

FOLLOW-UP MECHANISM FOR THE  
IMPLEMENTATION OF THE INTER-AMERICAN  
CONVENTION AGAINST CORRUPTION  
Twenty-fifth Meeting of the Committee of Experts  
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**QUESTIONNAIRE  
REGARDING FOLLOW-UP OF THE IMPLEMENTATION OF THE  
RECOMMENDATIONS FORMULATED AND THE PROVISIONS REVIEWED IN THE  
SECOND ROUND, AND ON THE CONVENTION PROVISIONS SELECTED FOR THE  
FIFTH ROUND \***

**INTRODUCTION**

The Report of Buenos Aires<sup>1/</sup> and the Rules of Procedure and Other Provisions<sup>2/</sup> of the Committee of Experts on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (hereinafter, as applicable, *Report of Buenos Aires, Rules, Committee, Mechanism, and Convention*) provide that the Committee shall adopt a questionnaire on the selected provisions to be reviewed in each round.

In the framework of its Twenty-Fourth Meeting, held on September 8 to 12, 2014, the Committee chose, as topics for review during the Fifth Round, those relating to Article III, paragraphs 3 and 12 of the Convention, which refer, respectively, to “instruction[s] to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities” and to “the study of further preventive measures that take into account the relationship between equitable compensation and probity in public service.” In addition, with regard to the follow-up of recommendations, at that same meeting the Committee took the same view as that expressed at the Third Meeting of the Conference of the MESICIC States Parties and agreed that, in the Fifth Round, the Committee would follow-up of the recommendations formulated in the Second Round and which were deemed to require additional attention in the reports from the Third Round, including the consideration of any new and relevant information or developments that would allow the Committee to determine the continued validity of the recommendations and measures suggested in the reports from the Second Round and, with regard to those deemed still valid, to assess whether the State has given them satisfactory consideration or whether additional attention is required or, when applicable, to restate or reformulate them.

In addition, in the Methodology for the Fifth Round, the Committee decided that it would review new developments in the States with respect to the Convention provisions selected for the Second Round, taking into account such aspects as the legal framework, technological developments, and results, and making the relevant observations and recommendations in connection therewith.

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\* This draft questionnaire was prepared by the Technical Secretariat in accordance with the provisions contained in Article 9.d) of the *Rules*, pursuant to Article 18 thereof.

1. The Report of Buenos Aires (document AG/RES. 1784 (XXXI-O/01)) is available at: [www.oas.org/juridico/english/doc\\_buenos\\_aires\\_en.pdf](http://www.oas.org/juridico/english/doc_buenos_aires_en.pdf)

2. The Rules of Procedure and Other Provisions of the Committee of Experts of the MESICIC (document SG/MESICIC/doc.9/04 rev. 5, is available at: [www.oas.org/juridico/english/mesicic\\_rules.pdf](http://www.oas.org/juridico/english/mesicic_rules.pdf)

Furthermore, Article 29 of the Rules provides that each State Party shall submit information on the implementation of the recommendations in the standard format that the Committee shall provide as an annex to the Questionnaire. Article 29 also establishes that, “with respect to the implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process,” and that, “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.”

In light of the above, this document contains the questions that comprise the questionnaire adopted by the Committee.

The responses given to the questionnaire shall be reviewed in accordance with the methodology adopted by the Committee, which is posted in the Anti-Corruption Portal of the Americas at the following address: <http://www.oas.org/juridico/english/fightcur.html>

Pursuant to Article 21 of the Rules, the State Party is to forward its responses to the Questionnaire through its Permanent Mission to the OAS, in electronic format, together with all the supporting documents, within the time period set by the Committee.

To this effect, the OAS General Secretariat’s e-mail, to which the response to the questionnaire should be sent and to which inquiries may be addressed in order to clarify any doubts that arise, is the following: [LegalCooperation@oas.org](mailto:LegalCooperation@oas.org)

## **SECTION I<sup>3</sup>**

### **FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND**

In accordance with the terms of Article 29 of the *Rules of Procedure*, and bearing in mind the agreement reached by the Committee at its Twenty-fourth Meeting, in which in relation to the follow-up of recommendations, it endorsed the criterion contained in recommendation 9.a of the Third Meeting of the Conference of MESICIC States Parties, as well as with the terms of the Methodology for the Fifth Round, the form contained in Annex I of this questionnaire is adopted as the standard form the countries to report on:

- a) Progress, information, and new developments in relation to the implementation of the recommendations formulated to them and the measures suggested to them by the Committee for implementation in the reports from the Second Round and regarding which the Committee deemed required additional attention in the reports from the Third Round; and
- b) New developments in relation to the Convention provisions selected for the Second Round, in such areas as legal frameworks, technological developments, and results.

