



**Mechanism for Follow-up on the Implementation of  
the Inter-American Convention against Corruption**

**M E S I C I C**

**HEMISPHERIC REPORT**

**Third Round of Review**

**C O M M I T T E E   O F   E X P E R T S**

MECHANISM FOR FOLLOW-UP ON THE  
IMPLEMENTATION OF THE INTER-AMERICAN  
CONVENTION AGAINST CORRUPTION  
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HEMISPHERIC REPORT  
ON THE THIRD ROUND OF REVIEW OF THE COMMITTEE OF EXPERTS OF THE  
MECHANISM FOR FOLLOW-UP ON THE IMPLEMENTATION OF THE INTER-AMERICAN  
CONVENTION AGAINST CORRUPTION

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**HEMISPHERIC REPORT  
ON THE THIRD ROUND OF REVIEW OF THE COMMITTEE OF EXPERTS OF THE  
MECHANISM FOR FOLLOW-UP ON THE IMPLEMENTATION OF THE INTER-  
AMERICAN CONVENTION AGAINST CORRUPTION**

**INTRODUCTION**

Article 30 of the Rules of Procedure and Other Provisions of the Committee of Experts of the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC), requires the Committee to adopt a Hemispheric Report at the end of each round of review of the implementation of the Convention provisions selected for review during that round. It also stipulates that the Hemispheric Report is to comprise two parts:

A) A general, comprehensive review that includes, among other things, the conclusions arrived at in the country reports and the recommendations of a collective nature, both as regards following up on the results of said reports and regarding the recommended actions for consolidating or strengthening hemispheric cooperation on the issues addressed in the provisions under consideration in each round or closely related to them; and

B) A summary of progress achieved by the countries as a whole in implementing the recommendations made by the Committee in previous rounds.

In fulfillment of the foregoing the Committee adopted the hemispheric report on the first two rounds of review, the first of them in 2006,<sup>1/</sup> and the second in 2008.<sup>2/</sup> Now, following the conclusion of the Third Round of Review, it will proceed to set out in this Report the results of that round in the manner set out in the Rules of Procedure cited above. This Hemispheric Report will cover the following topics:

- The introductory section emphasizes the importance of the Inter-American Convention against Corruption (IACC) and its follow-up mechanism (MESICIC) within the framework of the OAS; it describes the composition and responsibilities of its Committee of Experts; and it enumerates the main activities carried out by the Committee during the Third Round of Review and describes the participation of civil society bodies in that process.

- Section A, covering Part One of the report, sets out the basis on which the Third Round was carried out, specifically: the decisions adopted by the Committee regarding the Convention provisions selected for review; the methodology used to analyze the implementation of those provisions and to follow up on the recommendations formulated in the first two rounds; the questionnaire used to gather the data needed for the analysis; the structure of the country reports; an impartial method for setting the dates for reviewing the information on each State Party; and the composition of the corresponding review subgroups. This section also describes the way in which the country reports were prepared and adopted during that round and the characteristics and general content of those reports. It then offers a comprehensive analysis of their contents, focusing on the conclusions and recommendations, and, finally, provides a number of collective recommendations regarding following up on the results of the reports and the type of actions recommended for consolidating or strengthening hemispheric cooperation on the issues with which they deal.

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1. That report may be found at: [http://www.oas.org/juridico/english/mec\\_ron1\\_inf\\_hemis\\_en.doc](http://www.oas.org/juridico/english/mec_ron1_inf_hemis_en.doc)

2. That report may be found at: [http://www.oas.org/juridico/english/mec\\_ron2\\_inf\\_hemis.pdf](http://www.oas.org/juridico/english/mec_ron2_inf_hemis.pdf)

- Section B, covering Part Two of the report, offers a summary of the progress made by the countries that make up the MESICIC as a whole, in implementing the recommendations formulated by the Committee in the first two rounds, based on the comments made by the Committee in the country reports adopted during the Third Round, in which, pursuant to Article 29 of the Rules of Procedure, it addressed the steps taken by the countries to implement those recommendations and noted those recommendations that had been satisfactorily considered and those still requiring additional attention.

It should be clarified that, although MESICIC is currently composed of 31 States Parties, this report is based on the country reports adopted by its Committee of Experts in the Third Round of Review with respect to 27 of them. The reason for this is that one of those States (Honduras) was not reviewed in the above round following its temporary suspension from the OAS, and three other States (Antigua and Barbuda, Haiti, and St. Kitts and Nevis) joined the MESICIC after the sequence for the review of the countries in the Third Round had been finalized.

This report was adopted by the MESICIC Committee of Experts based on the draft prepared by its Technical Secretariat in compliance with the terms of Article 9(f) of the Committee's Rules of Procedure and Other Provisions.

## **I. THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (IACC) AND ITS FOLLOW-UP MECHANISM (MESICIC)**

Although the opening sections of the hemispheric report on the first two rounds of review addressed the background, content, and scope of the Inter-American Convention against Corruption (IACC),<sup>3/</sup> together with the origins, purposes, bodies, and characteristics of its follow-up mechanism (MESICIC), we consider it useful for this report to offer some comments on those matters, in order to ensure familiarity with the cooperation instruments on which the anticorruption activities carried out within the framework of the OAS are based and particularly, with the framework of the mechanism.

The OAS Member States adopted the Inter-American Convention against Corruption (IACC) in March 1996. It was a pioneering instrument in its field and has served to inspire other treaties with similar objectives, such as the United Nations Convention against Corruption.

The nature of the IACC as an international legal instrument, which comprehensively addresses corruption as a transnational phenomenon, which, in order to be confronted effectively, requires the cooperation of the different states, has resulted in it serving as a roadmap for progressing towards achievement of that purpose within the OAS Member States, as well as a model to be followed in areas of the world beyond the American Hemisphere.

In order to encourage and facilitate this cooperation, the IACC sets two goals: first, to promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish, and eradicate corruption; and, second, to promote, facilitate, and regulate cooperation among those States to ensure the effectiveness of measures and actions to prevent, detect, punish, and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

The IACC establishes binding obligations under international law, identifies the acts of corruption to which it applies, and sets out principles for effectively combating corruption. It emphasizes the importance of measures for preventing corruption; it addresses the institutional development and

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3. The text of the Convention can be found at: <http://www.oas.org/juridico/english/Treaties/b-58.html>

effective enforcement of the measures adopted for confronting it; it requires the criminalization of certain specific corrupt actions; and it contains provisions on extradition, seizure of assets, mutual legal assistance, and technical assistance in corruption cases occurring in or affecting other States Parties.

The acceptance the IACC enjoys in the Hemisphere can be seen in the fact that it has been signed by the 34 active OAS Member States and has been ratified by 33 of them, as well as in the interest in our countries in pursuing the implementation of its provisions through a follow-up mechanism (the MESICIC), of which 31 of those States are members. This follow-up mechanism was adopted in June 2001 and began to operate in January 2002, pursuant to the terms of the “Report of Buenos Aires on the Mechanism for Follow-up on Implementation of the Inter-American Convention against Corruption.”<sup>4/</sup>

As provided for in the Report of Buenos Aires, the purpose of the mechanism is to promote the implementation of the IACC; to follow up on the commitments made by the States Parties to the Convention and to study how they are being implemented; and to facilitate technical cooperation activities, the exchange of information, experiences, and best practices, and the harmonization of the legislation of the States Parties.

The MESICIC operates under the aegis of the goals and principles set out in the OAS Charter and it abides by principles such as sovereignty, nonintervention, and the legal equality of states; additionally, although it is intergovernmental in nature, it allows for the opinions of civil society to be received.

It is characterized by impartiality and objectivity in its operations and in the conclusions it reaches, and by the absence of sanctions. All of this serves to guarantee its seriousness and underscores the fact that its goal is not to assess or classify the participating states, but to strengthen cooperation among them in their efforts against the common enemy of corruption.

The MESICIC is composed of the Conference of the States Parties, which has general responsibility for implementing the mechanism, and the Committee of Experts, which is described in the following section of this report.

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4. The text of this document can be found at: [http://www.oas.org/juridico/english/doc\\_buenos\\_aires\\_en.pdf](http://www.oas.org/juridico/english/doc_buenos_aires_en.pdf)

**STATES PARTIES TO THE CONVENTION AND TO THE MESICIC**

	Country	State Party	
		Convention	MESICIC
1	 Antigua and Barbuda	●	●
2	 Argentina	●	●
3	 Bahamas	●	●
4	 Barbados	-	-
5	 Belize	●	●
6	 Bolivia	●	●
7	 Brazil	●	●
8	 Canada	●	●
9	 Chile	●	●
10	 Colombia	●	●
11	 Costa Rica	●	●
12	 Dominica	●	-
13	 Dominican Republic	●	●
14	 Ecuador	●	●
15	 El Salvador	●	●
16	 Grenada	●	●
17	 Guatemala	●	●
18	 Guyana	●	●
19	 Haiti	●	●
20	 Honduras	●	●
21	 Jamaica	●	●
22	 Mexico	●	●
23	 Nicaragua	●	●
24	 Panama	●	●
25	 Paraguay	●	●
26	 Peru	●	●
27	 Saint Kitts and Nevis	●	●
28	 Saint Lucia	●	-
29	 Saint Vincent and the Grenadines	●	●
30	 Suriname	●	●
31	 Trinidad and Tobago	●	●
32	 United States	●	●
33	 Uruguay	●	●
34	 Venezuela	●	●

## **II. THE MESICIC COMMITTEE OF EXPERTS**

### **2.1. Composition and responsibilities**

The Committee of Experts of the MESICIC is the technical body of the mechanism and is responsible for the technical review of how the States Parties thereto implement the provisions of the Convention.

The Committee is made up of experts in the fight against corruption, who are appointed by each of the States Parties to the mechanism. The essential aspects of its organization and operation – such as its functions; powers of its Chair, Vice-Chair, and Technical Secretariat; adoption of decisions; selection of the Convention provisions for review in each round and the procedure for carrying out those reviews; and civil society participation in its activities – are governed by the Rules of Procedure adopted by its members.<sup>5/</sup>

For its technical review of how the States Parties to the MESICIC have implemented the provisions of the Convention, the Committee conducts a process of reciprocal or mutual evaluation among the states, in successive “rounds.” During these rounds the Committee reviews the way in which the states are implementing the IACC provisions selected for review in that round and, in accordance with the Rules of Procedure, a methodology, a questionnaire, and a uniform structure, they adopt country reports in which each state receives specific recommendations for addressing the regulatory shortcomings detected and resolving any inadequacies found, and which set out indicators for the objective determination of results.

In addition to this, the Committee is responsible for analyzing the progress made by the States Parties to the MESICIC in implementing the recommendations formulated on them in previous rounds.

### **2.2. Principal activities carried out**

The main activities carried out by the Committee during the Third Round of Review can be summarized as follows:

- a) Adoption of country reports corresponding to 27 States Parties to the MESICIC.

These reports were adopted by the Committee at its bi-annual meetings held during the course of the Third Round (five meetings in all, covering the fifteenth to the nineteenth meetings of the Committee since it began operating in 2002), following the previously established order for carrying out those reviews: at the fifteenth meeting (September 14-18, 2009) the reports on Argentina, Bolivia, Costa Rica, Paraguay, Peru, and Uruguay; at the sixteenth meeting (March 22-26, 2010) the reports on Venezuela, Ecuador, Mexico, Trinidad and Tobago, and Colombia; at the seventeenth meeting (September 13-17, 2010) the reports on Panama, Chile, El Salvador, Dominican Republic, Nicaragua, and Bahamas; at the eighteenth meeting (March 21-25, 2011) the reports on Canada, United States, Guyana, Jamaica, Saint Vincent and the Grenadines, and Guatemala; and at the nineteenth meeting (September 12-16, 2011) the reports on Grenada, Suriname, Brazil, and Belize.

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5. The text of the Rules of Procedure can be found at: [http://www.oas.org/juridico/english/mesicic\\_rules.pdf](http://www.oas.org/juridico/english/mesicic_rules.pdf)

- b) Presentation of reports on progress with implementing the Convention and the MESICIC's recommendations

These reports were submitted by the member states of the Committee at its Fifteenth and Sixteenth meetings and concern the measures adopted by those states between the first meeting of the previous year and the first meeting of the year that followed, in relation to the Committee's recommendations and other progress made in implementing the Convention, as required by the rules currently in force. Furthermore, toward the end of 2010, they presented an additional report on measures adopted to those ends between June 23, 2008 and December 17, 2010, in keeping with what the Committee of Experts had agreed on in that regard at its Seventeenth meeting, for the purpose of having more up-to-date information for preparing the First Progress Report on Implementation of the Convention. These progress reports have been published on the Anticorruption Portal of the Americas and can be seen at: [http://www.oas.org/juridico/english/mec\\_rep\\_progress.htm](http://www.oas.org/juridico/english/mec_rep_progress.htm).

- c) Adoption of the First Progress Report on Implementation of the Inter-American Convention against Corruption

At its Eighteenth meeting, the Committee adopted the First Progress Report on Implementation of the Inter-American Convention against Corruption, in accordance with Article 32 of its Rules of Procedure. This report has been published on the Anticorruption Portal of the Americas and can be seen at: [http://www.oas.org/juridico/english/prog\\_rep1.pdf](http://www.oas.org/juridico/english/prog_rep1.pdf).

- d) Adoption of the Hemispheric Report on the Third Round of Review

At its Nineteenth meeting, the Committee adopted the Hemispheric Report on the Third Round of Review, in accordance with Article 29 of its Rules of Procedure.

- e) Adoption of Decisions Necessary to Begin the Fourth Round of Review

At its Eighteenth meeting, the Committee selected the provisions of the Convention to be reviewed during the Fourth Round and adopted the Methodology for Conducting On-Site Visits<sup>6/</sup>. Furthermore, at its Nineteenth Meeting, it took other decisions necessary for that round to begin, including: the methodology to be used to review the implementation of those provisions; the questionnaire used to gather the data needed for the review; the structure of the country reports; an impartial method for setting the dates for reviewing each State Party's information; and the composition of the corresponding review subgroups.

### **2.3. Civil Society Participation in the Committee's Activities**

As noted in the hemispheric reports on the first two rounds of review, since its inception, the Committee of Experts has encouraged participation by civil society organizations in its activities, offering them opportunities to contribute as provided for in Chapter V (Articles 33 to 36) of its Rules of Procedure.

These provisions provide civil society with broad opportunities for participation, such as the presentation of documents with specific proposals to be considered in determining such important

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6. The Methodology for Conducting On-Site Visits (document SG/MESICIC/doc.276/11 rev. 2) is available at: [www.oas.org/juridico/english/met\\_onsite.pdf](http://www.oas.org/juridico/english/met_onsite.pdf)

matters as the Convention articles to be reviewed in a given round, the review methodology to be used, and the questionnaire to be applied to gather the necessary information.

They may also submit documents with information specifically and directly related to questions contained in the questionnaire regarding the implementation by a given State Party of the provisions selected for review in a round, and on the implementation of recommendations formulated during previous rounds.

These documents, provided that they are submitted in the timeframes and fashion indicated in the Rules of Procedure, may also be presented in person by the organizations at the informal meetings that the Committee of Experts holds prior to the commencement of its formal sessions.

In accordance with these provisions, in December 2008, the organization Transparency International submitted a document titled "Recommendations for the Fourteenth Meeting of the Committee of Experts," to which the Committee gave due consideration at the appropriate time.

Documents were also received from the civil society organizations listed below,<sup>7/</sup> which dealt with the countries' implementation of the Convention provisions selected for the Third Round and of the recommendations formulated to them during the first two rounds.

Those documents received within the set deadlines and which complied with the conditions imposed by the Rules of Procedure, were distributed among the members of the corresponding preliminary review subgroups, the States Parties undergoing review, and all other members of the Committee; verbal presentations on them were given by the organizations that responded to the invitation of the Committee of Experts to do so; they were considered in the meetings' deliberations; and the comments contained in them deemed relevant by the Committee were incorporated into its reports.

It should be added that at the Third Meeting of the Conference of States Parties to the MESICIC, held in Brasilia, Brazil, in December 2010, it was recommended that the Committee of Experts consider the adoption of measures aimed at fostering the broadest and most diverse participation by civil society organizations in the activities of the MESICIC.

In keeping with the foregoing, the Methodology for Conducting On-Site Visits adopted by the Committee of Experts at its Eighteenth meeting held in March 2011 provides opportunities for participation by the above organizations.

The Committee once again extends an invitation to the various civil society organizations interested in anti-corruption efforts to avail themselves more actively of the opportunities for participation available to them.

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7. Those documents can be found at: [http://www.oas.org/juridico/english/follow\\_civ.htm](http://www.oas.org/juridico/english/follow_civ.htm).

**PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS  
IN THE REVIEW PROCESS OF THE THIRD ROUND**

State			Civil Society Organizations
1		Argentina	“Fundación Poder Ciudadano” in collaboration with the “Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento (CIPPEC)”; “Federación Interamericana de Abogados (FIA)” in association with the “Comisión de Seguimiento del Cumplimiento de la Convención Interamericana contra la Corrupción”
2		Bolivia	“Transparencia Bolivia”*
3		Brazil	“Amigos Asociados de Ribeirão Bonito (AMARRIBO)” *
4		Canada	“Transparency International Canada” *
5		Chile	“Chile Transparente”
6		Colombia	“Corporación Transparencia por Colombia” in partnership with “Fundación Grupo Método”
7		Ecuador	“Grupo Faro” *
8		El Salvador	“Fundación Nacional para el Desarrollo (FUNDE)”, “Fundación de Estudios para la Aplicación del Derecho (FESPAD)” and “Iniciativa Social para la Democracia (ISD)”
9		Dominican Republic	“Participación Ciudadana”
10		Guatemala	“Acción Ciudadana”
11		Mexico	“Transparencia Mexicana”*
12		Nicaragua	“Grupo Cívico Ética y Transparencia (EyT)”
13		Panama	“Fundación para el Desarrollo de la Libertad Ciudadana”
14		Paraguay	“Transparencia Paraguay”*
15		Peru	“Consejo Nacional para la Ética Pública (PROETICA)”
16		United States	“Transparency International”
17		Trinidad and Tobago	“Trinidad and Tobago Transparency Institute”*
18		Venezuela	“Transparencia Venezuela”* +

\* The documents presented by these civil society organizations were conveyed to the Committee through Transparency International.

+ The document submitted by *Transparencia Venezuela* was not considered as it did not meet the conditions set forth in Article 36 of the Rules of Procedure and Other Provisions of the Committee.

**A. PART ONE: THIRD ROUND OF REVIEW**

**III. BASES FOR THE DEVELOPMENT OF THE THIRD ROUND OF REVIEW**

**3.1. Provisions of the Convention selected for review**

The Committee of Experts selected the following provisions from the Convention to review their implementation by the States Parties during the Third Round of Review:

Article III, which deals with preventive measures, and specifically the paragraphs cited below:

“7. Laws that deny favorable tax treatment for any individual or corporation for expenditures made in violation of the anticorruption laws of the States Parties.”

“10. Deterrents to the bribery of domestic and foreign government officials, such as mechanisms to ensure that publicly held companies and other types of associations maintain books and records which, in reasonable detail, accurately reflect the acquisition and disposition of assets, and have sufficient internal accounting controls to enable their officers to detect corrupt acts.”

Article VIII, on Transnational Bribery, which provides,

“Subject to its Constitution and the fundamental principles of its legal system, each State Party shall prohibit and punish the offering or granting, directly or indirectly, by its nationals, persons having their habitual residence in its territory, and businesses domiciled there, to a government official of another State, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage, in connection with any economic or commercial transaction in exchange for any act or omission in the performance of that official's public functions.

Among those States Parties that have established transnational bribery as an offense, such offense shall be considered an act of corruption for the purposes of this Convention. Any State Party that has not established transnational bribery as an offense shall, insofar as its laws permit, provide assistance and cooperation with respect to this offense as provided in this Convention.”

Article IX, on Illicit Enrichment, which provides,

“Subject to its Constitution and the fundamental principles of its legal system, each State Party that has not yet done so shall take the necessary measures to establish under its laws as an offense a significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions.

Among those States Parties that have established illicit enrichment as an offense, such offense shall be considered an act of corruption for the purposes of this Convention. Any State Party that has not established illicit enrichment as an offense shall, insofar as its laws permit, provide assistance and cooperation with respect to this offense as provided in this Convention.”

Article X, on notification of criminalization of Transnational Bribery and Illicit Enrichment, which provides,

“When a State Party adopts the legislation referred to in paragraph 1 of articles VIII and IX, it shall notify the Secretary General of the Organization of American States, who shall in turn notify the

other States Parties. For the purposes of this Convention, the crimes of transnational bribery and illicit enrichment shall be considered acts of corruption for that State Party thirty days following the date of such notification.”

Article XIII, on Extradition, which provides,

“1. This article shall apply to the offenses established by the States Parties in accordance with this Convention.

2. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty existing between or among the States Parties. The States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any offense to which this article applies.

4. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offenses to which this article applies as extraditable offenses between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the Requested State or by applicable extradition treaties, including the grounds on which the Requested State may refuse extradition.

6. If extradition for an offense to which this article applies is refused solely on the basis of the nationality of the person sought, or because the Requested State deems that it has jurisdiction over the offense, the Requested State shall submit the case to its competent authorities for the purpose of prosecution unless otherwise agreed with the Requesting State, and shall report the final outcome to the Requesting State in due course.

7. Subject to the provisions of its domestic law and its extradition treaties, the Requested State may, upon being satisfied that the circumstances so warrant and are urgent, and at the request of the Requesting State, take into custody a person whose extradition is sought and who is present in its territory, or take other appropriate measures to ensure his presence at extradition proceedings.”

### **3.2. Follow-up on the recommendations formulated in the first two rounds of review**

In addition to reviewing those Convention provisions, during the Third Round, the Committee of Experts conducted follow-up on the implementation of the recommendations formulated to the States Parties to the MESICIC in the corresponding country reports adopted during the first two rounds of review, in compliance with Article 29 of the Committee’s Rules of Procedure, which state:

“Follow-up within the framework of future rounds. At the start of a new round, there shall be included within the questionnaire a section on “Follow-up on Recommendations” to enable the review of progress made in implementing the recommendations included in its country report adopted in previous rounds. To that end, each State Party shall submit the appropriate information in the standard format that the Committee shall provide as an Annex to the Questionnaire.

“With respect to the implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process. Should it deem it to be appropriate, the State Party may also identify the domestic agencies that have participated in implementing the recommendations, as well as identify specific technical assistance or other needs connected with the implementation of the recommendations.

“During the second and subsequent rounds, the country report of each State Party shall address the steps taken to implement the recommendation adopted by the Committee in previous country reports. The country report shall note those recommendations that have been satisfactorily considered and those that need additional attention by the country under review.”

### **3.3. Review methodology**

First, with respect to the review of the implementation of the provisions of the Convention selected for the Third Round, the methodology adopted by the Committee stipulated the purpose and scope of that review,<sup>8/</sup> indicating that it would address the existence in each State Party of a legal framework and other measures for the enforcement of each provision, and, if they existed, their adequacy and the results they had yielded.

In order to accomplish this task, the methodology established the following specific criteria:

- Level of progress in the implementation of the Convention: based on this criterion, the Committee reviewed the progress made and, when applicable, identified the areas where greater progress in implementing the Convention was still needed.
- Existence of provisions in the legal framework and/or other measures: based on this criterion the Committee determined whether the State Party had a legal framework and other measures for the implementation of the respective provision of the Convention.
- Adequacy of the legal framework and/or of other measures: if the State Party under review had a legal framework and other measures for the enforcement of the Convention provision in question, the Committee examined whether it was appropriate for the Convention’s goals of preventing, detecting, punishing, and eradicating corruption.
- Results of the legal framework and/or of other measures: under this criterion, efforts were made toward a preliminary analysis of the objective results obtained with the enforcement of the legal framework and/or other measures existing in a specific State Party pertaining to a given Convention provision.

In connection with this, provision was also made so that when a state submits statistical data along with its reply to the Questionnaire, it shall make efforts to ensure that the information covers the two years prior to the date of its reply, for information relating to the implementation of the provisions contained in paragraphs 7 and 10 of Article III of the Convention, and five years prior to that date, with respect to data related to Article VIII, IX, and XIII thereof.

The methodology also established general criteria for the review process. These were: equal treatment for all the states; the functional equivalence of the measures adopted by the states for implementing the Convention’s provisions, in consideration of their legal systems and contexts; and

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8. The text of this methodology can be found at: [http://www.oas.org/juridico/english/mesicic\\_method\\_IIIround.pdf](http://www.oas.org/juridico/english/mesicic_method_IIIround.pdf)

strengthening cooperation among all of them for the prevention, detection, punishment, and eradication of corruption.

Second, for follow-up on the implementation of the recommendations formulated to each State Party in the first two rounds and pursuant to the terms of Article 29 of the Committee's Rules of Procedure, it was decided that the country reports on each of those states should address the steps taken to implement the recommendations and should take note of those recommendations that had been satisfactorily considered and those requiring additional attention from the state.

Finally, the methodology addressed the sources of the information to be used in the review, stating that the review would be conducted on the basis of the State Party's replies to the questionnaire, the documents submitted by civil society organizations, and any other relevant information collected by the Secretariat and the members of the Committee.

### **3.4. Questionnaire**

The Questionnaire adopted by the Committee for gathering relevant information directly from each State Party,<sup>9/</sup> in order to review their progress in the implementation of the provisions of the Convention which were selected for review in the Third Round, together with the recommendations formulated during the first two rounds, was designed to explore, through its first section, the existence of a legal framework and other measures for the enforcement of each provision and, in those cases in which they were found to exist, to explore their adequacy and results, and, through its second section, to determine whether those recommendations had been satisfactorily addressed or whether additional attention was needed, thereby remaining consistent with that provided in the review methodology.

In accordance with the foregoing, the first section of the questionnaire requested summarized and ordered information on the developments regarding the implementation of each of the provisions mentioned, followed, if such developments were found to exist, by a brief description of the regulations and/or measures governing their implementation and of the objective results achieved by their application. It also requested that copies of the provisions or documents in which the developments described by the States Party be attached, in order to verify their existence and permit an in-depth review.

In its second section, the questionnaire, through the use of a standard format, requested information on the concrete steps taken to implement the recommendations formulated to the respective country in the first two rounds, and it also requested a brief description of any difficulties encountered in the implementation process and, if deemed relevant by the country, information on the internal agencies that participated in the process and any specific needs for technical or other forms of assistance related to implementation.

### **3.5. Structure of the country reports**

The Committee, in approving a uniform structure for the country reports,<sup>10/</sup> made use of the criteria contained in the aforementioned methodology. For that reason, the structure, in addition to ensuring equal treatment for the States Parties, in its analytical section, and with respect to each of the provisions of the Convention selected for review in the Third Round, made provision for the

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9. The text of this questionnaire can be found at: [http://www.oas.org/juridico/english/mesicic\\_quest\\_IIIround.doc](http://www.oas.org/juridico/english/mesicic_quest_IIIround.doc)

10. The text of this structure can be found at: [http://www.oas.org/juridico/english/mesicic\\_struct\\_IIIround.pdf](http://www.oas.org/juridico/english/mesicic_struct_IIIround.pdf)

development of chapters corresponding to the existence of provisions in the legal framework and/or other measures; their adequacy for the purposes of the Convention; the results of the legal framework and/or measures; the recommendations made for the proper implementation of the Convention; and finally, the observations with respect to progress made with implementing the recommendations formulated in the corresponding reports from the first two rounds.

### **3.6. Setting the order for country reviews**

The Committee determined the order or sequence for reviewing the information corresponding to all the States Parties in the Third Round by means of the following procedure:

First, the States Parties that volunteered were included. In the order in which they did so, these were: Argentina, Bolivia, Costa Rica, Paraguay, Peru, and Uruguay. Then, the remaining States Parties to the Mechanism were included, in the chronological order of their ratification of the Convention.

The following list containing the order in which States Parties were to be reviewed was thus drawn up.

