

Bolivarian Republic of Venezuela

**QUESTIONNAIRE ON PROVISIONS SELECTED BY THE COMMITTEE OF EXPERTS
FOR ANALYSIS IN THE FRAMEWORK OF THE FIRST ROUND**

I.- BRIEF DESCRIPTION OF THE LEGAL-INSTITUTIONAL SYSTEM

According to the Constitution of the Bolivarian Republic of Venezuela, published in the special edition of the Official Gazette No. 5,453 of March 24, 2000, which is the cornerstone and highest authority in the domestic juridical framework, the Bolivarian Republic of Venezuela is a democratic and social state of law and justice, with a government that is democratic, participatory, elective, decentralized, alternative, responsible, pluralist, with revocable mandates. The Constitution further states that the republic is a decentralized federal state as provided in that document, and that sovereignty resides inalienably with the people, who exercise it directly in the manner provided in the Constitution and the law, and indirectly through the organs of government.

The republic's political structure consists of the states, the capital district, the federal dependencies (islands) and the federal territories, with the territory organized into municipalities. Spatially and vertically, government is organized as follows:

- A. National government
- B. State government
- C. Municipal government

The organs of government have specific powers that they exercise based on the principles of honesty, participation, effectiveness, efficiency, transparency, accountability, and responsibility, with full respect for the law, as established in Article 141 of the Constitution, with the following breakdown:

A.- **The national government**, which covers the entire territory of the republic and is regulated by checks and balances of the various branches, is divided into five branches: legislative, executive, judicial, citizens', and electoral.

A.1.- **The legislative branch** is the responsibility of the National Assembly, a unicameral parliamentary organ composed of deputies elected in each of the 24 federal jurisdictions by universal, direct, personal, and secret suffrage, with proportional representation based on 1.1 percent of the country's total population. In addition, each federal jurisdiction elects three deputies, and the indigenous peoples elect three deputies. Each deputy has an alternate elected by the same procedure. Their terms are five years and they can be re-elected for two consecutive terms.

A.2.- **The executive branch** consists of the President, the Executive Vice President

(designated by the President), the Ministers, the Council of Ministers, the Prosecutor General, and the Council of State. The President is chosen by universal, direct, and secret suffrage for a six-year term, and may be re-elected to only one consecutive term. The winner is the candidate who receives the plurality of valid votes. The President serves in the dual role of chief of state and head of government.

A.3.- **The legal branch and justice system**, national and independent in nature, is responsible for the administration of justice, for hearing cases and matters within its jurisdiction through proceedings established by law, and for ensuring that its decisions are carried out. In the exercise of this authority the organs of the judicial branch shall in no case deny extradition of foreign men or women responsible for crimes of money laundering, drugs, international organized crime, offenses against the public assets of other states and against human rights; nor can it declare the statute of limitations has elapsed on cases intended to punish human rights crimes, genocide, heinous violations of human rights and war crimes, and against public assets or drug trafficking. Furthermore, subject to court order, assets derived from activities involved with crimes against public assets or drug trafficking shall be confiscated.

Proceedings pertaining to the aforementioned offenses shall be public, oral and expeditious, with respect for due process, the competent judicial authorities being authorized to order the necessary preventive precautionary measures against assets belonging to the defendant or persons interposed by the latter, so the assets will be available to cover for their possible civil liability, pursuant to the provisions of Articles 29 and 271 of the Constitution.

The judicial branch and justice system consists of the Supreme Court, other courts established by law, criminal investigation agencies, justice staff and auxiliaries, the penitentiary system, alternative forms of justice, citizens legally involved in the administration of justice, and attorneys authorized to practice, among others. Supreme Court justices are elected for a single 12-year term. Candidates can be proposed to the Committee on Judicial Nominations by themselves or by organizations related to the legal branch. After a public hearing, the Committee will make a preliminary selection for presentation to the citizens' branch, which will make a second selection to be submitted to the National Assembly for the final election.

