



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

M E S I C I C

HEMISPHERIC REPORT

Second 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
Fourteenth Meeting of the Committee of Experts
December 8 to 12, 2008
Washington, DC.

OEA/Ser.L
SG/MESICIC/doc.227/08 rev. 1
11 December 2008
Original: Spanish

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

TABLE OF CONTENTS

INTRODUCTION.....	1
I. THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (IACC) AND ITS FOLLOW-UP MECHANISM (MESICIC)	2
II. THE COMMITTEE OF EXPERTS OF THE MESICIC	3
2.1. <u>Composition and responsibilities</u>	3
2.2. <u>Principal activities carried out</u>	4
2.3. <u>Civil society participation in the Committee’s activities</u>	5
A. <u>PART ONE: SECOND ROUND OF REVIEW</u>	6
III. BASES FOR THE DEVELOPMENT OF THE SECOND ROUND OF REVIEW	6
3.1. <u>Provisions of the Convention selected for review</u>	6
3.2. <u>Follow-up to the recommendations formulated in the First Round of Review</u>	7
3.3. <u>Review methodology</u>	7
3.4. <u>Questionnaire</u>	8
3.5. <u>Structure of the country reports</u>	9
3.6. <u>Setting the order for country reviews</u>	9
3.7. <u>Establishment of the preliminary review subgroups</u>	9
3.8. <u>Replies to the questionnaire by the States Parties to the Mechanism</u>	10
IV. DRAFTING AND ADOPTION OF THE COUNTRY REPORTS	10
4.1. <u>Preparation of the draft preliminary reports</u>	10
4.2. <u>Procedure for the review and adoption of reports</u>	11
V. COUNTRY REPORTS	12
5.1. <u>Characteristics</u>	12
5.2. <u>General content</u>	13
5.2.1. With respect to the review of the implementation of the provisions selected for the Second Round of Review	13
5.2.2. With respect to the follow-up of the implementation of the recommendations formulated during the First Round of Review	13
VI. GENERAL AND COMPREHENSIVE ANALYSIS OF COUNTRY REPORTS	14
6.1. <u>General conclusions from the Second Round of Review</u>	14
6.1.1. With respect to the review of the implementation of the Convention provisions selected for the Second Round	14
6.1.2. With respect to the follow-up of the implementation of the recommendations formulated during the First Round	15

6.2.	<u>Recommendations in the country reports</u>	15
6.2.1.	<u>Most common recommendations</u>	16
1.	SYSTEMS OF GOVERNMENT HIRING (ARTICLE III, PARAGRAPH 5, OF THE CONVENTION)	16
2.	GOVERNMENT SYSTEMS FOR THE PROCUREMENT OF GOODS AND SERVICES (ARTICLE III, PARAGRAPH 5 OF THE CONVENTION)	18
3.	SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III, PARAGRAPH 8, OF THE CONVENTION)	20
4.	ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)	21
6.2.2.	<u>General recommendations</u>	21
VII.	COLLECTIVE RECOMMENDATIONS	22
7.1.	<u>With respect to follow-up of the results of the reports</u>	22
7.2.	<u>With respect to actions recommended for consolidating or strengthening hemispheric cooperation on the topics covered by or closely related to the second-round provisions</u>	24
7.2.1.	Mutual technical cooperation actions	24
7.2.2.	Mutual assistance actions	25
B.	<u>PART TWO: SUMMARY OF THE PROGRESS MADE BY THE COUNTRIES AS A WHOLE IN THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED BY THE COMMITTEE IN THE FIRST ROUND OF REVIEW</u>	26
VIII.	PROGRESS MADE WITH THE TOTALITY OF THE RECOMMENDATIONS	27
1.	Standards of conduct and enforcement mechanisms (Article III, Paragraphs 1 and 2, of the Convention)	27
2.	Systems for registering income, assets, and liabilities (Article III, Paragraph 4, of the Convention).....	28
3.	Oversight bodies responsible for the selected provisions (Article III, Paragraphs 1, 2, 4, & 11, of the Convention)	28
4.	Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption (Article III, Paragraph 11, of the Convention)	28
5.	Assistance and cooperation (Article XIV of the Convention)	29
6.	Central authorities (Article XVIII of the Convention)	29
7.	General recommendations	29

IX.	PROGRESS ACHIEVED IN RELATION TO THE MOST COMMON RECOMMENDATIONS	29
1.	Standards of conduct and enforcement mechanisms (Article III, Paragraphs 1 and 2, of the Convention)	30
2.	Systems for registering income, assets, and liabilities (Article III, Paragraph 4, of the Convention).....	32
3.	Oversight bodies responsible for the selected provisions (Article III, Paragraphs 1, 2, 4, & 11, of the Convention)	32
4.	Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption (Article III, Paragraph 11, of the Convention)	33
5.	Assistance and cooperation (Article XIV of the Convention)	35
6.	Central authorities (Article XVIII of the Convention).....	35
X.	PROGRESS MADE WITH THE GENERAL RECOMMENDATIONS	36
XI.	ANNEXES	37
ANNEX I.	<u>States Parties to the Convention and to the MESICIC</u>	38
ANNEX II.	<u>Order in which the states were reviewed</u>	40
ANNEX III.	<u>Composition of the review subgroups</u>	41
ANNEX IV.	<u>Civil society participation in the review process</u>	42
ANNEX V.	<u>Procedure for the adoption of the final country reports</u>	45
ANNEX VI.	<u>Graphic representation of the frequency of some of the most common recommendations formulated in the second round of review</u>	46
ANNEX VII.	<u>Graphic representation of the progress achieved with respect to the totality of the recommendations formulated in the first round of review</u>	50
ANNEX VIII.	<u>Graphic representation of the progress made with respect to the most common recommendation formulated in the first round of review</u>	55
ANNEX IX.	<u>Experts that participated during the second round of review of the Committee of Experts of the MESICIC</u>	66

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

INTRODUCTION

The “Report of Buenos Aires on the Mechanism for Follow-Up on Implementation of the Inter-American Convention against Corruption” (MESICIC) sets out the rules on which this Mechanism is based. Section 3.d of the Report notes, as one of the characteristics of the Mechanism, that there shall be proper balance between confidentiality and transparency in its activities. Section 7.b.iv lists those activities and orders the publication of a final report related to the State Party reports adopted by the Committee of Experts of the MESICIC in its review of the countries’ implementation of the Convention’s provisions.

Similarly, Article 30 of the Rules of Procedure and Other Provisions of the Committee of Experts of the 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 those 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, on March 31, 2006, the Committee adopted the Hemispheric Report on the First Round of Review,^{1/} and now, following the conclusion of the Second 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 Second 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 Second Round was carried out, specifically: the decisions adopted by the Committee regarding the Convention provisions selected for review; the method used to analyze the implementation of those provisions and the recommendations formulated in the First Round; 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

1. That Report may be found at: http://www.oas.org/juridico/english/mec_ron1_inf_hemis_en.doc

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.

- 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 Round, based on the comments made by the Committee in the country reports adopted during the Second 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.

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 Round of Review addressed the background, content, and scope of the Inter-American Convention against Corruption (IACC),^{2/} 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 effective enforcement of the measures adopted for confronting it; it requires the criminalization of

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

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), in which 28 of those States participate. 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.”^{3/} Annex I of this report lists the States Parties to the IACC and MESICIC.

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.

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.^{4/}

3. The text of this document can be found at: http://www.oas.org/juridico/english/doc_buenos_aires_en.pdf

4. The text of the Rules of Procedure can be found at: http://www.oas.org/juridico/english/mesicic_rules.pdf

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 Second Round of Review can be summarized as follows:

a) Adoption of Country Reports corresponding to the 28 States Parties to the MESICIC.

These reports were adopted by the Committee at its bi-annual meetings held during the course of the Second Round (five meetings in all, covering the Tenth to the Fourteenth meetings of the Committee since it began operating in 2002), following the previously established order for carrying out those reviews: at the Tenth Meeting (December 11-16, 2006), the reports on Argentina, Paraguay, Nicaragua, Uruguay, Ecuador, and Honduras; at the Eleventh Meeting (June 25-30, 2007), the reports on Bolivia, Peru, Costa Rica, Venezuela, Mexico, and Trinidad and Tobago; at the Twelfth Meeting (December 3-8, 2007), the reports on Colombia, Panama, Chile, El Salvador, the Dominican Republic, and the Bahamas; at the Thirteenth Meeting (June 23-27, 2007), the reports on Canada, United States, Guyana, Jamaica, Saint Vincent and the Grenadines, and Guatemala; and at the Fourteenth Meeting (December 8-12, 2008), the reports on Grenada, Suriname, Brazil, and Belize.

b) Presentation of Reports on Progress with Implementing the Convention and the MESICIC’s Recommendations

These reports were submitted by the members of the Committee at the Tenth, Eleventh, and Twelfth meetings, with respect to the measures adopted in pursuit of Convention implementation, between the previous and subsequent meetings, as required by the Rules that were in force up until the Twelfth Meeting, and, since the Thirteenth Meeting, with respect to the measures adopted since the first meeting of the previous year and the present meeting, in relation to the Committee’s recommendations and other progress made in implementing the Convention, as required by the Rules currently in force. These reports have been published on the MESICIC web page and can be seen at: http://www.oas.org/juridico/english/mec_rep_progress.htm

c) Adoption of the Hemispheric Report on the Second Round of Review

At its Fourteenth Meeting, the Committee adopted the Hemispheric Report on the Second Round of Review, in accordance with Article 29 of its Rules of Procedure.

d) Adoption of Decisions Necessary to Begin the Third Round of Review

At its Thirteenth Meeting, the Committee selected the provisions of the Convention to be reviewed during the Third Round, and at its Fourteenth 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 Report on the First Round of Review, since its inception, the Committee 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 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 holds prior to the commencement of its formal sessions.

In accordance with these provisions, in March 2006, the organization Transparency International submitted a document titled "Proposal by Transparency International on the Methodology for the Second Round of the MESICIC," to which the Committee gave due consideration at the appropriate time.

Documents were also received from the other civil society organizations listed in Annex IV of this report;⁵ these dealt with the countries' implementation of the Convention provisions selected for the Second Round and of the recommendations formulated to them during the First Round.

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 Committee's invitation 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.

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.

5. Those documents can be found at: http://www.oas.org/juridico/english/follow_civ.htm

A. PART ONE: SECOND ROUND OF REVIEW

III. BASES FOR THE DEVELOPMENT OF THE SECOND ROUND OF REVIEW

3.1. Provisions of the Convention selected for review

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

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

- “5. Systems of government hiring and procurement of goods and services that assure the openness, equity and efficiency of such systems.
- “8. Systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with their Constitutions and the basic principles of their domestic legal systems.”

Article VI, which provides:

“1. This Convention is applicable to the following acts of corruption:

- a. The solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
- b. The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;
- c. Any act or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party;
- d. The fraudulent use or concealment of property derived from any of the acts referred to in this article; and,
- e. Participation as a perpetrator, joint perpetrator, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, or in any collaboration or conspiracy to commit, any of the acts referred to in this article.

“2. This Convention shall also be applicable by mutual agreement between or among two or more States Parties with respect to any other act of corruption not described herein.”

3.2. Follow-up of the recommendations formulated in the First Round of Review

In addition to reviewing those Convention provisions, during the Second Round, the Committee conducted follow-up on the implementation of the recommendations formulated to the 28 States Party to the MESICIC in the corresponding country reports adopted during the First Round of Review, in compliance with Article 29 of the Committee's Rules of Procedure, which states:

“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 Second Round, the methodology^{6/} adopted by the Committee stipulated the purpose and scope of that review, 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.

6. The text of this methodology can be found at: http://www.oas.org/juridico/english/mesicic_method_IIround.pdf

- 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 5 and 8 of Article III of the Convention, and five years prior to that date, with respect to data related to Article VI of the Convention.

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 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 Round 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 Questionnaire⁷ adopted by the Committee for gathering relevant information directly from each State Party, in order to review their progress in the implementation of the provisions of the Convention which were selected for review in the Second Round, together with the recommendations formulated during the First Round, 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.

7. The text of this questionnaire can be found at: http://www.oas.org/juridico/english/mesicic_quest_IIround.pdf

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 Round, 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,^{8/} 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 Second Round, made provision for the 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 report from the First Round.

3.6. Setting the order for country reviews

The Committee determined the sequence for reviewing the information on the States Party in the Second 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, Paraguay, Nicaragua, Uruguay, Ecuador, and Honduras. Then, the remaining States Parties belonging to the Follow-up Mechanism were included, in the chronological order of their ratification of the Convention.

The corresponding list containing the order in which the States Parties were to be reviewed was thus drawn up; it can be found attached to this report (Annex II).

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.

8. The text of this structure can be found at: http://www.oas.org/juridico/english/mesicic_structure_IIround.pdf

“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.”

The list of preliminary review subgroups is attached to this report (Annex III).

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

The 28 States Parties that were members of the Follow-up Mechanism at the time of the Second Round submitted their replies to the Questionnaire to the OAS General Secretariat, in accordance with the calendar adopted for the round by the Committee of Experts.

The questionnaire responses can be seen on the Mechanism’s web page.^{9/}

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 Second 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 Round; 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 Second 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 Round, 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.

9. This page can be found at the following address: http://www.oas.org/juridico/english/mesicic2_resp.htm

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.^{10/}

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 Second Round reports the same steps were followed as in the First Round. 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:^{11/}

- 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.^{12/} 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.^{13/}

- 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,^{14/} 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

10. On account of the diversity of the Convention provisions selected for review in the Second 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 Round and the implementation of which was to be reviewed, some countries and some civil society organizations submitted large volumes of information, covering numerous 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.

11. Annex V of this Report contains a flow chart indicating the sequence of these steps.

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 state undergoing review to submit its comments was three weeks.

14. These meetings are held during the week before the Committee's plenary sessions.

implementation of the selected Convention provisions in the states under review,^{15/} give a verbal presentation on the contents of those documents.

- Once the draft report has been submitted to the plenary of the Committee,^{16/} 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.

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 Second Round and follow-up on the implementation of the recommendations formulated during the First Round:

- 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 Round.

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.

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.