**ORDER IN WHICH THE STATES WERE REVIEWED**

1. States that VOLUNTEERED to be reviewed at the beginning of the round.

1		Argentina	Fifteenth Meeting	September, 14 to 18, 2009
2		Bolivia		
3		Costa Rica		
4		Paraguay		
5		Peru		
6		Uruguay		

2. States in the CHRONOLOGICAL ORDER of their ratification of the Convention.

7		Venezuela	05/22/1997	Sixteenth Meeting	March, 22 to 26, 2010
8		Ecuador	05/26/1997		
9		Mexico	05/27/1997		
10		Trinidad and Tobago	04/15/1998		
11		Colombia	05/25/1998	Seventeenth Meeting	September, 13 to 17, 2010
12		Panama	07/20/1998		
13		Chile	09/22/1998		
14		El Salvador	10/26/1998		
16		Nicaragua	03/17/1999		
15		Dominican Republic	06/02/1999		
17		Bahamas	03/09/2000		
18		Canada	06/01/2000	Eighteenth Meeting	March, 21 to 25, 2011
19		United States	09/15/2000		
20		Guyana	12/11/2000		
21		Jamaica	03/16/2001		
22		Saint Vincent and the Grenadines	05/28/2001		
23		Guatemala	06/12/2001		
24		Grenada	11/15/2001	Nineteenth Meeting	September, 12 to 16, 2011
25		Suriname	03/27/2002		
26		Brazil	07/10/2002		
27		Belize	09/06/2002		

### **3.7. Establishment of the preliminary review subgroups**

As provided for in the Report of Buenos Aires and in Article 3(f) of its Rules of Procedure and Other Provisions, the Committee set up preliminary review subgroups, each one comprising two lead experts from different countries, to be responsible for reviewing the implementation of the selected provisions in the States Parties. To select the groups it proceeded at random and in accordance with the rules set out in Article 20 of the Rules of Procedure, which reads:

“Article 20. Composition of subgroups for the review of the information and the preliminary report. The Committee, based on the proposal prepared by the Secretariat in co-ordination with the Chair, shall determine the composition of the subgroups with experts (one or more) from two States Parties that, with support from the Secretariat, shall review the information and prepare the preliminary reports on each State Party whose information shall be reviewed in the next meeting by the Committee.

“In selecting the members of a subgroup consideration shall be given to the historical legal tradition of the State Party whose information shall be the subject of review.

“Consideration will be given to avoid the selection, to a subgroup, of experts from a State Party that has been reviewed by the State Party under review in that round.

“Each State Party shall endeavor to be part of a subgroup, on at least two occasions in each round.”

**COMPOSITION OF THE REVIEW SUBGROUPS**

Reviewed State			States Members of the Review Subgroup			
1		Argentina		Honduras		Dominican Republic
2		Bahamas		Brazil		United States
3		Belize		Guyana		Uruguay
4		Bolivia		Guatemala		Saint Vincent and the Grenadines
5		Brazil		Nicaragua		Peru
6		Canada		Argentina		Bahamas
7		Chile		United States		Uruguay
8		Colombia		Costa Rica		Panama
9		Costa Rica		Chile		Trinidad and Tobago
10		Dominican Republic		Bolivia		Jamaica
11		Ecuador		Costa Rica		Nicaragua
12		El Salvador		Paraguay		Suriname
13		Grenada		Bolivia		Guyana
14		Guatemala		Brazil		Costa Rica
15		Guyana		Panama		Trinidad and Tobago
16		Jamaica		Belize		Suriname
17		Mexico		Canada		Guatemala
18		Nicaragua		Colombia		Mexico
19		Panama		Ecuador		Peru
20		Paraguay		Saint Vincent and the Grenadines		Venezuela
21		Peru		Chile		Mexico
22		Saint Vincent and the Grenadines		El Salvador		Grenada
23		Suriname		Colombia		Venezuela
24		Trinidad and Tobago		Jamaica		Paraguay
25		United States		Belize		Ecuador
26		Uruguay		El Salvador		Grenada
27		Venezuela		Argentina		Bahamas

### **3.8. Replies to the questionnaire by the States Parties to the Mechanism**

The 27 States Parties to the MESICIC that were reviewed during the Third Round submitted their replies to the questionnaire to the OAS General Secretariat, in accordance with the calendar adopted for the round by the Committee.

The questionnaire responses can be seen on the Anticorruption Portal of the Americas at: [http://www.oas.org/juridico/english/mesicic3\\_resp.htm](http://www.oas.org/juridico/english/mesicic3_resp.htm)

## **IV. DRAFTING AND ADOPTION OF THE COUNTRY REPORTS**

### **4.1. Preparation of the draft preliminary reports**

As stipulated by the Rules of Procedure and Other Provisions of the Committee of Experts, the Technical Secretariat is responsible for preparing the draft preliminary country reports. To perform this task for the draft preliminary reports for the Third Round of Review, the Technical Secretariat abided by the terms of the methodology approved by the Committee for reviewing that provisions selected for the round and for determining progress in the implementation of the recommendations issued during the first two rounds; it also observed the parameters established in the structure for the reports that it had adopted.

Bearing the foregoing in mind, the text of the draft reports referring to the provisions of the Convention selected for review in the Third Round, first determine whether the country had a legal framework developing those provisions; then, determine whether that legal framework was adequate for attaining the goals of those provisions of the Convention; determine whether objective results have been produced which would allow their effectiveness to be measured; and finally, draw conclusions and, where necessary, formulate specific recommendations to remedy the shortcomings or to adjust the inadequacies detected.

Second, with respect to the follow-up on the implementation of the recommendations formulated to the countries during the first two rounds, the text of the draft reports determine whether the recommendations regarding which the corresponding country had furnished information regarding implementation information had been satisfactorily considered; or alternatively, they identified the steps taken which contributed to progress with implementation. When no such information was provided, that situation was noted, together with problems encountered in the process.

In addition, when specified by the country, the reports identified the domestic agencies that had participated in implementing the recommendations. In performing this review, attention was paid to the legal and institutional framework of each State; the information furnished in the responses by the States to the questionnaire adopted by the Committee was studied; the contents of the legal provisions and other documents attached to the response were evaluated, together with the comments submitted by civil society organizations in accordance with the Rules of Procedure and within the deadlines established by the Committee; and additional information was gathered in those cases in which it was deemed necessary.<sup>11/</sup>

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11. On account of the diversity of the Convention provisions selected for review in the Third Round, which included preventive and punitive measures, the complexity of the topics addressed thereby, and the number and nature of the recommendations formulated in the first two rounds and the implementation of which was to be reviewed, some countries and some civil society organizations submitted large volumes of information, covering numerous

#### 4.2. Procedure for review and adoption of the reports

The procedure established by the Rules of Procedure and Other Provisions for reviewing and adopting reports has not been modified by the Committee and, as a result, in adopting the Third Round reports the same steps were followed as in the first two rounds. This procedure abides by the rules of due process and seeks to ensure the active participation of the members of the preliminary review subgroup, the state undergoing review, all the members of the Committee, and civil society. The steps in this procedure are followed in accordance with the terms of Articles 23 to 25 of the Rules of Procedure, as follows:

- Once the Technical Secretariat has prepared the draft preliminary report, it is submitted for consideration by the Committee's lead experts from the two states selected for the preliminary review subgroup, who then offer their comments on it.<sup>12/</sup> It is then sent to the lead expert from the state under review, along with those comments, so that the expert can provide a reply on the draft and the comments.<sup>13/</sup>
- Based on the reply of the state under review, the Technical Secretariat prepares a revised version of the draft preliminary report and sends it to the members of the Committee (the lead experts of the MESICIC States Parties) at least two weeks prior to the meeting at which the draft is to be discussed, thereby ensuring that all Committee members are fully familiar with its contents.
- Prior to the date set for the draft preliminary report to be discussed by the plenary of the Committee, a meeting is held between the members of the review subgroup and the representatives of the state under review, with the support of the Technical Secretariat,<sup>14/</sup> intended to review or clarify those areas of the report where there are still discrepancies in content or language and to determine a method for its presentation to the plenary.
- Prior to the commencement of sessions on the day the plenary meetings are to begin, the Committee holds an informal meeting at which the civil society organizations that submitted timely documents with specific and direct information related to the questions in the questionnaire regarding the implementation of the selected Convention provisions in the states under review,<sup>15/</sup> give a verbal presentation on the contents of those documents.
- Once the draft report has been submitted to the plenary of the Committee,<sup>16/</sup> the Chairman submits it for discussion by the Committee's members. During this debate, the members prepare questions for the members of the review subgroup and the representatives of the state under review, and they propose the additions and modifications they deem appropriate; following the discussion, the report is adopted, and efforts are made to ensure that this is a consensus decision.

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legal provisions of different kinds and comprising documents with multidisciplinary contents. As a result, the Secretariat took an average of two months to draw up the draft preliminary reports.

12. The deadline set by the Committee for the members of the review subgroup to submit their comments was three weeks.
13. The deadline set by the Committee for the country under review to submit its comments was three weeks.
14. These meetings are held during the week before the Committee's plenary sessions.
15. The deadline the Committee gives the civil society organizations for submitting these documents is the same as the period given to the states under review for their replies to the questionnaire – one month.
16. The Committee's plenary sessions at which the draft reports are discussed are held during the week of its regular meetings.

## V. COUNTRY REPORTS

### 5.1. Characteristics

The country reports that the Committee adopts share the following characteristics covering the implementation of the provisions of the Convention Selected for review in the Third Round and follow-up on the implementation of the recommendations formulated during the first two rounds:

- Uniform structure: The Committee decided that all the reports must have the same structure, thereby upholding the principle of the juridical equality of states referred to in the Report of Buenos Aires and the guideline of equal treatment stipulated by the review methodology. Consequently, they all follow the same order of chapters and sections and address the same topics.

- Sources of information: Grounded on the sources of information previously defined in the Rules of Procedure and the review methodology, comprising the replies given by the States Parties to the Committee's questionnaire; the comments from civil society organizations submitted in accordance with the established terms; and other information gathered by the Technical Secretariat or by the members of the Committee.

- Deadlines for submitting information: Grounded on the information furnished prior to the deadline set by the Committee in timetables that indicate the deadlines for countries to respond to the questionnaire and for civil society organizations to submit their observations.

- Terminology: Use of phrases in accordance with the scope of the commitments assumed by the States Parties under the Convention provisions being reviewed, and in accordance with the aims of the follow-up mechanism: the tone, style, and vocabulary used in the review of provision implementation, the conclusions reached, and the recommendations adopted, obey those commitments and aims, and the same applies as regards the implementation of the recommendations formulated to the countries during the first two rounds.

In accordance with the foregoing, as regards the scope of the commitments assumed by the States Parties with respect to the provisions of Article III of the Convention under review, the principle is that the states have agreed to consider the applicability of the preventive measures indicated therein and, consequently, the recommendations formulated in connection with them use the expression corresponding to that commitment – namely, that they are to give the recommendations due consideration.

In addition, it was kept in mind that the Committee considers that the ultimate goal of the Mechanism is to facilitate cooperation among the States Parties, in order to contribute to fulfillment of the Convention and to ensure that it is implemented and enforced. Consequently, the chapter dealing with follow-up on the implementation of the recommendations formulated for the countries during the first two rounds use language in accordance with that objective, such as taking note of the satisfactory consideration of those recommendations and of the steps taken toward them and, if necessary, noting the need for additional attention to be given to certain recommendations.

- Adoption by consensus: The Committee approved all its reports by consensus, and so their contents reflect the results of the agreements reached by its members during the report discussions.

## **5.2. General content**

The purpose of the country reports is to review, in each MESICIC State Party, the implementation of those provisions of the Convention that the Committee selected for the Third Round of Review, together with the implementation of the recommendations issued for those states during the first two rounds. To achieve that goal, the reports cover the following topics:

### **5.2.1. With respect to the review of the implementation of the Convention provisions selected for the Third Round of Review**

- They identify the main legal provisions and measures that the countries under review have for implementing the provisions of the Convention being examined, along with the mechanisms that exist for enforcing them.
- They describe the adequacy of the legal provisions, measures, and mechanisms as regards their relevance to the Convention's goals, and they indicate shortcomings or areas that could be corrected, improved, or complemented in order to achieve those objectives.
- They identify the results yielded by these legal provisions, measures, and mechanisms, based on the data gathered from the established sources of information and, should there be no such information on the results, they indicate that it would be useful for the countries to develop a system of indicators.
- They formulate recommendations intended to complement, rectify, or improve the mechanisms in the country under review for complying with the Convention provisions being examined, indicating the steps they could take to implement those recommendations.
- They indicate the procedure that, pursuant to the Rules of Procedure, is to be used to monitor the progress made in implementing the recommendations formulated.

### **5.2.2. With respect to the follow-up of recommendations formulated in the first two rounds of review**

- Following the order of the recommendations formulated to each State Party in the corresponding country reports from the first two rounds, they note the satisfactory consideration of measures towards implementation, when the actions that have been reported to the Committee by the state as having been taken toward that end so indicate, providing a summary of the information regarding those actions.
- They also note, again following the order of the formulated recommendations, the steps reported by each State Party which contribute to progressing toward the implementation of the recommendations, indicating in this case the need for additional attention to be paid to them.
- They also note, when appropriate, the absence of information related to the implementation process and the need for such details to be provided.
- They make reference to the difficulties encountered in the process of implementing the recommendations that have been reported by the states under review, and, when the states have provided such information, they identify the domestic agencies that participated in that process, pursuant to the provisions of Article 29 of the Committee's Rules of Procedure and Other Provisions.

## **VI. GENERAL AND COMPREHENSIVE REVIEW OF COUNTRY REPORTS**

### **6.1. General conclusions from the Third Round of Review**

Based on the analysis of the country reports, the following general conclusions can be drawn, which refer, first, to the implementation of the provisions of the Convention selected by the Committee for the Third Round, and second, to the implementation of the recommendations that were formulated to the states under review in the first two rounds:

#### **6.1.1. With respect to the review of the implementation of the Convention provisions selected for the Third Round of Review**

In this regard, it should be noted that the general conclusions reached during the first two rounds, in relation to the results of the analysis of the provisions of the Convention selected for those rounds, are valid with respect to the results of the analysis of the implementation of the provisions of the Convention selected for the Third Round, with the following observations in both cases:

- The countries are at different levels of progress in their consideration and adoption of measures for implementing the selected provisions of the Convention, and some of them still have to complete the enactment of laws and regulations covering certain aspects covered by those provisions.
- Progress with developing a legal framework and/or other measures for implementing the selected provisions of the Convention, together with mechanisms for enforcing them, has been notable in most of the countries following adoption of the Convention in 1996; this progress has increased even further since the launch of the follow-up mechanism in the year 2002.
- The countries' willingness to deal appropriately with the provisions of the Convention under review can also be seen in the numerous pieces of draft legislation dealing with those provisions that were reported to the Committee; these represent an effort that the Committee supports and it hopes that their results will make a major contribution to the full implementation of the provisions in the corresponding countries.
- The Committee noted that it would be necessary, useful, or appropriate, according to each country's level of development of the provisions, when appropriate and as required to attain the goals set by the Convention provisions, for the countries to consider expanding, strengthening, or amending them and, to this end, it offered the pertinent recommendations.
- The comprehensive analysis of the results of the countries' measures relating to the selected Convention provisions was hindered by the lack of processed information appropriate for such an assessment and, consequently, the Committee recommended designing and implementing indicators for the objective measurement of the level of compliance with those provisions.

#### **6.1.2. With respect to the follow-up of the recommendations formulated in the first two rounds of review:**

Although the second part of this Report (Chapter B) provides a summary of the progress made by the countries as a whole in implementing the recommendations formulated by the Committee during first two rounds, a comprehensive analysis of the results of the follow-up of that process reveals the following general conclusions:

- The countries are at different levels of progress in their consideration and adoption of measures for implementing the recommendations formulated to them. In some countries actions have been taken which have allowed the Committee to consider that certain recommendations have been satisfactorily considered. In others, the actions developed toward that end constitute steps which contribute to the implementation process, but which need to be concluded or complemented in order for the recommendations to which they refer to be deemed satisfied; the Committee consequently, required additional attention to be given thereto.
- To implement the recommendations formulated to them, the countries have preferred to carry out the actions suggested to them for that purpose by the Committee in the country reports, although they could also choose to adopt alternative measures in accordance with the terms of those reports.
- Some countries have informed the Committee of the difficulties that they have encountered in the process of implementing the recommendations, which reflects their willingness to satisfy those recommendations in spite of those difficulties and, consequently, to give them additional attention thereto.
- Pursuant to Article 29 of the Rules of Procedure and the questionnaire adopted by the Committee, some countries indicated which domestic agencies have participated in the process of implementing the recommendations; this underscores the willingness of those agencies to actively contribute to this goal.
- In some cases, the absence of information related to the process of implementation, hindered the Committee's efforts to determine progress and, for that reason, it felt it had to emphasize the need for such details to be submitted by the countries in which this situation presented itself.

## **6.2. Recommendations in the country reports**

The recommendations formulated by the Committee in relation to the provisions of the Convention reviewed in the Third Round refer, in some cases, to situations that specifically affect a particular country and they therefore specify that, to address those situations, consideration be given to adopting the concrete measure deemed advisable in light of the purposes of the Convention; in other cases, they address situations that arise frequently in the states under review and are therefore more general in nature.

Without minimizing the importance of the Committee's recommendations that are specific in nature and which can be seen in their entirety in each of the country reports adopted,<sup>17/</sup> this section of the report will focus on the most frequently formulated recommendations, since those better reflect the guidelines followed by the Committee in examining the provisions of the Convention selected for review in the Third Round and the most important aspects taken into account in connection with each one of them.

These recommendations, as mentioned above, refer to situations that occur most frequently in the countries under review, which is why they have a more general connotation. However, it should be noted that these recommendations were not necessarily directed to all of the countries that were reviewed, nor were they formulated in the exact manner in which they appear in this section. In order to formulate them to each country to which they were addressed, each country's level of progress in

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17. These reports can be found at: [http://www.oas.org/juridico/english/mesicic\\_III\\_rep.htm](http://www.oas.org/juridico/english/mesicic_III_rep.htm).

implementing the Convention and the specific aspects of their legal and institutional frameworks was taken into account. For that reason, their content and approach may vary.

The most common recommendations that were formulated by the Committee to be considered by the countries to which they were directed, related to each of the provisions of the Convention that were selected for review in the Third Round, contain the elements summarized below:<sup>18/</sup>

1. DENIAL OR PREVENTION OF FAVORABLE TAX TREATMENT FOR EXPENDITURES MADE IN VIOLATION OF THE ANTICORRUPTION LAWS (ARTICLE III (7) OF THE CONVENTION)

- a) Adopt appropriate measures to make it easier for the appropriate authorities to detect sums paid for corruption when such sums are used to obtain favorable tax treatment, such as the following:
  - i) Handbooks, manuals, or guidelines on how to monitor the application of favorable tax treatment, so that they can ensure that they meet the established requirements, verify the accuracy of the information supplied therein, and confirm the origin of the expenditures on which they are founded.
  - ii) The possibility of accessing the necessary information sources for the above verification and confirmation, including the ability to request information from financial agencies.
  - iii) Computer programs that facilitate data consultation and crosschecking of information whenever necessary for the purpose of performing their functions.
  - iv) Institutional coordination mechanisms that enable them to obtain necessary collaboration from other authorities in a timely manner, such as opinions on the authenticity of documents on which the application of favorable tax treatment is based.
  - v) Training programs specifically designed to alert them about the modalities used to disguise payments for corruption and to instruct them on how to detect such expenditures in applications of favorable tax treatment.
  - vi.) Channels of communication that enable them to bring promptly to the attention of the appropriate authorities any anomalies that they detect or any irregularity that might have a bearing on the application of favorable tax treatment.
- b) Select and develop, through the tax authorities that control the application of favorable tax treatment and the other authorities or organs with jurisdiction in that respect, procedures and indicators, when appropriate and where they do not yet exist, to analyze objective results obtained in this regard and to follow-up on the recommendations made in relation thereto.

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18. The Technical Secretariat drew up charts to indicate the frequency with which these recommendations were issued; this can be found in Annex I of this report.

2. PREVENTION OF BRIBERY OF DOMESTIC AND FOREIGN GOVERNMENT OFFICIALS  
(ARTICLE III, PARAGRAPH 10 OF THE CONVENTION)

- a) Adopt, in accordance with its system of laws and by such means as it deems appropriate, pertinent measures to ensure that “professional confidentiality” is not an obstacle for public accountants and auditors to bring to the attention of the appropriate authorities any acts of corruption that they discover in the course of their work.
- b) Adopt the necessary measures to make it a duty for accountants and auditors to bring any anomalies they detect in the course of their work to the attention of the legal representative and the partners (in the case of companies) or members (in the case of associations), ensuring that professional confidentiality is not an obstacle for that purpose.
- c) Hold awareness campaigns that target individuals responsible for the entry of accounting records and for accounting for their accuracy, on the importance of abiding by the standards in force to ensure the veracity of said records and the consequences of their violation, in addition to implementing training programs specifically designed to instruct those who work in the area of internal control in commercial companies and other types of associations required to keep accounting records, on how to detect corrupt acts through their work.
- d) Consider holding awareness and honesty promotion campaigns targeting the private sector, and also adopt measures such as preparation of handbooks and guidelines for companies on good practices that should be implemented to prevent corruption.
- e) Adopt appropriate measures to make it easier for the organs or agencies responsible for prevention and/or investigation of violations of measures designed to safeguard the accuracy of accounting records to detect sums paid for corruption concealed through said records, including the following:
  - i. Investigation tactics, such as follow-up on expenditures, crosschecking of information and accounts, and requests for information from financial entities in order to determine if such payments occurred.
  - ii. Possibility of accessing the necessary information sources for the above verification and confirmation, including the ability to request information from financial agencies.
  - iii. Handbooks, manuals, or guidelines on how to review accounting records in order to detect sums paid for corruption.
  - iv. Computer programs that provide them easy access to the necessary information to verify the veracity of accounting records and of the supporting documents on which they are based.
  - v. Institutional coordination mechanisms that enable them easily to obtain timely collaboration needed from other institutions or authorities to verify the veracity of accounting records and of the supporting documents on which they are based or to establish their authenticity.

vi. Training programs specifically designed to alert them about the modalities used to disguise, through such records, payments for corruption and to instruct them on how to detect them.

f) Through the organs and agencies responsible for prevention and/or investigation of violations of measures designed to safeguard the accuracy of accounting records and for ensuring that publicly held companies and other types of associations required to establish internal accounting controls do so in the proper manner, select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze objective results obtained in this regard and to follow-up on the recommendations made in this connection.

### 3. TRANSNATIONAL BRIBERY (ARTICLE VIII OF THE CONVENTION)

a) Subject to its Constitution and the fundamental principles of its legal system, establish as an offense the conduct of transnational bribery as described in Article VIII of the Convention, which defines it as the offering or granting, directly or indirectly, by nationals of a State Party, persons having their habitual residence in its territory, and businesses domiciled there, to a government official of another state, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage, in connection with any economic or commercial transaction in exchange for any act or omission in the performance of that official's public functions.

b) Adopt, subject to its Constitution and the fundamental principles of its legal system, appropriate measures that prohibit and punish any businesses domiciled in its territory that engage in the conduct described in Article VIII of the Convention, irrespective of the penalties applicable to persons linked thereto who are found to have been involved in the commission of acts that constitute said conduct.

c) Adopt the necessary measures to ensure, with respect to the provision that criminalizes the conduct described in Article VIII of the Convention, that there is clarity as regards what should be understood by the term "government official of another state."

d) Select and develop, through the organs or agencies charged with the investigation and/or prosecution of the offense of transnational bribery, and with requesting and/or providing assistance and cooperation with respect thereto, as provided in the Convention, procedures and indicators, when appropriate and where they do not yet exist, to analyze objective results obtained in this regard and to follow up on the recommendations made in relation thereto.

e) Continue to give attention to the detection and investigation of cases of transnational bribery and seek to strengthen the capacities of the organs or agencies charged with the investigation and/or prosecution of the offense of transnational bribery, and with requesting and/or providing assistance and cooperation with respect thereto, as provided in the Convention.

f) Amend the provision that criminalizes the conduct of transnational bribery described in Article VIII of the Convention, so as to align that provision with what is established in said article of the Convention.

4. ILLICIT ENRICHMENT (ARTICLE IX OF THE CONVENTION)

- a) Subject to the country's Constitution and the fundamental principles of its legal system, establish as an offense the conduct of illicit enrichment envisaged in Article IX of the Convention, which defines it as a significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions.
- b) Amend the provision that criminalizes the conduct of illicit enrichment described in Article IX of the Convention, so as to align that provision with what is established in said article of the Convention.
- c) Select and develop, through the organs or agencies charged with the investigation and/or prosecution of the offense of illicit enrichment, and with requesting and/or providing assistance and cooperation with respect thereto, as provided in the Convention, procedures and indicators, when appropriate and where they do not yet exist, to analyze objective results that are obtained in this regard and to follow up on the recommendations made in this report in relation thereto.

5. NOTIFICATION OF CRIMINALIZATION OF TRANSNATIONAL BRIBERY AND ILLICIT ENRICHMENT (ARTICLE X OF THE CONVENTION)

- a) Notify the Secretary General of the OAS, in accordance with Article X of the Inter-American Convention against Corruption, of the criminalization of transnational bribery as provided in Article VIII of said Convention.
- b) Notify the Secretary General of the OAS, in accordance with Article X of the Inter-American Convention against Corruption, of the criminalization of illicit enrichment as provided in Article IX of said Convention.
- c) Notify the Secretary General of the OAS, in accordance with Article X of the Inter-American Convention against Corruption, once the criminalization of transnational bribery as provided in Article VIII of said Convention goes into effect.
- d) Notify the Secretary General of the OAS, in accordance with Article X of the Inter-American Convention against Corruption, once the criminalization of illicit enrichment as provided in Article IX of said Convention goes into effect.

6. EXTRADITION (ARTICLE XIII OF THE CONVENTION)

- a) Adopt pertinent measures to send a report in due course to the requesting state to which it refuses an extradition request for an offense that it has criminalized in accordance with the Convention on the basis of the nationality of the person sought, or because it deems that it has jurisdiction, on the final outcome of the case, which, as a consequence of that refusal, it has submitted to its competent authorities for prosecution.
- b) Consider the use of the Inter-American Convention against Corruption for the purposes of extradition in corruption cases, which could include, among other measures, implementation of training programs on the possibilities for its application, specifically designed for administrative and judicial authorities with jurisdiction over such matters.

- c) Develop procedures and indicators, when appropriate and where they do not yet exist, by which to present information on the use of the Inter-American Convention against Corruption as the legal basis for extradition requests presented to other States Parties and to support decisions on requests that it has received from said states.

## VII. COLLECTIVE RECOMMENDATIONS

The Committee formulates these recommendations in furtherance of Article 30 of the Rules of Procedure, the text of which is cited in the introductory chapter of this report, which provides that this report is to include, *inter alia*, recommendations of a collective nature, both as regards following up on the results of the country reports and regarding the actions that are recommended for consolidating or strengthening hemispheric cooperation on the issues addressed in the provisions under consideration in each round or closely related to them.

### 7.1. With respect to follow-up of the results of the reports

The collective recommendations regarding follow-up of the results of the reports from the first two rounds, which were issued by the Committee in the hemispheric reports corresponding thereto, remain valid for the purposes of follow-up of the findings of the country reports from the Third Round of Review, bearing in mind that its intention is none other than to encourage MESICIC States Parties to take specific actions necessary to implement the recommendations formulated to each of them in the respective country reports, as well as to conduct follow-up in order to determine the results that are produced in this process.