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3. Section I of this questionnaire, which deals with follow-up of the recommendations formulated in the Second Round, does not apply to those countries that had not joined the MESICIC when that round took place; however, under the terms of Article 28 of the *Rules of Procedure*, those countries must answer the questions set out in Section I of the questionnaire adopted by the Committee for that round. The Second Round Questionnaire is available at: [http://www.oas.org/juridico/spanish/mesicic\\_quest\\_IIround\\_sp.pdf](http://www.oas.org/juridico/spanish/mesicic_quest_IIround_sp.pdf) and the Technical Secretariat will complete it with questions on the topics addressed in Section XII of the Methodology for the Fifth Round and send it to those countries at least three months in advance of the date on which they are to return their responses to the questionnaire in accordance with the schedule adopted for the Fifth Round.

Based on the above-referenced standard form, the Technical Secretariat will send each country an individualized form which clearly identifies the recommendations and measures referred to in paragraph (a) of this section of the questionnaire and will ask about new developments in connection with the Convention provisions selected for the Second Round, at least three months prior to the date on which they are to return their responses to the questionnaire in accordance with the provisions of Section V of the Methodology adopted by the Committee for the Fifth Round.

## **SECTION II**

### **QUESTIONS ON IMPLEMENTATION OF THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE FIFTH ROUND**

#### **CHAPTER ONE**

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

- A) Select up to a maximum of three groups of government personnel from your country's branches of government or public institutions, at the national/federal level, that, due to them being a majority or based on the importance of their functions, are considered principal groups that merit review for the purpose set out in Article III, paragraph 3, of the Convention, which refers to giving instructions to government personnel for the proper understanding of their responsibilities and the ethical rules governing their activities.
- B) Indicate why your country believes the personnel group(s) selected under the previous question merit review.
- C) Indicate whether there are provisions and/or measures in your country for providing instructions to the selected government personnel group(s) which ensure proper understanding of their responsibilities and the ethical rules governing their activities, and attach a copy of them or provide links to the web pages where they can be consulted.
- D) Refer to the following aspects relating to the aforementioned instructions, with respect to the selected government personnel group(s), attaching copies of the provisions and/or measures on which the answers are based or indicating links to the web pages where they may be consulted:
  - i. The manner in which personnel are informed of their responsibilities and functions, indicating whether this is done verbally or in writing and whether records are kept of those instructions.
  - ii. The occasion(s) when personnel are informed of their responsibilities and functions, indicating whether this is done when they begin performing them or at a later point; when those functions change; or when functions change due to a change of post.
  - iii. The existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities and functions properly and, particularly, for making them aware of the risks of corruption inherent in the performance of those functions.

- iv. The use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly.
  - v. The existence of bodies to which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly.
  - vi. The existence of a governing organ, authority or body responsible for defining, steering, advising, or supporting the manner in which personnel are to be informed of their responsibilities and functions, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard.
  - vii. The way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions.
  - viii. The occasion(s) when personnel are informed of ethical rules governing their activities, indicating whether this is done when they begin performing them or at some later point; when a change in their functions entails a different set of applicable ethical rules; or when changes are made to those rules.
  - ix. The existence of introductory, training or instructional programs and courses for personnel on the ethical rules governing their activities and, particularly, on the consequences of failure to abide by them for public institutions and for wrongdoers.
  - x. The use of modern communication technologies to apprise personnel of the ethical rules governing their activities and to provide guidance as to their scope or interpretation.
  - xi. The existence of bodies to which personnel can resort to obtain information or resolve doubts about the scope or interpretation of the ethical rules governing their activities.
  - xii. The existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard.
- E) Summarize the results obtained in the application of the provisions and/or measures relating to the instructions given to the selected government personnel group(s) to ensure that they have an appropriate understanding of their responsibilities and functions, providing the relevant information available in your country,<sup>4/</sup> and making reference, to the extent that is possible, to issues such as the following: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the proper performance of their functions and to alert them to the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern communication technologies for that purpose; activities undertaken to ascertain

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4. If possible, referring to the past five years.

whether the objective of ensuring that responsibilities or functions are understood was in fact achieved; and measures or actions developed by the authorities or bodies responsible for ensuring that instructions to that end are fully provided and with ensuring the enforcement of provisions and/or measures in force.

- F) Summarize the results obtained in the application of the provisions and/or measures relating to the instructions given to the selected personnel group(s) to ensure that they have an appropriate understanding of the ethical rules governing their activities, providing the relevant information available in your country,<sup>5/</sup> and making reference, to the extent that is possible, to issues such as the following: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force.
- G) For each of the selected personnel group(s), briefly report on difficulties and/or weaknesses related to instructions for ensuring an adequate understanding of their responsibilities and functions and, if applicable, identify specific technical cooperation needs.
- H) For each of the personnel group(s) selected for review, briefly report on difficulties and/or weaknesses related to instructions for ensuring an adequate understanding of the ethical rules governing their activities and, if applicable, identify specific technical cooperation needs.