A.4.- **The citizens' branch**, autonomous and national in character, is responsible for preventing, investigating, and punishing offenses against public ethics and administrative standards, and for oversight of proper administration and legality in the use of public assets and compliance with and application of the principle of legality in all the government's administrative actions. It consists of the **Ethics Council** composed of the Ombudsman (*Defensor del Pueblo*), the Prosecutor General, and the Comptroller General, who serve seven-year terms. The organs of the citizens' branch are the Ombudsman's Office, the Public Prosecutor's Office, and the Office of the Comptroller General. The heads of these branches are chosen by a two-thirds vote in the National Assembly, which must select the candidate from a slate submitted by the Nominating

Committee of the citizens' branch. If the National Assembly cannot agree, the electoral branch will submit the slate to popular vote. If the Nominating Committee of the citizens' branch has not been convened, the National Assembly will proceed to make the appointment.

The Ombudsman's Office is responsible for promotion and protection of rights and guarantees established in the Constitution and international human rights treaties, as well as the legitimate, collective, and diverse interests of the citizens.

The Public Prosecutor's Office, headed by the Prosecutor General, is responsible for ensuring respect for constitutional rights and guarantees in legal proceedings, and respect for the international treaties, conventions, and agreements signed by Venezuela; for guaranteeing swift and orderly administration of justice, summary proceedings and due process; for planning and directing the criminal investigation of the perpetration of punishable offenses with all the circumstances that may affect the identification and liability of the authors and other participants, as well as the determination of the active and passive elements involved in the perpetration; for prosecuting on behalf of the state in cases where the party's prosecution is not required, except in cases provided by law; and carrying out measures necessary to establish civil, labor, military, criminal, administrative, or disciplinary responsibility of civil servants for actions in the course of their duties.

The Office of the Comptroller General is the organ of the citizens' branch that is charged with controlling, monitoring, and supervising the income, expenditures, public assets, and national assets, as well as transactions involving them, and its authority includes: inspection and supervision of organs, agencies, and corporations in the public sector under its control; ordering the start of investigations into irregularities involving public property, and taking measures, ordering restoration, and applying applicable administrative sanctions pursuant to law; urging the Prosecutor General to take the necessary legal actions in the case of crimes and misdemeanors involving public assets and of which they become aware in the course of their duties; exercise of management oversight and evaluation of compliance and results of public policy decisions of organs and agencies of the public sector under its control, concerning income, expenditures, and assets.

The Office of the Comptroller General is also responsible for supervising the National Fiscal Control System, established to strengthen the State's ability to govern effectively, achieve transparency and efficiency in management of resources of the public sector, and establish responsibility for commission of offenses involving the management of government agencies and entities. It consists of:

- The Office of the Comptroller General.

- The Comptroller's Office of the states, districts, metropolitan districts, and municipalities.

- Internal audit units of government agencies and entities.

- The Office of the National Superintendent of Internal Audit.

The highest authorities, directors, and managers of government agencies and entities.

The citizens, in the exercise of their right to participate in the oversight of public administration.

A.5.- **The electoral branch**, also national and autonomous, consists of the National Electoral Council as the supreme organ, with subordinate organs of the Electoral Board, the Civil and Electoral Registry Commission, and the Commission on Political Participation and Financing. The National Electoral Council is composed of five members who are appointed for seven years by the National Assembly, based on nomination of three by civil society, one by the national universities of law and political science, and one by the citizens' branch.

B.- **The state government**, consisting of states as autonomous and equal political entities with legal status, is divided into two branches, executive and legislative. The executive branch, concerned with carrying out the duties of government and administration in each state, is headed by a governor elected by popular suffrage for a four-year term, by a plurality of votes, who may be re-elected for a single consecutive term. The legislative branch in each state is responsible for legislating on matters within the state's authority and approving the budget; it consists of the Legislative Council, composed of no more than 15 and no less than seven members, elected proportionally to represent the state and the municipalities. Each state has an autonomous and independent Comptroller's Office, which exercises control, monitoring, and supervision of the state income, expenditures, and assets, without prejudice to the powers of the national Office of the Comptroller General. This organ serves on the National Fiscal Control System and is headed by a Comptroller, designated by the State Legislative Council in a competitive process. Each state also has a Public Policy Planning and Coordination Council, headed by the governor and composed of the mayors, state directors of the ministries, and representatives of the legislators elected to the National Assembly and the corresponding State Legislative Council, municipal council, and the organized communities, including indigenous communities where present, according to Articles 163 and 166 of the Constitution.