Bearing in mind the foregoing, the Committee considers it appropriate to note the following collective recommendations:

- A) In order to complete the actions necessary for the implementation of the recommendations which the Committee believed warranted additional attention in the country reports from the first two rounds, it would be useful for the countries to specify the concrete tasks and activities required to complete them, ensuring that they are relevant to the specific measures proposed by the Committee with respect to the recommendation being addressed.
- B) Taking into account that some countries have reported on the existence of difficulties in the process of implementing the recommendation, it would be advisable for them to determine the actions necessary to resolve those difficulties, availing themselves in that, when necessary, of the technical cooperation provided for by the Convention.
- C) In the event that the country decides that certain specific measures proposed by the Committee for implementing a recommendation are difficult to carry out and that an alternative measure would achieve the objective of the recommendation, use may be made of the possibility offered by the country reports and the tasks and activities needed to implement the alternative measure may be specified.
- D) In order to achieve the active participation of the agencies, entities, and authorities with competence for studying and adopting the measures necessary in the process of implementing the recommendations, it would be advisable for the countries to identify those agencies, entities, and authorities and to design the mechanisms necessary to ensure that they assume their responsibilities in carrying out the tasks or activities required to complete the implementation process.

- E) In order to raise awareness in the states and among the general public regarding the importance that implementing the MESICIC's recommendations has with respect to making progress in the fight against corruption, it would be useful to carry out campaigns to publicize and disseminate those recommendations, and to encourage participation in the process of implementation by both the public sector and civil society.
- F) Given that having timely information about the specific actions that have been taken by the countries, is of fundamental importance for the proper execution of the task assigned to the Committee, of following-up on the implementation of the recommendations, emphasis is placed on the need for the member states to submit this information at the times specified by the Rules of Procedure and, in particular, in their responses to the questionnaire for each round of review, and for that information to be complete, specific, and relevant.

The Committee also believes it appropriate to recall what it noted in the previous hemispheric report as regards the advisability that an agency, authority or entity in each country take responsibility for promoting the process of implementing the recommendations, as well as the importance of clearly identifying the activities required to that end and of designing a plan of action or other procedure which allows those activities to be programmed, identifying those responsible for carrying them out, and adopting indicators for the objective measurement of progress in their implementation.

In relation to the above, the Committee would like to note its satisfaction at the successful completion of the cooperation project of the OAS General Secretariat to support the MESICIC States Parties in implementing the recommendations by working with them on the design and adoption of plans of action to that end, from which the following countries have benefited Argentina; Nicaragua; Paraguay; Colombia; Honduras; Peru; Ecuador; Uruguay; Panama; El Salvador; Belize; Guatemala; Dominican Republic; Suriname; Trinidad and Tobago; Costa Rica; and Bolivia.

#### **7.2. With respect to actions recommended for consolidating or strengthening hemispheric cooperation on the topics covered by or closely related to the provisions of the Third Round**

First, as regards the Convention provisions reviewed in the Third Round that are closely associated with the conduct of the private sector, to the extent that their aim is to prevent favorable tax treatment for payments made for corruption (Article III, paragraph 7), prevent bribery of government officials (Article III, paragraph 10), or punish transnational bribery (Article VIII), the Committee considers it essential that hemispheric cooperation activities in connection with the above provisions involve actors from the private sector in order to ensure greater efficiency in achieving the purposes of those provisions.

Therefore, the Committee recommends all countries to exchange information on successful integrity promotion practices in the private sector, such as awareness campaigns, staging of events on corporate social responsibility, signing of probity agreements with companies, and other measures involving actors from that sector aimed at preventing corporate corruption and obliging corporate representatives to report acts of corruption, in particularly when they entail payment of bribes as a means to obtain concessions from the state or secure government contracts.

In second place, regarding the criminal provisions of the Convention that were reviewed in the Third Round, that is, transnational bribery (Article VIII) and illicit enrichment (article IX), the Committee believes it essential also to take account of Article XIV of the Convention, which stipulates that

States Parties shall afford one another the widest measure of mutual assistance by processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute the acts of corruption described in the Convention, to obtain evidence and take other necessary action to facilitate legal proceedings and measures regarding the investigation or prosecution of acts of corruption.

The Committee considers that, given the characteristics of both transnational bribery and illicit enrichment, having access to timely mutual assistance is fundamental for a more effective enforcement of these criminal provisions since, with respect to the first of them, the activities necessary to investigate and prosecute it obviously transcend national borders and, as regards the latter, it should be borne in mind that in cases of large-scale corruption the perpetrators usually resort to concealing assets abroad in order to prevent detection of their illicit enrichment.

It should be noted that the Convention itself recognizes the importance of mutual assistance in connection with the above types of criminal conduct by stipulating in the articles in which provision is made for them (VIII and IX) that among those States Parties that have established them as offenses, they shall be considered acts of corruption for the purposes of the Convention and that any State Party that has not established them as offenses shall, insofar as its laws permit, provide assistance and cooperation with respect to them as provided in the Convention.

Given the above, the Committee recommends all countries to act to be very agile and diligent in providing mutual assistance as provided in the Convention in relation to criminal conduct envisaged in Articles VIII and IX thereof, and considers, to that end, that it is essential for the central authorities designated by States to make and receive requests for mutual assistance have the necessary resources to properly carry out their functions.

In addition to the foregoing, and with the aim of streamlining the provision of that assistance, which is essential in ensuring that those who engage in acts of transnational bribery and illicit enrichment do not enjoy impunity, the Committee also recommends that countries take advantage of the benefits afforded by new electronic communication technologies for processing assistance requests and in gathering evidence: for instance, statements could be taken more inexpensively and quicker using modern tools such as videoconferencing.

Third, with regard to the Convention provision on extradition (Article XIII) reviewed in the Third Round, the Committee recommends that all countries take full advantage of the “Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition” (Criminal Matters Network), created within the framework of the meetings of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA), which may be used 24 hours a day, every day of the year, for the swift and secure processing of such requests. Further information on this cooperation instrument may be obtained at: [www.oas.org/juridico/mla](http://www.oas.org/juridico/mla)

**B. PART TWO: SUMMARY OF THE PROGRESS MADE BY THE COUNTRIES AS A WHOLE IN THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED BY THE COMMITTEE IN FIRST TWO ROUNDS OF REVIEW**

Article 30(b) of the Rules of Procedure, transcribed in the introductory paragraph of this document, requires that the hemispheric report adopted by the Committee at the end of each round shall contain a second part summarizing the progress achieved by the countries as a whole in implementing the recommendations formulated by the Committee in previous rounds.

In keeping with the foregoing, first, a summary will be given of the progress achieved by the 27 MESICIC Member States that were reviewed in the Third Round,<sup>19/</sup> with respect to the implementation of the totality of the measures that were recommended to them by the Committee regarding each of the provisions of the Convention that were reviewed in the First and Second Rounds. Those recommendations were contained in the corresponding country reports, which may be consulted at the Anticorruption Portal of the Americas.<sup>20/</sup>

Second, there will be a summary of progress achieved with respect to the implementation of the measures most commonly recommended by the Committee to the states in connection with each of the Convention provisions that were reviewed during the First and Second Rounds. The frequency with which these recommendations were issued is indicated in charts in Annex VI of the hemispheric report for those rounds, which are also available for consultation at the Anticorruption Portal of the Americas.<sup>21/</sup>

Third, this report offers a summary of the progress achieved with respect to the implementation of the measures that were suggested, as general recommendations, to the countries reviewed in the Third Round on issues relating to training and to the design of indicators for measuring the level compliance with the regulations or mechanisms adopted in connection with the provisions of the Convention reviewed in the First and Second Rounds, as well as with the recommendations formulated in the corresponding country reports.

The progress made in these instances will be determined on the basis of the comments made by the Committee in the country reports adopted during the Third Round of Review, which, bearing in mind the terms of Article 29 of the Rules of Procedure, addressed the steps taken by the countries in implementing the recommendations formulated to them during the First and Second Rounds and took note of those recommendations that had been satisfactorily considered and those requiring additional attention. The Committee's comments on each individual state may be seen in the sections of the corresponding Third Round country reports titled "Observations in relation to progress in implementing the recommendations made in the reports from the previous rounds." These reports have been published on the Anticorruption Portal of the Americas at: [http://www.oas.org/juridico/english/mesicic\\_III\\_rep.htm](http://www.oas.org/juridico/english/mesicic_III_rep.htm).

Accordingly, in order to clearly reflect this progress, the following situations were taken into account:

- Measures recommended by the Committee with respect to which no information on progress with implementation was submitted.
- Measures recommended by the Committee which it considered required additional attention.
- Measures recommended by the Committee which it considered were satisfactorily considered.

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19. As noted in the introduction to this report, Honduras was not reviewed in the Third Round because it had been suspended from participation in the OAS.

20. The reports from the first round are available at [http://www.oas.org/juridico/english/mec\\_ron1\\_rep.htm](http://www.oas.org/juridico/english/mec_ron1_rep.htm), while the reports from the second round may be consulted at [http://www.oas.org/juridico/english/mesicic\\_II\\_rep.htm](http://www.oas.org/juridico/english/mesicic_II_rep.htm).

21. The hemispheric reports for the First and Second Rounds of Review are available at [http://www.oas.org/juridico/english/mec\\_ron1\\_inf\\_hemis\\_en.doc](http://www.oas.org/juridico/english/mec_ron1_inf_hemis_en.doc) and [http://www.oas.org/juridico/english/mec\\_ron2\\_inf\\_hemis.pdf](http://www.oas.org/juridico/english/mec_ron2_inf_hemis.pdf), respectively.

## VIII. PROGRESS MADE WITH THE TOTALITY OF THE RECOMMENDATIONS MADE IN THE FIRST ROUND OF REVIEW

This summary reflects the progress made by all 27 States Parties to the MESICIC that were reviewed in the Third Round, with respect to the implementation of all of the measures that were recommended by the Committee in connection with each of the provisions of the Convention that were reviewed during the First Round. To this end, the report indicates the number of measures recommended to the countries under review in the Third Round as well as the number and percentage of measures regarding which no progress on implementation was reported, along with those regarding which the Committee decided additional attention was required and those that it deemed had been satisfactorily considered. Charts showing these levels of progress can be found in Annex II of this report.

In accordance with the foregoing, the following results were obtained with respect to the implementation of the measures that were recommended by the Committee in connection with each of the Convention provisions:

1) Standards of conduct and enforcement mechanisms (Article III, paragraphs 1 and 2, of the Convention)

- Standards of conduct to prevent conflicts of interest and enforcement mechanisms:

145 measures were recommended, of which 141 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 47 of them (33%); 65 of them (46%) require additional attention; and the remaining 29 (21%) were satisfactorily considered.

- Standards of conduct and mechanisms to ensure the proper conservation and use of resources entrusted to government officials:

71 measures were recommended, of which 66 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 12 of them (18%); 30 of them (46%) require additional attention; and the remaining 24 (36%) were satisfactorily considered.

- Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities:

84 measures were recommended, of which 81 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 21 of them (26%); 42 of them (52%) require additional attention; and the remaining 18 (22%) were satisfactorily considered.

2) Systems for registering income, assets, and liabilities (Article III, paragraph 4, of the Convention)

131 measures were recommended, of which 126 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 36 of them (28%); 70 of them (56%) require additional attention; and the remaining 20 (16%) were satisfactorily considered.

3) Oversight bodies responsible for the selected provisions (Article III, paragraphs 1, 2, 4, and 11, of the Convention)

51 measures were recommended, of which 50 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 13 of them (26%); 27 of them (54%) require additional attention; and the remaining 10 (20%) were satisfactorily considered.

4) Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption (Article III, paragraph 11, of the Convention)

- General participation mechanisms:

Seven measures were recommended. No information on progress with respect to implementation was reported for five of them (71%), and the remaining 2 (29%) require additional attention.

- Mechanisms for access to information:

83 measures were recommended, of which 80 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 30 of them (37%); 30 of them (38%) require additional attention; and the remaining 20 (25%) were satisfactorily considered.

- Mechanisms for consultation:

62 measures were recommended, of which 58 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 18 of them (31%); 23 of them (40%) require additional attention; and the remaining 17 (29%) were satisfactorily considered.

- Mechanisms to encourage participation in the public administration:

69 measures were recommended, of which 65 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 27 of them (42%); 23 of them (35%) require additional attention; and the remaining 15 (23%) were satisfactorily considered.

- Participation mechanisms for the follow-up of public administration:

62 measures were recommended, of which 59 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 22 of them (38%); 24 of them (40%) require additional attention; and the remaining 13 (22%) were satisfactorily considered.

5) Assistance and cooperation (Article XIV of the Convention)

91 measures were recommended, of which 89 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 46 of them (52%); 25 of them (28%) require additional attention; and the remaining 18 (20%) were satisfactorily considered.

6) Central authorities (Article XVIII of the Convention)

29 measures were recommended, of which 28 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 14 of them (50%); 6 of them (21%) require additional attention; and the remaining 8 (29%) were satisfactorily considered.

7) General recommendations

79 measures were recommended, of which 76 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 47 of them (62%); 19 of them (25%) require additional attention; and the remaining 10 (13%) were satisfactorily considered.

**IX. PROGRESS ACHIEVED IN RELATION TO THE MOST COMMON RECOMMENDATIONS OF THE FIRST ROUND OF REVIEW**

This summary sets out the progress made by the 27 States Parties to the MESICIC reviewed in the Third Round with implementing the most commonly recommended measures in connection with each of the Convention provisions reviewed in the First Round.<sup>22/</sup> The frequency with which these recommendations were issued is indicated in charts in Annex VI of the hemispheric report for that round. To that end, the report notes the number of states to which the measure was recommended, as well as the number and percentage of states that reported no progress with the process of implementation, along with those regarding which the Committee decided additional attention was required and those that it deemed to have been satisfactorily considered. Charts showing this progress can be found in Annex V of this Report.

In accordance with the foregoing, the following results were obtained with respect to the implementation of those measures by the member countries to which they were recommended in connection with the Convention provisions indicated below:

1) Standards of conduct and enforcement mechanisms (Article III, paragraphs 1 and 2, of the Convention)

- Standards of conduct to prevent conflicts of interest and enforcement mechanisms:

A: Adequately develop measures intended to prevent post-employment conflicts of interest.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, eight (35%) submitted no information on progress with respect to its implementation; 12 (52%) need to pay additional attention to it; and the remaining three (13%) have given it satisfactory consideration.

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22. Note should be taken of section 6.2.1 of the First Round Hemispheric Report, which explains that these recommendations refer to situations that occur with a degree of frequency in the countries reviewed, which is why they have a more common connotation. However, not all the countries under review received these recommendations, nor were they invariably formulated in the exact manner in which they are described in this section. As stated in that report, in formulating them for the Member States to which they were addressed, each country's level of progress in implementing the Convention and the specific characteristics of their legal and institutional provisions were taken into account, which is why their content and approach may differ slightly.

B: Take steps to promote the effectiveness of the rules for preventing conflicts of interest.

A measure of this type was recommended to 16 of the countries that were reviewed in the Third Round; of these, six (38%) submitted no information on progress with respect to implementation; seven (43%) need to pay additional attention to it; and the remaining three (19%) have given it satisfactory consideration.

C: Adequately develop measures intended to prevent conflicts of interest during the performance of public functions.

This measure was recommended to 14 of the countries that were reviewed in the Third Round; of these, three (21%) submitted no information on progress with respect to its implementation; 10 (72%) need to pay additional attention to it; and the remaining country (7%) has given it satisfactory consideration.

D: Take steps to ensure that the rules for preventing conflicts of interest apply to all public employees.

A measure of this type was recommended to 12 of the countries that were reviewed in the Third Round; of these, four (33%) submitted no information on progress with respect to implementation; six (50%) need to pay additional attention to it; and the remaining two (17%) have given it satisfactory consideration.

E: Adopt specific measures for those officials who, by reason of their senior position or the nature of their functions, must observe particularly strict standards of conduct in order to uphold the general public interest.

This measure was recommended to 11 of the countries that were reviewed in the Third Round; of these, five (46%) submitted no information on progress with respect to its implementation; three (27%) need to pay additional attention to it; and the remaining three (27%) have given it satisfactory consideration.

F: Implement or strengthen mechanisms for the timely detection of conflicts of interest prior to the commencement of public employment.

This measure was recommended to eight of the countries that were reviewed in the Third Round; of these, two (25%) submitted no information on progress with respect to its implementation; five (62%) need to pay additional attention to it; and the remaining country (13%) has given it satisfactory consideration.

- Standards of conduct and mechanisms to ensure the proper conservation and use of resources entrusted to government officials:

A: Take steps to promote the effectiveness of the rules for the preservation of public resources.

A measure of this type was recommended to 19 of the countries that were reviewed in the Third Round; of these, three (16%) submitted no information on progress with respect to implementation; 11 (58%) need to pay additional attention to it; and the remaining five (26%) have given it satisfactory consideration.

B: Strengthen the measures for oversight of public spending.

This measure was recommended to eight of the countries that were reviewed in the Third Round; of these, one (13%) submitted no information on progress with respect to its implementation; five (62%) need to pay additional attention to it; and the remaining two (25%) have given it satisfactory consideration.

C: Strengthen measures for accountability.

This measure was recommended to six of the countries that were reviewed in the Third Round; of these, one (17%) submitted no information on progress with respect to its implementation; three (50%) need to pay additional attention to it; and the remaining two (33%) have given it satisfactory consideration.

- Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities:

A: Adopt provisions to provide those filing reports with guarantees against any threats, retaliations, or reprisals they may face.

This measure was recommended to 21 of the countries that were reviewed in the Third Round; of these, five (24%) submitted no information on progress with respect to its implementation; 13 (62%) need to pay additional attention to it; and the remaining three (14%) have given it satisfactory consideration.

B: Require employees to report acts of corruption in public service.

This measure was recommended to 11 of the countries that were reviewed in the Third Round; of these, five (46%) submitted no information on progress with respect to its implementation; four (36%) need to pay additional attention to it; and the remaining two (18%) have given it satisfactory consideration.

C: Adopt measures to increase the effectiveness of the rules requiring acts of corruption to be reported.

A measure of this type was recommended to nine of the countries that were reviewed in the Third Round; of these, five (56%) submitted no information on progress with respect to implementation; two (22%) need to pay additional attention to it; and the remaining two (22%) have given it satisfactory consideration.

D: Adopt measures to ensure that the formalities required for the lodging of complaints do not inhibit public employees from complying with this duty.

A measure of this type was recommended to 8 of the countries that were reviewed in the Third Round; of these, four (50%) submitted no information on progress with respect to implementation; two (25%) need to pay additional attention to it; and the remaining two (25%) have given it satisfactory consideration.

2) Systems for registering income, assets, and liabilities (Article III, paragraph 4, of the Convention)

A: Optimize the analysis of the statements' content so they can be used to detect and prevent conflicts of interest.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, seven (30%) submitted no information on progress with respect to its implementation; 12 (53%) need to pay additional attention to it; and the remaining four (17%) have given it satisfactory consideration.

B: Regulate the requirements and procedures for making statements public.

This measure was recommended to 19 of the countries that were reviewed in the Third Round; of these, seven (37%) submitted no information on progress with respect to its implementation and the remaining 12 (63%) need to pay additional attention to it.

C: Optimize the analysis of the statements' content so they can be used to detect and prevent possible illicit enrichment.

This measure was recommended to 15 of the countries that were reviewed in the Third Round; of these, three (20%) submitted no information on progress with respect to its implementation; nine (60%) need to pay additional attention to it; and the remaining three (20%) have given it satisfactory consideration.

D: Implement systems to check the content of their declarations.

This measure was recommended to 14 of the countries that were reviewed in the Third Round; of these, four (29%) submitted no information on progress with respect to its implementation and the remaining 10 (71%) need to pay additional attention to it.

E: Adopt measures to increase the effectiveness of the obligations related to these statements.

This measure was recommended to 15 of the countries that were reviewed in the Third Round; of these, five (33%) submitted no information on progress with respect to its implementation; seven (47%) need to pay additional attention to it; and the remaining three (20%) have given it satisfactory consideration.

F: Expand the group required to file declarations.

This measure was recommended to 11 of the countries that were reviewed in the Third Round; of these, one (9%) submitted no information on progress with respect to its implementation; six (55%) need to pay additional attention to it; and the remaining four (36%) have given it satisfactory consideration.

3) Oversight bodies responsible for the selected provisions (Article III, paragraphs 1, 2, 4, and 11, of the Convention)

A: Strengthen the oversight bodies in connection with the functions they perform in overseeing effective compliance with the indicated Convention provisions.

This measure was recommended to 24 of the countries that were reviewed in the Third Round; of these, four (17%) submitted no information on progress with respect to its implementation; 16 (66%) need to pay additional attention to it; and the remaining four (17%) have given it satisfactory consideration.

B: Establish oversight bodies to perform functions related to effective compliance with the terms of Article III, paragraphs 1, 2, 4, and 11 the Convention, if they do not already exist, or assign existing bodies the authority to perform those functions.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, four (33%) submitted no information on progress with respect to its implementation; six (50%) need to pay additional attention to it; and the remaining two (17%) have given it satisfactory consideration.

4) Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption (Article III, paragraph 11, of the Convention)

- Mechanisms for access to information:

A: Take steps to expand the information considered public.

This measure was recommended to 15 of the countries that were reviewed in the Third Round; of these, four (27%) submitted no information on progress with respect to its implementation; seven (46%) need to pay additional attention to it; and the remaining four (27%) have given it satisfactory consideration.

B: Implement training and dissemination programs on the mechanisms for access to public information and optimize the use of available technology to that end.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, two (17%) submitted no information on progress with respect to its implementation; three (25%) need to pay additional attention to it; and the remaining seven (58%) have given it satisfactory consideration.

C: Develop procedures for the timely processing of requests for information.

This measure was recommended to 11 of the countries that were reviewed in the Third Round; of these, five (45%) submitted no information on progress with respect to its implementation; five (46%) need to pay additional attention to it; and the remaining country (9%) has given it satisfactory consideration.

D: Strengthen the mechanisms for challenging or appealing against decisions denying requests for information.

This measure was recommended to 10 of the countries that were reviewed in the Third Round; of these, three (30%) submitted no information on progress with respect to its implementation; six (60%) need to pay additional attention to it; and the remaining country (10%) has given it satisfactory consideration.

E: Take steps to increase the effectiveness of provisions and measures related to the furnishing of public information.

This measure was recommended to 10 of the countries that were reviewed in the Third Round; of these, three (30%) submitted no information on progress with respect to its implementation; five (50%) need to pay additional attention to it; and the remaining two (20%) have given it satisfactory consideration.

- Mechanisms for consultation:

A: Organize or continue to organize processes to allow interested sectors to present consultations related to the public administration, the design of public policies, and the drafting of legislative proposals, decrees, or resolutions under the aegis of the executive branch.

This measure was recommended to 16 of the countries that were reviewed in the Third Round; of these, five (31%) submitted no information on progress with respect to its implementation; five (31%) need to pay additional attention to it; and the remaining six (29%) have given it satisfactory consideration.

B: Implement training and dissemination programs on the consultation mechanisms.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, seven (59%) submitted no information on progress with respect to its implementation; four (33%) need to pay additional attention to it; and the remaining country (8%) has given it satisfactory consideration.

C: Expand to nationwide coverage or into other areas the use of consultation instruments similar to those that already exist locally or for specific areas.

This measure was recommended to eight of the countries that were reviewed in the Third Round; of these, two (25%) submitted no information on progress with respect to its implementation; two (25%) need to pay additional attention to it; and the remaining four (50%) have given it satisfactory consideration.

D: Adopt measures to increase the effectiveness of the rules governing consultation mechanisms.

A measure of this type was recommended to five of the countries that were reviewed in the Third Round; of these, three (60%) submitted no information on progress with respect to implementation; one (20%) needs to pay additional attention to it; and the remaining country (20%) has given it satisfactory consideration.

- Mechanisms for encouraging participation in the public administration:

A: Establish mechanisms, in addition to those that already exist, to strengthen the participation of civil society organizations in the public administration.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, six (26%) submitted no information on progress with respect to its implementation; 13 (57%) need to pay additional attention to it; and the remaining four (17%) have given it satisfactory consideration.

B: Implement training and dissemination programs on mechanisms for encouraging participation in the public administration.

This measure was recommended to 19 of the countries that were reviewed in the Third Round; of these, eight (42%) submitted no information on progress with respect to its implementation; six (32%) need to pay additional attention to it; and the remaining five (26%) have given it satisfactory consideration.

C: Repeal *desacato* (contempt) laws.

This measure was recommended to eight of the countries that were reviewed in the Third Round; of these, three (38%) submitted no information on progress with respect to its implementation; one (13%) needs to pay additional attention to it; and the remaining four (49%) have given it satisfactory consideration.

D: Develop public awareness regarding the corruption problem.

This measure was recommended to eight of the countries that were reviewed in the Third Round; of these, two (25%) submitted no information on progress with respect to its implementation; five (62%) need to pay additional attention to it; and the remaining country (13%) has given it satisfactory consideration.

- Participation mechanisms for follow-up of public administration:

A: Promote additional methods, when appropriate, for enabling civil society to monitor the public administration.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, eight (35%) submitted no information on progress with respect to its implementation; nine (39%) need to pay additional attention to it; and the remaining six (26%) have given it satisfactory consideration.

B: Implement training and dissemination programs on mechanisms for monitoring the public administration.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, nine (39%) submitted no information on progress with respect to its implementation; eight (35%) need to pay additional attention to it; and the remaining six (26%) have given it satisfactory consideration.

5) Assistance and cooperation (Article XIV of the Convention)

A: Exchange technical cooperation with other States Parties regarding the best ways and methods for preventing, detecting, investigating, and punishing acts of corruption.

This measure was recommended to 24 of the countries that were reviewed in the Third Round; of these, 11 (46%) submitted no information on progress with respect to its implementation; six (25%) need to pay additional attention to it; and the remaining seven (29%) have given it satisfactory consideration.

B: Identify specific areas in which technical cooperation from other States Parties is needed to strengthen the capacity for preventing, detecting, investigating, and punishing acts of corruption.

This measure was recommended to 22 of the countries that were reviewed in the Third Round; of these, 10 (45%) submitted no information on progress with respect to its implementation; seven (32%) need to pay additional attention to it; and the remaining five (23%) have given it satisfactory consideration.

C: Establish a training program to assist the authorities in pursuing the mutual assistance provided for in the Convention.

This measure was recommended to 17 of the countries that were reviewed in the Third Round; of these, 10 (58%) submitted no information on progress with respect to its implementation; four (24%) need to pay additional attention to it; and the remaining three (18%) have given it satisfactory consideration.

D: Identify and prioritize requests for mutual assistance for investigating or prosecuting corruption cases.

This measure was recommended to six of the countries that were reviewed in the Third Round; of these, two (33%) submitted no information on progress with respect to its implementation; two (34%) need to pay additional attention to it; and the remaining two (33%) have given it satisfactory consideration.

#### 6. Central authorities (Article XVIII of the Convention)

A: Inform the OAS General Secretariat of the appointment of the central authority or authorities for the purposes of the mutual assistance and reciprocal technical cooperation referred to in the Convention.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, seven (59%) submitted no information on progress with respect to its implementation; one (8%) needs to pay additional attention to it; and the remaining four (33%) have given it satisfactory consideration.

B: Ensure that the central authority or authorities have the resources necessary for performing their duties in full.

This measure was recommended to 10 of the countries that were reviewed in the Third Round; of these, four (40%) submitted no information on progress with respect to its implementation; four (40%) need to pay additional attention to it; and the remaining two (20%) have given it satisfactory consideration.

### **X. PROGRESS MADE WITH THE GENERAL RECOMMENDATIONS OF THE FIRST ROUND OF REVIEW**

This summary reflects the progress made by the 27 States Parties to the MESICIC reviewed in the Third Round with respect to the implementation of the recommendations of a general nature that were suggested by the Committee on matters relating to training and to the design of indicators for gauging compliance with the regulations or mechanisms adopted in connection with the Convention

provisions analyzed in the First Round and with the recommendations offered in the corresponding country reports. To that end, the report notes the number of states to which the measure was recommended, as well as the number and percentage of the states that reported no progress with the process of implementation, along with those regarding which the Committee decided additional attention was required and those that it deemed to have been satisfactorily considered. Charts showing these levels of progress can be found in Annex VI of this report.