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 Round 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 Second Round of Review, together with the implementation of the recommendations issued for those states during the First Round. To achieve that goal, the reports cover the following topics:

5.2.1. With respect to the review of the implementation of the provisions selected for the Second 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. For this, a general recommendation is directed to the agencies or organs of those states regarding which such information is absent.

- 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 the implementation of the recommendations formulated during the First Round of Review

- Following the order of the recommendations formulated to each State Party in the corresponding First Round country report, 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.

VI. GENERAL AND COMPREHENSIVE ANALYSIS OF COUNTRY REPORTS

6.1. General conclusions from the Second 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 Second Round, and second, to the implementation of the recommendations that were formulated to the states under review in the First Round:

6.1.1. With respect to the review of the implementation of the Convention provisions selected for the Second Round

In this regard, it should be noted that the general conclusions reached during the First Round, in relation to the results of the analysis of the provisions of the Convention selected for that round, are valid with respect to the results of the analysis of the implementation of the provisions of the Convention selected for the Second 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 process of promulgating laws or regulations for 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 issued a general recommendation regarding the usefulness of 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 implementation of the recommendations formulated during the First Round

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 the First Round, 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 Second 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. The Committee also formulated a series of recommendations of a general nature relating to various specific aspects it believed were applicable to the majority of the countries under review.

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,^{17/} 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 Second Round and the most important aspects taken into account in connection with each one of them. Following this same order of ideas, it also refers to the general recommendations that were formulated, when applicable, in connection with the implementation of training programs for public employees and of procedures and indicators for analyzing results and verifying the follow-up of the formulated recommendations.

6.2.1. Most common recommendations

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 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.

In addition, it should be noted that most of the countries that are federal in structure were issued a recommendation applicable to all the provisions of the Convention selected, and the elements of which can be summarized as follows:

- Continue to promote the goals of the Convention within their different levels of government and their territorial entities and continue to furnish information on progress in that regard; and strengthen cooperation and coordination between the federal government and the governments of those levels and entities for the effective implementation of the Convention, providing them with the technical assistance required for that end.

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 Second Round, contain the elements summarized below:^{18/}

1. SYSTEMS OF GOVERNMENT HIRING (ARTICLE III, PARAGRAPH 5, OF THE CONVENTION)

- Specify and disseminate the different methods for entry to service in the public administration by determining, in the regulations governing the civil service or in post classification statutes or manuals, the nature and hierarchy of the positions that make up the personnel of the different public agencies or entities, their functions, the suitability and probity requirements for holding those posts, and selection methods (competitive applications or free appointments) through which they are filled.

- Adopt measures to avoid the improper use of systems for providing the public administration with services, distinct from those regulated by the civil service, such as the administrative hiring of professional advisory or consultancy services, to employ persons who, by reason of their

17. These reports can be found at: http://www.oas.org/juridico/english/mesicic_II_rep.htm

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

qualifications and the nature of their functions, should be a part of public agency staff and be selected in accordance with the hiring methods established for those posts.

- Adopt, as a general rule for filling public administration positions, selection by means of a merit-based system, expressly identifying those positions that by reason of their political nature, high level, trust, or other duly justified reason, may be filled on an exceptional basis by means of free appointments, guided by the principles of openness, equity, and efficiency enshrined in the Convention.

- Adopt measures to avoid nepotism in the hiring of public servants.

- Adopt measures to 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 and not subject to free appointments.

- Adopt measures to enforce use of the general rule of selection through the merit-based system, so that in practice extensive and unjustified use is not made of exceptional procedures whereby, in given circumstances, public administration hiring may be made without observing that system.

- Adopt measures to avoid the indefinite prolonging and permanence in public services of individuals hired through interim or temporary appointments that can be filled without observing the procedures provided for merit-based selection that would otherwise have to be followed to fill those positions.

- Establish or strengthen the governing authority responsible for the regulation, administration, development, or oversight of the public service hiring system, so that it has the requisite powers and competencies and the necessary human, technical, and financial resources for discharging those duties in full, and establish mechanisms to allow the institutional coordination and continuous evaluation and monitoring of its actions.

- Adopt measures to harmonize the management of different public service hiring systems, when special regimes exist for specific branches of government or state agencies or entities, guided by the principles of openness, equity, and efficiency enshrined in the Convention.

- Define the manner in which selection by means of the merit-based system is to proceed, specifying in the rules that govern the civil service, or establishing guidelines which allow for a precise determination of the way in which public service vacancies are to be publicized, the stages that must be observed in competitive recruiting procedures, and the criteria according to which candidates are to be chosen, thereby ensuring a transparent and impartial selection process that observes the principles of openness, equity, and efficiency enshrined in the Convention.

- Set timeframes for the publication of notices announcing competitions for filling vacancies by means of the merit-based system, ensuring they are published sufficiently in advance of the start of the corresponding selection process, in order to ensure broad candidate participation.

- Broadly disseminate the notices announcing merit-based competitions for filling positions, using not only written media such as newspapers or official gazettes, but also electronic media such as the Internet.

- Specify the minimum content for the information to be set out in a notice for a competition to fill positions by means of the merit-based system, including in that information: the deadline for registration of candidacies; the functions of the post and the qualifications required to perform it; the

documents that are to be presented; the selection criteria; the tests that will be carried out, how they are to be evaluated, and the venue at which they are to be conducted; and the identification of sources from which further information can be obtained, such as government offices and web pages.

- Conduct tests which allow an objective determination, in merit-based selection processes, of the suitability of candidates for the efficient performance of the duties of the position, such as examinations of knowledge and tests of experience, skills, and abilities, as well as tests to verify the probity of candidates, such as background checks.

- Justify the decisions made in the merit-based selection process, using elements that reflect the way in which the evaluation criteria or factors were applied, and which can be verified through such methods as registries of the tests administered, their results, and files containing the documents reviewed.

- Adopt the measures necessary to ensure that as the result of a merit-based selection process, the candidate selected for the corresponding vacancy is the candidate who secured the best evaluation with respect to the tests carried out.

- Establish or strengthen, through administrative or judicial channels or both, challenge mechanisms intended to clarify, modify, or annul the substantive actions carried out during a merit-based selection process, taking into account the principle of due process and ensuring that any such remedies filed are processed in a timely, objective, and impartial fashion.

- Adopt corrective measures when irregularities are detected in merit-based selection processes or when obstacles hinder the goal of filling positions by means of such processes.

- Adopt measures to complete the implementation of administrative career paths, other similar career paths, and merit-based selection systems.

- Adopt, by means of applicable legal and/or administrative procedures, provisions which strengthen or establish appropriate control mechanisms to ensure strict compliance with the rules for personnel selection in the public service.

2. GOVERNMENT SYSTEMS FOR THE PROCUREMENT OF GOODS AND SERVICES (ARTICLE III, PARAGRAPH 5, OF THE CONVENTION)

- 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 and which define clear procedures and uniform criteria for the objective selection of contractors, guided by the principles of openness, equity, and efficiency enshrined in the Convention.

- Adopt measures to prevent the use of the contracting regimes of international agencies or cooperation agencies from affecting the control that the respective state should exercise over procurement activities, and adopt measures to harmonize the use of those regimes with those provided for in the domestic legal framework.

- Adopt measures to harmonize the management of different public contracting systems, when special regimes exist for given branches of government or state institutions and agencies, guided by the principles of openness, equity, and efficiency enshrined in the Convention.

- Establish or strengthen the agency responsible for the regulation, administration, development, or oversight of the public contracting system, ensuring it has the necessary powers and authority and the human, technical, and financial resources required to discharge those duties in full and establishing mechanisms to allow the institutional coordination and continuous evaluation and monitoring of its actions.
- Establish or implement provisions requiring prior planning sufficiently in advance of the procurement process, such as the preparation of studies, technical designs and assessments, or analyses to determine the suitability and timeliness of the procurement operation.
- Adopt measures so that the public bidding procedure is the general rule in government procurement systems for both goods and services, expressly specifying those cases in which, on an exceptional basis, other procedures may be used to select contractors.
- Eliminate those exceptions to the general rule of public bidding in government procurement of goods and services that have been included in public contracting systems without justification.
- Specify the reasons used as the bases for exceptions to the general rule of public bidding in government procurement, ensuring that ambiguous language does not lead to arbitrary interpretations and that clarity exists regarding the extraordinary circumstances in which they may be used.
- Adopt measures to ensure the use of public bidding as the general rule for public procurement, so that in practice, extensive and unjustified use is not made of exceptional procedures for contractor selection.
- Publish, when appropriate, draft bidding terms, so that interested parties can learn about them and submit observations thereon.
- Specify the objective factors or selection criteria for the evaluation of bids, and adopt provisions which require that the results of such evaluations be clearly and precisely justified and to be reported to interested parties.
- Adopt rules for contract modification, which refer to such aspects as the circumstances in which amendments are justified and the method for determining the resulting compensation or indemnification due to either the state or the contractor.
- Adopt measures to ensure that public procurement procedures other than public bidding have objective selection criteria, that the decisions adopted are duly grounded and justified, and that the corresponding oversight over the contracted activity can be carried out, in observance of the principles of openness, equity, and efficiency provided for by the Convention.
- Create a centralized registry of contractors for public works, goods, and services, of mandatory use for all state agencies and institutions, and consider the possibility of including a list of contractors who have been sanctioned in that registry, in order to promote the principles of openness, equity, and efficiency enshrined in the Convention.
- Create, implement, or strengthen electronic systems such as the Internet, for carrying out government contracting, so that the acquisition of goods and services can be carried out by means of those systems.

- Strengthen and expand the use of electronic media and other information systems to disseminate contracting activity, in order to more broadly publicize such issues as bidding opportunities, the status of bids and contract awards, and progress made with the execution of important projects.
- Establish or strengthen, through administrative or judicial channels or through both, and in consideration of the principle of due process, mechanisms for challenging the substantive decisions adopted during the contracting process – such as the bidding or tendering rules, the rejection of bidders, and the selection of the winner – intended to clarify, modify, or revoke those decisions, and adopt measures to ensure they are processed on a timely basis.
- Complement or strengthen mechanisms for the oversight of contracting activities, providing for audits to be carried out, the establishment of citizen oversight, and monitoring services in contracts which, due to their size, so require; provisions which sanction public officials and contractors who violate the contracting rules; and oversight bodies which have the functional independence and the resources necessary to discharge their functions.
- Develop or strengthen provisions which regulate the contracting of public works, including the implementation of appropriate control systems for each public works contract, which, due to its size, requires monitoring or direct supervision over the execution of the contract by the contracting entity or another agency designated by the contracting entity; allow citizen watchdogs or civic oversight activities to be carried out; require that periodic reports be provided with respect to contract progress; and make it possible to determine whether the expected cost-benefit ratio was obtained and whether the quality of the work meets what was agreed to.
- Conduct comprehensive periodic assessments to allow the use and effectiveness of the public sector procurement system to be measured and, based on those results, define and consider the adoption of specific measures which ensure transparency, openness, equity, and efficiency in its operations.

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

- Adopt protective measures for those who report acts of corruption that may be the subject of either administrative or judicial investigation.
- Establish reporting mechanisms, such as anonymous reporting and identity-protected reporting, to ensure the personal security and confidentiality of the identity of public officials and private citizens who, in good faith, report acts of corruption.
- Adopt protective measures, aimed not only the physical integrity of the whistleblower and their family, but also their employment situation, particularly for public officials and when the acts of corruption could involve their hierarchical superior or colleagues.
- Establish mechanisms for reporting the threats or reprisals that whistleblowers may face, indicating the authorities responsible for processing protection requests and the bodies responsible for providing such protection.
- Establish mechanisms for the protection of witnesses, providing them with the same guarantees as public officials and private citizens.

- Establish mechanisms to facilitate, when appropriate, international cooperation in the above areas, including the technical assistance and reciprocal cooperation established in the Convention, as well as the exchange of experiences, training, and mutual assistance.
- Simplify formalities for requesting protection for whistleblowers.
- Adopt provisions which sanction noncompliance with provisions and/or obligations in matters of protection.
- Adopt provisions which clearly define the powers of the judicial and administrative authorities in protection matters.

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

- Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (a) of Article VI.1 of the Convention, which addresses the solicitation or acceptance, directly or indirectly, by a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions.
- Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (b) of Article VI.1 of the Convention, which addresses the offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions.
- Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (c) of Article VI.1 of the Convention, which addresses any act or omission committed in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party.
- Complement the corresponding criminal provisions so that they include the actions covered by paragraph (d) of Article VI.1 of the Convention, which addresses the fraudulent use or concealment of property derived from any of the acts of corruption referred to in paragraphs (a), (b), and (c) of Article VI.1 of the Convention as described above.
- Complement the corresponding criminal provisions so that they criminalize the elements listed in paragraph (e) of Article VI.1 of the Convention, which addresses participation as a principal, co-principal, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission of, or in any collaboration or conspiracy to commit, any of the acts referred to in paragraphs (a), (b), and (c) of Article VI.1 of the Convention as described above.

6.2.2. General recommendations

The Committee also considered that issues related to training and to the design of procedures and indicators on results warranted being the subject of general recommendations and, consequently, recommended that the member states give consideration to the following:

- Design and implement, when appropriate, training programs for the civil servants responsible for enforcing the systems, standards, measures, and mechanisms referred to in this report, in order to ensure that they are adequately understood, managed, and put into practice.
- 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 this report, and for monitoring compliance with the recommendations contained herein.

VII. COLLECTIVE RECOMMENDATIONS

The Committee formulated 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 First Round reports, which were issued by the Committee in the First Round Hemispheric Report, were intended for the MESICIC States Parties to take the specific actions necessary to implement the recommendations formulated to each of them in their respective country report, as well as to conduct follow-up which allows a determination of the results that are produced.

To accomplish this, the Committee emphasized the need for the different branches and agencies of the state to participate in the process of implementing the recommendations in each country, in accordance with their assigned functions, as well as civil society participation, through the contribution of their opinions, the creation of public awareness about the importance of combating corruption, and supporting efforts made toward that goal.

In the First Round Hemispheric Report, the Committee also suggested that an agency, authority or entity be appointed, to take responsibility for promoting the process of implementing the recommendations; clearly identifying the activities required therefore and the competent authorities for carrying them out; devising mechanisms for this to take place in a coordinated fashion, and providing opportunities for civil society participation; designing a plan of action or other procedure which allows those activities to be programmed; and adopting indicators for the objective measurement of progress with execution.