C. **Municipal government** is composed of the municipalities and the local entities, such as the parishes, associations, and metropolitan districts, the later made up of the union of two or more municipalities in the same federal entity. It is also divided into two branches, executive and legislative. The municipalities are the primary political unit of the state structure, public territorial entities with legal status. The municipal executive branch, which is the government and administration of the municipality, consists of the mayor, popularly elected for a four-year term by a plurality of voters, eligible for a single re-election. The legislative function is exercised by the Municipal Council, composed of popularly elected council members. Each municipality has an autonomous and independent Comptroller's Office, responsible for the control and auditing of municipal income, expenditures, and assets, without prejudice to the authority of the federal Office of the Comptroller. It is part of the National Fiscal Control System and functions under the

supervision of a comptroller appointed by the Municipal Council in a competitive process that guarantees the competence and ability of the person designated to fill the post.

There is also the Local Public Planning Council, headed by the mayor and composed of the council members, the presidents of the Parish Boards, and representatives of community organizations and others of civil society, in accordance with Article 182 of the Constitution.

II. REPLIES TO THE CONTENT OF THE QUESTIONNAIRE

CHAPTER ONE

MEASURES AND MECHANISMS REGARDING STANDARDS OF CONDUCT FOR THE CORRECT, HONORABLE, AND PROPER FULFILLMENT OF PUBLIC FUNCTIONS (ARTICLE III, 1 AND 2 OF THE CONVENTION)

1.- General standards of conduct and mechanisms.

- a. **Are there standards of conduct in your country for the correct, honorable and adequate fulfillment of public functions? If so, briefly describe them and list and attach a copy of the related provisions and documents.**

Articles 25, 137, and 141 of the Constitution contain a series of guiding principles that govern the conduct of those in government, which can be summarized as follows: the principle of legality or legitimacy of government agencies, which requires the agencies' strict observance of the law in its broadest sense and in general of the so-called "legal bloc," for which reason any act in the exercise of that authority that violates or undermines the rights guaranteed in the Constitution and the law (Articles 25, 137, and 141) is declared null and void; it also establishes the principles of honesty, participation, speed, efficiency, effectiveness, transparency, impartiality, accountability, and individual responsibility for the performance of public functions—criminal, civil, and administrative, as applicable (Articles 65, 66, 139, 141, 145, 149, 162, 197); the principles of suitability and excellence (Articles 146, 163, 176, 255, 291); the duty of the branches of government and public officials to cooperate with the Ethics Council in its investigations (Articles 136 and 277); the probation against holding more than one paid government position (Article 148) and selection of government officials to career positions through public competition (Article 146).

In the area of domestic laws and other juridical instruments of sub-legal rank there are standards that develop the abovementioned Constitutional principles. Among them, we could mention: the Anti-Corruption Law, published in the special issue of the Official Gazette N° 5.637 of April 7, 2003, adapted to the 1999 Constitution, which abrogated the Law on Protection of Public Property and established that in the administration of public resources and assets government officials and employees will be governed by principles of honesty, transparency, participation, efficiency, effectiveness, legality, accountability, and responsibility, as well as the obligation of government agencies to inform citizens on the use of assets and the expenditure of resources from public property in their custody. For this purpose they will publish quarterly, and make available to anyone in the public offices that they must establish, a detailed and easily understandable report on the property they administer, with the description and justification of its use and expenditures (Articles 6 and 9). A recently approved Civil Service Statute Act¹ that entered into force on July 11, 2002 and replaced the Administrative Service Act; the Foreign

¹ Official Gazette N° 37.522 of September 6, 2002.