In accordance with the foregoing, the following results were obtained with respect to the implementation of those measures by the member countries to which they were recommended:

A: Design and implement, when appropriate, training programs for the civil servants responsible for enforcing the system, standards, measures, and mechanisms referred to in their reports, in order to ensure that they are adequately understood, managed, and put into practice.

This measure was recommended to 26 of the countries that were reviewed in the Third Round; of these, 11 (43%) submitted no information on progress with respect to its implementation; five (19%) need to pay additional attention to it; and the remaining 10 (38%) have given it satisfactory consideration.

B: Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in their reports, and report back to the Committee, through the Technical Secretariat, on the steps taken. For said purposes, the Republic of Suriname could take into account the list of broader indicators applicable to the Inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site.

This measure was recommended to 26 of the countries that were reviewed in the Third Round; of these, 19 (73%) submitted no information on progress with respect to its implementation and seven (27%) need to pay additional attention to it.

C: Develop, as appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in the reports, as well as the recommendations contained therein.

This measure was recommended to 24 of the countries that were reviewed in the Third Round; of these, 18 (75%) submitted no information on progress with respect to its implementation; five (21%) need to pay additional attention to it; and the remaining country (4%) has given it satisfactory consideration.

## **XI. PROGRESS MADE WITH THE TOTALITY OF THE RECOMMENDATIONS OF THE SECOND ROUND OF REVIEW**

This summary reflects the progress made by all 27 States Parties to the MESICIC that were reviewed in the Third Round, with respect to the implementation of all of the measures that were recommended by the Committee in connection with each of the provisions of the Convention that were reviewed during the Second Round. To this end, the report indicates the number of measures recommended to the countries under review in the Third Round as well as the number and percentage of measures regarding which no progress on implementation was reported, along with those regarding which the Committee decided additional attention was required and those that it deemed had been satisfactorily considered. Charts showing these levels of progress can be found in Annex VIII of this Report.

In accordance with the foregoing, the following results were obtained with respect to the implementation of the measures that were recommended by the Committee in connection with each of the Convention provisions:

1) Systems of Government Hiring and Procurement of Goods and Services (Article III, paragraph 5 of the Convention)

- Systems of government hiring

270 measures were recommended, of which 249 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 154 of them (62%); 80 of them (32%) require additional attention; and the remaining 15 (6%) were satisfactorily considered.

- Systems for government procurement of goods and services

270 measures were recommended, of which 255 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 144 of them (56%); 71 of them (28%) require additional attention; and the remaining 40 (16%) were satisfactorily considered.

2) Systems to Protect Public Servants and Private Citizens Who in Good Faith Report Acts of Corruption (Article III, paragraph 8 of the Convention)

177 measures were recommended, of which 171 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 82 of them (48%); 84 of them (49%) require additional attention; and the remaining five (3%) were satisfactorily considered.

3) Acts of Corruption (Article VI, paragraph 1 of the Convention)

71 measures were recommended, of which 63 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 45 of them (71%); 15 of them (24%) require additional attention; and the remaining three (5%) were satisfactorily considered.

4) General recommendations

60 measures were recommended, of which 57 corresponded to the countries reviewed in the Third Round. No information on progress with respect to implementation was reported for 35 of them (61%); 17 of them (30%) require additional attention; and the remaining five (9%) were satisfactorily considered.

## **XII. PROGRESS ACHIEVED IN RELATION TO THE MOST COMMON RECOMMENDATIONS OF THE SECOND ROUND OF REVIEW**

This summary sets out the progress made by the 27 States Parties to the MESICIC reviewed in the Third Round with implementing the most commonly recommended measures in connection with

each of the Convention provisions reviewed in the Second Round.<sup>23/</sup> The frequency with which these recommendations were issued is indicated in charts in Annex VI of the hemispheric report for that round. To that end, the report notes the number of states to which the measure was recommended, as well as the number and percentage of states that reported no progress with the process of implementation, along with those regarding which the Committee decided additional attention was required and those that it deemed to have been satisfactorily considered. Charts showing this progress can be found in Annex IX of this Report.

In accordance with the foregoing, the following results were obtained with respect to the implementation of those measures by the member countries to which they were recommended in connection with the Convention provisions indicated below:

1. Systems of Government Hiring and Procurement of Goods and Services (Article III, paragraph 5 of the Convention)

1.1. Systems of government hiring

A: Adopt, as a general rule for filling public administration positions, selection by means of a merit-based system.

This measure was recommended to 18 of the countries that were reviewed in the Third Round; of these, nine (50%) submitted no information on progress with respect to its implementation and the remaining nine (50%) need to pay additional attention to it.

B: Broadly disseminate the notices announcing merit-based competitions for filling positions.

This measure was recommended to 18 of the countries that were reviewed in the Third Round; of these, six (33%) submitted no information on progress with respect to its implementation and the remaining 12 (67%) need to pay additional attention to it.

C: Establish or strengthen challenge mechanisms intended to clarify, modify, or annul the substantive actions carried out during a merit-based selection process.

This measure was recommended to 16 of the countries that were reviewed in the Third Round; of these, eight (50%) submitted no information on progress with respect to its implementation and the remaining eight (50%) need to pay additional attention to it.

D: Specify and disseminate the different methods for entry to service in the public administration.

This measure was recommended to 13 of the countries that were reviewed in the Third Round; of these, three (23%) submitted no information on progress with respect to its implementation and the remaining 10 (77%) need to pay additional attention to it.

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23. Note should be taken of section 6.2.1 of the Second Round Hemispheric Report, which explains that these recommendations refer to situations that occur with a degree of frequency in the countries reviewed, which is why they have a more common connotation. However, not all the countries under review received these recommendations, nor were they invariably formulated in the exact manner in which they are described in this section. As stated in that report, in formulating them for the Member States to which they were addressed, each country's level of progress in implementing the Convention and the specific characteristics of their legal and institutional provisions were taken into account, which is why their content and approach may differ slightly.

E: Establish or strengthen the governing authority responsible for the regulation, administration, development or oversight of the system for entry into public service.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, five (42%) submitted no information on progress with respect to its implementation; six (50%) need to pay additional attention to it; and the remaining country (8%) has given it satisfactory consideration.

F: Define the manner in which selection should be carried in the merit-based system..

This measure was recommended to nine of the countries that were reviewed in the Third Round; of these, five (56%) submitted no information on progress with respect to its implementation and the remaining four (44%) need to pay additional attention to it.

G: Adopt provisions which establish or strengthen appropriate control mechanisms to ensure compliance with the rules for personnel selection in the public service.

This measure was recommended to seven of the countries that were reviewed in the Third Round; of these, six (86%) submitted no information on progress with respect to its implementation and the remaining country (14%) needs to pay additional attention to it.

H: Adopt measures to avoid the indefinite prolonging and permanence in the public service of individuals hired through temporary appointments.

A measure of this type was recommended to eight of the countries that were reviewed in the Third Round; of these, four (49%) submitted no information on progress with respect to implementation; three (38%) need to pay additional attention to it; and the remaining country (13%) has given it satisfactory consideration.

I: Set timeframes for the publication of notices announcing competitions for filling vacancies by means of the merit-based system.

This measure was recommended to seven of the countries that were reviewed in the Third Round; of these, three (43%) submitted no information on progress with respect to its implementation and the remaining four (57%) need to pay additional attention to it.

J: Adopt measures that expand the categories of public administration positions that, due to the technical nature of their functions, should be covered by the general rule of merit-based selection.

This measure was recommended to six of the countries that were reviewed in the Third Round; of these, four (67%) submitted no information on progress with respect to its implementation and the remaining two (33%) need to pay additional attention to it.

## 1.2. Systems for government procurement of goods and services

A: Create, implement or strengthen electronic systems for carrying out government contracting.

This measure was recommended to 21 of the countries that were reviewed in the Third Round; of these, nine (43%) submitted no information on progress with respect to its implementation; nine

(43%) need to pay additional attention to it; and the remaining three (14%) have given it satisfactory consideration.

B: Complement or strengthen mechanisms for oversight of contracting activity.

This measure was recommended to 18 of the countries that were reviewed in the Third Round; of these, 12 (67%) submitted no information on progress with respect to its implementation; four (22%) need to pay additional attention to it; and the remaining two (11%) have given it satisfactory consideration.

C: Strengthen and expand the use of electronic media and other information systems to disseminate contracting activity.

This measure was recommended to 17 of the countries that were reviewed in the Third Round; of these, five (29%) submitted no information on progress with respect to its implementation; nine (53%) need to pay additional attention to it; and the remaining three (18%) have given it satisfactory consideration.

D: Develop or strengthen provisions which regulate the procurement of public works.

This measure was recommended to 13 of the countries that were reviewed in the Third Round; of these, six (46%) submitted no information on progress with respect to its implementation and the remaining seven (54%) need to pay additional attention to it.

E: Establish or strengthen the governing authority responsible for the regulation, administration, development or oversight of the oversight of the public contracting system.

This measure was recommended to 11 of the countries that were reviewed in the Third Round; of these, five (46%) submitted no information on progress with respect to its implementation; four (36%) need to pay additional attention to it; and the remaining two (18%) have given it satisfactory consideration.

F: Create a central registry of contractors.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, eight (67%) submitted no information on progress with respect to its implementation; three (25%) need to pay additional attention to it; and the remaining country (8%) has given it satisfactory consideration.

G: Specify the reasons used as the basis for exceptions to public bidding.

This measure was recommended to 10 of the countries that were reviewed in the Third Round; of these, six (60%) submitted no information on progress with respect to its implementation and the remaining four (40%) need to pay additional attention to it.

H: Establish or strengthen challenge mechanisms intended to clarify, modify or annul the substantive decisions adopted during the contracting process.

This measure was recommended to 10 of the countries that were reviewed in the Third Round; of these, six (60%) submitted no information on progress with respect to its implementation; two (20%)

need to pay additional attention to it; and the remaining two (20%) have given it satisfactory consideration.

I: Specify the objective factors or selection criteria for the evaluation of bids, require that the results of that evaluation be justified, and reported to interested parties.

This measure was recommended to 10 of the countries that were reviewed in the Third Round; of these, seven (70%) submitted no information on progress with respect to its implementation; two (20%) need to pay additional attention to it; and the remaining country (10%) has given it satisfactory consideration.

J: Adopt measures to ensure that procurement procedures other than public bidding observe the principles of openness, equity, and efficiency provided for by the Convention.

This measure was recommended to eight of the countries that were reviewed in the Third Round; of these, four (49%) submitted no information on progress with respect to its implementation; three (38%) need to pay additional attention to it; and the remaining country (13%) has given it satisfactory consideration.

K: Publish draft bidding terms.

This measure was recommended to seven of the countries that were reviewed in the Third Round; of these, four (57%) submitted no information on progress with respect to its implementation and the remaining three (43%) need to pay additional attention to it.

L: Conduct comprehensive periodic assessments to allow the use and effectiveness of the public sector procurement system to be measured, and adopt measures which ensure its transparency, openness, equity, and efficiency.

This measure was recommended to six of the countries that were reviewed in the Third Round; of these, four (67%) submitted no information on progress with respect to its implementation and the remaining two (33%) have given it satisfactory consideration.

M: Adopt legally binding provisions for the procurement of goods and services by the public sector, which cover all branches of government and institutions of the state.

This measure was recommended to seven of the countries that were reviewed in the Third Round; of these, six (86%) submitted no information on progress with respect to its implementation and the remaining country (14%) needs to pay additional attention to it.

N: Adopt measures to ensure the use of public bidding as the general rule for public procurement.

This measure was recommended to six of the countries that were reviewed in the Third Round; of these, one (17%) submitted no information on progress with respect to its implementation and the remaining five (83%) need to pay additional attention to it.

2. Systems for Protecting Public Servants and Private Citizens Who, in Good Faith, Report Acts of Corruption (Article III, paragraph 8 of the Convention)

A: Adopt protective measures, aimed not only at the physical integrity of the whistleblower and their family, but also their employment situation.

This measure was recommended to 24 of the countries that were reviewed in the Third Round; of these, 11 (46%) submitted no information on progress with respect to its implementation; 12 (50%) need to pay additional attention to it; and the remaining country (4%) has given it satisfactory consideration.

B: Adopt protective measures for those who report acts of corruption that may be the subject of either administrative or judicial investigation.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, 11 (48%) submitted no information on progress with respect to its implementation; 11 (48%) need to pay additional attention to it and the remaining country (4%) has given it satisfactory consideration.

C: Establish mechanisms to facilitate international cooperation in the area of protection.

This measure was recommended to 23 of the countries that were reviewed in the Third Round; of these, 13 (57%) submitted no information on progress with respect to its implementation; nine (39%) need to pay additional attention to it; and the remaining country (4%) has given it satisfactory consideration.

D: Establish reporting mechanisms, such as anonymous reporting and identity-protected reporting.

This measure was recommended to 18 of the countries that were reviewed in the Third Round; of these, nine (50%) submitted no information on progress with respect to its implementation and the remaining nine (50%) need to pay additional attention to it.

E: Establish mechanisms for reporting the threats or reprisals that whistleblowers may face.

This measure was recommended to 17 of the countries that were reviewed in the Third Round; of these, nine (53%) submitted no information on progress with respect to its implementation and the remaining eight (47%) need to pay additional attention to it.

F: Simplify formalities for requesting protection for whistleblowers.

This measure was recommended to 14 of the countries that were reviewed in the Third Round; of these, seven (50%) submitted no information on progress with respect to its implementation; six (43%) need to pay additional attention to it; and the remaining country (7%) has given it satisfactory consideration.

G: Establish mechanisms for the protection of witnesses, providing them with the same guarantees as public officials and private citizens.

This measure was recommended to 15 of the countries that were reviewed in the Third Round; of these, 10 (67%) submitted no information on progress with respect to its implementation and the remaining five (33%) need to pay additional attention to it.

H: Adopt provisions which sanction noncompliance with provisions and/or obligations in matters of protection.

This measure was recommended to 15 of the countries that were reviewed in the Third Round; of these, nine (60%) submitted no information on progress with respect to its implementation and the remaining six (40%) need to pay additional attention to it.

I: Adopt provisions which clearly define the powers of the judicial and administrative authorities in protection matters

This measure was recommended to 14 of the countries that were reviewed in the Third Round; of these, seven (58%) submitted no information on progress with respect to its implementation and the remaining seven (50%) need to pay additional attention to it.

### 3) Acts of Corruption (Article VI, paragraph 1 of the Convention)

A: Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (a) of Article VI.1 of the Convention.

This measure was recommended to 13 of the countries that were reviewed in the Third Round; of these, nine (69%) submitted no information on progress with respect to its implementation and the remaining four (31%) need to pay additional attention to it.

B: Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (b) of Article VI.1 of the Convention.

This measure was recommended to 12 of the countries that were reviewed in the Third Round; of these, 10 (83%) submitted no information on progress with respect to its implementation and the remaining two (17%) need to pay additional attention to it.

C: Complement the corresponding criminal provisions so that they criminalize all the elements listed in paragraph (c) of Article VI.1 of the Convention.

This measure was recommended to nine of the countries that were reviewed in the Third Round; of these, seven (78%) submitted no information on progress with respect to its implementation; one (11%) needs to pay additional attention to it; and the remaining one (11%) has given it satisfactory consideration.

D: Complement the corresponding criminal provisions so that they include the actions covered by paragraph (d) of Article VI.1 of the Convention.

This measure was recommended to five of the countries that were reviewed in the Third Round; of these, two (40%) submitted no information on progress with respect to its implementation; one (20%) needs to pay additional attention to it; and the remaining two (40%) have given it satisfactory consideration.

E: Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (c) of Article VI.1 of the Convention.

This measure was recommended to three of the countries that were reviewed in the Third Round; of these, two (67%) submitted no information on progress with respect to its implementation and the remaining country (33%) needs to pay additional attention to it.

### **XIII. PROGRESS MADE WITH THE GENERAL RECOMMENDATIONS FROM THE SECOND ROUND OF REVIEW**

This summary reflects the progress made by the 27 States Parties to the MESICIC reviewed in the Third Round with respect to the implementation of the recommendations of a general nature that were suggested by the Committee on matters relating to training and to the design of indicators for gauging compliance with the regulations or mechanisms adopted in connection with the Convention provisions analyzed in the Second Round and with the recommendations offered in the corresponding country reports. To that end, the report notes the number of states to which the measure was recommended, as well as the number and percentage of the states that reported no progress with the process of implementation, along with those regarding which the Committee decided additional attention was required and those that it deemed to have been satisfactorily considered. Charts showing this progress can be found in Annex X of this Report.

In accordance with the foregoing, the following results were obtained with respect to the implementation of those measures by the member countries to which they were recommended:

A: Design and implement, when appropriate, training programs for the civil servants responsible for enforcing the system, standards, measures, and mechanisms referred to in their reports, in order to ensure that they are adequately understood, managed, and put into practice.

This measure was recommended to 27 of the countries that were reviewed in the Third Round; of these, 15 (55%) submitted no information on progress with respect to its implementation; seven (26%) need to pay additional attention to it; and the remaining five (19%) have given it satisfactory consideration.

B: - Select and develop procedures and indicators, when appropriate and when they do not yet exist, for analyzing the results of the systems, norms, measures, and mechanisms considered in the country reports, and for monitoring compliance with the recommendations contained therein.

This measure was recommended to 27 of the countries that were reviewed in the Third Round; of these, 18 (67%) submitted no information on progress with respect to its implementation and the remaining nine (33%) need to pay additional attention to it.

### **XIV. OTHER ACTIVITIES AND ACHIEVEMENTS IN THE FRAMEWORK OF THE MESICIC**

During the Third Round of Review, other activities were developed within the framework of the Third Round of Review of the MESICIC, which, although not carried out by the Committee of Experts, and for that reason not mentioned in Chapter II, section 2.2 of this Report, merit attention due to their importance in fulfilling the purposes of the Mechanism and of that of the Committee.

These activities, in addition to those already mentioned in Chapter F (Part Six) of the First Annual Progress Report on Implementation of the Inter-American Convention against Corruption<sup>24</sup> that was adopted in the Eighteenth Meeting of the Committee in March 2011, correspond to the following:

1. As a development of the recommendation of the Third Meeting of the Conference of States Parties to the MESICIC that was held in Brazil in December 2010, regarding on-site visits, and as provided in provision 5 of the Methodology adopted by the Committee to conduct these visits, 29 of the 31 States Parties to the MESICIC granted their consent to receive on-site visits in the Fourth Round of Review.

2. The cooperation tools that the OAS General Secretariat has made available to the States Parties to the MESICIC to strengthen the existing legal-institutional instruments to fight corruption are being complemented by the drafting of model laws in two key areas of the Convention and that have been subject of review under the Mechanism. The first of these draft laws refer to the statements of interests, income, assets, and liabilities to be presented by public servants and the second refers to the reporting of acts of corruption and the protection of whistleblowers and witnesses of these acts.

As part of a broad participatory methodology for their development, as of September 7, 2011, the General Secretariat of the OAS made these draft model laws available to the Experts of the States Parties of the MESICIC and to civil society organizations registered with the OAS that deal with the fight against corruption, with the aim of improving them with comments, observations and suggestions they may have, and thus ensure their usefulness by strengthening the norms with which our countries have with regard to these two important topics.

The background and content of these draft laws with respect to “statements of interests, income, assets, and liabilities to be presented by public servants” and with respect to “facilitating and encouraging the reporting acts of corruption and the protection of whistleblowers and witnesses” are available in the Anti-Corruption Portal of the Americas: [www.oas.org/juridico/english/FightCur.html](http://www.oas.org/juridico/english/FightCur.html)

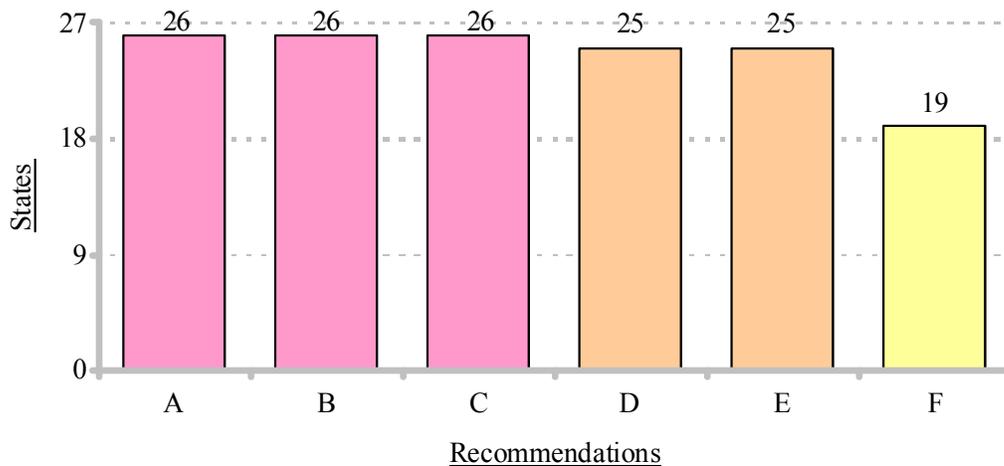
#### **XIV. ANNEXES**

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24. The First Progress Report on Implementation of the Inter-American Convention against Corruption (corresponding to the period from June 2008 to December 2010) (document SG/MESICIC/doc.263/10 rev. 2) can be found at: [http://www.oas.org/juridico/english/prog\\_repl.pdf](http://www.oas.org/juridico/english/prog_repl.pdf)

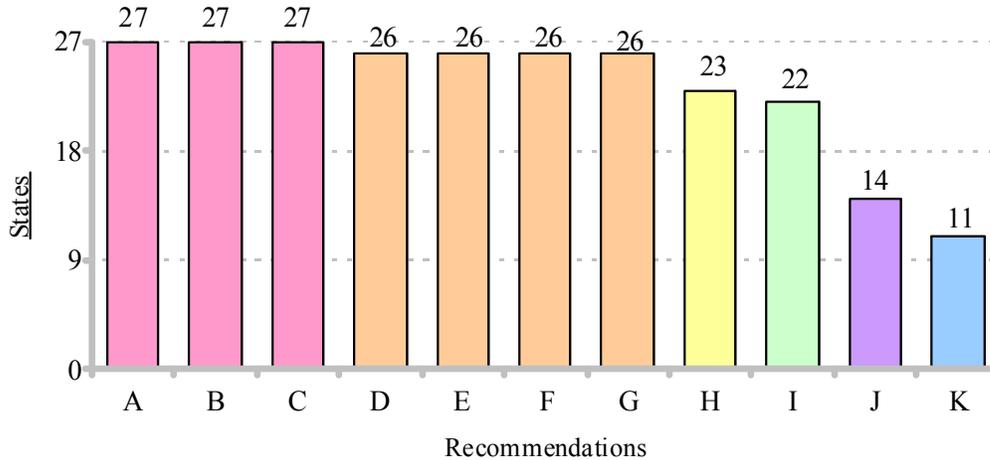
**ANNEX I**  
**GRAPHIC REPRESENTATION OF THE FREQUENCY OF SOME OF THE MOST**  
**COMMON RECOMMENDATIONS FORMULATED IN THE**  
**THIRD ROUND OF REVIEW**

**1. DENIAL OR PREVENTION OF FAVORABLE TAX TREATMENT FOR EXPENDITURES MADE IN VIOLATION OF THE ANTICORRUPTION LAWS (ARTICLE III (7) OF THE CONVENTION)**



- A. Computer programs that facilitate data consultation and crosschecking of information whenever necessary for the purpose of performing their functions.
- B. Institutional coordination mechanisms that allow them to verify aspects such as the authenticity of the documents supporting the application of favorable tax treatment.
- C. Adopt indicators to analyze the results in the application of favorable tax treatment.
- D. Manuals, guidelines or directives to guide them on how to enforce the application of of favorable tax treatment.
- E. Training programs to alert them to the modalities used to disguise payments for corruption in the application of favorable tax treatment.
- F. Channels of communication to promptly inform them of any anomaly or irregularity that may affect the application of the favorable tax treatment.
- G. The possibility of accessing the sources of information necessary for verification of payment that is based on the application of the favorable tax treatment.

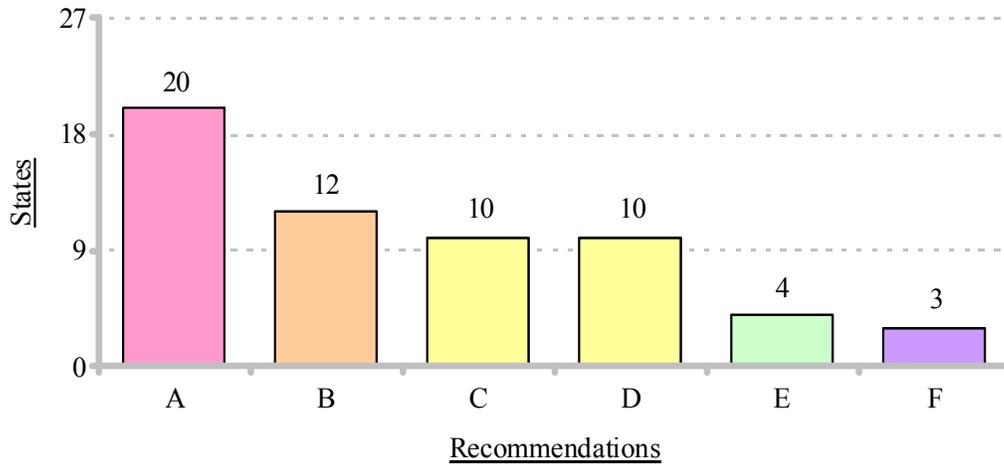
## 2. PREVENTION OF BRIBERY OF DOMESTIC AND FOREIGN GOVERNMENT OFFICIALS (ARTICLE III (10) OF THE CONVENTION)



- A. Computer programs that provide them easy access to the information necessary to verify the veracity of accounting records and of the supporting documents on which they are based.
- B. Institutional coordination mechanisms that enable them to obtain collaboration from other authorities to verify the veracity of accounting records and of the supporting documents on which they are based or to establish their authenticity
- C. Training programs to alert them about the modalities used to disguise, through such records, payments for corruption.
- D. Hold awareness campaigns that target individuals responsible for the entry of accounting records and internal control of the commercial companies, on the compliance of the standards that regulate its functions and the consequences of their violation.
- E. Investigation tactics, such as follow-up on expenditures, crosschecking of information and accounts, and requests for information from financial entities in order to determine if payments for corruption occurred.
- F. Guidelines, manuals, or directives on how to review accounting records in order to detect sums paid for corruption.
- G. Adopt indicators to analyze the results obtained in the implementation of the measures designed to safeguard the accuracy of accounting records and for ensuring that companies required to establish internal accounting controls do so in the proper manner.
- H. Hold awareness and integrity promotion campaigns targeting the private sector, and also adopt measures such as preparation of manuals and guidelines for companies on good practices that should be implemented to prevent corruption.

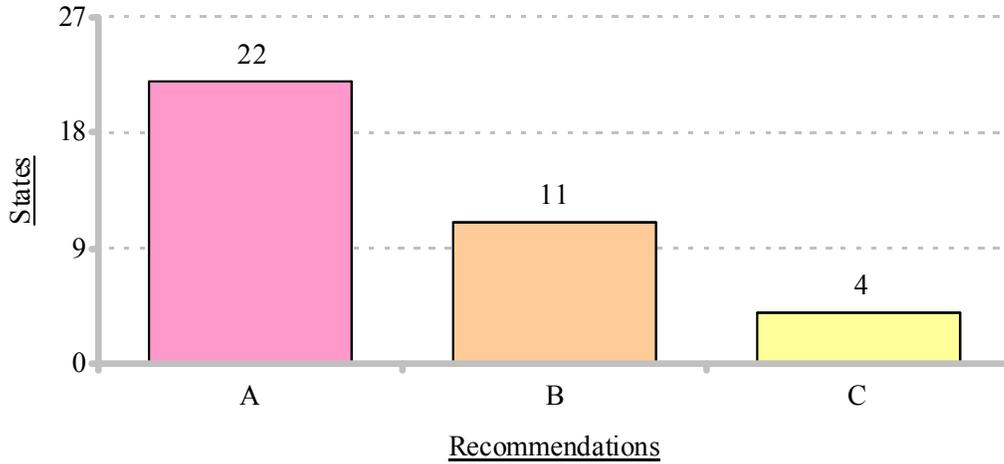
- I. Adopt measures to ensure that “professional confidentiality” is not an obstacle for public accountants and auditors to bring any acts of corruption that they discover in the course of their work to the attention of the appropriate authorities.
- J. Possibility of accessing the sources of information necessary to verify the occurrence of payments for corruption.
- K. Adopt measures to ensure that “professional confidentiality” is not an obstacle for public accountants and auditors to bring to the attention of the appropriate bodies in companies and associations of any anomalies that they discover in the course of their work.