Finally, that report made reference to a cooperation project launched by the General Secretariat of the OAS, intended to assist the MESICIC Member States in the process of implementing the recommendations, by collaborating with them on the drafting and adoption of plans of action toward that end. The initial beneficiaries of the initial stage were the first four states reviewed in the First Round (Argentina, Paraguay, Colombia, and Nicaragua), which were later formally joined by other countries, including Honduras, Peru, Ecuador, El Salvador, Uruguay, Suriname, Belize, the Dominican Republic, Trinidad and Tobago, Panama, and Costa Rica. It should be noted that this project has received financial support from Canada, the United States, and Spain, and the Committee thanks those countries for their generosity.

Based on the results in the Second Round country reports on the follow-up of the implementation of the specific recommendations formulated for each state in First Round, and bearing in mind the collective recommendations from the First Hemispheric Report referred to above and the general conclusions on that follow-up effort recorded in section 6.1.2 of this document, the Committee believes it appropriate to offer the following collective recommendations in this Second Hemispheric Report:

A) In order to complete the actions necessary for the implementation of the recommendations that, in the Committee's opinion, warranted additional attention, 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.

G) Taking into account that the cooperation project launched by the OAS General Secretariat to support the countries in the process of implementing the recommendations, contemplates their adoption of a plan of action addressing the issues noted in the aforementioned collective recommendations, it would be beneficial for them to join that project and thereby acquire a structured plan which clearly identifies the actions necessary to implement the recommendations formulated in the country reports, specifying the agencies responsible for carrying out those actions, defining

timetables for doing so, identifying funding sources, and providing indicators on results that are produced.

7.2. With respect to actions recommended for consolidating or strengthening hemispheric cooperation on the topics covered by or closely related to the second-round provisions

7.2.1. Mutual technical cooperation actions

The collective recommendations formulated in the First Round Hemispheric Report regarding actions of this kind emphasized, *inter alia*, the usefulness of the countries making more frequent use of the mutual technical cooperation provided for in Article XIV of the Convention, identifying specific areas in which they believe they might need technical cooperation from other States Parties in strengthening their ability to prevent, detect, investigate, and punish acts of corruption, together with those areas in which they believe they could offer such cooperation, and then proceeding on that basis to effect the corresponding exchanges of cooperation.

Although the Committee acknowledges that some states provided information on the implementation of the technical cooperation recommendations formulated to them in their First Round country reports – which allowed a determination that those recommendations had been satisfactorily considered by the states – it also notes that greater mutual technical cooperation efforts are needed from all the MESICIC Member States in connection with the purposes enshrined in the Convention and, in particular, with respect to the implementation of the recommendations formulated to those states regarding the provisions of the Convention reviewed in the first two rounds.

The Committee would like to emphasize the importance of mutual technical cooperation in the areas covered by the provisions of the Convention reviewed during the Second Round and offers the following collective recommendations to all the MESICIC Member States:

A) Regarding the systems for government hiring and state procurement of goods and services covered by Article III (5) of the Convention, the mutual technical cooperation could initially focus on the identification of the applicable regulatory elements that have been developed by the MESICIC Member States that, together with the appropriate adjustments, could be of benefit to those countries who lack such provisions in their respective legal frameworks. The information furnished by the states on the legal provisions and other measures governing those systems, which has been classified by thematic areas by the MESICIC Secretariat and made available to the countries on the mechanism's web page at http://www.oas.org/juridico/english/mesicic_legis_II_round.htm, would be of use in this undertaking.

To complement the foregoing, the central authorities appointed by the States Parties to the MESICIC under Article XVIII of the Convention, for formulating and receiving the requests for mutual assistance and technical cooperation described therein, could, in coordination with the authorities responsible for government hiring systems and public procurement that have been identified in the Second Round country reports, encourage a process of exchanges of information on their experiences with applying the provisions in those areas that they believe could be useful, to provide them with the elements necessary to decide on their adoption, if deemed appropriate.

B) Regarding the systems for protecting public servants and private citizens who, in good faith, report acts of corruption referred to in Article III (8) of the Convention, the mutual technical cooperation should, in addition to focusing on the regulations in other MESICIC Member States' systems that might be of use to them, emphasize the establishment of international cooperation

mechanisms to facilitate that protection. This is because effectiveness in preserving the physical integrity of whistleblowers and their families essentially often depends on the possibility of their being taken in by a country other than the one where the complaint is filed and, to prevent compliance with this obligation from leading to serious harm, they must be given work opportunities to enable them to subsist in the country that receives them.

C) Generally, regarding the Convention provisions that were reviewed in the Second Round, it would be useful for the states to submit, in their responses to the questionnaire adopted for the Third Round, information on their specific technical assistance needs or other needs related to the implementation of those recommendations. Pursuant to Article 29 of the Committee's Rules of Procedure, this information may be submitted if the country considers it convenient, and it would greatly assist in the exchanges of technical cooperation between the countries that make up the MESICIC, in that it would allow them to identify the specific areas in which they require cooperation, along with the areas in which they could offer assistance.

7.2.2. Mutual assistance actions

The collective recommendations in this area formulated in the First Round Hemispheric Report were aimed, in general, at enabling implementation of the first paragraph of Article XIV of the Convention, which provides for mutual assistance between the states in the investigation and prosecution of acts of corruption. In this regard, they suggested that this could be achieved, among other activities, by training those officials responsible for carrying out that assistance, and by strengthening the central authorities appointed under Article XVIII of the Convention that are responsible for processing the relevant requests.

In general terms, the Committee reiterates the importance, in ensuring the effectiveness of the aforementioned mutual assistance, of ensuring that the officials responsible for it are familiar with the substantive provisions that govern such matters between states and with the procedures for putting them into practice. It also notes the importance of strengthening the aforesaid central authorities, which is vital if the assistance is to be provided in a swift, timely, and correct fashion.

In specific terms, regarding the topics covered by the provisions of the Convention reviewed during the Second Round and which bear a close relationship with the mutual assistance referred to above, the Committee offers the following collective recommendations to the Member States of the MESICIC:

A) With respect to the acts of corruption contemplated by Article VI of the Convention, it must be borne in mind that Article XIV expressly provides that the States Parties shall afford one another, in accordance with their laws and applicable treaties, 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, in order to obtain evidence and take other necessary action to facilitate those proceedings and measures regarding the investigation or prosecution of acts of corruption.

The Committee considers that the imperative nature of this provision of the Convention requires that the countries, as a whole, strengthen their mutual assistance actions relating to acts of corruption – in particular, those covered by Article VI of the Convention – and, for this, it believes it would be useful for the central authorities appointed by the states for preparing and receiving mutual assistance requests to foster permanent consultation among the authorities responsible for enforcing the applicable provisions and treaties regarding the information on the matter set out on the web page of

the General Secretariat of the OAS, ensuring they have up-to-date knowledge of the provisions that they should put into practice. That web page can be found at: http://www.oas.org/dil/treaties_and_agreements.htm.

In addition to the foregoing, and with the aim of streamlining the provision of that assistance, which is essential in ensuring that those who commit acts of corruption do not enjoy impunity, it is also recommends that the 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 cheaply and swiftly using modern tools such as videoconferencing.

The Committee recommends that the Member States take maximum advantage of the “Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition,” 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 safe processing of such requests.

B) Regarding the systems for protecting public servants and private citizens who, in good faith, report acts of corruption covered by Article III (8) of the Convention, the Committee believes that in addition to its protective goals, it must be borne in mind that when whistleblowers or witnesses are relocated to a country other than the one in which the complaint was filed, the effective prosecution of the act of corruption in question requires the investigating authorities to be able to question the protected whistleblowers or witnesses as often as is necessary and, for that reason, it recommends that the countries offering them protection adopt the appropriate measures for ensuring that those persons are available whenever necessary.

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 THE FIRST ROUND 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 development of the foregoing, first, a summary will be given of the progress achieved by the 28 MESICIC Member States that were reviewed in the First Round as a whole, 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 during that round. Those recommendations were contained in the corresponding country reports, which may be consulted on the Internet at http://www.oas.org/juridico/english/mec_ron1_rep.htm.

Second, it provides 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 reviewed during the round. The frequency with which those recommendations were issued is indicated in charts in Annex VI of the First Round Hemispheric Report, which may be found at http://www.oas.org/juridico/english/mec_ron1_inf_hemis_en.doc

Thirdly, it offers a summary of the progress achieved with respect to the implementation of the measures that were suggested, as general recommendations, to the MESICIC Member States 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 Round and 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 Second 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 Round 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 Second Round country reports titled "Observations in relation to progress in implementing the recommendations made in the First Round Report." Those reports are available on the Internet at http://www.oas.org/juridico/english/mesicic_II_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.

VIII. PROGRESS MADE WITH THE TOTALITY OF THE RECOMMENDATIONS

This summary reflects the progress made by all 28 MESICIC Member States that were reviewed in the First 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 that round. To this end, the report indicates 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 this progress can be found in Annex VII 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 to all the MESICIC member countries in connection with the provisions 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. No information on progress with respect to implementation was reported for 60 of those measures (41%); 64 of them (44%) require additional attention; and the remaining 21 (15%) 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. No information on progress with respect to implementation was reported for 23 of them (32%); 33 of them (47%) require additional attention; and the remaining 15 (21%) 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. No information on progress with respect to implementation was reported for 36 of them (43%); 36 of them (43%) require additional attention; and the remaining 12 (14%) were satisfactorily considered.

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

131 measures were recommended. No information on progress with respect to implementation was reported for 45 of them (34%); 70 of them (54%) require additional attention; and the remaining 16 (12%) were satisfactorily considered.

- 3) Oversight bodies responsible for the selected provisions (Article III, Paragraphs 1, 2, 4, & 11, of the Convention)

51 measures were recommended. No information on progress with respect to implementation was reported for 16 of them (31%); 29 of them (57%) require additional attention; and the remaining 6 (12%) 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:

7 measures were recommended. No information on progress with respect to implementation was reported for 6 of them (86%), and the remaining measure (14%) requires additional attention.

- Mechanisms for access to information:

83 measures were recommended. No information on progress with respect to implementation was reported for 38 of them (46%); 32 of them (38%) require additional attention; and the remaining 13 (16%) were satisfactorily considered.

- Mechanisms for consultation:

62 measures were recommended. No information on progress with respect to implementation was reported for 26 of them (42%); 23 of them (37%) require additional attention; and the remaining 13 (21%) were satisfactorily considered.

- Mechanisms to encourage participation in the public administration:

69 measures were recommended. No information on progress with respect to implementation was reported for 31 of them (45%); 25 of them (36%) require additional attention; and the remaining 13 (19%) were satisfactorily considered.

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

62 measures were recommended. No information on progress with respect to implementation was reported for 26 of them (42%); 28 of them (45%) require additional attention; and the remaining 8 (13%) were satisfactorily considered.

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

91 measures were recommended. No information on progress with respect to implementation was reported for 49 of them (54%); 24 of them (26%) require additional attention; and the remaining 18 (20%) were satisfactorily considered.

6) Central authorities (Article XVIII of the Convention)

29 measures were recommended. No information on progress with respect to implementation was reported for 14 of them (48%); 8 of them (28%) require additional attention; and the remaining 7 (24%) were satisfactorily considered.

7) General recommendations

79 measures were recommended. No information on progress with respect to implementation was reported for 50 of them (63%); 19 of them (24%) require additional attention; and the remaining 10 (13%) were satisfactorily considered.

IX. PROGRESS ACHIEVED IN RELATION TO THE MOST COMMON RECOMMENDATIONS

This summary sets out the progress made with implementing the measures that the Committee most commonly recommended for the MESICIC Member States^{19/} in connection with each of the Convention provisions reviewed in the First Round. The frequency with which these recommendations were issued is indicated in charts in Annex VI of that round's Hemispheric Report. For this, the report will note the number and percentage of Member 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 VIII of this Report.

19. 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.

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 24 countries; of these, 9 (38%) submitted no information on progress with respect to its implementation; 13 (54%) need to pay additional attention to it; and the remaining 2 (8%) have given it satisfactory consideration.

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

This type of measures was recommended to 16 countries; of these, 7 (43%) submitted no information on progress with respect to implementation; 6 (38%) need to pay additional attention to them; and the remaining 3 (19%) have given them satisfactory consideration.

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

This measure was recommended to 15 countries; of these, 5 (33%) submitted no information on progress with its implementation; 9 (60%) 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.

This type of measure was recommended to 12 countries; of these, 4 (33%) submitted no information on progress with respect to implementation; 6 (50%) need to pay additional attention to them; and the remaining 2 (17%) have given them 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 countries; of these, 6 (55%) submitted no information on progress with respect to its implementation; 2 (18%) need to pay additional attention to it; and the remaining 3 (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 8 countries; of these, 3 (38%) submitted no information on progress with respect to its implementation, and the remaining 5 (62%) need to pay additional attention to it.

- 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.

This type of measure was recommended to 19 countries; of these, 6 (32%) submitted no information on progress with respect to implementation; 10 (52%) need to pay additional attention to them; and the remaining 3 (16%) have given them satisfactory consideration.

B: Strengthen the measures for oversight of public spending.

This measure was recommended to 9 countries; of these, 3 (33%) submitted no information on progress with its implementation; 5 (56%) need to pay additional attention to it; and the remaining country (11%) has given it satisfactory consideration.

C: Strengthen measures for accountability.

This measure was recommended to 7 countries; 1 of these (14%) submitted no information on progress with its implementation; 4 (57%) need to pay additional attention to it; and the remaining 2 (29%) 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 22 countries; of these, 7 (32%) submitted no information on progress with its implementation; 12 (54%) need to pay additional attention to it; and the remaining 3 (14%) have given it satisfactory consideration.

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

This measure was recommended to 11 countries; of these, 5 (46%) submitted no information on progress with its implementation; 4 (36%) need to pay additional attention to it; and the remaining 2 (18%) has given it satisfactory consideration.

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

This type of measure was recommended to 9 countries; of these, 5 (56%) submitted no information on progress with implementation; 2 (22%) need to pay additional attention to them; and the remaining 2 (22%) has given them 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.