## **CHAPTER TWO**

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

- A) Indicate whether your country has studied prevention measures that take into account the relationship between equitable compensation and probity in public service. If so, please describe the study or studies carried out and either enclose copies thereof or indicate the web pages where they may be consulted.
- B) Indicate whether your country has established objective and transparent criteria for determining the compensation of public servants. If so, please describe those criteria and enclose copies of the documents, provisions, and/or measures containing those criteria or indicate the web pages where they can be consulted.

### **SECTION III**

#### **BEST PRACTICES**

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5. If possible, referring to the past five years.

OPTIONAL: Report on a maximum of four best practices related to the Convention provisions selected for the Second and Fifth Rounds that your country would like to share with the other MESICIC member countries, using the standard form attached to this questionnaire for that purpose (Annex II).

**SECTION IV**

**INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE**

Please provide the following information:

(a) State Party: \_\_\_\_\_

(b) The official to be consulted regarding the responses to the questionnaire is:

Mr/ Ms: \_\_\_\_\_

Title/position: \_\_\_\_\_

Agency/office: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

**ANNEX I**

**STANDARD FORMAT FOR REPORTING INFORMATION ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND**

**I. FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND**

Following the same structure as the Second Round country report,<sup>6/</sup> the Secretariat shall transcribe each of the recommendations formulated for the country in question during the round that the Committee deemed to require additional attention in the Third Round report. Then, it will ask the country to provide information in connection with the corresponding recommendation and with the corresponding measures suggested by the Committee for implementation, and, if any, with the alternative measures adopted by the country to that end, as follows:

I. **RECOMMENDATION:** *(the Secretariat transcribes the text of the corresponding recommendation)*

**Measure:** *(the Secretariat transcribes the text of the corresponding measure suggested by the Committee)*

*Then it will ask the country in question to provide the following information:*

A) Please briefly describe the specific actions<sup>7/</sup> that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: \_\_\_\_\_

\_\_\_\_\_

B) Indicate the new information and developments<sup>8/</sup> related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,<sup>9/</sup> or the provisions and/or measures unknown to or not taken into consideration by the Committee when that

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6. Following on from this standard format, the structure applicable to the topics considered in the Second Round is described.

7. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

8. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

9. Please provide copies of them or indicate the electronic link through which they may be accessed.

recommendation and measure were formulated,<sup>10/</sup> indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: *The questions identified as A), B), C), and D) will be repeated in connection with each of the remaining recommendations and measures identified by the Committee as requiring additional attention.*

**II. NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE SECOND ROUND**

Following the thematic structure of the Second Round country report,<sup>11/</sup> the State under review will be requested to provide information on new developments in such areas as legal frameworks, technological developments, and results, in relation to the Convention provisions that were selected for review in the Second Round.

**STRUCTURE OF COUNTRY REPORTS IN THE SECOND ROUND**

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

**1.1. Government hiring systems**

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10. Please provide copies of them or indicate the electronic link through which they may be accessed.  
11. Following on from this standard format, the structure applicable to the topics considered in the Second Round is described.

1.2. Systems for government procurement of goods and services

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 OF THE CONVENTION)
4. GENERAL RECOMMENDATIONS

**ANNEX II**

**STANDARD FORMAT FOR PRESENTATION OF INFORMATION ON BEST PRACTICES**

1. **Institution:** The name of the institution that is implementing the best practice: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. **Title:** The name of the best practice or the topic it covers:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. **Description of the best practice:** Include a brief description and summary of the best practice, as well as the reason why it should be considered a best practice:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. **Reasons/Importance:** Reasons for pursuing best practice should be given. A description should be made of the situation in place before the adoption of the best practice and identification of the problem or problems it is to address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. **Approach:** What was the proposed design and methodology for applying the best practice? What was considered in its design and methodology? Were other countries' experience taken into account?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
6. **Implementation:** How is the best practice being implemented? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
7. **Challenges:** What are the challenges in implementing the best practice? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
8. **Outcome:** What is the end result or expected end result of implementing the best practice? Have benefits and/or success stories been identified? Have they addressed the problems originally identified as necessitating a best practice to be implemented? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Follow-up: Who or what groups will monitor the practice's implementation? How will its implementation be monitored? Will there be a Follow-up Report? \_\_\_\_\_

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10. Lessons: What are some of the lessons learned in implementing the Best Practice?

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11. Documentation: Where can further information be found regarding the best practice (e.g., Internet links)? \_\_\_\_\_

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12. Contact: Who can be contacted for further information? \_\_\_\_\_

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