**3. TRANSNATIONAL BRIBERY (ARTICLE VIII OF THE CONVENTION)**



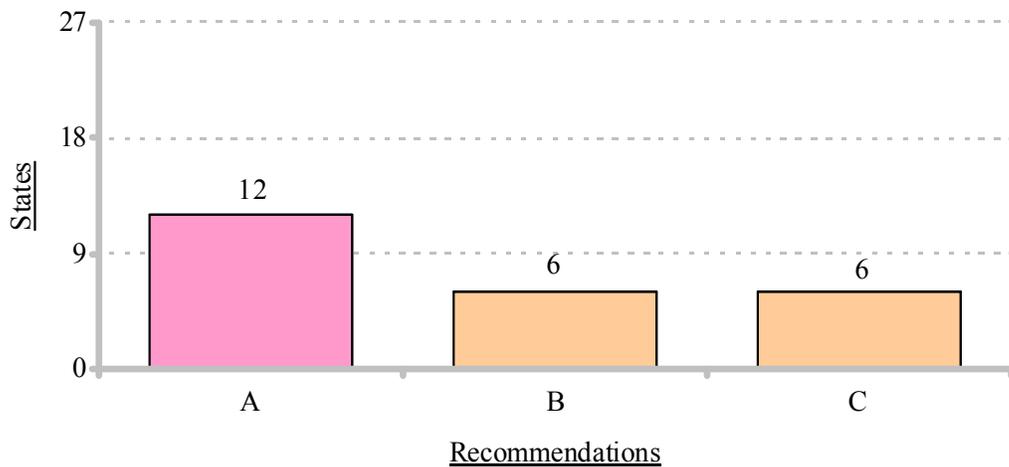
- A. Develop indicators to analyze the results obtained in the enforcement of the crime of transnational bribery, and with requesting and/or providing assistance and cooperation with respect thereto.
- B. Clarify what should be understood by the term “government official of another state” in relation to the offense of transnational bribery.
- C. Criminalized as an offense the conduct of transnational bribery as described in Article VIII of the Convention.
- D. Provide penalties for companies that engage in transnational bribery, irrespective of the penalties applicable to persons linked thereto who are found to have been involved in the commission of acts that constitute said conduct.
- E. Continue to give attention to the detection and investigation of cases of transnational bribery and seek to strengthen the capacities of the organs or agencies in charge of this issue.
- F. Amend the provision that criminalizes the conduct of transnational bribery, so as to align that provision with what is established in Article VIII of the Convention.

#### 4. ILLICIT ENRICHMENT (ARTICLE IX OF THE CONVENTION)



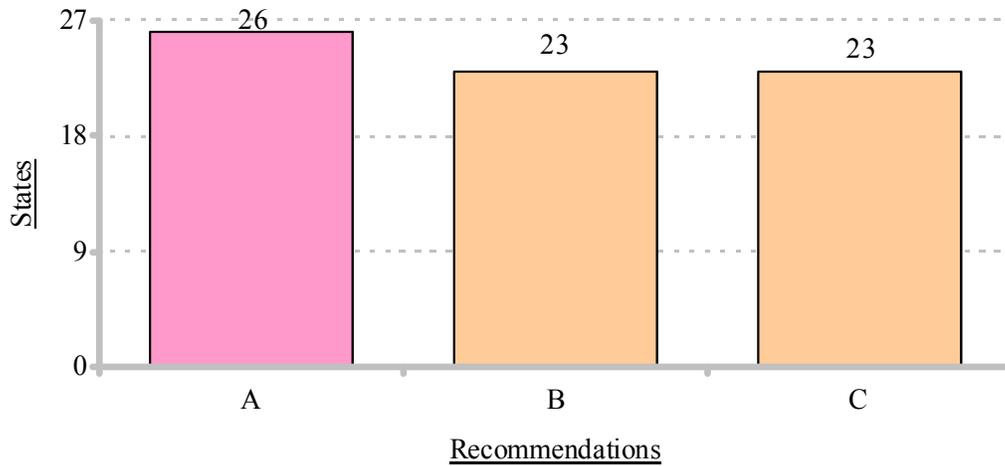
- A. Develop indicators to analyze the results obtained in the enforcement of the crime of illicit enrichment, and with requesting and/or providing assistance and cooperation with respect thereto.
- B. Criminalize the conduct of illicit enrichment described in Article IX of the Convention
- C. Amend the provision that criminalizes the conduct of illicit enrichment, so as to align that provision with what is established in Article IX of the Convention.

#### 5. NOTIFICATION OF CRIMINALIZATION OF TRANSNATIONAL BRIBERY AND ILLICIT ENRICHMENT (ARTICLE X OF THE CONVENTION)



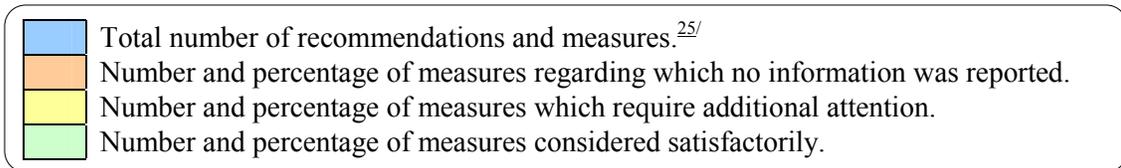
- A. Notify the Secretary General of the OAS the criminalization of illicit enrichment, once that criminalization goes into effect.
- B. Notify the Secretary General of the OAS of the criminalization of transnational bribery.
- C. Notify the Secretary General of the OAS the criminalization of transnational bribery, once that criminalization goes into effect.

## 6. EXTRADITION (ARTICLE XIII OF THE CONVENTION)



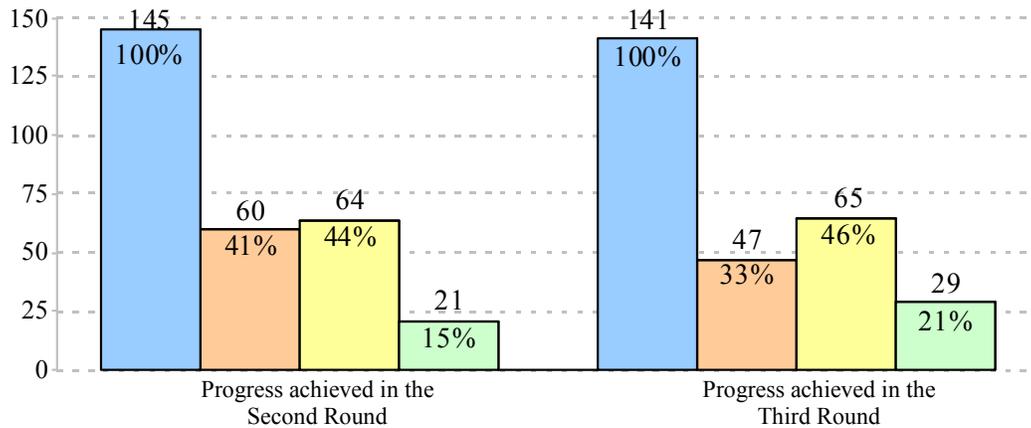
- A. Consider the use of the Convention for the purposes of extradition in corruption cases, which could include, among other measures, implementation of training programs on the possibilities for its application that the Convention offers.
- B. To report in due course to the requesting state that refuses an extradition request relating to the offenses criminalized in accordance with the Convention on the final outcome of the case, which, as a consequence of that refusal, it has submitted to its competent authorities for prosecution.
- C. Develop indicators on the use of the Convention as the legal basis for extradition requests presented to other States Parties and to support decisions on requests that it has received from those states.

**ANNEX II**  
**GRAPHIC REPRESENTATION OF THE PROGRESS ACHIEVED BETWEEN THE SECOND AND THIRD ROUNDS OF REVIEW WITH RESPECT TO THE TOTALITY OF THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND OF REVIEW**



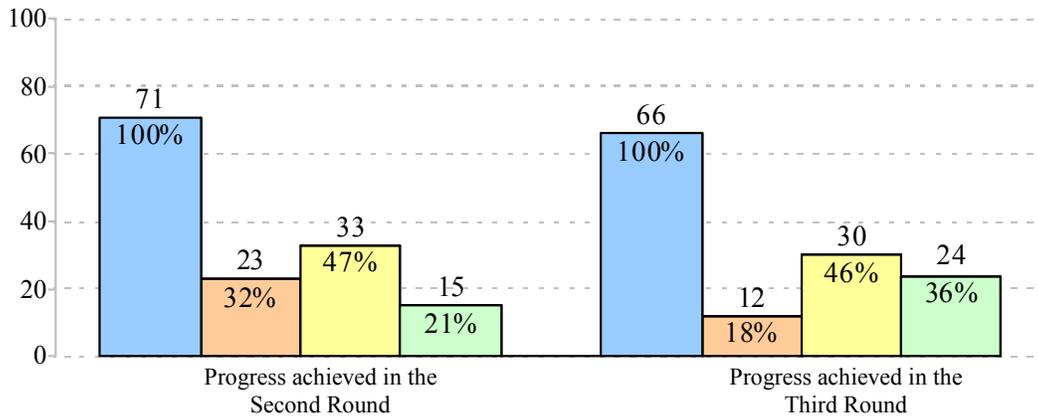
**1. STANDARDS OF CONDUCT AND ENFORCEMENT MECHANISMS (ARTICLE III, PARAGRAPHS 1 AND 2, OF THE CONVENTION)**

**1.1. Standards of conduct for preventing conflicts of interest and enforcement mechanisms**

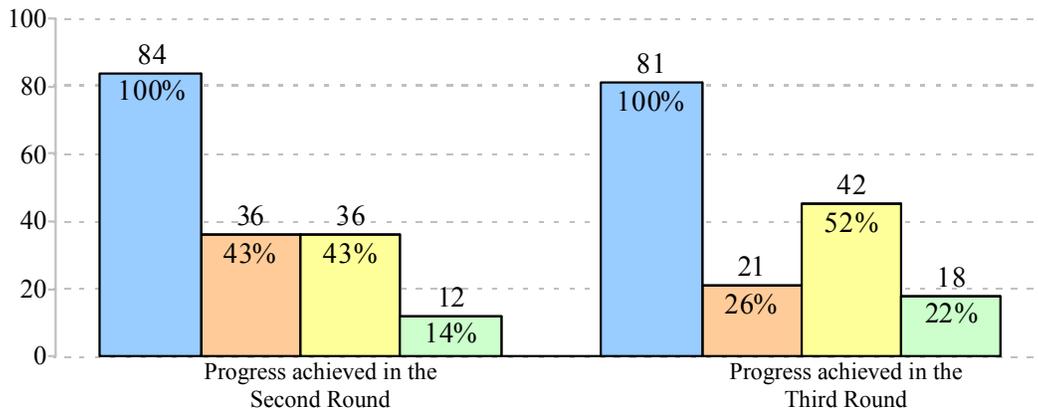


25. The total number of recommendations and measures in relation the progress achieved in the Third Round has diminished because one State (Honduras), was not analyzed in this Round, as it was suspended from participation in the OAS.

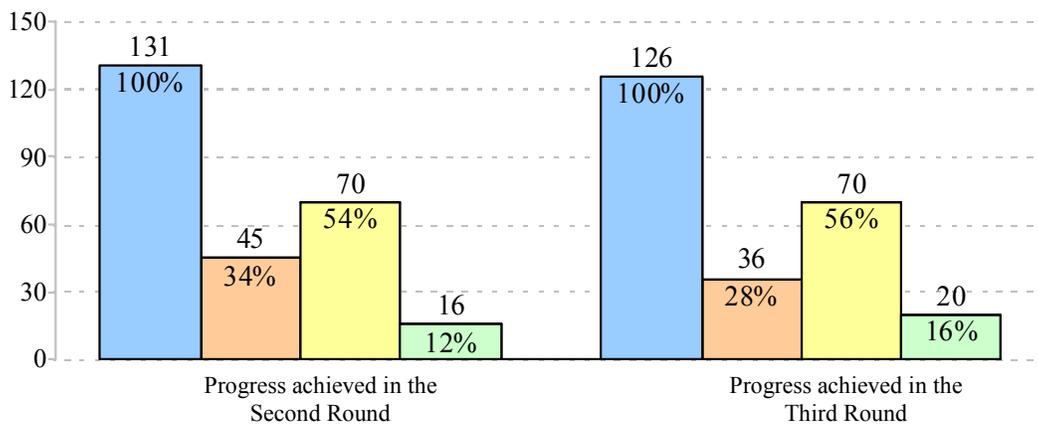
**1.2. Standards of conduct and mechanisms for ensuring the conservation and proper use of resources entrusted to public officials**



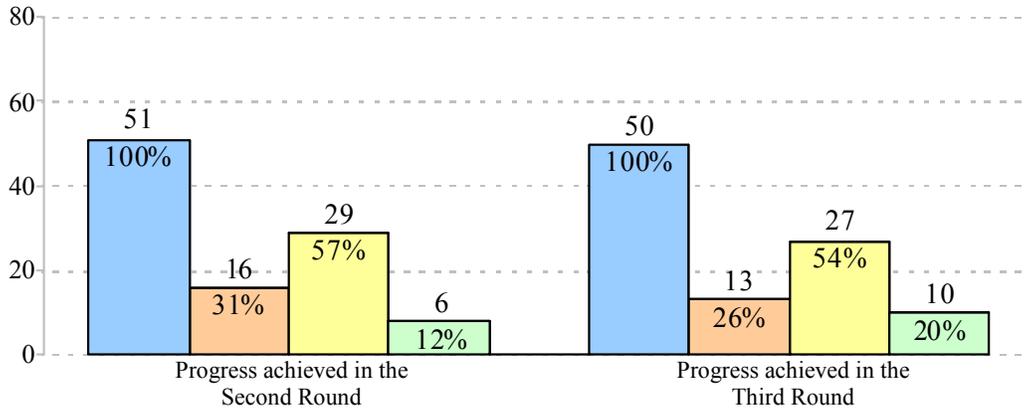
**1.3. Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities**



**2. SYSTEMS FOR REGISTERING INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)**

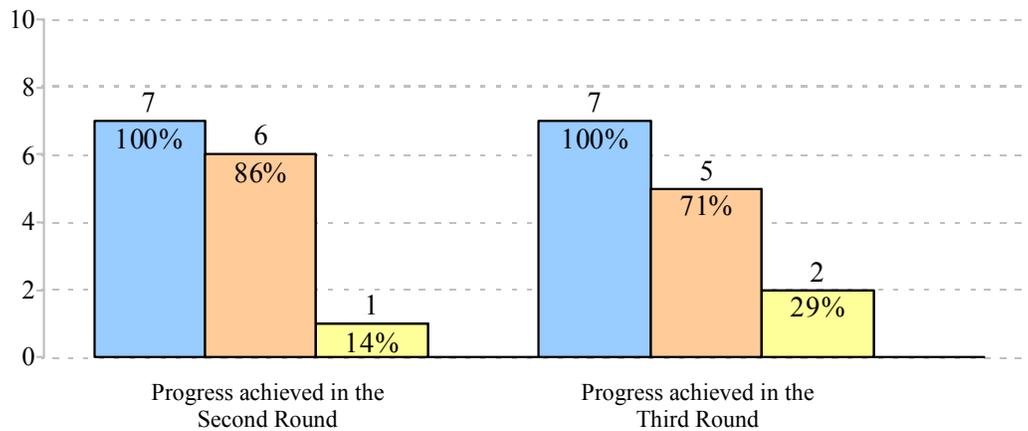


**3. OVERSIGHT BODIES RESPONSIBLE FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11 OF THE CONVENTION)**

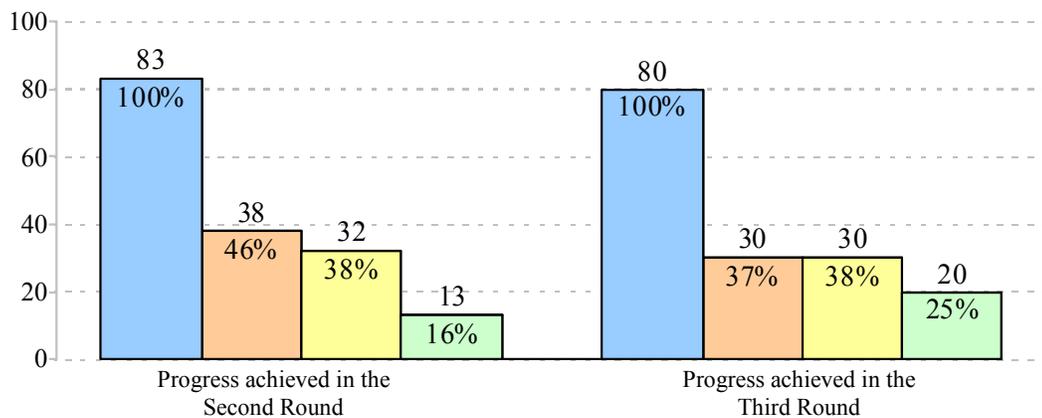


**4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11, OF THE CONVENTION)**

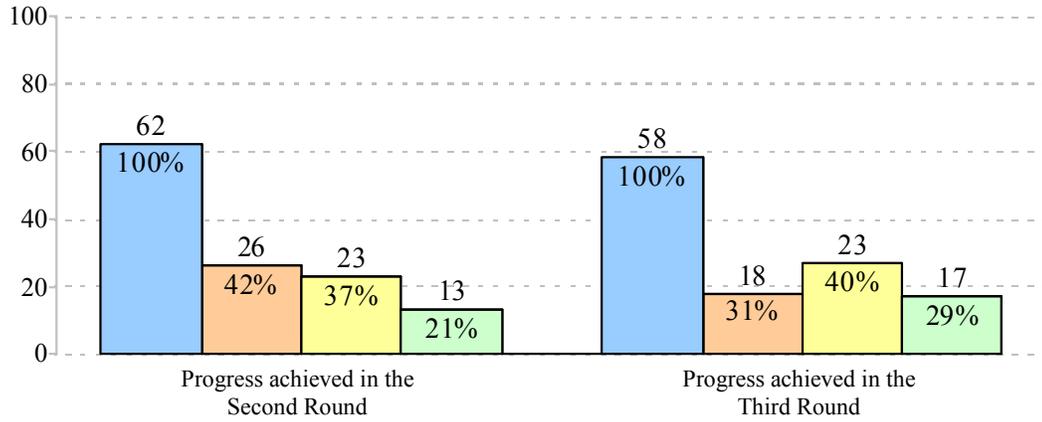
**4.1. General participation mechanisms**



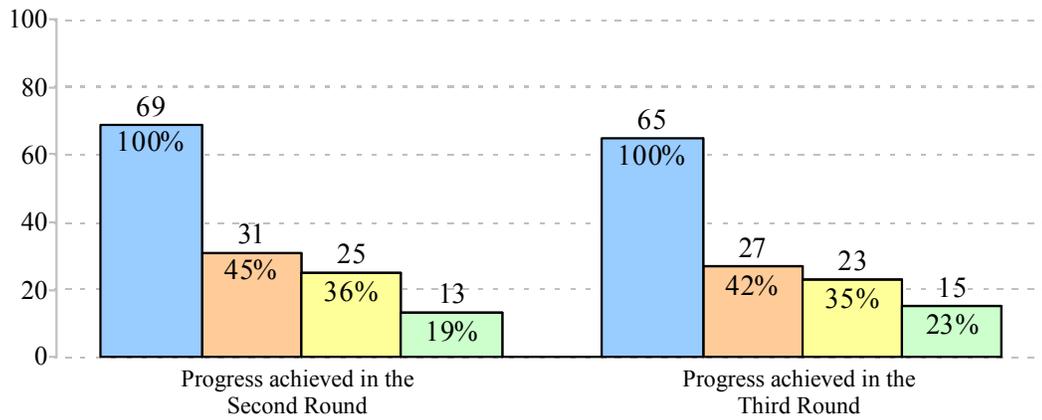
**4.2. Mechanisms for access to information**



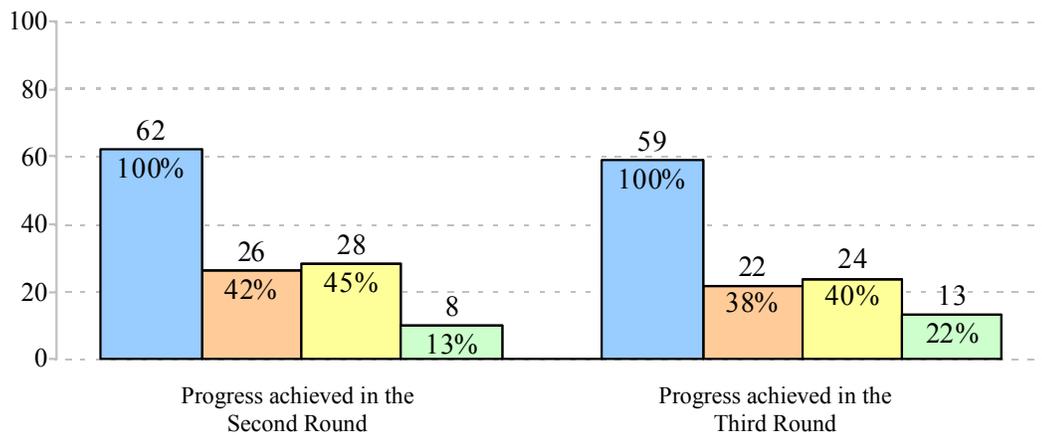
### 4.3. Mechanisms for consultation



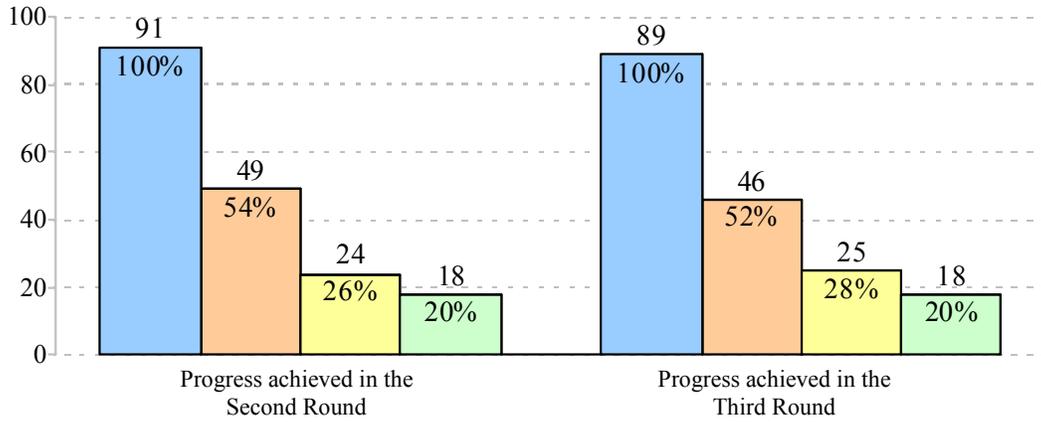
### 4.4. Mechanisms for encouraging participation in the public administration



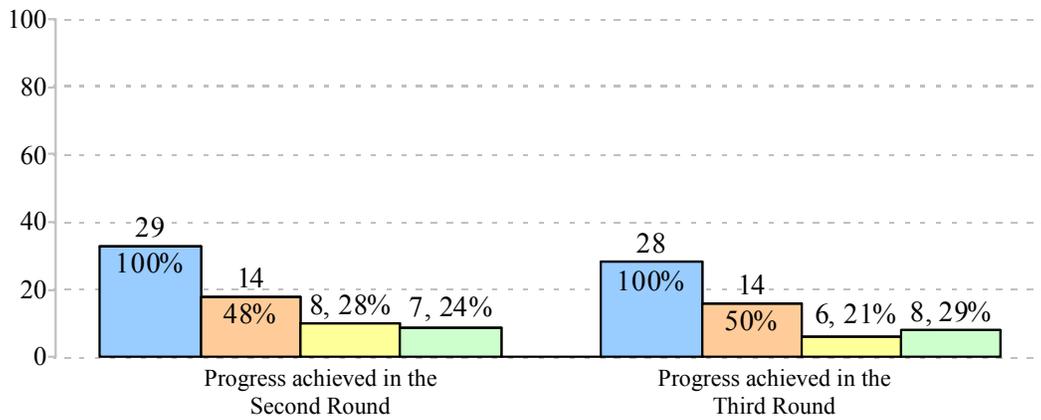
### 4.5. Mechanisms for participation in the follow-up of public administration



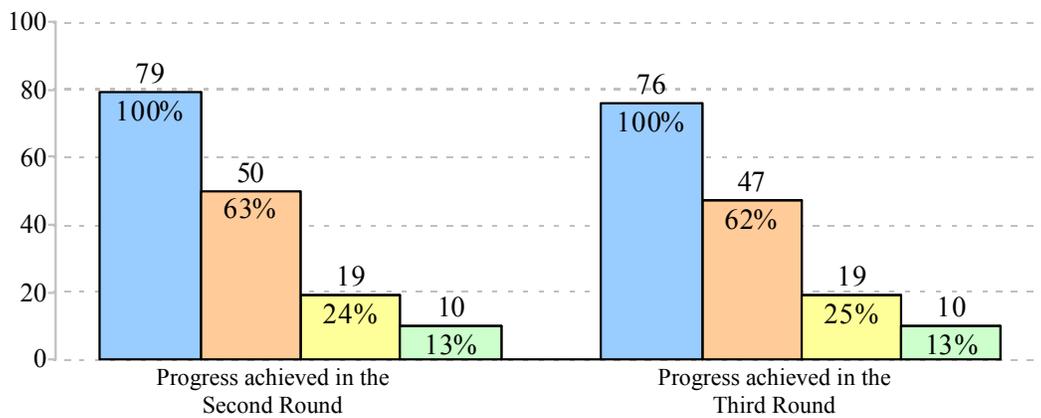
### 5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)



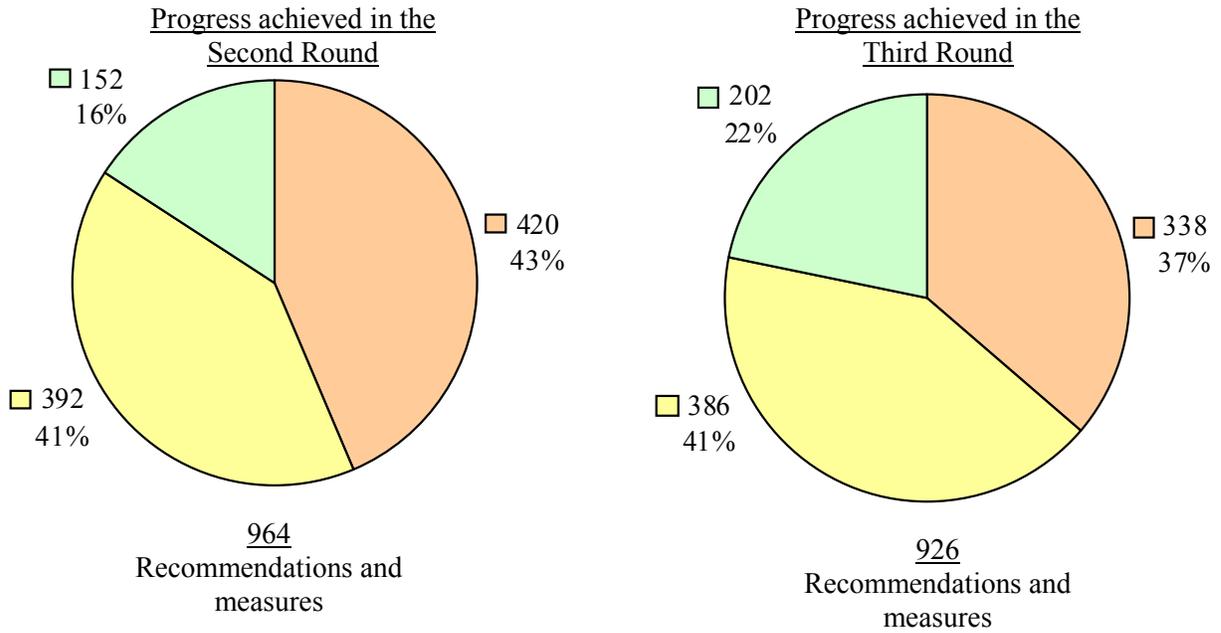
### 6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)



