a week, except for those that work as diplomats, consular officials, military, police and magistrates of the Office of the Attorney General.²²⁵ This salary scale represents the categories 1 and 2 referred to above, that is, remuneration based on position and grade.

[334] Finally, the Ministry of Economy and Finance, in the Response to the Questionnaire, notes that Article 4 of Law 18.719 of December 27, 2010 establishes the manner for annual compensation adjustments and allows for the possibility of collective bargaining recourse to obtain different increases than provided in the Law.

2.2.2. Adequacy of the legal framework and/or other measures

²²² Response to the Questionnaire, pg. 11, *supra* note 11.

²²³ *Ibid.* See Law 19.121, *supra* note 13.

²²⁴ *Ibid.*, pg. 33.

²²⁵ *Ibid.* See also Law 19.149, <http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=19149&Anchor=>

[335] With respect to the provisions that refer to the establishment of objective and transparent criteria for determining the compensation of public servants, that the Committee has examined, based on the information available to it, are relevant for promoting the purposes of the Convention.

[336] Nevertheless, the Committee would like to highlight that in the Response to the Questionnaire, the country under review notes that while the Public Service Statute is in force, and its spirit is the basis for objective and transparent criteria, with respect to remuneration, it is still not being executed and full implementation will be subject to the new government.²²⁶

[337] Given the important provisions that address remuneration in the public service by this Statute, such as the salary scale for full time employees of the Executive Branch, the Committee observes that the country under review should implement the provisions of the Statute as soon as possible. The Committee will formulate a recommendation. (See Recommendation 2.2.3.1 of Chapter III of this Report).

[338] In addition, the Committee notes that it would be advisable for the country under review to consider adopting, through the appropriate authorities, provisions similar to those contained in the Public Service Statute and Law 18.172, for those government entities that fall outside of the Executive Branch, such as those that form the Legislative and Judicial Branch, as well as the decentralized services and autonomous agencies of the State, which are not covered by the cited legal norms. In this respect, the Committee observes that the provisions on remuneration contained in the Public Service Statute are not applicable, among others, to diplomats, consular officials, military, police and magistrates of the Office of the Attorney General. The Committee will formulate a recommendation. (See Recommendation 2.2.3.2 of Chapter III of this Report)

[339] The Committee also notes that the country under review, in its Response to the Questionnaire, notes that Law 18.172 classifies the 5 components that can make up a public servant's compensation: 1) remuneration based on position; 2) remuneration based on grade; 3) special compensation; 4) personal compensation; and 5) incentives.

[340] To this end, the country under review noted that components 3 and 4 tend to be discretionary in nature, but that they are widely used as regular components of the compensation of many public servants. Moreover, it noted that category 5 should be based on objective criteria, through the payment of incentives or particular temporary employment conditions, although the country under review notes that in many cases, these become permanent.²²⁷

[341] The Committee notes that there appears to be no provisions in place that set out how these categories are applied to a public servant. As these are discretionary in nature, the country under review should consider providing guidelines on the application of these components that make up a public servant's compensation, as it currently appears there are not done in an objective and transparent manner. The Committee will formulate a recommendation. (See Recommendation 2.2.3.3 of Chapter III of this Report).

[342] The Committee further notes that components 1 and 2 that make up a public servant's compensation is made available in Law 19.149 in the form of a salary scale. However, for

²²⁶ *Ibid.*, pg. 32.

²²⁷ *Ibid.*

components 3, 4 and 5, there appears to be no norms in place that set out what amounts can be allocated to a public servant's compensation for these categories. The Committee will formulate a recommendation. (See Recommendation 2.2.3.4 of Chapter III of this Report).

2.2.3. Conclusions and Recommendations

[343] Based on the review conducted in the above sections regarding the implementation of by the Oriental Republic of Uruguay of Article III, paragraph 12 of the Convention, the Committee offers the following conclusions and recommendations:

[344] **The Oriental Republic of Uruguay has considered and adopted measures intended to establish objective and transparent criteria for determining the compensation of public servants, as described in Chapter III, Section 2 of this report.**

[345] In light of the comments made in the above-noted section, the Committee suggests that the country under review consider the following recommendations:

2.2.3.1 Implement, as soon as possible, the provisions of the Public Service Statute that refer to remuneration. (See paragraph 337 of Section 2.2.2 of Chapter III of this Report)