This type of measure was recommended to 8 countries; of these, 4 (50%) submitted no information on progress with respect to implementation; 2 (25%) need to pay additional attention to those measures; and the remaining 2 (25%) have given them 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 24 countries; of these, 8 (33%) submitted no information on progress with respect to its implementation; 12 (50%) need to pay additional attention to it; and the remaining 4 (17%) have given it satisfactory consideration.

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

This measure was recommended to 20 countries; of these, 8 (40%) submitted no information on progress with respect to its implementation, and the remaining 12 (60%) 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 illegal enrichment.

This measure was recommended to 16 countries; of these, 4 (25%) submitted no information on progress with respect to its implementation; 9 (56%) need to pay additional attention to it; and the remaining 3 (19%) have given it satisfactory consideration.

D: Implement systems to verify the content of declarations.

This measure was recommended to 15 countries; of these, 5 (33%) submitted no information on progress with respect to its implementation, and the remaining 10 (67%) 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 countries; of these, 5 (33%) submitted no information on progress with respect to its implementation; 7 (47%) need to pay additional attention to it; and the remaining 3 (20%) have given it satisfactory consideration.

F: Expand the group required to file declarations.

This measure was recommended to 11 countries; of these, 2 (18%) submitted no information on progress with respect to its implementation; 6 (55%) need to pay additional attention to it; and the remaining 3 (27%) has given it satisfactory consideration.

3) Oversight bodies responsible for the selected provisions (Article III, Paragraphs 1, 2, 4, & 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 23 countries; of these, 6 (24%) submitted no information on progress with respect to its implementation; 17 (68%) need to pay additional attention to it; and the remaining 2 (8%) have given it satisfactory consideration.

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.

This measure was recommended to 12 countries; of these, 5 (42%) submitted no information on progress with respect to its implementation; 6 (50%) need to pay additional attention to it; and the remaining country (8%) has 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.

Such measures were recommended to 15 countries; of these, 5 (33%) submitted no information on progress with respect to its implementation, 9 (60%) need to pay additional attention to it; and the remaining country (7%) has 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 13 countries; of these, 5 (38%) submitted no information on progress with respect to its implementation; 4 (31%) need to pay additional attention to it; and the remaining 4 (31%) have given it satisfactory consideration.

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

This measure was recommended to 12 countries; of these, 5 (42%) submitted no information on progress with respect to its implementation, and the remaining 7 (58%) need to pay additional attention to it.

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

This measure was recommended to 11 countries; of these, 3 (27%) submitted no information on progress with respect to its implementation, and the remaining 8 (73%) need to pay additional attention to it.

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

This measure was recommended to 11 countries; of these, 3 (27%) submitted no information on progress with respect to its implementation; 7 (70%) need to pay additional attention to it; and the remaining country (9%) 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 18 countries; of these, 6 (36%) submitted no information on progress with respect to its implementation; 6 (35%) need to pay additional attention to it; and the remaining 5 (29%) have given it satisfactory consideration.

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

This measure was recommended to 12 countries; of these, 8 (67%) submitted no information on progress with respect to its implementation, 3 (25%) need to pay additional attention to it; and the remaining country (8%) have 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 8 countries; of these, 2 (25%) submitted no information on progress with respect to its implementation; 3 (37%) need to pay additional attention to it; and the remaining 3 (38%) have given it satisfactory consideration.

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

Such measures were recommended to 6 countries; of these, 3 (50%) submitted no information on progress with respect to implementation; 2 (33%) need to pay additional attention to those measures; and the remaining country (17%) has given them 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 24 countries; of these, 8 (33%) submitted no information on progress with respect to its implementation; 12 (50%) need to pay additional attention to it; and the remaining 4 (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 20 countries; of these, 9 (45%) submitted no information on progress with respect to its implementation; 7 (35%) need to pay additional attention to it; and the remaining 4 (20%) have given it satisfactory consideration.

C: Repeal *desacato* contempt laws.

This measure was recommended to 9 countries; of these, 4 (44%) submitted no information on progress with respect to its implementation; 4 (45%) need to pay additional attention to it; and the remaining country (11%) has given it satisfactory consideration.

D: Develop public awareness regarding the corruption problem.

This measure was recommended to 8 countries; of these, 2 (25%) submitted no information on progress with respect to its implementation; 5 (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 24 countries; of these, 9 (38%) submitted no information on progress with respect to its implementation; 11 (45%) need to pay additional attention to it; and the remaining 4 (17%) have given it satisfactory consideration.

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

This measure was recommended to 24 countries; of these, 10 (43%) submitted no information on progress with respect to its implementation; 11 (45%) need to pay additional attention to it; and the remaining 3 (13%) 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 25 countries; of these, 12 (48%) submitted no information on progress with respect to its implementation; 7 (28%) need to pay additional attention to it; and the remaining 6 (24%) 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 23 countries; of these, 12 (53%) submitted no information on progress with respect to its implementation; 7 (30%) need to pay additional attention to it; and the remaining 4 (17%) 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 countries; of these, 11 (64%) submitted no information on progress with respect to its implementation; 3 (18%) need to pay additional attention to it; and the remaining 3 (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 7 countries; of these, 3 (43%) submitted no information on progress with respect to its implementation; 3 (43%) need to pay additional attention to it; and the remaining country (14%) has 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 countries; of these, 7 (58%) submitted no information on progress with respect to its implementation; 2 (17%) needs to pay additional attention to it; and the remaining 3 (25%) 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 11 countries; of these, 4 (36%) submitted no information on progress with respect to its implementation; 5 (46%) need to pay additional attention to it; and the remaining 2 (18%) have given it satisfactory consideration.

X. PROGRESS MADE WITH THE GENERAL RECOMMENDATIONS

This summary reflects the progress made with respect to the implementation of the recommendations of a general nature that were suggested by the Committee to the MESICIC Member States, 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 extended in the corresponding country reports. For this, the report will note the number and percentage of Member States that reported no progress with the implementation process, along with those which the Committee decided had to pay additional attention to the measures and those that it deemed to have given them satisfactory consideration. 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 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 countries; of these, 13 (48%) submitted no information on progress with respect to its implementation; 8 (30%) need to pay additional attention to it; and the remaining 6 (22%) 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 this purpose, consideration could be given to the list of more general indicators applicable within the Inter-American system that were available for the selection indicated by the states under review and posted on the OAS web site by the Technical Secretariat of the Committee, together with information derived from the review of the mechanisms developed in accordance with the recommendation.

This measure was recommended to 27 countries; of these, 20 (74%) submitted no information on progress with respect to its implementation; 6 (22%) need to pay additional attention to it; and the remaining country (4%) has given it satisfactory consideration.

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 25 countries; of these, 18 (72%) submitted no information on progress with respect to its implementation; 5 (20%) need to pay additional attention to it; and the remaining 2 (8%) have given it satisfactory consideration.

XI. ANNEXES:

ANNEX I
STATES PARTIES TO THE CONVENTION AND TO THE MESICIC

State	State Party to the Convention	State Party to the MESICIC
 Antigua and Barbuda	✓	
 Argentina	✓	✓
 Bahamas	✓	✓
 Barbados		
 Belize	✓	✓
 Bolivia	✓	✓
 Brazil	✓	✓
 Canada	✓	✓
 Chile	✓	✓
 Colombia	✓	✓
 Costa Rica	✓	✓
 Dominica	✓	
 Dominican Republic	✓	✓
 Ecuador	✓	✓
 El Salvador	✓	✓
 Grenada	✓	✓
 Guatemala	✓	✓
 Guyana	✓	✓
 Haiti	✓	
 Honduras	✓	✓
 Jamaica	✓	✓
 Mexico	✓	✓
 Nicaragua	✓	✓
 Panama	✓	✓
 Paraguay	✓	✓
 Peru	✓	✓
 Saint Kitts and Nevis	✓	
 Saint Lucia	✓	
 Saint Vincent and the Grenadines	✓	✓
 Suriname	✓	✓
 Trinidad and Tobago	✓	✓
 United States	✓	✓
 Uruguay	✓	✓
 Venezuela	✓	✓

GEOGRAPHICAL REPRESENTATION OF THE STATES PARTIES TO THE CONVENTION AND TO THE MESICIC



-  States Parties to the Convention and to the MESICIC
-  States Parties to the Convention but NOT to the MESICIC
-  State that are NOT a Party

ANNEX II
ORDER IN WHICH THE STATES WERE REVIEWED

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

1		Argentina	Tenth Meeting	December 11 to 16, 2006
2		Paraguay		
3		Nicaragua		
4		Uruguay		
5		Ecuador		
6		Honduras		

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

7		Bolivia	01/23/1997	Eleventh Meeting	June 25 to 30, 2007
8		Peru	04/04/1997		
9		Costa Rica	05/09/1997		
10		Venezuela	05/22/1997		
11		Mexico	05/27/1997		
12		Trinidad and Tobago	04/15/1998		
13		Colombia	05/25/1998	Twelfth Meeting	December 3 to 8, 2007
14		Panama	07/20/1998		
15		Chile	09/22/1998		
16		El Salvador	10/26/1998		
17		Dominican Republic	06/02/1999		
18		Bahamas	03/09/2000		
19		Canada	06/01/2000	Thirteenth Meeting	June 23 to 27, 2008
20		United States	09/15/2000		
21		Guyana	12/11/2000		
22		Jamaica	03/16/2001		
23		Saint Vincent and the Grenadines	05/28/2001		
24		Guatemala	06/12/2001		
25		Grenada	11/15/2001	Fourteenth Meeting	December 8 to 12, 2008
26		Suriname	03/27/2002		
27		Brazil	07/10/2002		
28		Belize	09/06/2002		

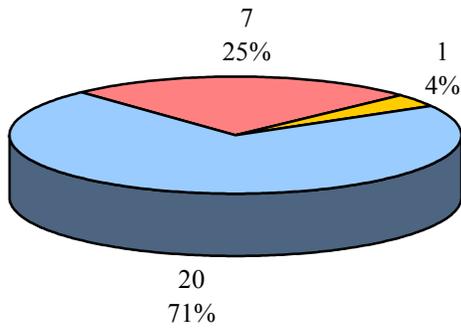
**ANNEX III
COMPOSITION OF THE REVIEW SUBGROUPS**

Reviewed State		States Members of the Subgroup		
 Argentina	 Belize	 Costa Rica		
 Bahamas	 Argentina	 Grenada		
 Belize	 Guyana	 Trinidad and Tobago		
 Bolivia	 Uruguay	 Venezuela		
 Brazil	 Trinidad and Tobago	 Venezuela		
 Canada	 Costa Rica	 Saint Vincent & the Grenadines		
 Chile	 El Salvador	 Honduras		
 Colombia	 Guyana	 Nicaragua		
 Costa Rica	 Grenada	 Mexico		
 Ecuador	 Honduras	 Peru		
 El Salvador	 Mexico	 Panama		
 United States	 Bolivia	 Canada		
 Grenada	 Bolivia	 Canada		
 Guatemala	 Nicaragua	 Uruguay		
 Guyana	 Bahamas	 Jamaica		
 Honduras	 Argentina	 United States		
 Jamaica	 United States	 Peru		
 Mexico	 Panama	 Dominican Republic		
 Nicaragua	 El Salvador	 Paraguay		
 Panama	 Guatemala	 Suriname		
 Paraguay	 Belize	 Ecuador		
 Peru	 Brazil	 Chile		
 Dominican Republic	 Chile	 Guatemala		
 Saint Vincent & the Grenadines	 Bahamas	 Brazil		
 Suriname	 Colombia	 Paraguay		
 Trinidad and Tobago	 Jamaica	 Suriname		
 Uruguay	 Dominican Republic	 Saint Vincent & the Grenadines		
 Venezuela	 Colombia	 Ecuador		

**ANNEX IV
PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS
IN THE REVIEW PROCESS**

State	Civil Society Organizations
 Argentina	<i>Fundación Poder Ciudadano; Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento (CIPPEC); Federación Interamericana de Abogados (FIA); Comisión de Seguimiento del Cumplimiento de la Convención Interamericana contra la Corrupción.</i>
 Bahamas	
 Belize	
 Bolivia	<i>Por Bolivia -Centro de Desarrollo de Éticas Aplicadas y Promoción del Capital Social</i>
 Brazil	<i>Movimiento Voto Consciente</i>
 Canada	Transparency International Canada
 Chile	<i>Chile Transparente</i>
 Colombia	<i>Transparencia por Colombia</i>
 Costa Rica	<i>Transparencia Internacional Costa Rica</i>
 Dominican Republic	<i>Participación Ciudadana</i>
 Ecuador	<i>Corporación Latinoamericana para el Desarrollo</i>
 El Salvador	<i>Fundación Nacional para el Desarrollo (FUNDE); Iniciativa Social para la Democracia (ISD); Fundación de Estudios para Aplicación del Derecho (FESPAD); Instituto Universitario de Opinión Pública de la Universidad Centroamericana.</i>
 Grenada	
 Guatemala	<i>Acción Ciudadana</i>
 Guyana	
 Honduras	<i>Foro Permanente de Organizaciones de la Sociedad Civil (FPOSC); Asociación para una Ciudadanía Participativa (ACI PARTICIPA).</i>
 Jamaica	Jamaicans for Justice
 Mexico	<i>Transparencia Mexicana</i>
 Nicaragua	<i>Transparencia Internacional; Grupo Cívico Ética y Transparencia (EyT); Asociación de Auditores Internos de Nicaragua (AAIN); Asociación de Juristas y Abogados Litigantes de Nicaragua (AJALNIC); Probidad; Comisión Nacional Académica de Derecho (CONADER).</i>
 Panama	<i>Fundación para el Desarrollo de la Libertad Ciudadana</i>
 Paraguay	<i>Transparencia Internacional Paraguay</i>
 Peru	<i>PROÉTICA</i>
 St. Vincent & the Grenadines	
 Suriname	
 Trinidad and Tobago	Transparency of Trinidad and Tobago
 United States	Transparency International USA
 Uruguay	
 Venezuela	<i>Transparencia Venezuela</i> (The document submitted by <i>Transparencia Venezuela</i> was not considered as it did not meet the conditions set forth in Article 34 of the Rules of Procedure of the Committee).

GRAPHICAL REPRESENTATION OF THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN THE REVIEW PROCESS



■ A) States in which there was civil society participation.

■ B) States in which there was no civil society participation.