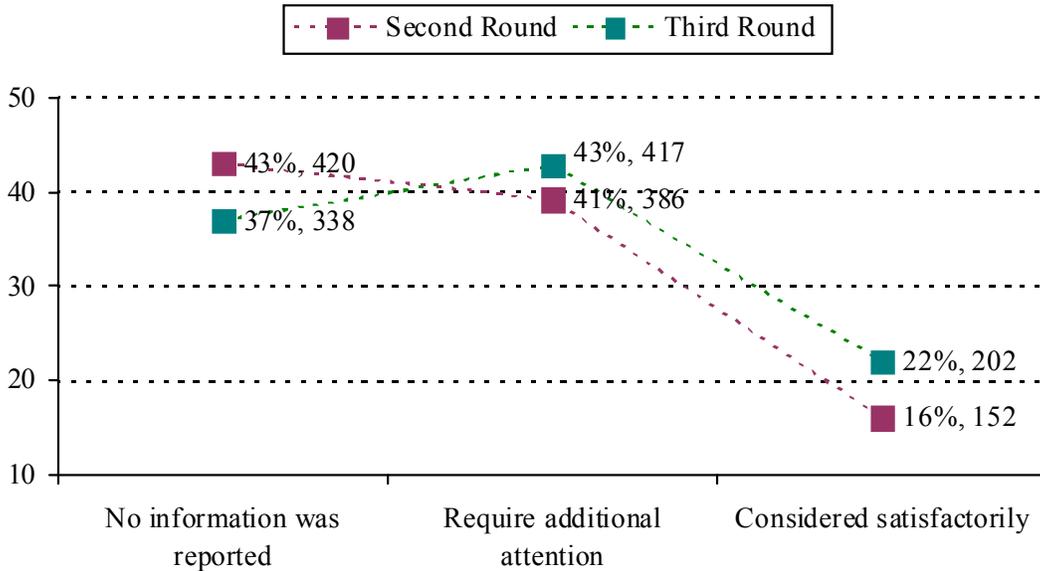
### 7. GENERAL RECOMMENDATIONS



**ANNEX III**  
**GRAPHIC REPRESENTATION OF THE PROGRESS ACHIEVED BETWEEN THE SECOND AND THIRD ROUNDS OF REVIEW WITH RESPECT TO THE TOTALITY OF THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND**

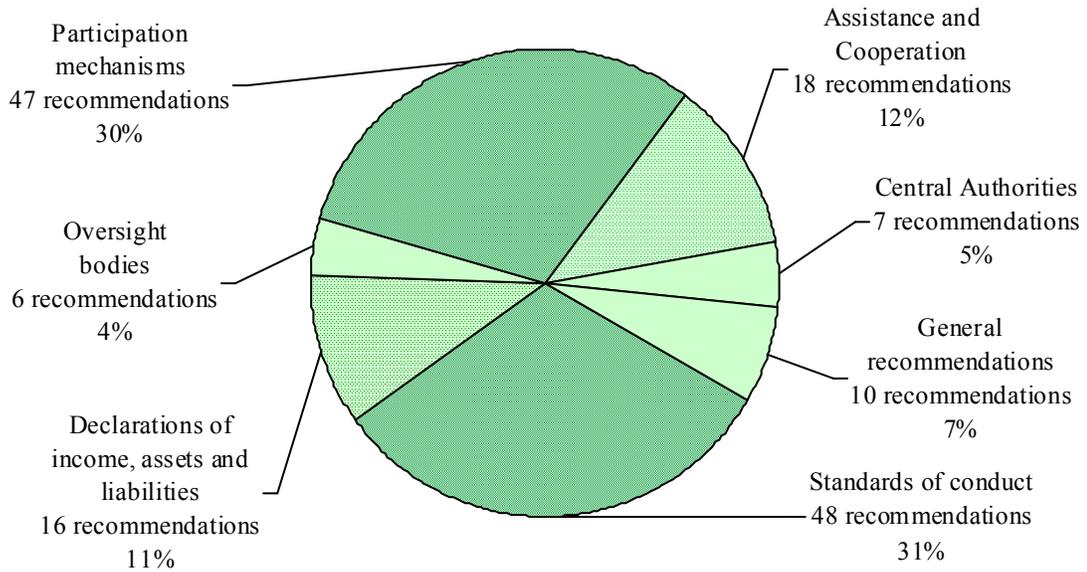


- Number and percentage of measures regarding which no information was reported.
- Number and percentage of measures which require additional attention.
- Number and percentage of measures considered satisfactorily.

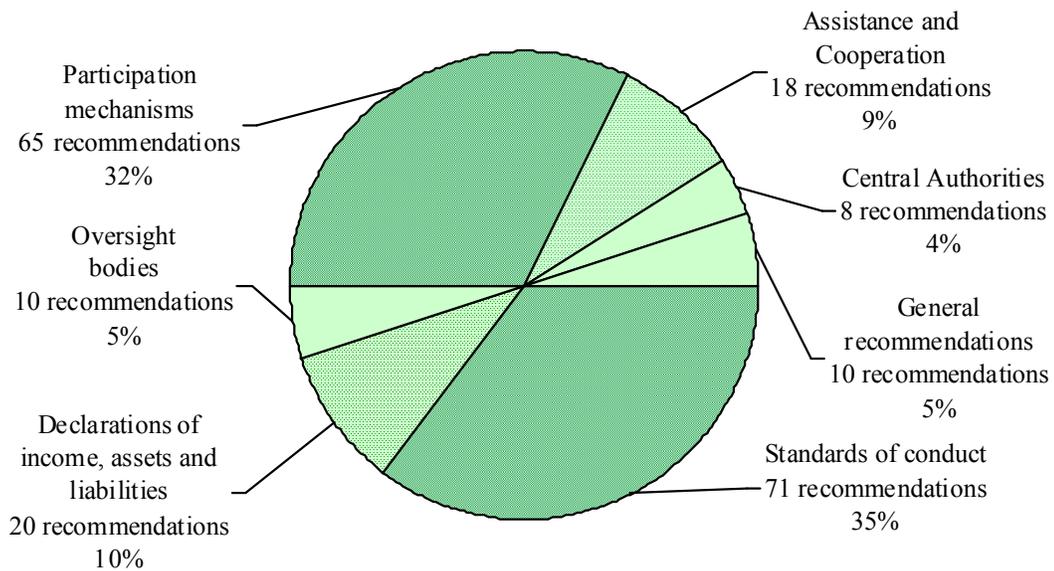


**ANNEX IV**  
**GRAPHIC REPRESENTATION ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND OF REVIEW CONSIDERED SATISFACTORILY DURING THE SECOND AND THIRD ROUNDS**

Topic, number and percentage of the 152 recommendations formulated in the First Round of Review considered satisfactory in the Second Round



Topic, number and percentage of the 202 recommendations formulated in the First Round of Review considered satisfactory in the Third Round



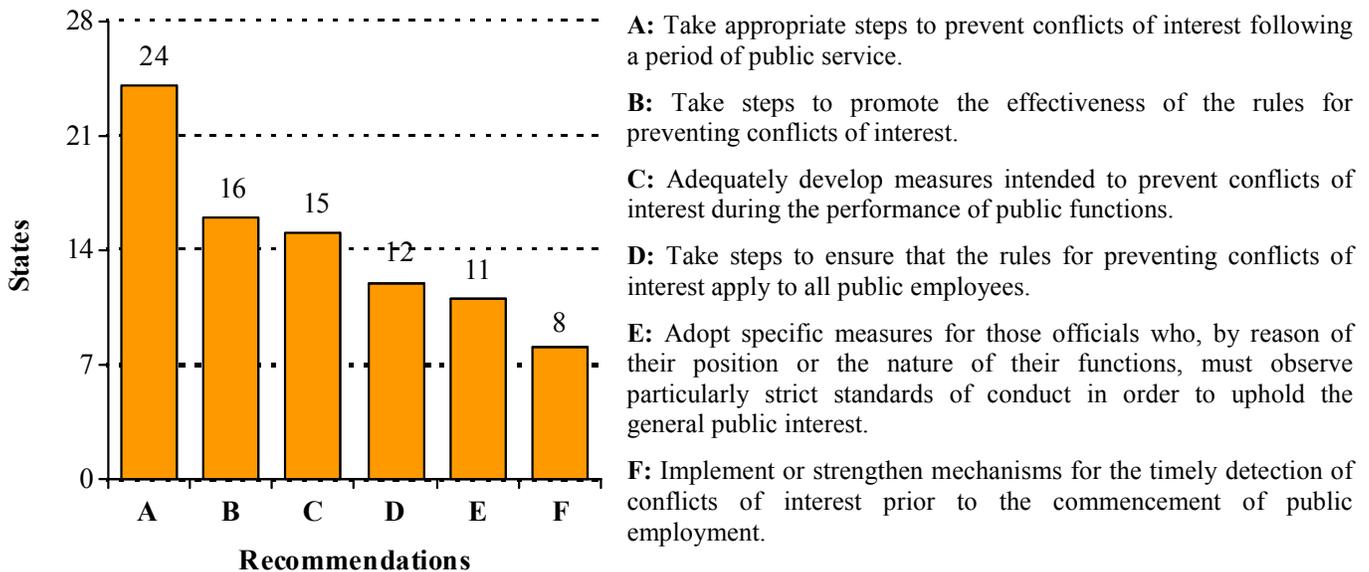
**ANNEX V**  
**GRAPHIC REPRESENTATION OF THE PROGRESS ACHIEVED BETWEEN THE SECOND AND THIRD ROUNDS OF REVIEW WITH RESPECT TO THE MOST COMMON RECOMMENDATIONS FORMULATED IN THE FIRST ROUND**

-  Number and percentage of states that did not report on progress with respect to implementation.
-  Number and percentage of states that the Committee determined needed to pay additional attention to the recommendations.
-  Number and percentage of states that the Committee considered had given satisfactory consideration to the recommendations.

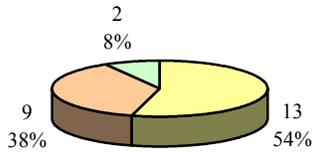
**1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)**

**1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms**

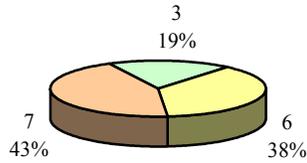
Most Common Recommendations



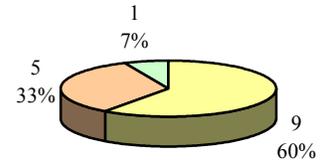
Graphic representation of implementation in the Second Round



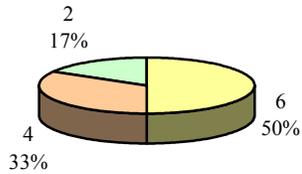
**Recommendation "A"**



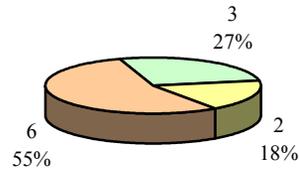
**Recommendation "B"**



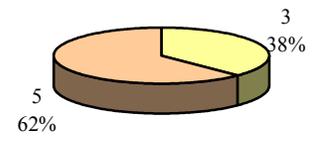
**Recommendation "C"**



**Recommendation "D"**

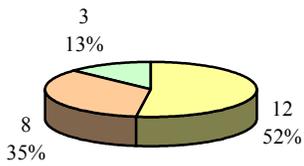


**Recommendation "E"**

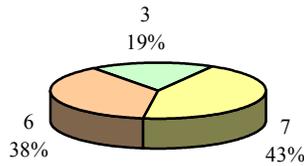


**Recommendation "F"**

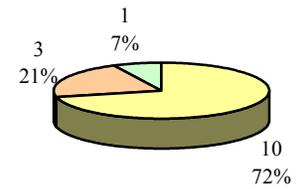
Graphic representation of implementation in the Third Round



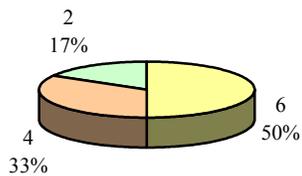
**Recommendation "A"**



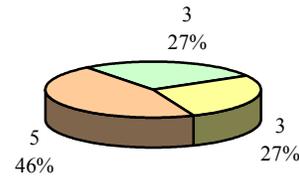
**Recommendation "B"**



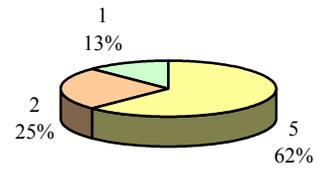
**Recommendation "C"**



**Recommendation "D"**



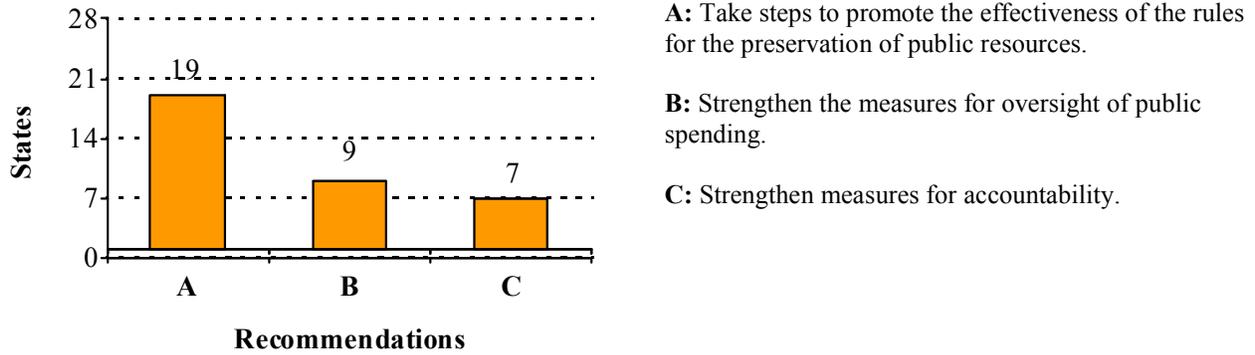
**Recommendation "E"**



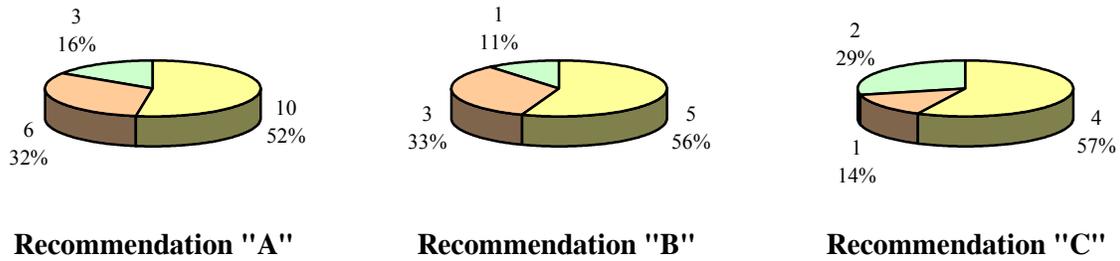
**Recommendation "F"**

**1.2. Standards of conduct and mechanisms for ensuring the conservation and proper use of resources entrusted to public officials**

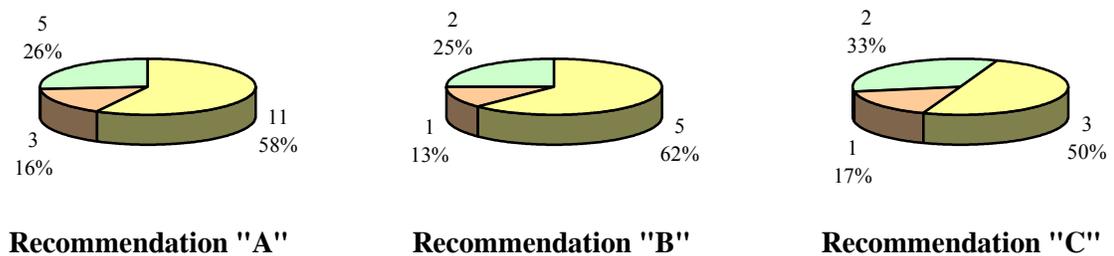
Most Common Recommendations



Graphic representation of implementation in the Second Round

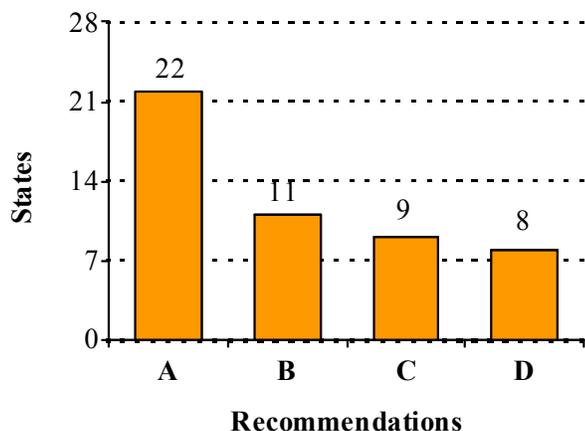


Graphic representation of implementation in the Third Round



**1.3. Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities**

Most Common Recommendations



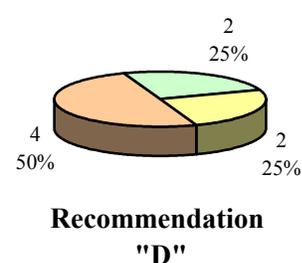
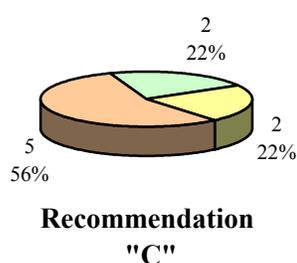
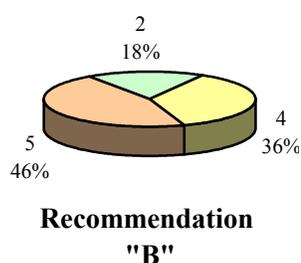
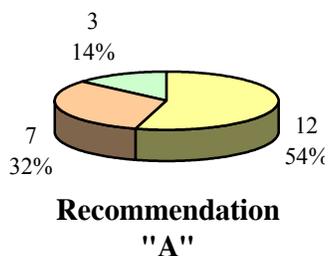
**A:** Adopt provisions to provide those filing reports with guarantees against any threats, retaliations, or reprisals they may face.

**B:** Require employees to report acts of corruption in public service.

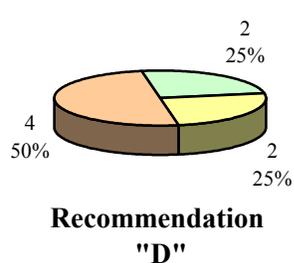
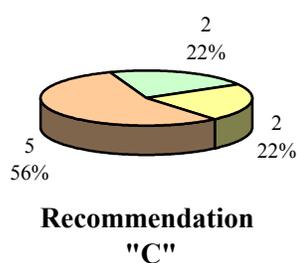
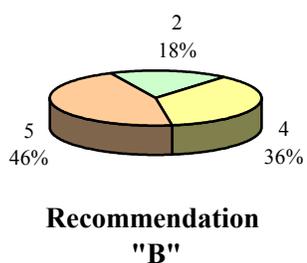
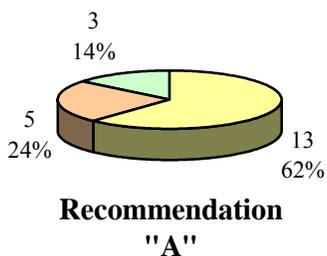
**C:** Adopt measures to increase the effectiveness of the rules requiring acts of corruption to be reported.

**D:** Adopt measures to ensure that the formalities for the lodging of complaints do not prevent public employees from complying with this duty.

Graphic representation of implementation in the Second Round

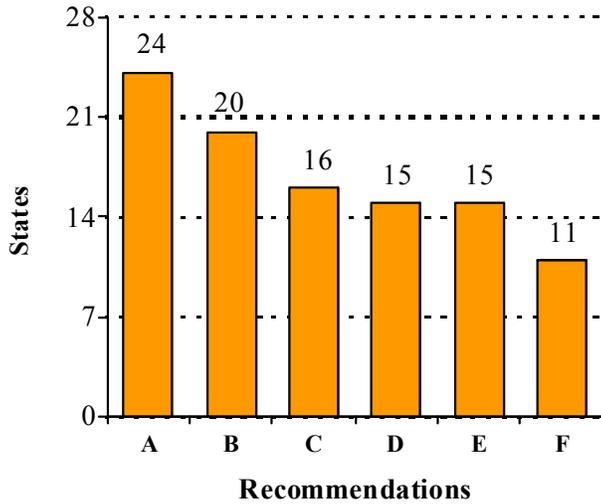


Graphic representation of implementation in the Third Round



**2. SYSTEMS FOR REGISTERING INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)**

Most common recommendations



**A:** Optimize the analysis of the statements' content so they can be used to detect and prevent conflicts of interest

**B:** Regulate the requirements and procedures for making statements public.

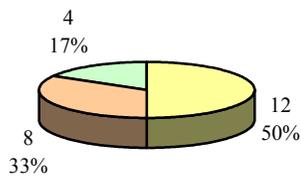
**C:** Optimize the analysis of the statements' content so they can be used to detect and prevent possible illegal enrichment.

**D:** Implement systems to check the content of their declarations.

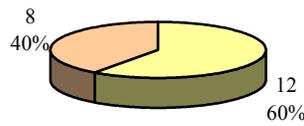
**E:** Adopt measures to increase the effectiveness of the obligations related to these statements.

**F:** Expand the group required to file declarations.

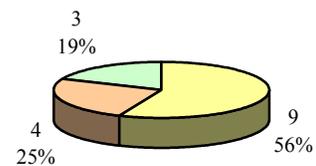
Graphic representation of implementation in the Second Round



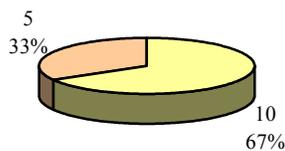
**Recommendation "A"**



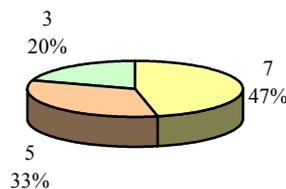
**Recommendation "B"**



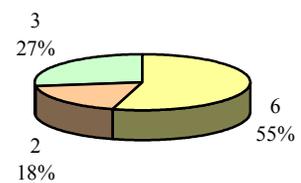
**Recommendation "C"**



**Recommendation "D"**

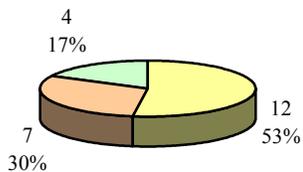


**Recommendation "E"**

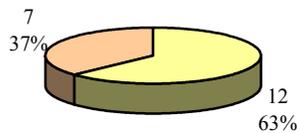


**Recommendation "F"**

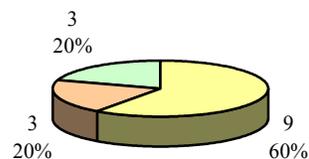
Graphic representation of implementation in the Third Round



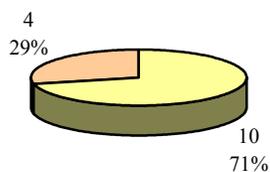
**Recommendation "A"**



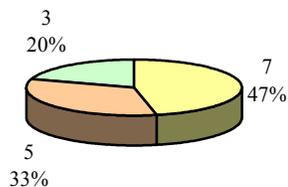
**Recommendation "B"**



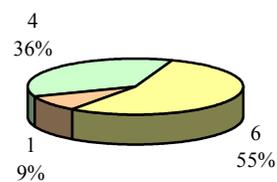
**Recommendation "C"**



**Recommendation "D"**



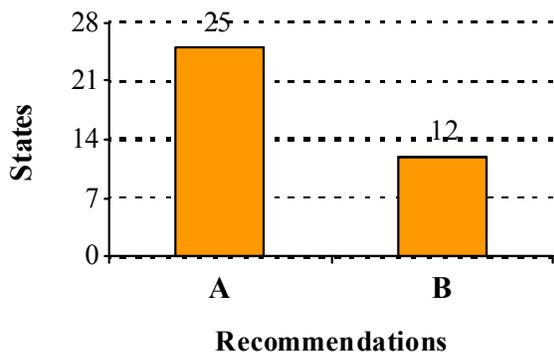
**Recommendation "E"**



**Recommendation "F"**

**3. OVERSIGHT BODIES RESPONSIBLE FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11 OF THE CONVENTION)**

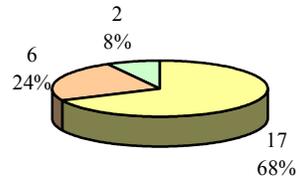
Most common recommendations



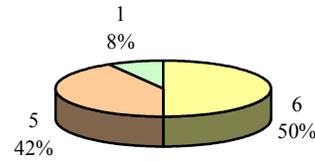
**A:** Strengthen the oversight bodies in connection with the functions they perform in overseeing effective compliance with the indicated Convention provisions.

**B:** Establish oversight bodies to perform functions related to effective compliance with the terms of paragraphs 1, 2, 4, and 11 of the Convention, if they do not already exist, or assign existing bodies the authority to perform those functions.

Graphic representation of implementation in the Second Round

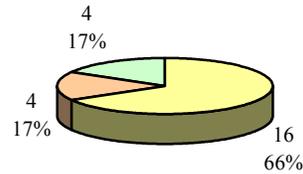


**Recommendation "A"**

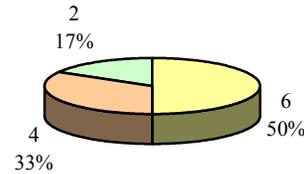


**Recommendation "B"**

Graphic representation of implementation in the Third Round



**Recommendation "A"**

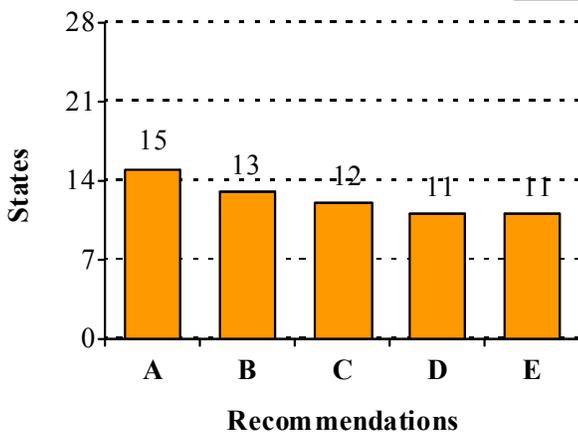


**Recommendation "B"**

**4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11, OF THE CONVENTION)**

**4.2. Mechanisms for access to information**

Most common recommendations



**A:** Take steps to expand the information considered public.

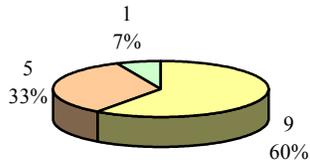
**B:** Implement training and dissemination programs on the mechanisms for access to public information and to optimize the use of available technology to that end.

**C:** Develop procedures for the timely processing of requests for information.

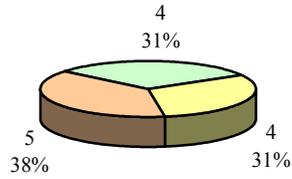
**D:** Strengthen the mechanisms for challenging or appealing against decisions denying requests for information.