Service Act²; the Organic Act of the Citizens' Branch³, which defines what is meant by "public ethics" and "administrative morality" in its Article 6; the Organic Act of the Civil Service⁴, the Organic Act of the Public Prosecutor's Office⁵, the Organic Act of the Judicial Branch⁶, the Judicial Career Act⁷ and the Civil Servants' Code of Conduct⁸ promulgated by Executive Order and the Civil Servants' Ethics Code, issued by the Office of the Comptroller General⁹, both codes of sub-legal standing that provide that every public employee, upon appointment, has the right to be informed by his immediate supervisor of the purposes, structure, and operation of the corresponding administrative unit, and particularly, his or her place in the hierarchical structure and the powers, duties, and responsibilities of the post.

b.- Mechanisms to enforce compliance with the above standards of conduct.

Yes, there are enforcement mechanisms for these standards of conduct.

The abovementioned Civil Service Statute Act¹⁰, a general statute for public employees since it governs relations of employment between public employees and national, state, and municipal administrations, provides for a personnel administration system that encompasses all aspects of planning for human resources, selection, appointment, promotions, classification of posts, performance reviews, training and development of personnel, pay, registers, leave, transfers, discipline, and rules for retirement. Management of public employees is up to the human resources offices of each government agency and entity, which is responsible for enforcement of the guidelines, standards, and decisions of the supervisory agency and the corresponding management agencies. This act also provides that the agency responsible for planning the development of the civil service in organs of the national public administration is the Ministry of Planning and Development, which is required to keep the national registry of civil servants of that administration, which will include the other personnel registers contemplated in special laws. In the states and municipalities, similar authority is vested in the agency or entity in charge of planning in the respective territorial unit. Among other provisions in this act are disciplinary procedures of admonition and dismissal for punishing public employees who fail to fulfill the duties of their posts.

The act provides that in the case of ineligibility to hold two government jobs, acceptance of a new position that is not on the exempt list implies resignation from the old position. (Article

² Official Gazette N° 37.254 of August 8, 2001.

³ Official Gazette N° 37.310 of October 25, 2001.

⁴ Official Gazette N° 37.305 of October 17, 2001.

⁵ Special Official Gazette N° 5.262 of September 11, 1998.

⁶ Special Official Gazette N° 5.262 of September 11, 1998.

⁷ Special Official Gazette N° 5.262 of September 11, 1998.

⁸ Official Gazette N° 36.496 of July 15, 1998.

⁹ Official Gazette N° 36.268 of August 13, 1997.

¹⁰ Official Gazette N° 37.522 of September 6, 2002.

148 of the Constitution and 35 of the Civil Service Statute Act).

Concerning agencies or officials exempt from application of the Civil Service Statute Act, mechanisms to regulate enforcement of the standards of conduct of employees are spelled out in special laws or juridical instruments of sub-legal rank issued by themselves based on functional autonomy, if they have it. Thus, for example, Foreign Service employees are governed by the Foreign Service Act¹¹; employees of the Office of the Comptroller General have their own Personnel Statute issued by the Comptroller General¹²; staff members of the universities are under the Universities Act¹³ and the internal regulations issued by each of them in the exercise of their organizational autonomy; blue-collar government workers are governed by the Organic Labor Act and the Collective Convention. In any case, it should be noted that these legal and sub-legal texts regulate the duties of their personnel and personnel administration in a manner that is quite similar to the Civil Service Statute Act.