2.2.3.2 Consider adopting, through the appropriate authorities, provisions similar to those contained in the Public Service Statute and Law 18.172 for those government entities that fall outside of the Executive Branch, such as those that form the Legislative and Judicial Branch, the decentralized services and autonomous agencies of the State, diplomats, consular officials, military, police and magistrates of the Office of the Attorney General, so that there are objective and transparent criteria for determining the compensation of those public servants. (See paragraph 338 of Section 2.2.2 of Chapter III of this Report)

2.2.3.3 Provide guidelines on the application of components 3, 4 and 5 that make up a public servant's compensation, as found under Article 51 of Law 18.172, so that they are applied in an objective and transparent manner. (See paragraph 341 of Section 2.2.2 of Chapter III of this Report)

2.2.3.4 Publicize what amounts can be allocated to a public servant's compensation for components 3, 4, and 5 of a public servant's compensation, as found under Article 51 of Law 18.172. (See paragraph 342 Section 2.2.2 of Chapter III of this Report)

IV. BEST PRACTICES

[346] The country under review did not present best practices related to the Convention provisions selected for the Second and Fifth Rounds of Review.

ANNEX

**AGENDA OF THE ON-SITE VISIT TO THE
ORIENTAL REPUBLIC OF URUGUAY**

<u>Monday, October 5, 2015</u>	
17:00 hrs. – 18:00 hrs. <i>Hotel Four Points Sheraton</i>	Coordination meeting between the representatives of the country under review, the member states of the subgroup and the Technical Secretariat
18:00 hrs. – 19:00 hrs. <i>Hotel Four Points Sheraton</i>	Coordination meeting between the representatives of the member states of the subgroup and the Technical Secretariat
<u>Tuesday, October 6, 2015</u>	
9:00 hrs. – 11:00 hrs. <i>Offices of the Transparency and Public Ethics Board</i>	Meetings with civil society organizations and/or, <i>inter alia</i>, private sector organizations, professional organizations, academics or researchers

	<p>Topics:</p> <ul style="list-style-type: none"> • Follow-Up on the Implementation of the Recommendations of the Second Round <ul style="list-style-type: none"> - Systems of Government Hiring - Government Systems for the Procurement of Goods and Services - Systems for Protecting Public Servants and Private Citizens who Report Acts of Corruption • Instructions to Government Personnel to Ensure Proper Understanding of their Responsibilities and the Ethical Rules Governing their Activities • Study of Preventive Measures that Take into Account the Relationship between Equitable Compensation and Probity in Public Service
	<p><u>Participants:</u></p> <p>9:00 hrs. – 10:30 hrs.</p> <p><i>Center for Archives and Access to Public Information</i></p> <p>Mr. Martín Prats, Chair of the Board</p> <p>10:30 hrs. – 11:30 hrs.</p> <p><i>Transparent Uruguay</i></p> <p>Mr. Pedro Cribari, President</p> <p>Ms. Verónica García Leite, Responsible for Compliance with Conventions</p> <p>11:30 hrs. – 13:00 hrs.</p> <p><i>Institute of Communication and Development</i></p> <p>Mr. Fernando Barreiro, Director</p>

13:00 hrs. – 14:30 hrs.	Lunch
14:30 hrs. – 17:00 hrs.	Meetings with Government Authorities
	<p>Panel 1:</p> <ul style="list-style-type: none"> • Follow-Up to the Recommendations of the Second Round: Systems for Protecting Public Servants and Private Citizens who Report Acts of Corruption <ul style="list-style-type: none"> - Progress, new developments and results in relation to the implementation of the recommendations - Difficulties in Implementation
	<p><u>Participants:</u></p> <p><i>Office of the Attorney General</i></p> <p>Mr. Gilberto Rodríguez, Prosecutor Specializing in Organized Crime</p> <p>Ms. Adriana Edelman, Prosecutor</p> <p>Ms. Adriana Di Giovanni, Deputy Prosecutor</p> <p>Ms. Mariela Muniz, Deputy Prosecutor</p> <p>Ms. Andrea Graña, Deputy Prosecutor</p>
17:00 hrs. – 17:30 hrs.	Informal meeting between the representatives of the member states of the subgroup and the Technical Secretariat.
<u>Wednesday, October 7, 2015</u>	
9:00 hrs. – 12:00 hrs.	
<i>Offices of the Transparency and Public Ethics Board</i>	Meetings with Government Authorities