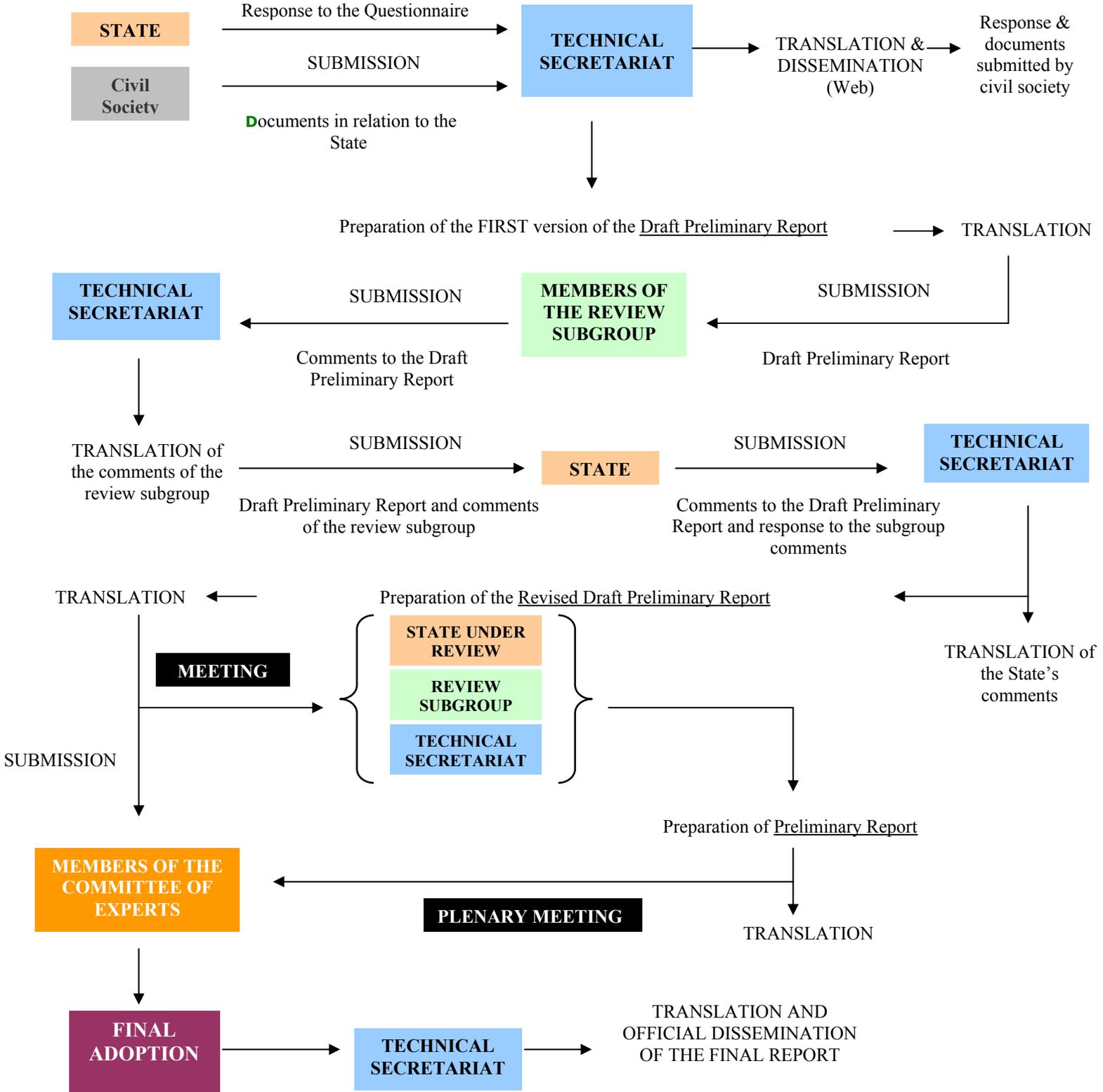
■ C) States in which the civil society participation was extemporaneous or not in accordance with Article 34 of the Rules

A		B		C	
	Argentina		Bahamas		Venezuela
	Bolivia		Belize		
	Brazil		Grenada		
	Canada		Guyana		
	Chile		Saint Vincent and the Grenadines		
	Colombia		Suriname		
	Costa Rica		Uruguay		
	Dominican Republic				
	Ecuador				
	El Salvador				
	Guatemala				
	Honduras				
	Jamaica				
	Mexico				
	Nicaragua				
	Panama				
	Paraguay				
	Peru				
	Trinidad and Tobago				
	United States				

GEOGRAPHICAL REPRESENTATION OF THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN THE REVIEW PROCESS



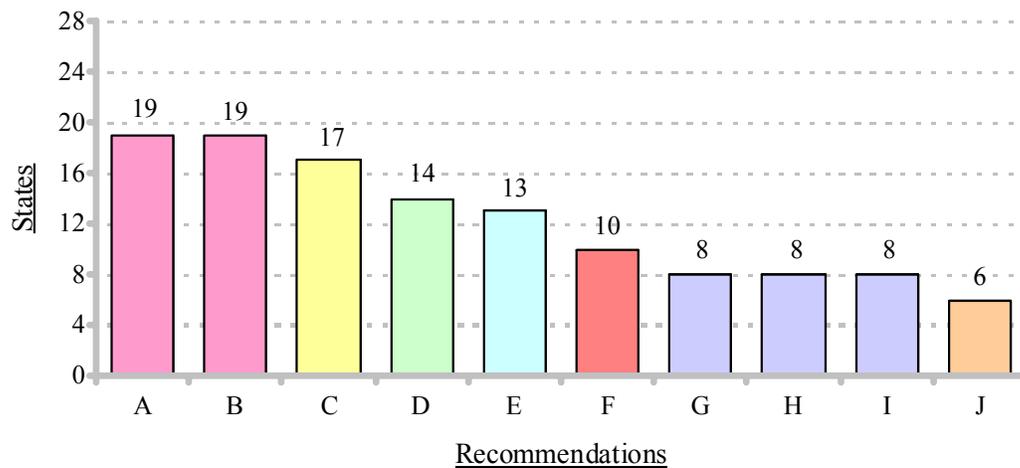
ANNEX V PROCEDURE FOR ADOPTION OF THE FINAL COUNTRY REPORTS



ANNEX VI
GRAPHIC REPRESENTATION OF THE FREQUENCY OF SOME OF THE MOST
COMMON 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)

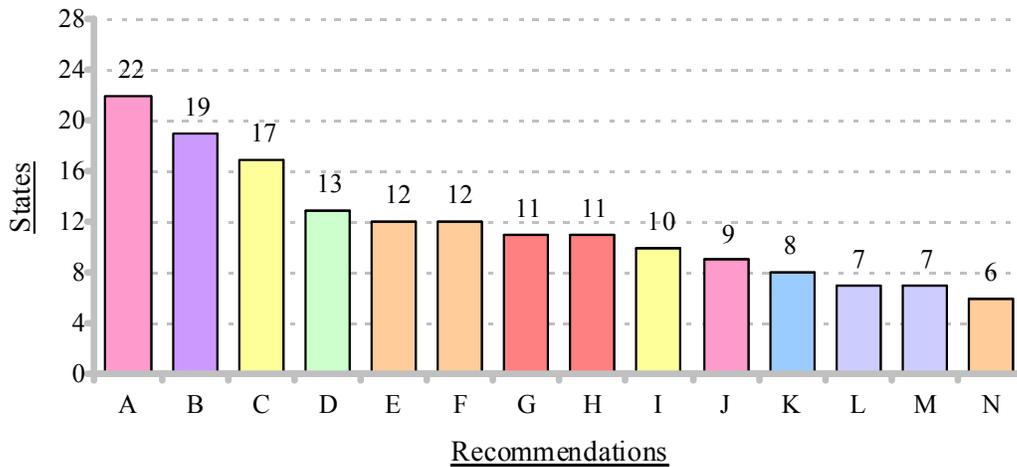
1.1. Systems of government hiring



- 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. Define the manner in which selection should be carried in the merit-based system.
- G. Adopt provisions which establish or strengthen appropriate control mechanisms to ensure strict compliance with the rules for personnel selection in the public service.
- 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.

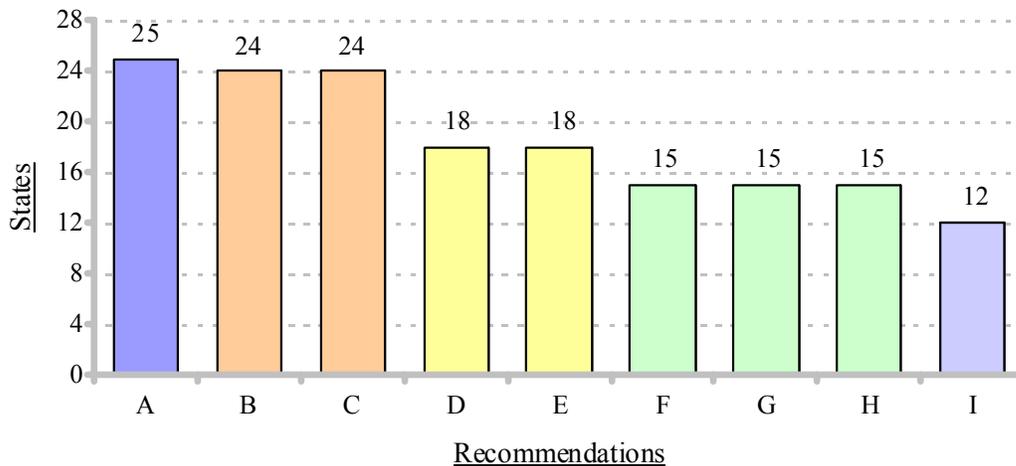
1.2. Government systems for the procurement of goods and services



- 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. Develop or strengthen provisions which regulate the procurement of public works.
- E. Establish or strengthen the governing authority responsible for the regulation, administration, development or oversight of the oversight of the public contracting system..
- F. Create a central registry of contractors.
- G. Specify the reasons used as the basis for exceptions to public bidding.
- H. Establish of strengthen challenge mechanisms intended to clarify, modify or annul the substantive decisions adopted during the contracting process.
- 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.
- 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.
- K. Publish draft bidding terms.

- 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.

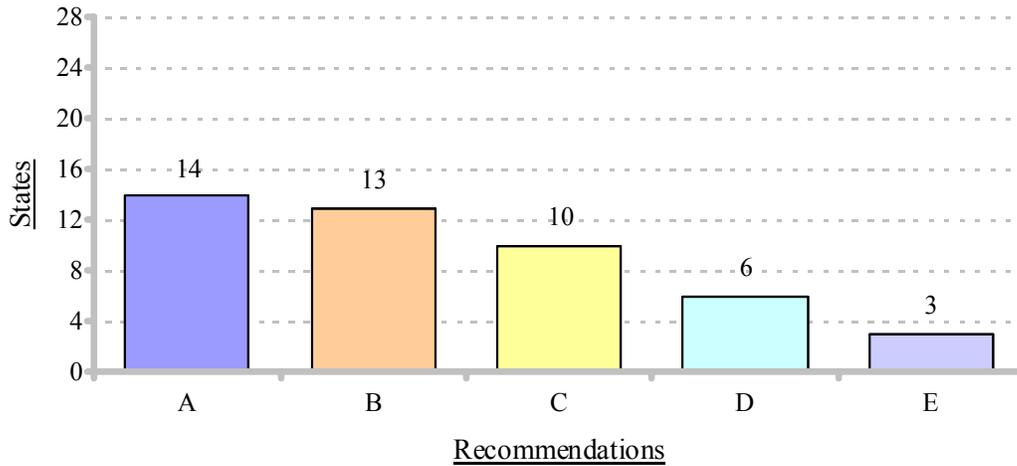
2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)



- A. Adopt protective measures, aimed not only the physical integrity of the whistleblower and their family, but also their employment situation.
- B. Adopt protective measures for those who report acts of corruption that may be the subject of either administrative or judicial investigation.
- C. Establish mechanisms to facilitate international cooperation in the area of protection.
- D. Establish reporting mechanisms, such as anonymous reporting and identity-protected reporting.
- E. Establish mechanisms for reporting the threats or reprisals that whistleblowers may face.
- F. Simplify formalities for requesting protection for whistleblowers.
- G. Establish mechanisms for the protection of witnesses, providing them with the same guarantees as public officials and private citizens.
- H. Adopt provisions which sanction noncompliance with provisions and/or obligations in matters of protection.

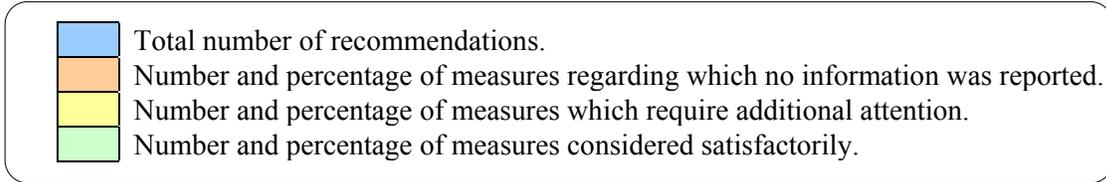
- I. Adopt provisions which clearly define the powers of the judicial and administrative authorities in protection matters

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



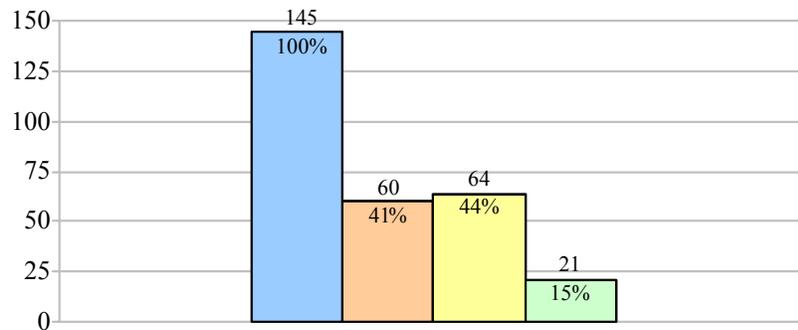
- A. Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (a) of Article VI.1 of the Convention.
- B. Adjust the corresponding criminal provisions so that they include all of the elements listed in paragraph (b) of Article VI.1 of the Convention.
- C. Complement the corresponding criminal provisions so that they criminalize all the elements listed in paragraph (e) of Article VI.1 of the Convention.
- D. Complement the corresponding criminal provisions so that they include the actions covered by paragraph (d) of Article VI.1 of the Convention.
- 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.