Employees exempt from application of the act include those working for the judicial branch. In this regard it should be noted that the National Constituent Assembly in 1999 decided to adopt the necessary measures to reorganize the judicial branch and the penitentiary system, including establishment of the Emergency Judicial Commission and Urgent Precautionary Measures for Protecting the Judicial System¹⁴, according to which judges were immediately removed if there were seven or more complaints against them or they faced criminal proceedings. The National Constituent Assembly of 1999 also established the Committee on the Functioning and Restructuring of the Judicial System through the decree that set up the system for the transition in government¹⁵, expected to exercise, inter alia, the functions of inspection and supervision of the courts, the public defenders, and the general judicial disciplinary competence until the National Assembly approves legislation to establish disciplinary proceedings and courts. These committees have made several rulings, punishing employees of the judicial branch with admonition, suspension without pay, and dismissal.

From another perspective, judicial organs have jurisdiction over the constitutionality and legality of actions of government if called to rule on them, and establish the criminal or civil liability of employees for allegedly illegal acts committed in the course of their duties, the latter at the request of the Public Prosecutor's Office, in accordance with the Constitution, the Anti-Corruption Act¹⁶ and the Organic Penal Procedure Code¹⁷.

¹¹ Official Gazette N° 37.254 of August 6, 2001.

¹² Official Gazette N° 37.088 of November 29, 2000.

¹³ Special Official Gazette N° 1.429 of September 8, 1970.

¹⁴ Official Gazette N°36.805 of October 11, 1999

¹⁵ Official Gazette N° 36.857 of December 27, 1999

¹⁶ Special Official Gazette N° 5.637 of April 7, 2003

¹⁷ Special Official Gazette N° 5.558 of November 14, 2001.

c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Venezuela's legal system provides for several types of liability of public employees, namely civil, criminal, administrative, disciplinary, political, military, labor, and moral liability. As regards the correct, honorable, and proper performance of public duties by employees at the service of the State, the following tables present data on disciplinary measures imposed on employees of the judicial branch and the justice system. They also present data on judicial decisions handed down by 13 (54%) of the legal jurisdictions.

DISCIPLINARY MEASURES IMPOSED IN 1999, AS PART OF THE REORGANIZATION OF THE JUDICIAL BRANCH

EMERGENCY JUDICIAL COMMITTEE¹⁸

Cause/type of penalty	Judges		Court employees dismissed	Grand Total
	Dismissals	Suspension from post		
Inferior performance	19	19	31	69
Extortion	1			1
Possessing visible signs of wealth not explained by their income.	17			17
Complaints against them		62		62
Total Cases	37	81	31	149

COMMITTEE ON THE FUNCTIONING AND RESTRUCTURING OF THE JUDICIAL SYSTEM¹⁹

Type of penalty / year	2000	2001	2002	2003	Totals
Admonitions	1	17	14	9	41
Dismissals	80	65	12	5	162
Suspension from post without pay	8	14	4	1	27
Total Cases	89	96	30	15	230

COURT VERDICTS AGAINST GOVERNMENT EMPLOYEES²⁰

Type of liability	Number of verdicts per year					
	1998	1999	2000	2001	2002	Total
Civil	11	13	17	22	23	86
Criminal					2	2
Administrative		2	1	18	10	31

¹⁸ Source: Official Gazette N° 36.870 of January 14, 2000.

¹⁹ Source: Official Gazettes indicated in attached table.

²⁰ Source: Executive Office of the Judiciary.

Labor	2	3	23	18	7	53
Total	13	18	41	58	42	172

2. Conflicts of interest

- a) **Are there standards of conduct in your country regarding the prevention of conflicts of interest in the performance of public functions? If yes, briefly describe them, indicating aspects such as to whom they apply and the concept on which they are based, and list and attach a copy of the related provisions and documents.**

Yes, there are standards of conduct intended to prevent conflicts of interest in the performance of public functions, especially aimed at preventing the obtaining of special advantages and exerting pressure by individuals in the public service by virtue of the possible influence they could exert, and in order to make them more productive and prevent them from obtaining multiple fixed salaries from the same source.