	<p>Panel 2:</p> <ul style="list-style-type: none"> • Follow-Up to the Recommendations of the Second Round : Systems of Government Hiring <ul style="list-style-type: none"> - Progress and new developments in relation to the implementation of the recommendations - Difficulties in Implementation <hr/> <p><u>Participants:</u></p> <p><i>National Civil Service Office</i></p> <p>Ms. Ariel Sánchez, Manager, Uruguay Concursa</p> <p>Ms. Malvina Senci3n, Deputy Director, School of Public Administration</p> <p>Ms. Analía Conti, Human Resources Observatory of the State</p> <p>Mr. Oscar Centurion</p>
12:00 hrs. – 14:00 hrs.	Lunch
14:00 hrs. – 16:00 hrs.	Meetings with Government Authorities
	<p>Panel 3:</p> <ul style="list-style-type: none"> • Follow-Up to the Recommendations of the Second Round: Government Systems for the Procurement of Goods and Services <ul style="list-style-type: none"> - Progress and new developments in relation to the implementation of the recommendations <hr/> <p><u>Participants:</u></p> <p><i>State Agency for Procurement and Contracting</i></p> <p>Ms. Alicia Alonso, General Coordinator</p> <p>Ms. Natalia Ferreira Coimbra, Regulatory Manager</p>

16:00 hrs. – 16:30 hrs.	Informal meeting between the representatives of the member states of the subgroup and the Technical Secretariat.
<u>Thursday, October 8, 2015</u>	
09:00 hrs. – 13:00 hrs. <i>Offices of the Transparency and Public Ethics Board</i>	Meetings with Government Authorities
.	<p>Panel 4:</p> <ul style="list-style-type: none"> • Instructions to Government Personnel to Ensure Proper Understanding of their Responsibilities and the Ethical Rules Governing their Activities <p><u>Participants:</u></p> <p><i>National Social Security Agency</i></p> <p>Mr. Eduardo Giorgi, Secretary General</p> <p>Ms. Susana Hernández, Head of the Studies Center</p> <p><i>Court of Accounts</i></p> <p>Mr. Jorge Rodríguez Pereira, Director of the Area for Procurement</p> <p>Ms. Olga Santinelli, Secretary General</p> <p>Mr. Pablo Zak, Legal Advisor, Legal Department</p> <p><i>National Tax Authority</i></p> <p>Mr. Gustavo Pérez, Director, Administration Division</p> <p>Mr. Pablo Chalar, Interim Auditor General</p>
13:00 hrs. – 14:30 hrs.	Lunch

14:30 hrs. – 16:00 hrs.	Meetings with Government Authorities
	<p>Panel 5:</p> <ul style="list-style-type: none"> • Study of Preventive Measures that Take into Account the Relationship between Equitable Compensation and Probity in Public Service <hr/> <p><u>Participants:</u></p> <p><i>Office of Planning and Budget</i></p> <p>Ms. Ana Laura Martínez, Director, Human Management and Development Division</p> <p>Ms. Cecilia Donnangelo, Deputy Director, Human Management and Development Division</p> <p><i>Ministry of Economy and Finance</i></p> <p>Ms. Susana Díaz, General Director</p> <p>Ms. Natalia Acosta, Legal Advisor</p>
16:00 – 16:30 hrs.	Informal meeting between the representatives of the member states of the subgroup and the Technical Secretariat.
16:30 hrs	Final meeting between the representatives of the country under review, the member states of the subgroup and the Technical Secretariat.

**CONTACT AUTHORITY FROM THE COUNTRY UNDER REVIEW FOR
COORDINATION OF THE ON-SITE VISIT, AND REPRESENTATIVES OF THE
MEMBER STATES OF THE PRELIMINARY REVIEW SUBGROUP AND THE
TECHNICAL SECRETARIAT OF THE MESICIC**

COUNTRY UNDER REVIEW

ORIENTAL REPUBLIC OF URUGUAY

José Pedro Montero Traibel
Lead Expert to the Committee of Experts of the MESICIC
President
Transparency and Public Ethics Board

MEMBER STATES OF THE PRELIMINARY REVIEW SUBGROUP

ECUADOR

Carmita Idrovo Correa
International Instruments Analyst
General Coordination of International Relations
Citizen Participation and Social Oversight Council

UNITED STATES

Elizabeth Fischmann
Acting Designated Agency Ethics Official
Acting Associate General Counsel
Ethics Division
US Department of Health and Human Resources

Deborah Grout
Senior Advisor, Anticorruption and Governance Initiatives
Bureau for International Narcotics and Law Enforcement Affairs
U.S. Department of State

TECHNICAL SECRETARIAT OF THE MESICIC

Rodrigo Silva
Legal Officer, Department of Legal Cooperation
Secretariat for Legal Affairs of the OAS