ANNEX VII
GRAPHIC REPRESENTATION OF THE PROGRESS ACHIEVED WITH RESPECT TO
THE TOTALITY OF THE RECOMMENDATIONS FORMULATED IN THE FIRST
ROUND OF REVIEW

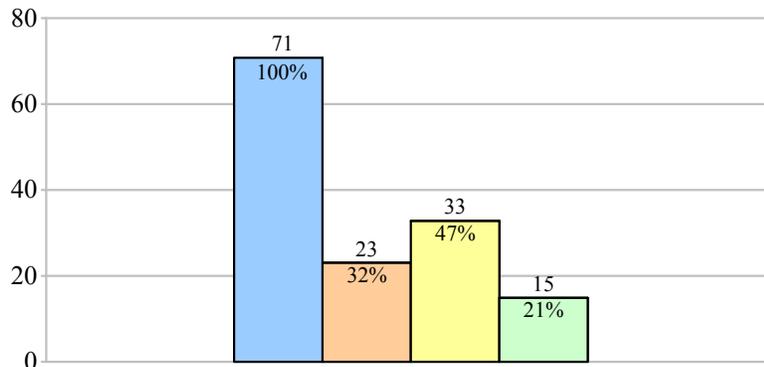


1. STANDARDS OF CONDUCT AND ENFORCEMENT MECHANISMS (ARTICLE III, PARAGRAPHS 1 AND 2, OF THE CONVENTION)

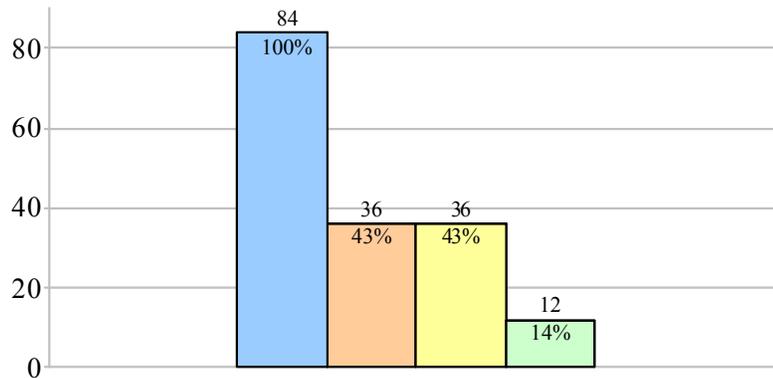
1.1. Standards of conduct for preventing conflicts of interest and enforcement mechanisms



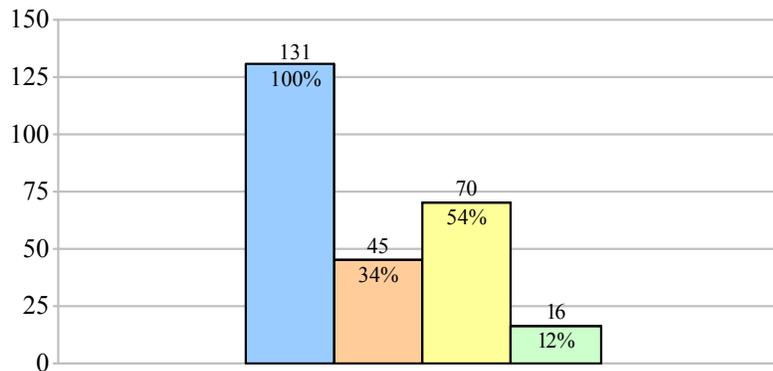
1.2. Standards of conduct and mechanisms for ensuring the conservation and proper use of resources entrusted to public officials



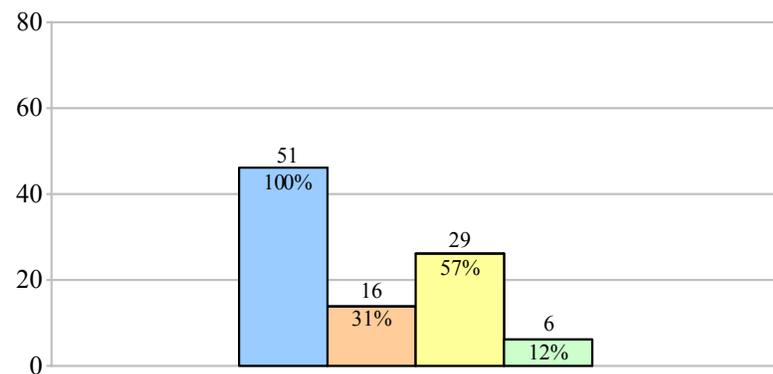
1.3 Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities



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

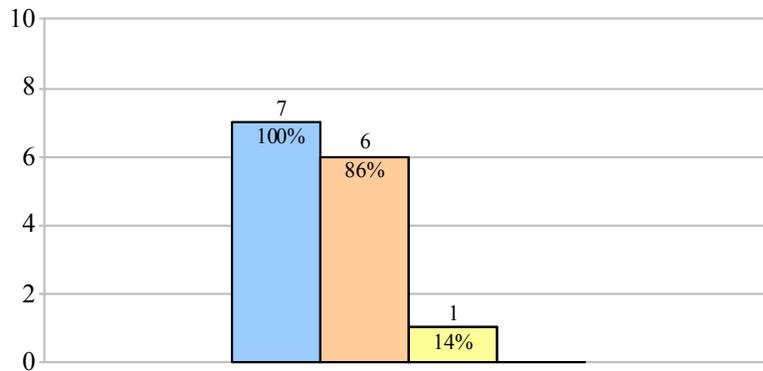


3. OVERSIGHT BODIES RESPONSIBLE FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4, AND 11 OF THE CONVENTION)

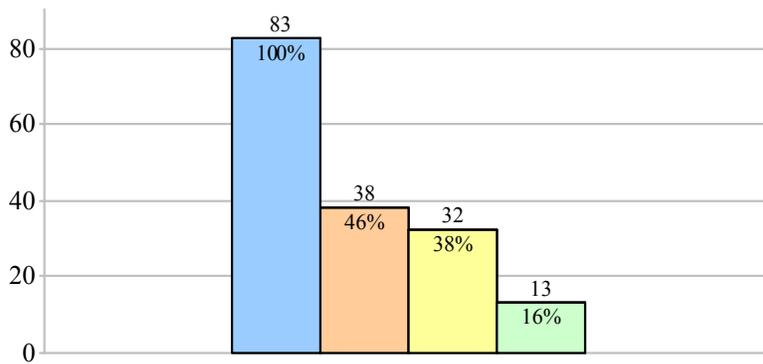


4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11, OF THE CONVENTION)

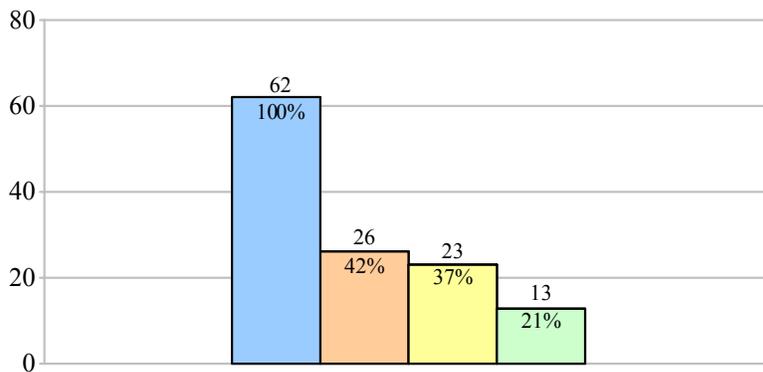
4.1. General participation mechanisms



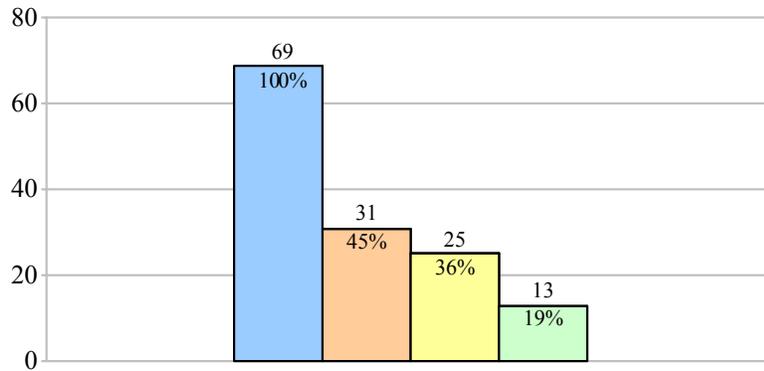
4.2. Mechanisms for access to information



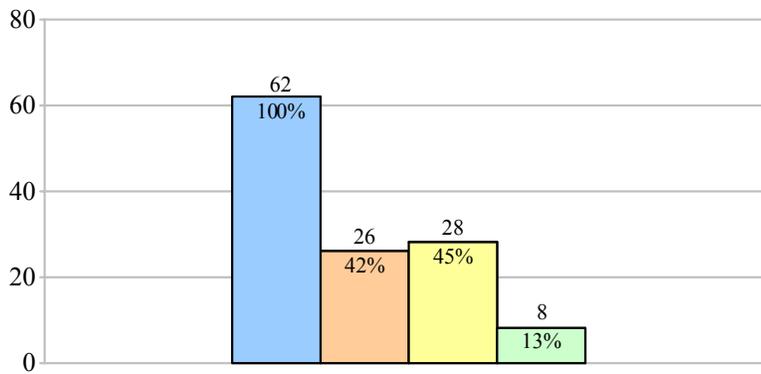
4.3. Mechanisms for consultation



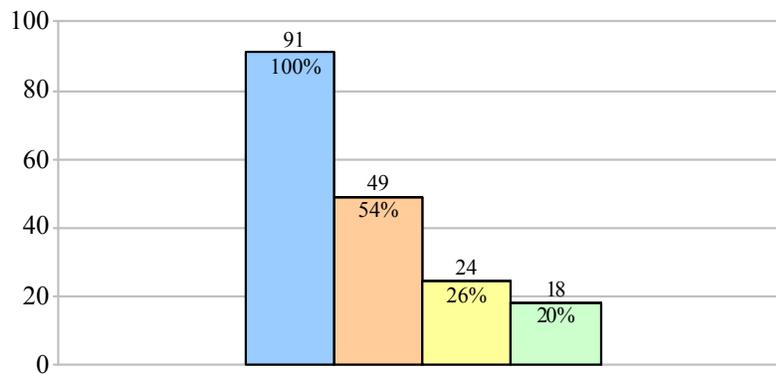
4.4. Mechanisms for encouraging participation in the public administration



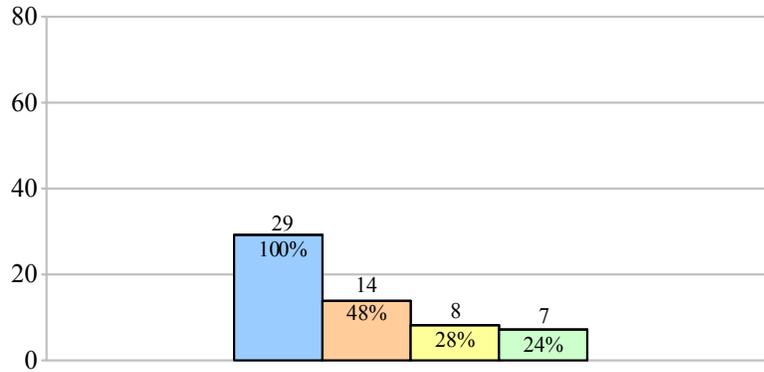
4.5. Mechanisms for participation in the follow-up of public administration



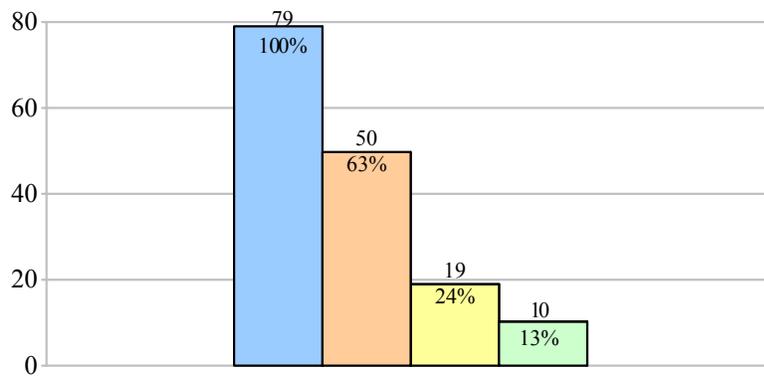
5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)



6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)



7. GENERAL RECOMMENDATIONS



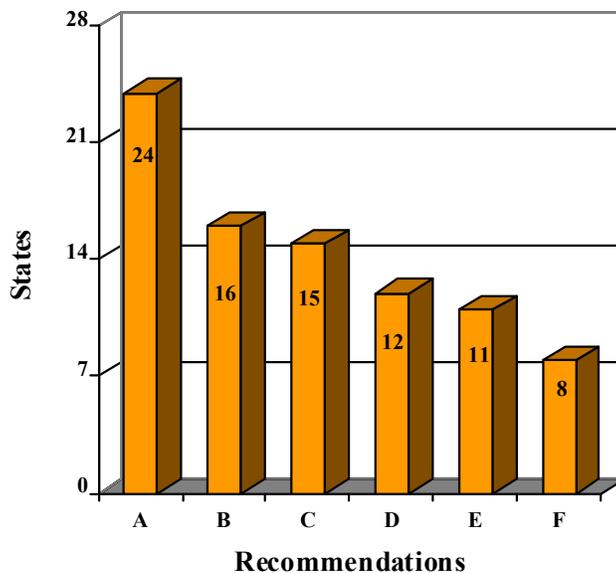
ANNEX VIII
GRAPHIC REPRESENTATION OF THE PROGRESS MADE WITH RESPECT TO THE MOST COMMON RECOMMENDATION FORMULATED IN THE FIRST ROUND OF REVIEW

-  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. 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



A: Take appropriate steps to prevent conflicts of interest following a period of public service.