The Constitution contains a series of standards that establish general restrictions or prohibitions on all public employees for a variety of reasons, as well as some more specific standards aimed directly at specific officials. Article 145 says public employees must be nonpartisan, and their appointment and removal cannot be based on their political orientation or affiliation. The same rule says that a person who is employed by municipal, state, or federal government and any other person under state public or private law may not enter into a contract of any kind with them, either directly or through an agent, or as a representative of another, except as authorized by law; Article 149 provides that public officials shall not be permitted to accept employment, honors, or rewards from foreign governments without authorization from the National Assembly.

Among constitutional restrictions and prohibitions directly affecting specific officials, we have the provisions of Articles 190 and 191 of the Constitution, concerning National Assembly deputies; Article 256 concerning magistrates, judges, and prosecutors of the Public Prosecutor's Office and public defenders.

The prohibitions or restrictions summarized are reflected in various legal and sub-legal instruments (statutes promulgated by agencies or organs that have been granted organizational and functional autonomy by law), which are supplemented with some additional restrictions based on family ties or friendship. These are the main instruments with standards to prevent conflicts of interest of this type:

- The Civil Service Statute Act²¹ -which replaced the Administrative Service Act-, in Article 34 bars public employees from entering into contracts for themselves or others and from

²¹ Official Gazette N° 37.522 of September 6, 2002.

accepting honors or awards from foreign governments, pursuant to the rules for disqualification set in Articles 145 and 149 of the Constitution; direct or indirect intervention in efforts of public or private individuals or corporations attempting to enter into any contract with the national, state, or local government, and other state corporations under public or private law and engage in propaganda, campaigning, or wearing insignia indicating membership in a political party.

- The Organic Act of the National Public Treasury²² establishes, among other restrictions, that employees in the tax service may not have direct or indirect interest in industrial branches involved with the taxes for which they are responsible in their area of jurisdiction. This prohibition must be reflected in the document in which they accept the position, and if they have such interest and fail to declare it they shall be dismissed and fined (Article 112); that no Treasury employee may issue obligations against the Treasury. Nor may they draw up, present, or process on behalf of themselves or others, any request or claim against the Office of the Treasury; they may only report what led up to the request, if the interested party so requests (Article 113). Employees of the same Treasury Office cannot be spouses or persons related by blood to the fourth degree or by marriage to the second degree (Article 123). No legal penalties are established for violation of this provision.
- The Foreign Service Act²³, which in its Article 7 puts employees of that service under the disqualification rules that apply to other government officials in accordance with the Constitution and law. It also contains some specific prohibitions affecting diplomatic officials, such as Articles 16 and 17 that relatives of heads of mission or heads of consulting office, to the third degree by blood and the second degree by marriage, may not serve in the same office; and foreign service employees may not hold a position in a country in which they, their parents, or spouse have original or derived citizenship, unless expressly authorized for cause by resolution of the Ministry of Foreign Affairs.
- The Universities Act²⁴, which in Articles 162 to 166 regulates presumptive disqualifications expressly affecting staff members of these institutions of learning, intended to achieve greater productivity and no double dipping.
- The Personnel Statute for staff of the Office of the Comptroller General²⁵, in articles 83 to 87, contains prohibitions for employees intended to prevent conflicts of interest, of which we should note: assist efforts of individuals or corporations seeking contracts with the republic, seeking or exploiting administrative concessions, or serving as contractors or suppliers; intervene with agencies controlled with regard to processing of private matters, and with other branches of the agency in matters dealt with there; participate directly or

²² Special Official Gazette N° 1.660 of June 21, 1974.

²³ Official Gazette N° 37.254 of August 6, 2001.

²⁴ Special Official Gazette N° 1.429 of September 8, 1970.

²⁵ Official Gazette N° 37.088 of November 29, 2000.

indirectly in private or corporate entities that have ties with the Office of the Comptroller or agencies subject to its control, when these relations are directly or indirectly linked to the job they hold, unless the employee has provided written information about this circumstance to avoid disqualification.