**E:** Take steps to increase the effectiveness of provisions and measures related to the furnishing of public information.

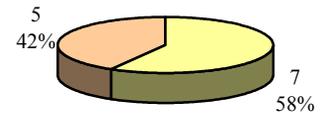
Graphic representation of implementation in the Second Round



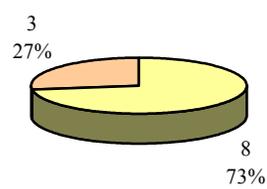
**Recommendation "A"**



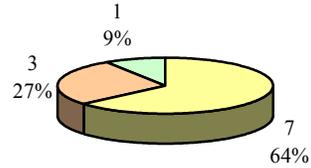
**Recommendation "B"**



**Recommendation "C"**

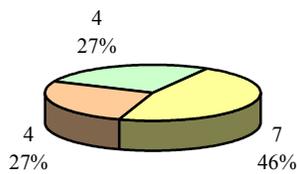


**Recommendation "D"**

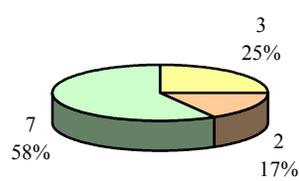


**Recommendation "E"**

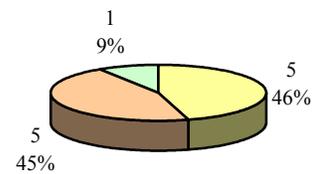
Graphic representation of implementation in the Third Round



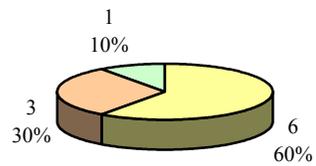
**Recommendation "A"**



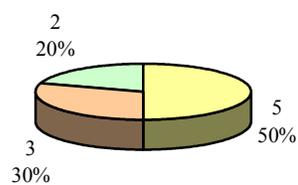
**Recommendation "B"**



**Recommendation "C"**



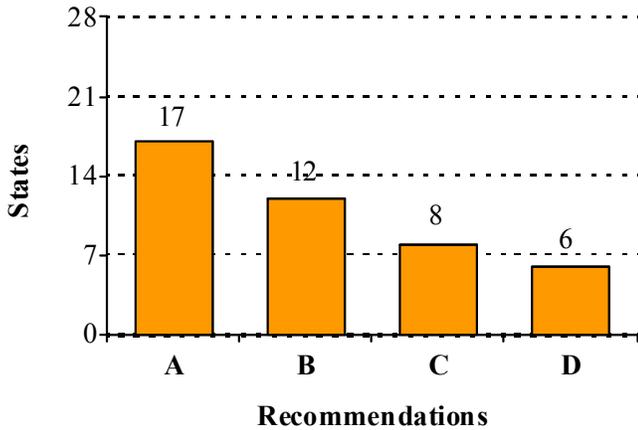
**Recommendation "D"**



**Recommendation "E"**

### 4.3. Mechanisms for consultation

#### Most common recommendations



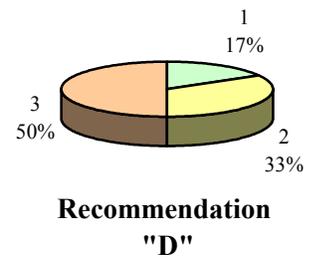
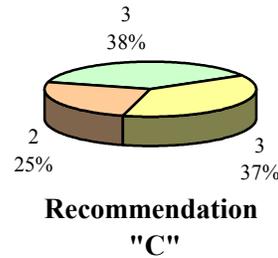
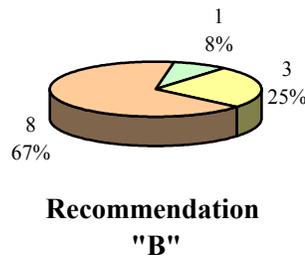
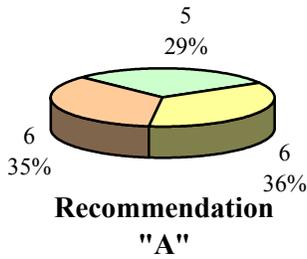
**A:** Organize or continue to organize processes to allow interested sectors to present consultations related to the public administration, the design of public policies, and the drafting of legislative proposals, decrees, or resolutions under the aegis of the executive branch.

**B:** Implement training and dissemination programs on the consultation mechanisms.

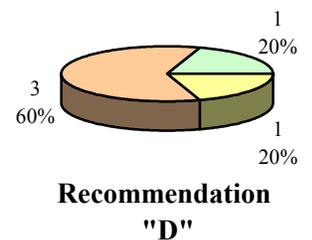
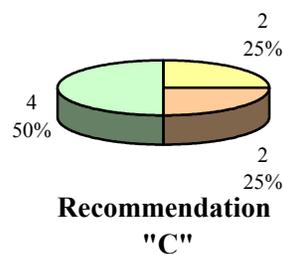
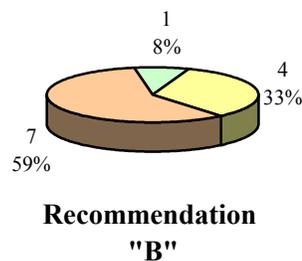
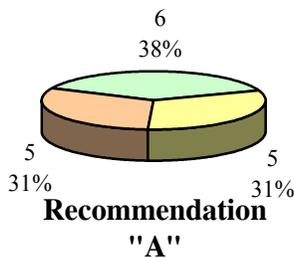
**C:** Expand to nationwide coverage or into other areas the use of consultation instruments similar to those that already exist locally or for specific areas.

**D:** Adopt measures to increase the effectiveness of the rules governing consultation mechanisms.

#### Graphic representation of implementation in the Second Round

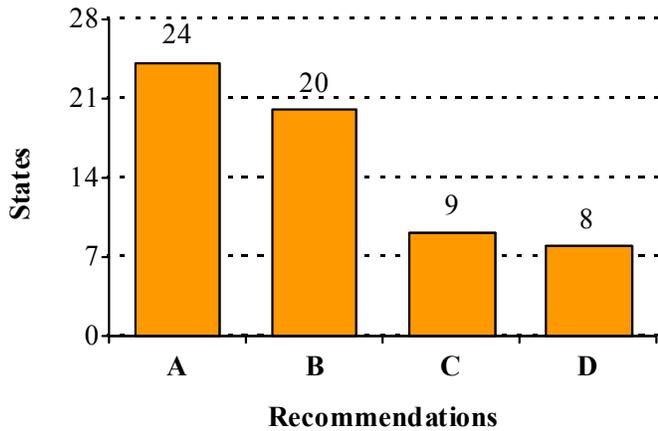


#### Graphic representation of implementation in the Third Round



#### 4.4. Mechanisms to encourage participation in public administration

##### Most common recommendations



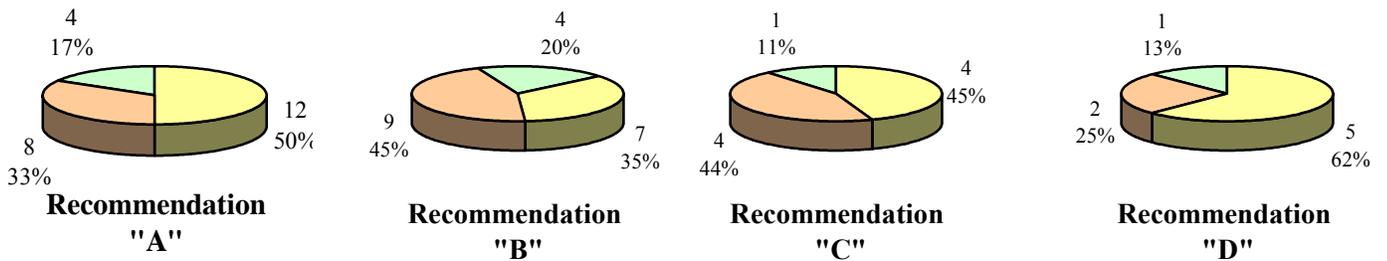
**A:** Establish mechanisms, in addition to those that already exist, to strengthen the participation of civil society organizations in the public administration.

**B:** Implement training and dissemination programs on mechanisms for encouraging participation in the public administration.

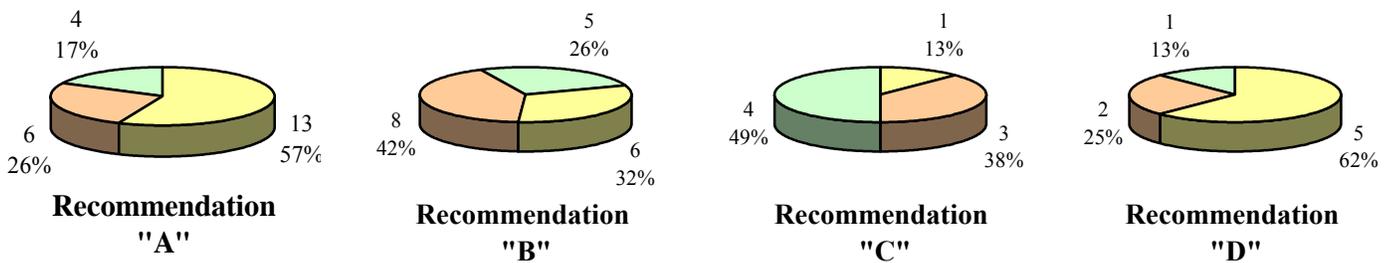
**C:** Repeal *desacato* laws.

**D:** Develop public awareness regarding the corruption problem.

##### Graphic representation of implementation in the Second Round

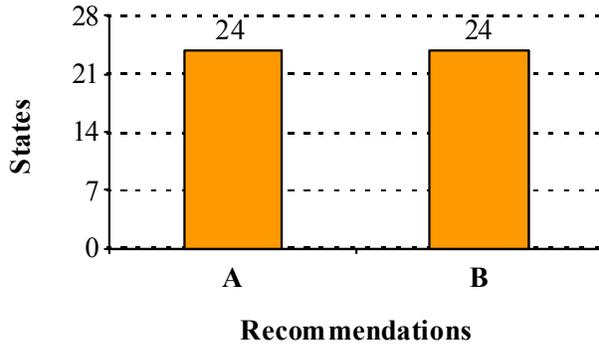


##### Graphic representation of implementation in the Third Round



#### 4.5. Mechanisms for participation in the follow-up of public administration

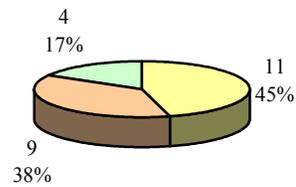
##### Most common recommendations



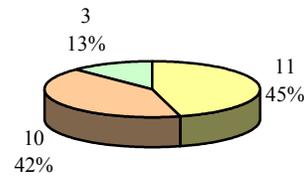
**A:** Develop additional methods, when appropriate, for enabling civil society to monitor the public administration.

**B:** Implement training and dissemination programs on mechanisms for monitoring the public administration.

##### Graphic representation of implementation in the Second Round

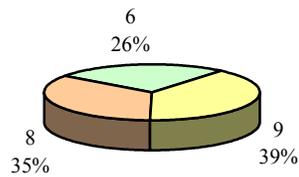


**Recommendation "A"**

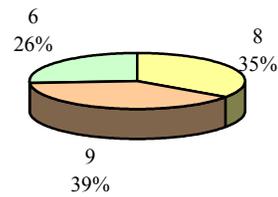


**Recommendation "B"**

##### Graphic representation of implementation in the Third Round



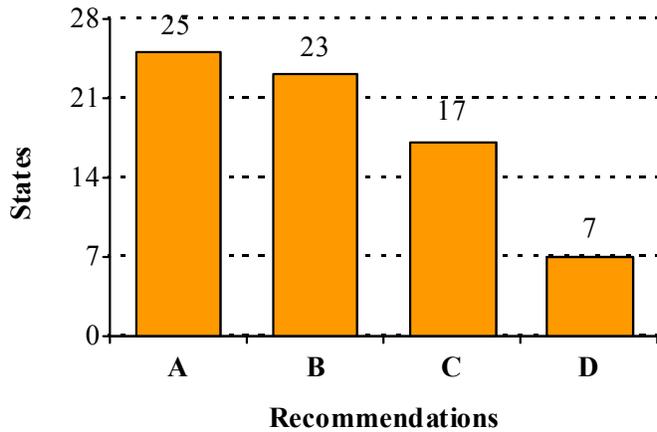
**Recommendation "A"**



**Recomendación "B"**

## 5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

### Most common recommendations



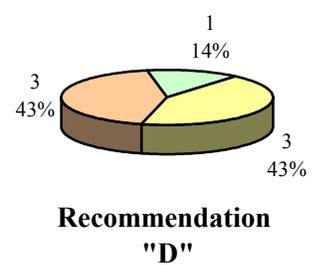
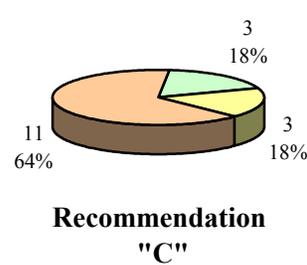
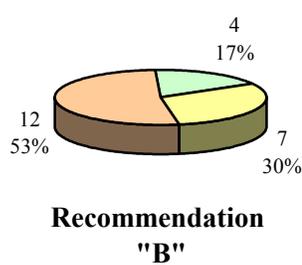
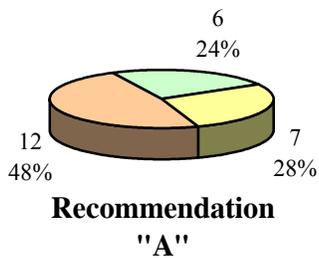
**A:** Exchange technical cooperation with other states parties regarding the best ways and methods for preventing, detecting, investigating, and punishing acts of corruption.

**B:** Identify specific areas in which technical cooperation from other states parties and international cooperation agencies could be used to bolster the capacity for preventing, detecting, investigating, and punishing acts of corruption.

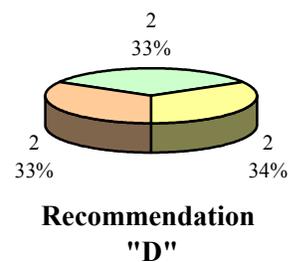
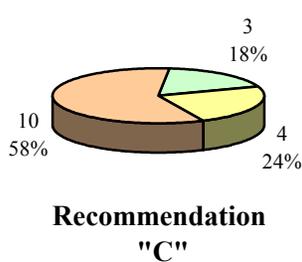
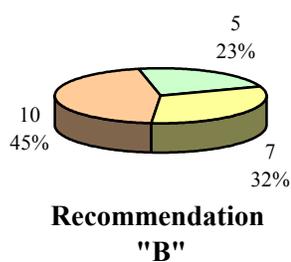
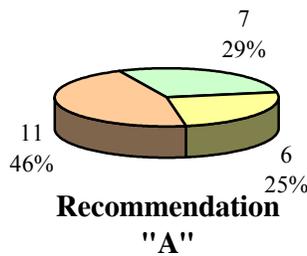
**C:** Establish a training program to assist the authorities in pursuing the mutual assistance provided for in the Convention.

**D:** Identify and prioritize requests for mutual assistance for investigating or prosecuting corruption cases.

### Graphic representation of implementation in the Second Round

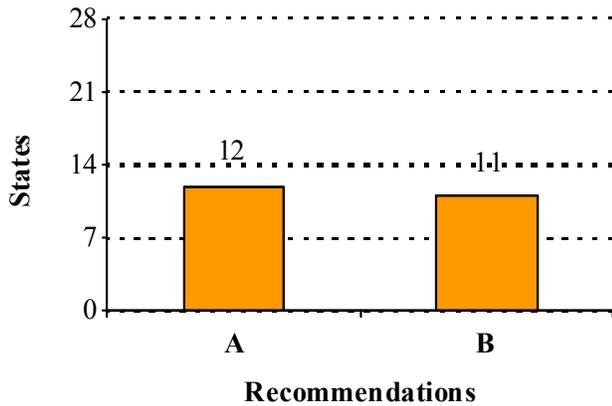


### Graphic representation of implementation in the Third Round



## 6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

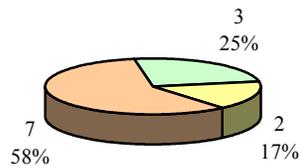
### Most common recommendations



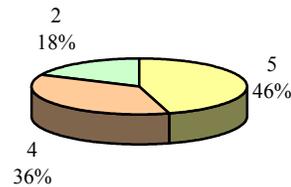
**A:** Inform the OAS General Secretariat of the appointment of the central authority or authorities for the purposes of the mutual assistance and reciprocal technical cooperation referred to in the Convention.

**B:** Ensure that the central authority or authorities have the resources necessary for performing their duties in full.

### Graphic representation of implementation in the Second Round

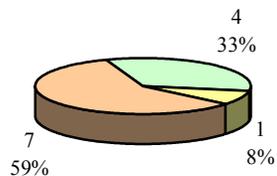


**Recommendation "A"**

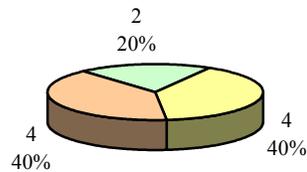


**Recommendation "B"**

### Graphic representation of implementation in the Third Round

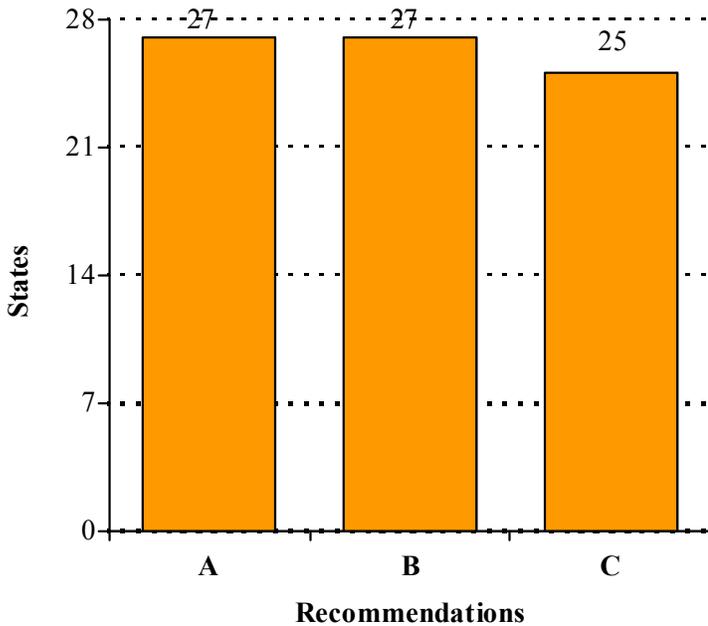


**Recommendation "A"**



**Recommendation "B"**

**ANNEX VI  
GRAPHIC REPRESENTATION OF THE PROGRESS ACHIEVED BETWEEN THE  
SECOND AND THIRD ROUNDS OF REVIEW WITH RESPECT TO THE GENERAL  
RECOMMENDATIONS FORMULATED IN THE FIRST ROUND**

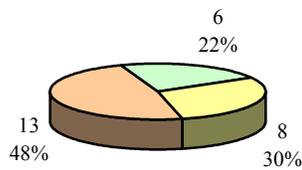


**A:** Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this report, in order to ensure their proper acquaintance, management, and application.

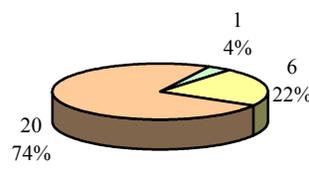
**B:** Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, the Republic of Suriname could take into account the list of broader indicators applicable to the Inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. The State under review could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

**C:** Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

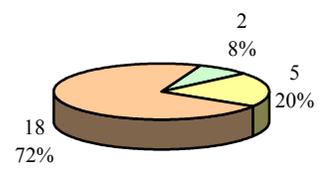
Graphic representation of implementation in the Second Round



**Recommendation  
"A"**

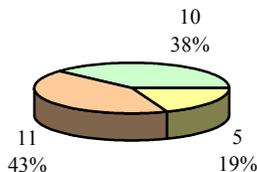


**Recommendation  
"B"**

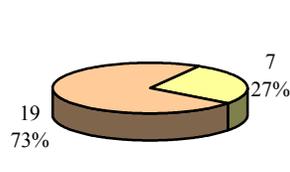


**Recommendation  
"C"**

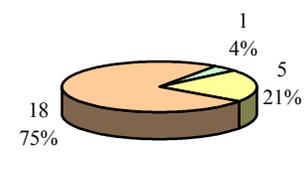
Graphic representation of implementation in the Third Round



**Recommendation  
"A"**



**Recommendation  
"B"**

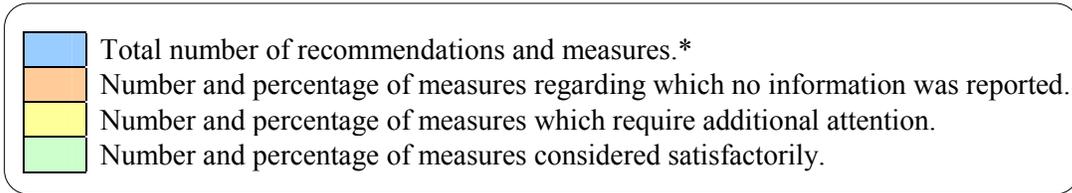


**Recommendation  
"C"**

**ANNEX VII**  
**TABLE ON THE PROGRESS ACHIEVED BETWEEN THE SECOND AND THIRD**  
**ROUNDS OF REVIEW WITH RESPECT TO THE SATISFACTORY CONSIDERATION**  
**OF SOME OF THE MOST COMMON RECOMMENDATIONS FORMULATED IN THE**  
**FIRST ROUND**

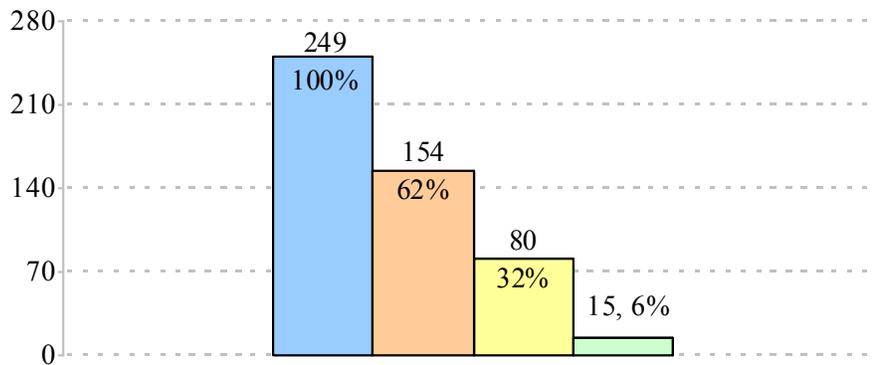
Topic	Number of most common recommendations satisfactorily considered		Increase	
	Second Round	Third Round	No.	%
Prevention of conflict of interest	11	13	+2	.18
Conservation and proper use of resources entrusted to public officials	6	9	+3	.50
Systems requiring public officials to report acts of corruption	9	9	0	0
Systems for registering income, assets, and liabilities	13	14	+1	.08
Oversight bodies	3	6	+3	1.00
Mechanisms for access to information	6	15	+9	1.50
Mechanisms for consultation	10	12	+2	.20
Mechanisms to encourage participation in public administration	10	14	+4	.40
Mechanisms for participation in the follow-up of public administration	7	12	+5	.71
Mutual assistance and technical cooperation	14	17	+3	.21
Central Authorities	5	6	+1	.20
General recommendations	9	11	+2	.22
Total:	103	138	+35	.34

**ANNEX VIII**  
**GRAPHIC REPRESENTATION OF THE PROGRESS ACHIEVED WITH RESPECT TO**  
**THE TOTALITY OF THE RECOMMENDATIONS FORMULATED IN THE SECOND**  
**ROUND OF REVIEW**

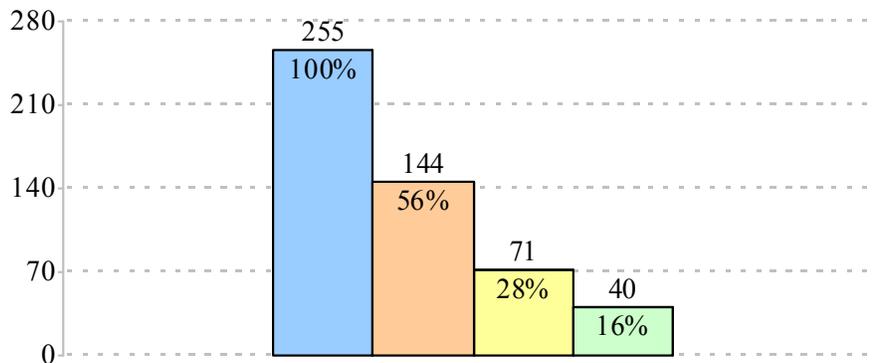


**1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)**

**1.1. Systems of government hiring**



**1.2. Government systems for the procurement of goods and services**

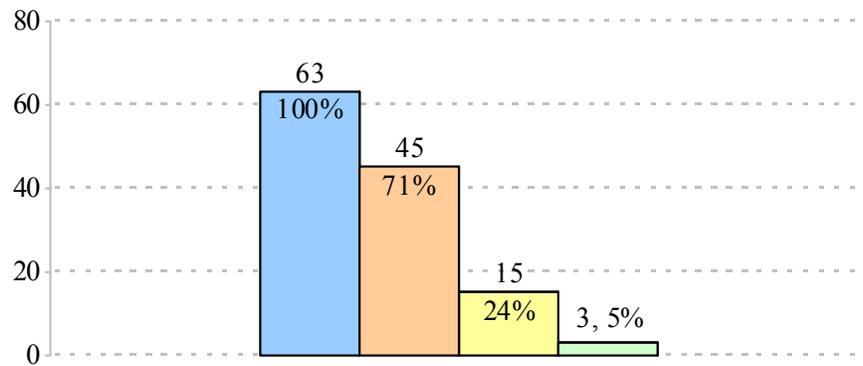


\* The total number of recommendations in each graphic corresponds to the 27 States analyzed in the Third Round.

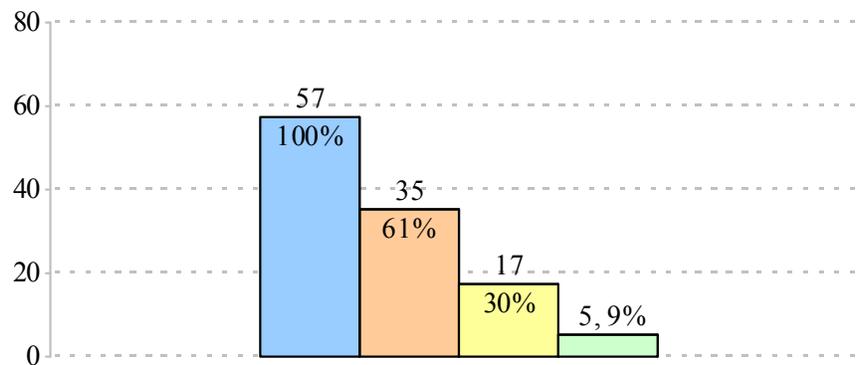
**2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)**



**3. ACTS OF CORRUPTION (ARTICLE VI (1) OF THE CONVENTION)**



**4. GENERAL RECOMMENDATIONS**



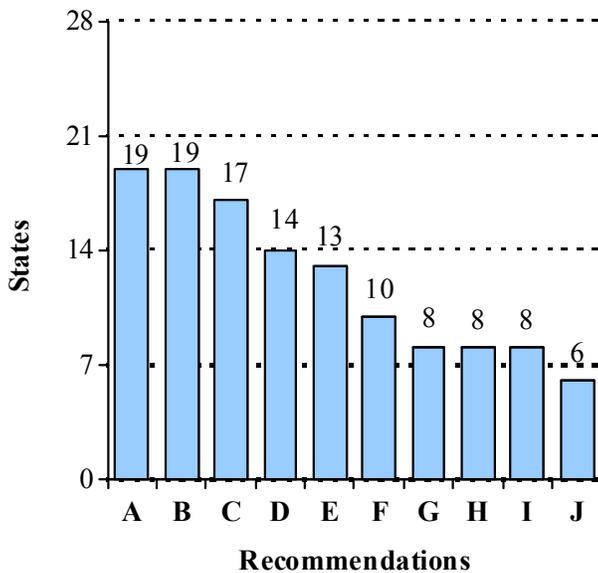
**ANNEX IX**  
**GRAPHIC REPRESENTATION OF THE PROGRESS MADE WITH RESPECT TO THE MOST COMMON RECOMMENDATIONS FORMULATED IN THE SECOND ROUND OF REVIEW**

	Number and percentage of states that did not report on progress with respect to implementation.
	Number and percentage of states that the Committee determined needed to pay additional attention to the recommendations.
	Number and percentage of states that the Committee considered had given satisfactory consideration to the recommendations.