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

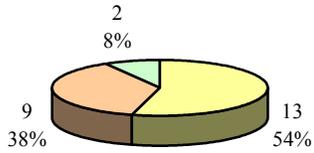
C: Adequately develop measures intended to prevent conflicts of interest during the performance of public functions.

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

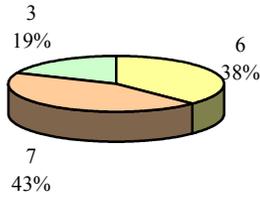
E: Adopt specific measures for those officials who, by reason of their position or the nature of their functions, must observe particularly strict standards of conduct in order to uphold the general public interest.

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

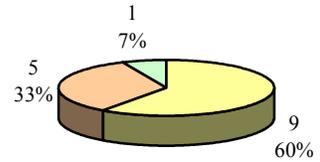
Graphic Representation of Implementation



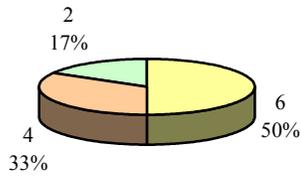
Recommendation "A"



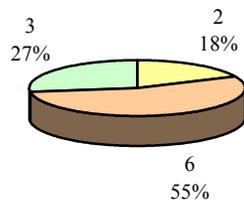
Recommendation "B"



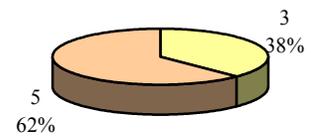
Recommendation "C"



Recommendation "D"



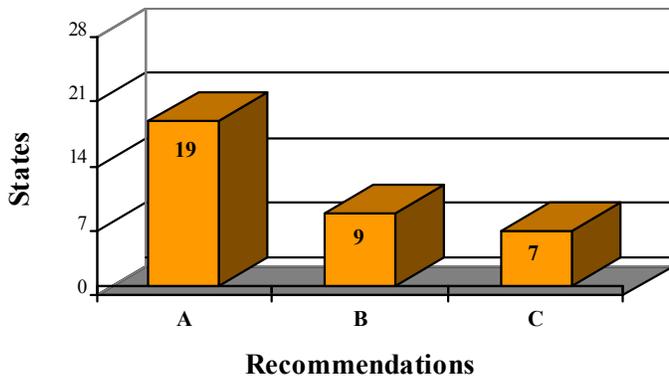
Recommendation "E"



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

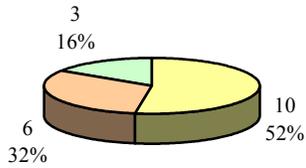


A: Take steps to promote the effectiveness of the rules for the preservation of public resources.

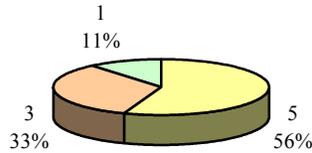
B: Strengthen the measures for oversight of public spending.

C: Strengthen measures for accountability.

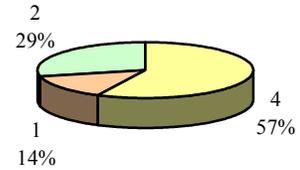
Graphic Representation of Implementation



Recommendation "A"



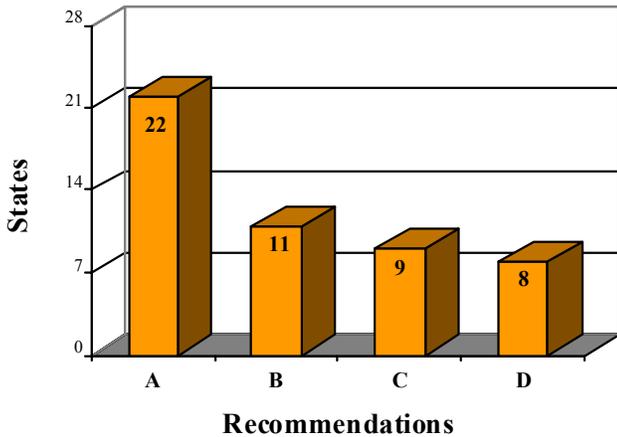
Recommendation "B"



Recommendation "C"

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



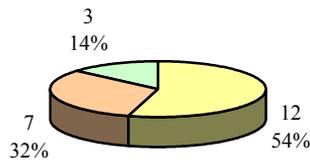
A: Adopt provisions to provide those filing reports with guarantees against any threats, retaliations, or reprisals they may face.

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

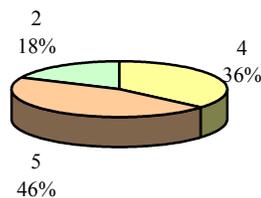
C: Adopt measures to increase the effectiveness of the rules requiring acts of corruption to be reported.

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

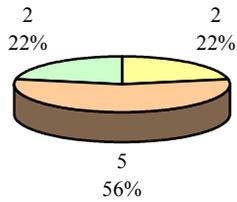
Graphic Representation of Implementation



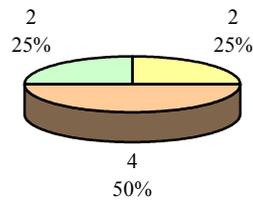
Recommendation "A"



Recommendation "B"



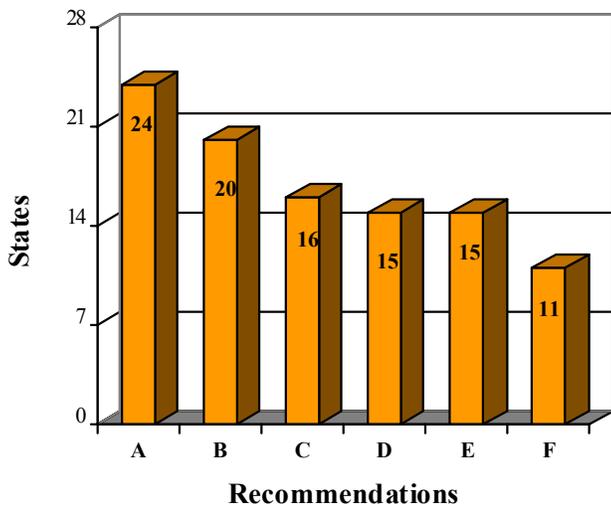
Recommendation "C"



Recommendation "D"

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.

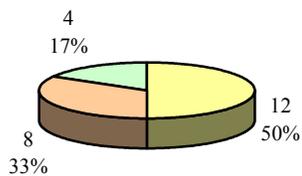
C: Optimize the analysis of the statements' content so they can be used to detect and prevent possible illegal enrichment.

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

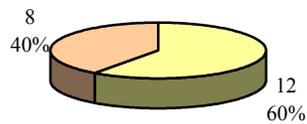
E: Adopt measures to increase the effectiveness of the obligations related to these statements.

F: Expand the group required to file declarations.

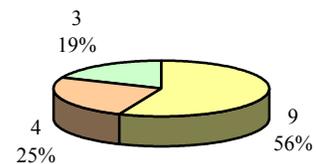
Graphic Representation of Implementation



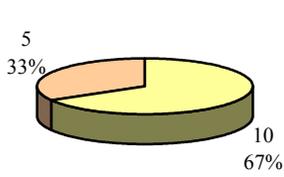
Recommendation "A"



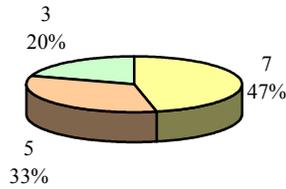
Recommendation "B"



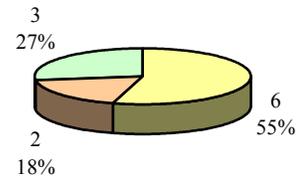
Recommendation "C"



Recommendation "D"



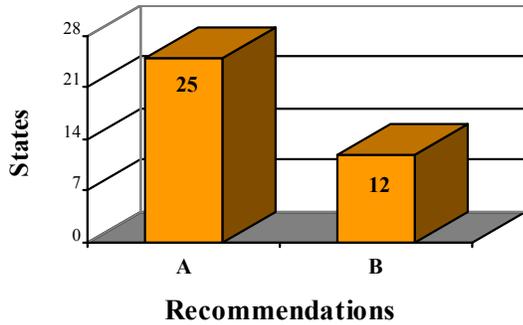
Recommendation "E"



Recommendation "F"

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

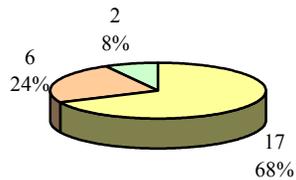
Most Common Recommendations



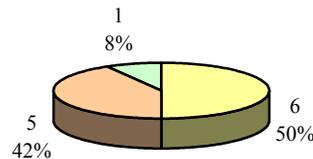
A: Strengthen the oversight bodies in connection with the functions they perform in overseeing effective compliance with the indicated Convention provisions.

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



Recommendation "A"

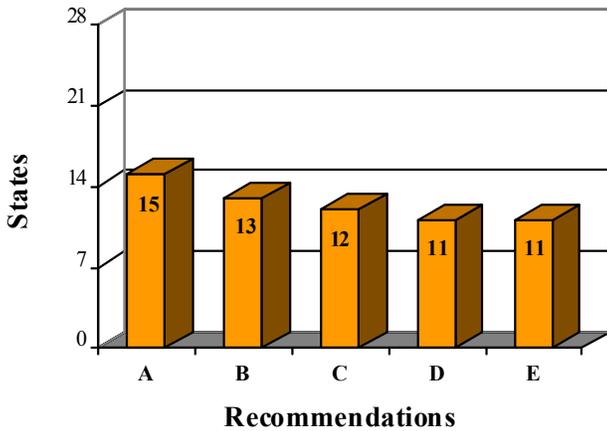


Recommendation "B"

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.

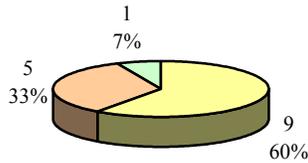
B: Implement training and dissemination programs on the mechanisms for access to public information and to optimize the use of available technology to that end.

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

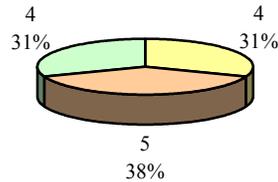
D: Strengthen the mechanisms for challenging or appealing against decisions denying requests for information.

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

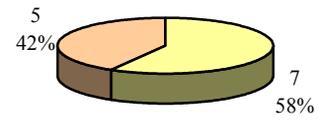
Graphic Representation of Implementation



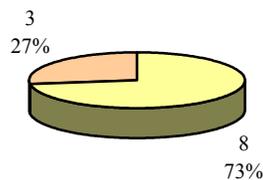
Recommendation "A"



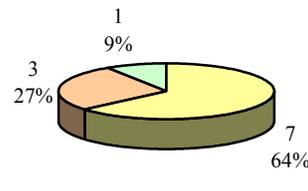
Recommendation "B"



Recommendation "C"

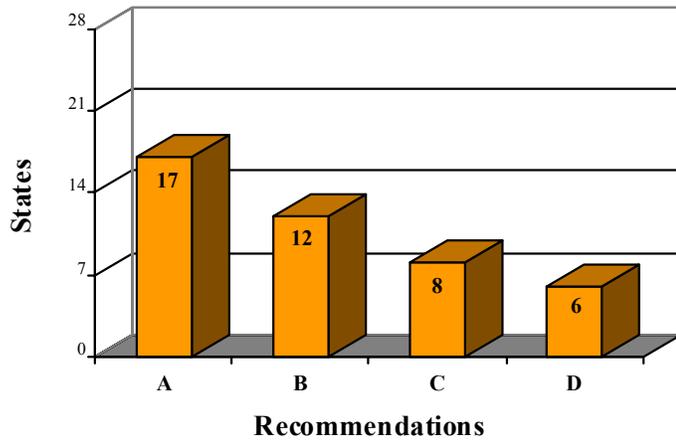


Recommendation "D"



Recommendation "E"

4.3. Mechanisms for consultation



Most Common Recommendations

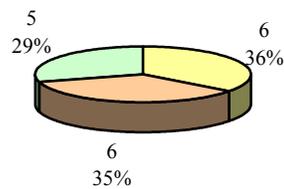
A: Organize or continue to organize processes to allow interested sectors to present consultations related to the public administration, the design of public policies, and the drafting of legislative proposals, decrees, or resolutions under the aegis of the executive branch.

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

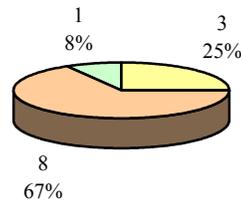
C: Expand to nationwide coverage or into other areas the use of consultation instruments similar to those that already exist locally or for specific areas.

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

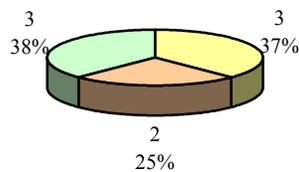
Graphic Representation of Implementation



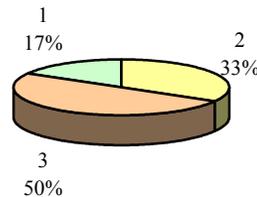
Recommendation "A"



Recommendation "B"



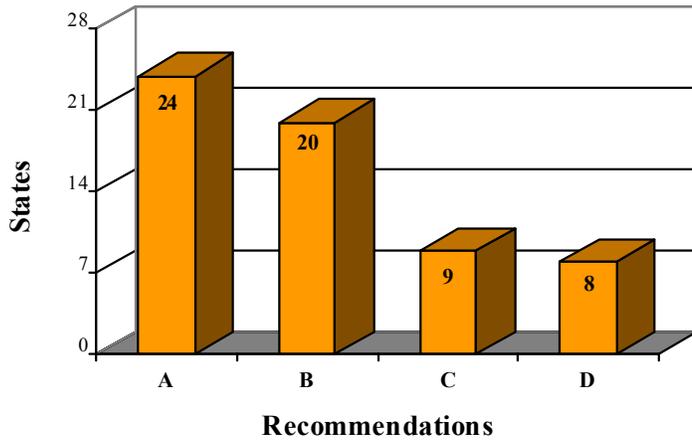
Recommendation "C"



Recommendation "D"

4.4. Mechanisms to encourage participation in public administration

Most Common Recommendations



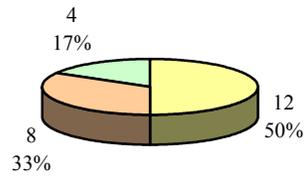
A: Establish mechanisms, in addition to those that already exist, to strengthen the participation of civil society organizations in the public administration.