- The Organic Act of the Judicial Branch and the Judicial Service Act²⁶, in Articles 28 al 30, 35, 36 and 37 of the former and Articles 11 to 16 of the latter, contain provisions on qualifications and disqualifications of the judges, among which we should note the ban on serving in the same or connected court by persons related to the third degree by blood and the second degree by marriage. The ban also applies to those related by adoption. Relatives of the judge or judges by the same degrees or by adoption may not serve as secretary or bailiff in that court.
- The Partial Reform Law of the Venezuelan Central Bank Act²⁷ provides in Article 19 that the President or Director cannot: enter directly or indirectly into financial contracts with the Bank or negotiate their own business or the business of others with the Bank so long as they remain in office and for two years afterward. Nor can they own stocks or bonds in the financial market or from financial institutions or related corporations. Article 20 provides that for two years after leaving their post the President of the Bank, the First Vice President Manager and members of the Board of Directors may not be directors, advisors, or legal representatives of any kind for private sector entities, which would be incompatible with the post held, and remain obliged to respect Bank secrecy and the system of disqualifications established in this law.

b) Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Yes, there are some mechanisms to enforce compliance with the above standards of conflict to prevent conflicts of interest. The following could be mentioned:

Paragraph 5 of Article 285 of the Constitution provides that the Public Prosecutor's Office is the organ to file appropriate actions to hold public officials liable for civil, labor, military, criminal, administrative, or disciplinary infractions in the course of their official duties.

The Civil Service Statute Act²⁸ establishes among other requirements for entry into the public service that candidates may not be subject to civil restraining orders or be barred from political activity, and may not have a retirement benefit or pension from any state agency, with the exceptions indicated. The abovementioned law also contemplates the possibility of disqualification in certain circumstances, such as when the officials personally or through some of

²⁶ Special Official Gazette N° 5.262 of September 11, 1998.

²⁷ Special Official Gazette N° 5.605 of October 18, 2002.

²⁸ Official Gazette N° 37.522 of September 6, 2002.

their relatives have an interest in the matter they would consider, or when they have obvious friendship or animosity with any persons involved in the matter (Article 33, paragraph 10). This law provides for dismissal of an employee who on his or her own behalf or on behalf of others participates in firms or corporations that are linked with the respective organ or entity when those relations directly or indirectly involve the job performed. In case of disqualification for holding two public jobs, when acceptance of the new post is incompatible with the former post, the acceptance of the new post will be tacit de jure resignation from the old post (Article 35), in keeping with Article 148 of the Constitution.

This law also declares that employees bear criminal, civil, administrative, and disciplinary liability for the offenses, omissions, illegal acts, and administrative irregularities committed in the course of their duties (Article 79), and provides for dismissal if they participate for themselves or for others in firms or corporations related to the respective agency or when these relations are directly or indirectly involved with their job (Article 86, paragraph 13).

The Organic Act of the National Public Treasury²⁹ provides for dismissal and fine for employees of the revenue service found to have direct or indirect interest in the industrial branches involved with revenues in the jurisdiction where the employees carry out their duties.

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System³⁰, in Article 91, paragraphs 4 and 27, defines as grounds for administrative liability: execution of contracts by public employees as provided in Article 145 of the Constitution.

The Anti-Corruption Act establishes a penalty of three to six years in prison for contracting for oneself or for another person in violation of the provisions of Article 145 of the Constitution of the Bolivarian Republic of Venezuela, provided the influence or intervention of the public employee in the contracting process is demonstrated.

c) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Among the declaratory judgments of administrative liability summarized in point 3.c there are some concerning conflicts of interest, and the Emergency Judicial Committee removed 25 officials from the judicial branch because they were directly related to judges and public defenders of prisoners who worked in the same court or Ombudsman's Office, or were related to each other.

²⁹ Special Official Gazette N° 1.660 of June 21, 1974.

³⁰ Official Gazette N° 37.347 of Decembr 17, 2001.