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

**1.1. Systems of government hiring**

Most common recommendations



**A:** Adopt, as a general rule for filling public administration positions, selection by means of a merit-based system.

**B:** Broadly disseminate the notices announcing merit-based competitions for filling positions.

**C:** Establish or strengthen challenge mechanisms intended to clarify, modify, or annul the substantive actions carried out during a merit-based selection process.

**D:** Specify and disseminate the different methods for entry to service in the public administration.

**E:** Establish or strengthen the governing authority responsible for the regulation, administration, development or oversight of the system for entry into public service.

**F:** Adopt provisions which establish or strengthen appropriate control mechanisms to ensure strict compliance with the rules for personnel selection in the public service.

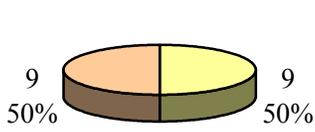
**G:** Define the manner in which selection should be carried in the merit-based system.

**H:** Adopt measures to avoid the indefinite prolonging and permanence in the public service of individuals hired through temporary appointments.

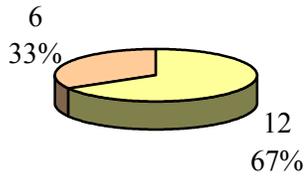
**I:** Set timeframes for the publication of notices announcing competitions for filling vacancies by means of the merit-based system.

**J:** Adopt measures that expand the categories of public administration positions that, due to the technical nature of their functions, should be covered by the general rule of merit-based selection.

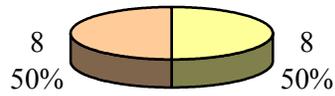
Graphic representation of implementation



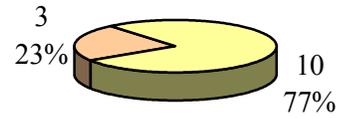
**Recommendation "A"**



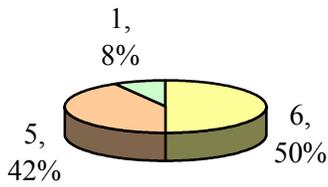
**Recommendation "B"**



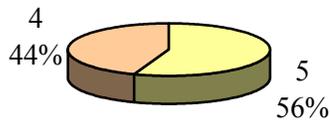
**Recommendation "C"**



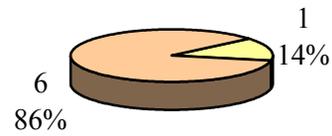
**Recommendation "D"**



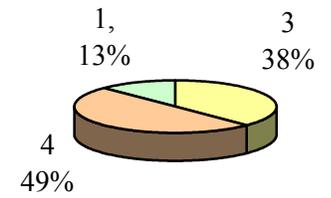
**Recommendation "E"**



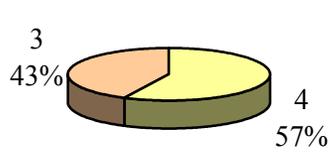
**Recommendation "F"**



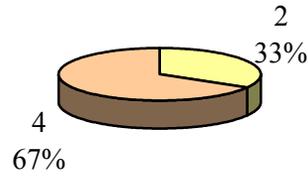
**Recommendation "G"**



**Recommendation "H"**



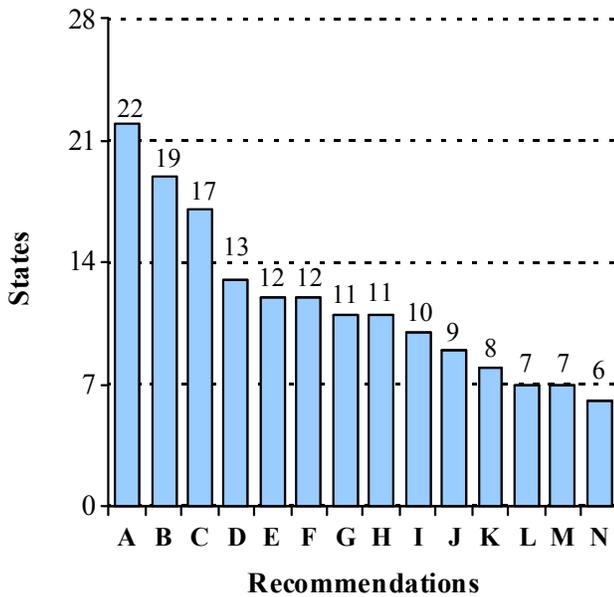
**Recommendation "I"**



**Recommendation "J"**

## 1.2. Government systems for the procurement of goods and services

### Most common recommendations



**A:** Create, implement or strengthen electronic systems for carrying out government contracting.

**B:** Complement or strengthen mechanisms for oversight of contracting activity.

**C:** Strengthen and expand the use of electronic media and other information systems to disseminate contracting activity.

**D:** Establish or strengthen the governing authority responsible for the regulation, administration, development or oversight of the oversight of the public contracting system.

**E:** Develop or strengthen provisions which regulate the procurement of public works.

**F:** Specify the reasons used as the basis for exceptions to public bidding.

**G:** Adopt measures to ensure that procurement procedures other than public bidding observe the principles of openness, equity, and efficiency provided for by the Convention..

**H:** Create a central registry of contractors.

**I:** Establish or strengthen challenge mechanisms intended to clarify, modify or annul the substantive decisions adopted during the contracting process.

**J:** Publish draft bidding terms.

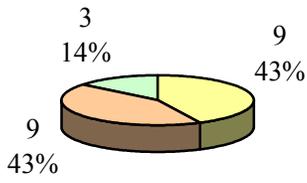
**K:** Specify the objective factors or selection criteria for the evaluation of bids, require that the results of that evaluation be justified, and reported to interested parties.

**L:** Conduct comprehensive periodic assessments to allow the use and effectiveness of the public sector procurement system to be measured, and adopt measures which ensure its transparency, openness, equity, and efficiency.

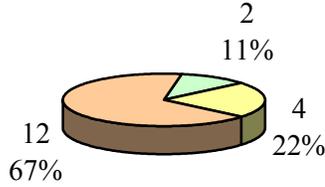
**M:** Adopt legally binding provisions for the procurement of goods and services by the public sector, which cover all branches of government and institutions of the state.

**N:** Adopt measures to ensure the use of public bidding as the general rule for public procurement

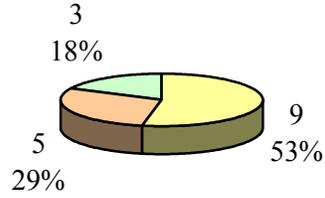
Graphic representation of implementation



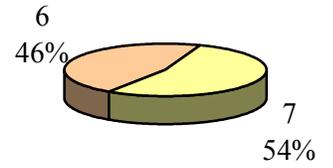
**Recommendation "A"**



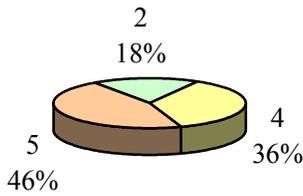
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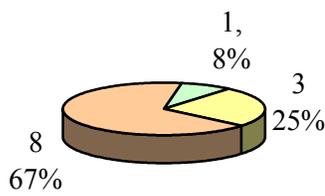
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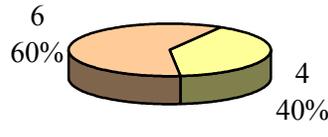
**Recommendation "D"**



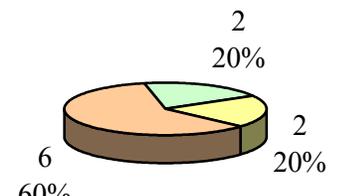
**Recommendation "E"**



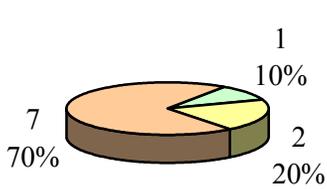
**Recommendation "F"**



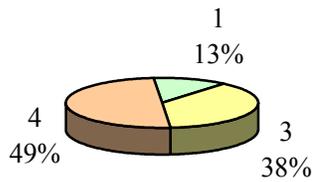
**Recommendation "G"**



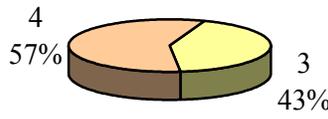
**Recommendation "H"**



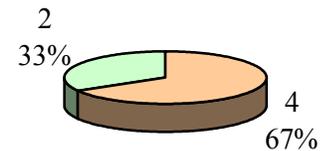
**Recommendation "I"**



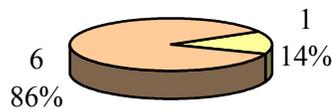
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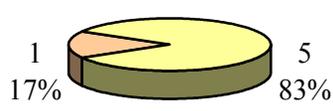
**Recommendation "K"**



**Recommendation "L"**



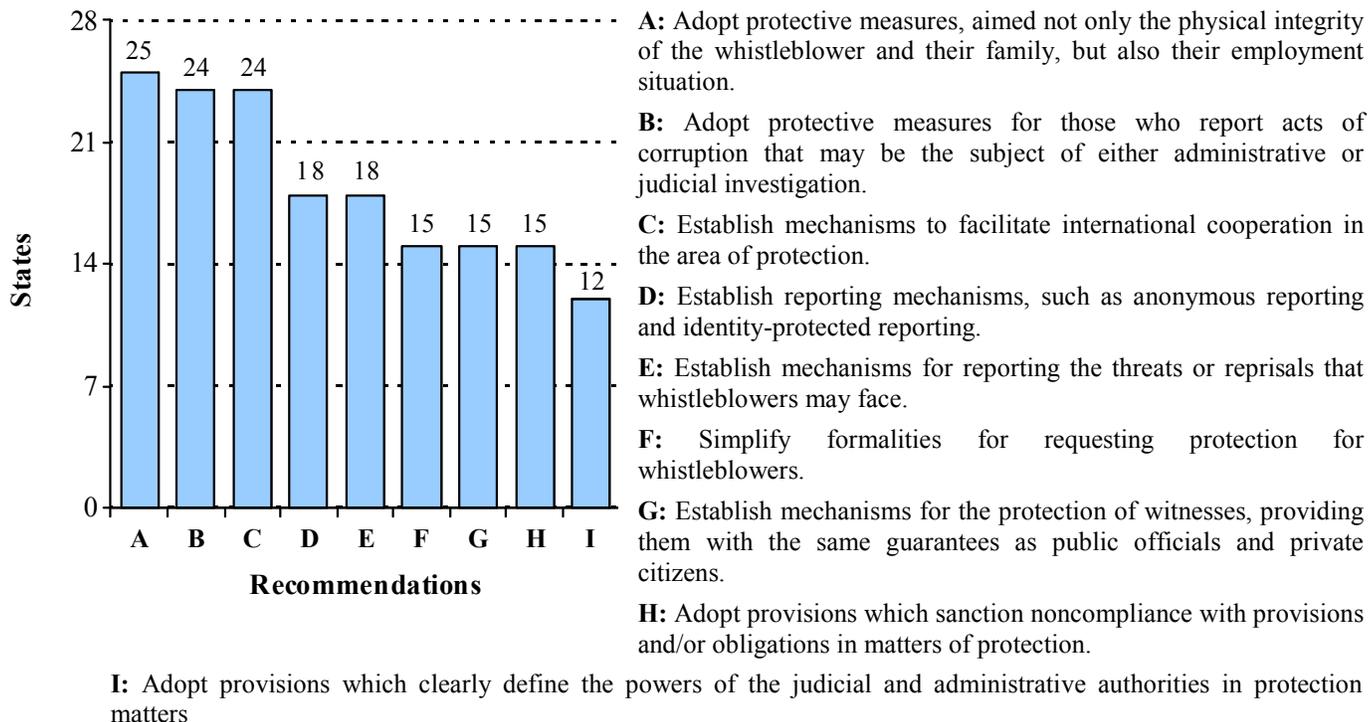
**Recommendation "M"**



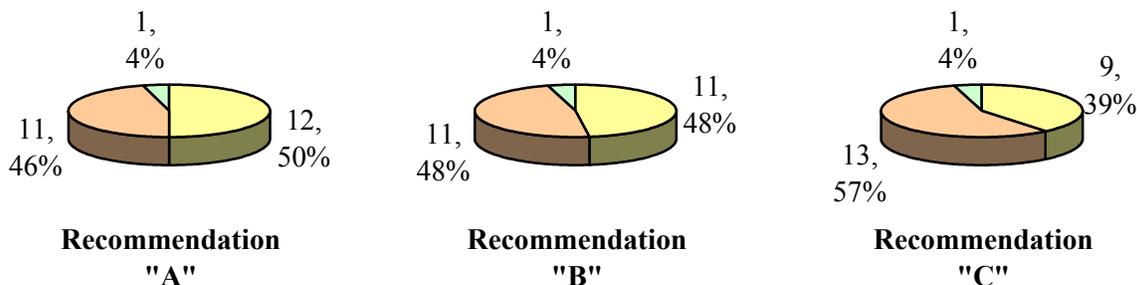
**Recommendation "N"**

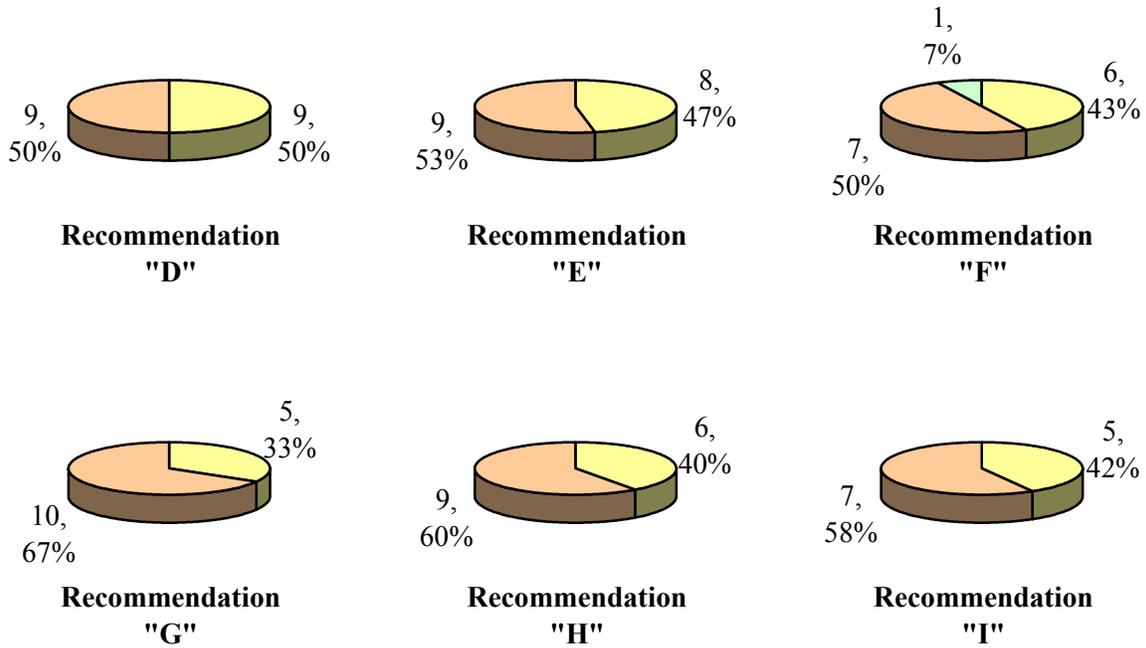
**2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)**

Most common recommendations



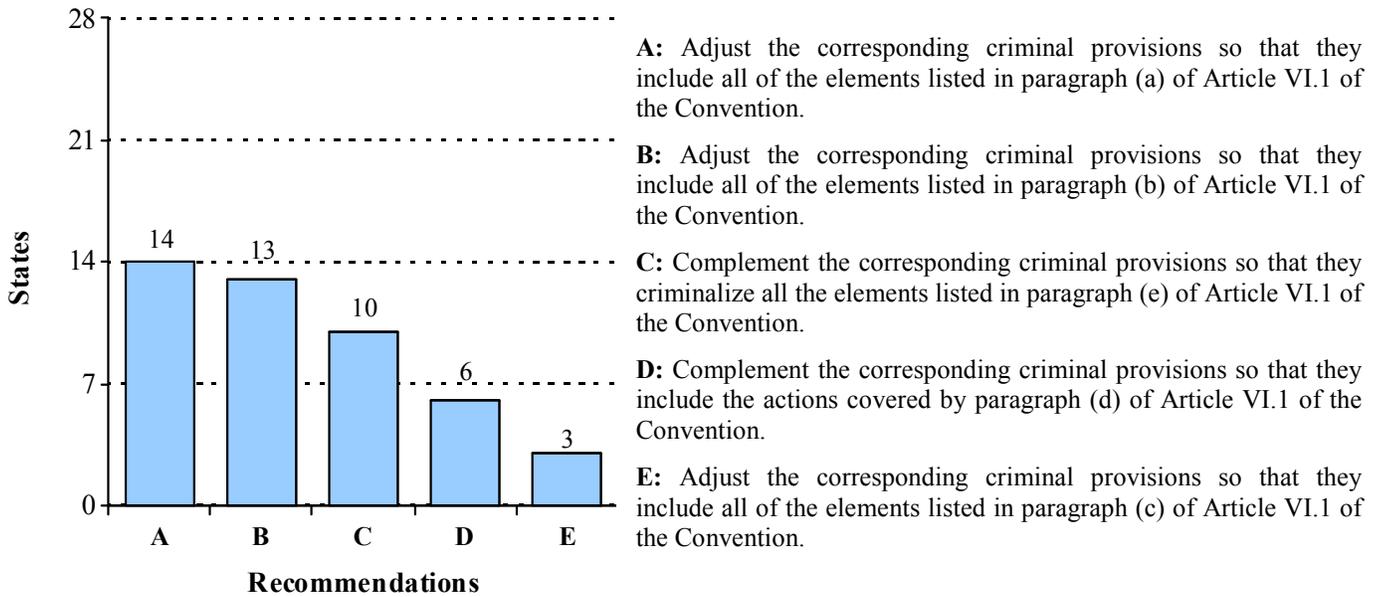
Graphic representation of implementation



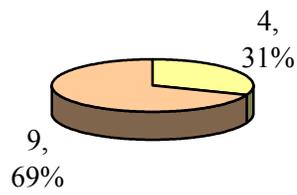


### 3. ACTS OF CORRUPTION (ARTICLE VI (1) OF THE CONVENTION)

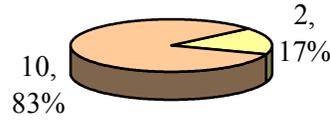
#### Most common recommendations



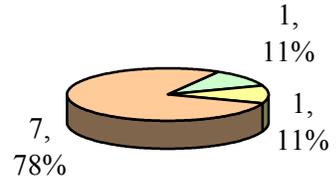
Graphic representation of implementation



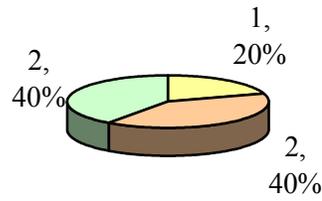
**Recommendation  
"A"**



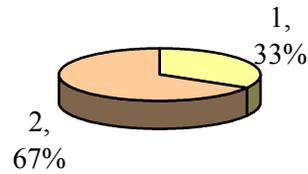
**Recommendation  
"B"**



**Recommendation  
"C"**

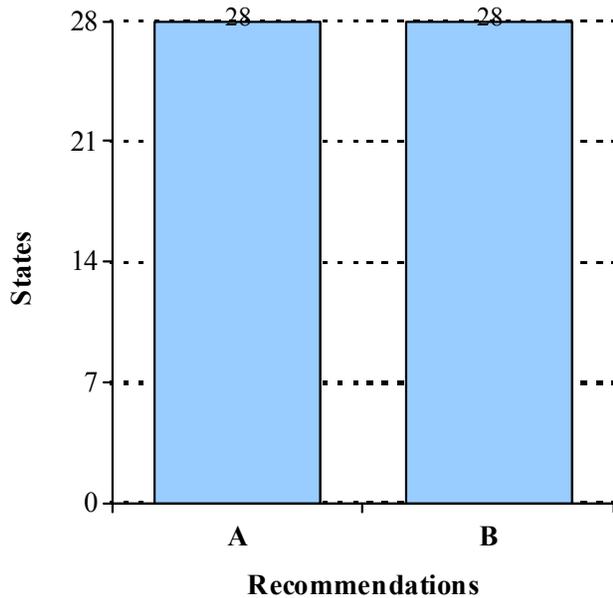


**Recommendation  
"D"**



**Recommendation  
"E"**

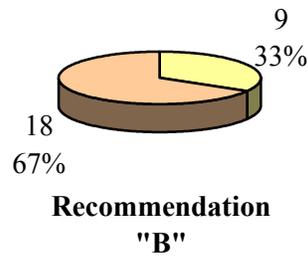
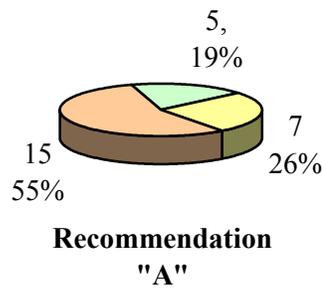
**ANNEX X**  
**GRAPHIC REPRESENTATION OF THE PROGRESS MADE WITH RESPECT TO THE MOST COMMON RECOMMENDATIONS FORMULATED IN THE SECOND ROUND OF REVIEW**



**A:** Design and implement, when appropriate, training programs for the civil servants responsible for enforcing the system, standards, measures, and mechanisms referred to in their reports, in order to ensure that they are adequately understood, managed, and put into practice.

**B:** Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, provisions, measures, and mechanisms considered in their reports, and to verify follow-up on the recommendations made herein.

Graphics representation of implementation



**ANNEX XI**  
**EXPERTS THAT PARTICIPATED IN THE COMMITTEE OF EXPERTS OF THE**  
**MESICIC DURING THE THIRD ROUND OF REVIEW**  
**(December 13, 2008 to September 16, 2011)**

State Party	Experts*
 Antigua and Barbuda	<u>Justin L. Simon</u> , Kenroy Simmons.
 Argentina	<u>Néstor Baragli</u> (P), Laura Geler, Gerardo Serrano.
 Bahamas	<u>Franklyn Williams</u> , Cheryl Bethell, Stephanie Pintard, Charice Rolle.
 Belize	<u>Iran Tillet-Dominguez</u> , Oscar Ramjeet.
 Bolivia	<u>Nardi Suxo</u> , Virginia Aillón, Carlos Camargo, Claudia Corminales, Tania Iturri, Sandra Leyton, Alexandra Miranda, Hugo Montero, William Torres, Mario Uribe, Gabriela Veizaga.
 Brazil	<u>Vânia Vieira</u> (P), Tatiana Barbosa, Camila Colares Bezerra, Renato Capanema, Aldenor de Souza e Silva, Wilson Dockhorn Junior, Rafael Dubeux, Henrique Ferraro, Marcelo Miller, Ricardo Poletto. Sandro Serpa, Leonardo Wester.
 Canada	<u>Mathilda Haykal Sater</u> , Douglas Breithaupt (V), Marcus Davies.
 Chile	<u>Jorge Vio</u> , Claudio Alvarado, Patricia Arriagada, Francisco Bernales, José Ramón Correa, Álvaro Hernández, Yelica Lusic, María Isabel Mercadal, Mario Moren, Gonzalo Neira, Dorothy Pérez, Alberto Rodríguez.
 Colombia	<u>Miguel Prado</u> , Ligia Helena Borrero, Fernando Brito, Martha Castañeda, Nohora del Pilar Clavijo, Juan Miguel Gómez, Nicolás Lozada, Juan Claudio Morales, Oscar Ortiz, Mónica Rueda, María Virginia Torres de Cristancho, Yadir Salazar.
 Costa Rica	<u>Gilberth Calderón</u> , Miguel Cortés, Magda Rojas, Ronald Viquez (V).
 Dominican Republic	<u>Simón Castaños</u> , Andrés Apolinar, Hotoniel Bonilla, Verónica Guzmán, Omar Michel, Ramón Revi.
 Ecuador	Mónica Banegas, Rocío Bassante, Fernando Cedeño, Aura Celly, Andrés Chiriboga, Paul Cordero, Agustín Fornell, Sabá Guzmán, Paúl Iñiguez, Raúl Martínez, Elizabeth Moreano, Luis Pachala, José Serrano, Denys Toscano, Sonia Vera.
 El Salvador	<u>Marcos Rodríguez</u> , Miguel Girón, Álvaro Magaña, Luis Menéndez, Hiram Morales, Agustín Vásquez.
 Grenada	<u>Darshan Ramdhani</u> , Rohan Phillip.

\* The names of the lead Experts as of September 16, 2011 are underlined. Those who participated as *Chair* of the Committee during the Third Round of Review are identified with a (P). Those who participated as Vice-Chair of the Committee during this same period are identified with a (V).

	Guatemala	<u>Jorge Pérez</u> , Juan Luis Velásquez, Miguel Valladares.
	Guyana	<u>Gail Teixeira</u> .
	Haiti	<u>Amos Durosier</u> , Joseph Jean Figaro.
	Honduras	<u>Jorge Bográn</u> , Rigoberto Córdova.
	Jamaica	<u>Douglas Leys</u> , O'Neil Francis.
	Mexico	<u>Alfredo Esparza</u> , Benjamín Hill, Martha Gaytán, Xóchitl Lara, Martha López-Barroso, Miguel Olamendi, Karla Ornelas, María Pérez, Alicia Verduzco.
	Nicaragua	Julieta Blandón, Hernaldo Chamorro, Dora Fiallos, César Guevara, Iván Lara, José Saravia.
	Panama	<u>Abigail Benzadón</u> , Max Ballesteros (V), Sophia Castellero, Lastenia Domingo, Esmeralda George, Mariela Jiménez, Fernando Núñez, Carlos Prospero, Franklin Rodríguez.
	Paraguay	<u>María Soledad Machuca</u> , Francisco Barreiro, Diana Correa, Julio Duarte, Luis Carlos García, Carla Poletti, Ana Rolón.
	Peru	Delila Arraga, Luis Castro, Franz Chevarría, Patricia Guillén, Javier Prado.
	Saint Kitts and Nevis	<u>Patrice Nisbett</u> , John Tyme.
	Saint Vincent and the Grenadines	<u>Judith Jones-Morgan</u> , Peter Pursglove.
	Suriname	Chandra Algae, Reshma Alladin, Sharita Baldeorai, Sharda Chandrikasingh, Sebrina Hanenberg.
	Trinidad and Tobago	<u>Annand Misir</u> , Norton Jack, Cuthbert Jolly.
	United States	<u>Robert Leventhal</u> , Alyce Ahn, Robert Armstrong, Kathleen Hamann, Diane Kohn, Jane Ley, Rachel Owen, Wendy Pond, Anthony San Martin, Ruth Urry, Gregory Wierzynski.
	Uruguay	<u>José Pedro Montero</u> , Beatriz Pereira de Pólito, Adolfo Pérez-Piera, Iván Toledo.
	Venezuela	<u>Adelina González</u> , María Eugenia de los Ríos, Basilio Jáuregui.

**NOTE:** The information of those who have been designated by States as Central Authorities, in accordance with the provisions of Article XVIII of the Convention, is available on the following link: <http://www.oas.org/juridico/english/sigs/b-58.html>