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

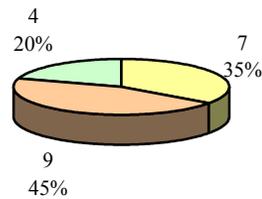
C: Repeal *desacato* laws.

D: Develop public awareness regarding the corruption problem.

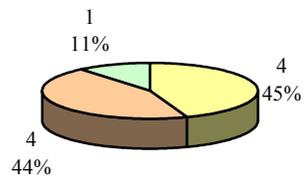
Graphic Representation of Implementation



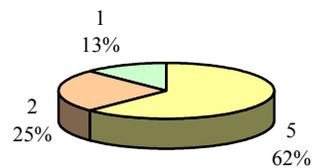
Recommendation "A"



Recommendation "B"



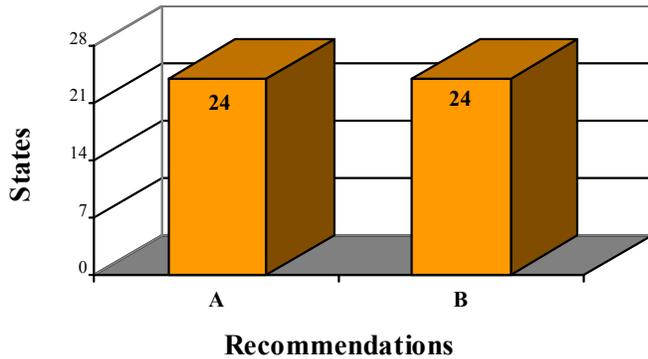
Recommendation "C"



Recommendation "D"

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

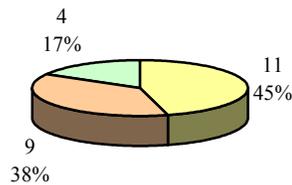
Most Common Recommendations



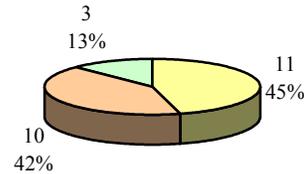
A: Develop additional methods, when appropriate, for enabling civil society to monitor the public administration.

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

Graphic Representation of Implementation



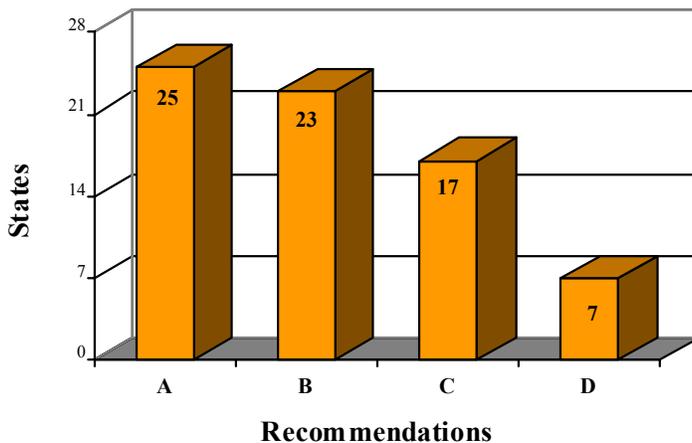
Recommendation "A"



Recommendation "B"

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

Most Common Recommendations



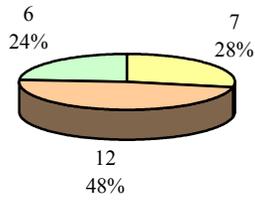
A: Exchange technical cooperation with other states parties regarding the best ways and methods for preventing, detecting, investigating, and punishing acts of corruption.

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.

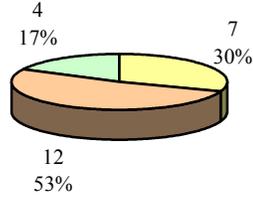
C: Establish a training program to assist the authorities in pursuing the mutual assistance provided for in the Convention.

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

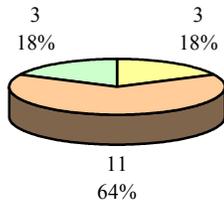
Graphic Representation of Implementation



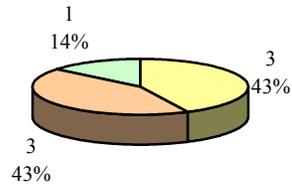
Recommendation "A"



Recommendation "B"



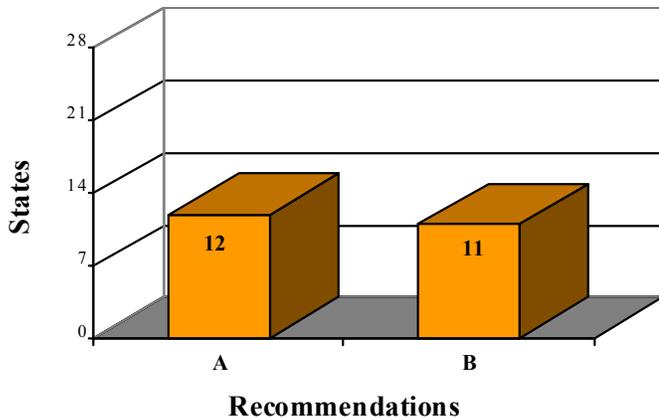
Recommendation "C"



Recommendation "D"

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

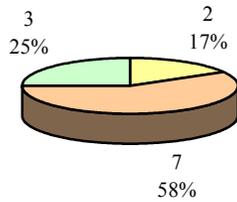
Most Common Recommendations



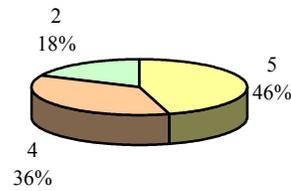
A: Inform the OAS General Secretariat of the appointment of the central authority or authorities for the purposes of the mutual assistance and reciprocal technical cooperation referred to in the Convention.

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

Graphic Representation of Implementation



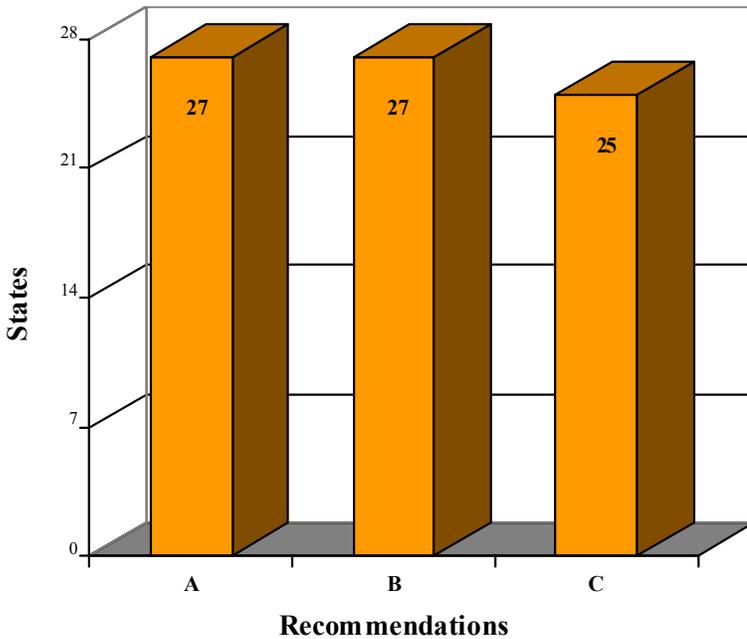
Recommendation "A"



Recommendation "B"

7. GENERAL RECOMMENDATIONS

Most Common Recommendations

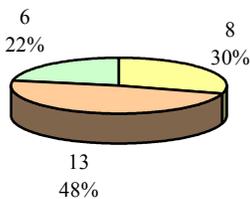


A: Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this report, in order to ensure their proper acquaintance, management, and application.

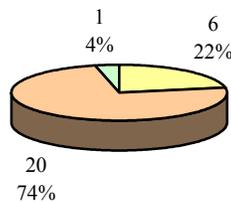
B: Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, the Republic of Suriname could take into account the list of broader indicators 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.

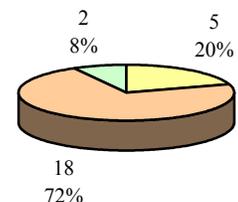
Graphic Representation of Implementation



Recommendation "A"



Recommendation "B"



Recommendation "C"

ANNEX IX
EXPERTS THAT PARTICIPATED DURING THE SECOND ROUND OF REVIEW IN THE
COMMITTEE OF EXPERTS OF THE MESICIC
(April 1, 2006 to December 12, 2008)

States	Expert (s) ^{*/}
 Argentina	<u>Néstor Baragli</u> , ^{**/} Nicolás Raigorodsky(<i>P</i>)(<i>V</i>), Laura Geler, Susana M. Ruiz Cerutti, Mauricio Alice, Leopoldo Giupponi, Deborah Hafford.
 Bahamas	<u>Bernard Turner</u> , Cheryl Bethell, Stephanie Pintard, Charice Rolle.
 Belize	<u>Tanya Longworth-Herwanger</u> , Iran Tillet-Dominguez, Nestor Mendez.
 Bolivia	<u>Nardi Suxo</u> , William Torres, Marco Antonio Valverde, Gisela Vaca, Aylín Oropeza.
 Brazil	<u>Luiz Augusto Fraga Navarro de Britto Filho</u> , Vânia Lúcia Ribeiro Vieira, Helio Franchini Nieto, Ricardo Cravo Midlej, Marcos Arbizu de Souza, Ana Maria Bierrenbach, Tatiana Esnarriaga Arantes.
 Canada	<u>Douglas R. Breithaupt</u> , Lisette Lafontaine, Barbara Brackett, Mary Anne Stevens, David Pimm, Marcus Davies.
 Chile	<u>Gonzalo Sánchez García-Huidobro</u> , Gonzalo Neira, Felipe Sáez, Paulina Valderrama, Manuel Brito, Francisco Bernales, María Isabel Mercadal, Felipe Westermeyer, Sebastián Hamel, Cristián Crisosto, Sebastián Hamel, Luis Petit-Laurent, Carla Serazzi.
 Colombia	<u>Oscar Ortiz González</u> , Rodrigo Lara, Raúl E. Sánchez, Margarita Rey, Mónica P. Rueda, Margarita Arango, María del Pilar Arango, Isaura Duarte.
 Costa Rica	<u>Ronald Víquez Solís</u> , ^{***/} Andrea Calderón, Miguel Cortés Chávez, Gilberth Calderón Alvarado, Lissy Dorado Vargas, Ana Lorena Brenes Esquivel.
 Dominican Republic	<u>Octavio Lister</u> , Ignacio Matos, Pedro Durán, Julio Simón Castaños, Carlos Manzano, Jorge Luis Vázquez, Víctor Tirado.
 Ecuador	<u>Leonardo Alvarado</u> , Ítalo Ordóñez, Manuel García-Jáen, Alfredo Alvear, Alfonso Ruilova Sánchez, Ximena Velástegui Ayala.
 El Salvador	<u>Miguel Girón</u> , José Enrique Silva, Álvaro Magaña, Ricardo Suárez, Javier Argueta, Lucrecia Palacios, Agustín Vásquez.
 Grenada	Rohan Phillip, Hugh Wildman, Nadine Wilkins.
 Guatemala	<u>Jorge A. Ruano Estrada</u> , Lilian R. Sierra, Hugo Maúl, Otto Pérez, Pablo Hurtado.
 Guyana	<u>Gail Teixeira</u> , Forbes July.

*. The names of the lead Experts as of December 12, 2008 are underlined. Those who participated as *Chair* of the Committee during the First 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*).

** . Current *Chair* of the Committee of Experts of MESICIC.

*** . Current *Vice-Chair* of the Committee of Experts of MESICIC.

	Honduras	<u>Renán Sagastume Fernández</u> , Ricardo Galo Marengo, Rigoberto Córdova Laitano,
	Jamaica	<u>Gladys Young</u> , Michael Hylton, Stacian Bennett, Geoffrey Madden.
	Mexico	<u>Cecilia Susana Hernández Puente</u> , Moisés Herrera Solís (<i>P</i>), Benjamín Hill, Eduardo Morales, Atziyaré Shlaffini, Alonso Martínez, Flor de Lis Vázquez, Karla Ornelas
	Nicaragua	<u>María Antonieta Blandón</u> , Iván Lara, Haydée Acosta, , Emilio Ortega, Julieta M. Blandón.
	Panama	<u>Alma Montenegro</u> , Gina De la Guardia, Rosa Ma. Bolaños, Marissa Echevers, Lorena Aparicio, Arnulfo de León.
	Paraguay	<u>María Soledad Machuca</u> , Francisco Quiñónez, Elisa Ruiz Díaz.
	Peru	<u>Carolina Lizárraga Houghton</u> , Juan Carlos Valdivia, Roger Haro, Luis Castro, Manuel Ruiz, Erasmo Reyna, Juan Carlos Román, Giancarlo Gálvez, Franz Chevarría.
	Saint Vincent and the Grenadines	<u>Judith Jones-Morgan</u> , Peter J. Pursglove.
	Suriname	<u>Garcia Ramcharan-Parasingh</u> .
	Trinidad and Tobago	<u>Norton Jack</u> , Paul Byam, Garth Lamsee.
	United States	<u>Diane M. Kohn</u> , Jane Ley, Barbara Mullen-Roth, Hiram R. Morales, Andrew D. Stevenson, Kari L. Heebink, Michael Gerich, Peter Koski, Julia Wise, Antonio San Martin, Leslie Williamson.
	Uruguay	<u>Beatriz Pereira de Pólito</u> , Adolfo Pérez Piera, Mariela Muniz.
	Venezuela	<u>Adelina González</u> , Crosby Plaza, Yadira Espinosa, Gonzalo González, Salvador Hernández, María Eugenia De los Ríos, Yazmín Correa.

NOTE: The information on those who have been designated by the States as central authorities, pursuant to Article XVIII of the Convention, may be consulted at the following address: <http://www.oas.org/juridico/english/Sigs/b-58.html>