Statistics on criminal liability presented by the Public Prosecutor's Office are as follows:

INDICTMENTS BROUGHT BY THE PUBLIC PROSECUTOR'S OFFICE, IN CASES OF VIOLATION OF STANDARDS INTENDED TO PREVENT CONFLICTS OF INTEREST³¹

Type of liability	Number of indictments per year				
	1999	2000	2001	2002	Total
Criminal	4	32	67	89	192

3. Conservation and proper use of resources entrusted to public officials in the performance of their functions

- a) **Are there standards of conduct in your country that govern the conservation and proper use of resources entrusted to public officials in the performance of their functions? If yes, briefly describe them, indicating aspects such as to whom they apply and whether there are exceptions, and list and attach a copy of the related provisions and documents**

Yes, there are standards of conduct that govern the conservation and proper use of resources entrusted to public officials in the performance of their functions. Among the most important ones we could note:

The Venezuelan Constitution has provisions on systems for collection and control of State revenue: that the fiscal administration will be governed and implemented on principles of efficiency, solvency, transparency, responsibility, and balance, in the multiyear framework of the budget, so that ordinary revenue is sufficient to cover ordinary expenditures (Article 311) and no taxes, quotas, or fees shall be collected unless prescribed by law, and no exemptions, rebates, or other fiscal incentives shall be offered except as provided by law. Similarly, it provides that tax obligations cannot be satisfied with personal services and that tax evasion may carry criminal as well as civil penalties, and that for public employees the penalty will be doubled (Article 317).

The Organic Act for the Financial Administration of the Public Sector³², regulates all the systems, organs, standards, and procedures involved in collecting public resources and their use for State purposes; systems for budget, public credit, treasury, and accounting, as well as the internal control system whose objective is to ensure observance of legal rules, protection of public resources and assets, provision of useful, reliable, and timely administrative, financial and operational information for decision making, promoting efficient operations and achieving compliance with plans, programs, and budgets in keeping with the policies prescribed and with the proposed objectives and goals, while guaranteeing reasonable accountability.

³¹ Source: Public Prosecutor's Office.

³² Official Gazette N° 37.029 of September 5, 2000.

This legal text provides that officials and offices responsible for liquidation of revenue must not be the same ones responsible for treasury services (custody of funds, receipt of revenue, and making payments), and in no case may the latter be in charge of liquidation and administration of revenue (Article 117).

The objective of the Organic Act of the Office of the Comptroller General and the National Fiscal Control System³³ is to strengthen the State's ability to effectively execute its governance responsibility, achieve transparency and efficiency in the management of public sector resources, and regulate aspects concerning the National Fiscal Control System. It establishes the obligation to report and be accountable by those who administer, manage, or hold resources from agencies and entities of the public sector and sets forth aspects of the internal control system.

The Organic Act of the National Public Treasury³⁴, partially abrogated, establishes the obligation of each Treasury employee, upon being replaced, to give the office a written declaration and inventory, a financial statement, a file index, and other documents that clearly show the condition of the office (Article 127).

In the Civil Service Statute Act³⁵, Article 33 includes among the duties of public employees: to guard, preserve, and protect documents and assets entrusted to their custody, use, or administration.

The Procurement Act³⁶ contains a set of rules to regulate the procedures for selection of contractors for the procurement of goods and services by the public sector, which seek among other things to ensure transparency and efficiency in the negotiations.

The Public Administration Organic Act³⁷, contains principles of efficiency in the allocation and utilization of public resources (Article 20); of adequacy, rationality, and appropriateness of the means to the institutional ends (Article 21); of fiscal responsibility (Article 17); of planned operations and control of management and results (Article 18); and requirements for establishment or modification of agencies and entities (Article 16).

Finally, the Civil Servants' Code of Conduct and the Ethics Code for the Public Employee establish the obligation to act in strict respect of the ethical values that govern the public sector, such as transparency, honesty, and effectiveness.

b) Are there mechanisms to enforce compliance with the above standards of

³³ Official Gazette N° 37.347 of December 17, 2001.

³⁴ Special Official Gazette N° 1.660 of June 21, 1974.

³⁵ Official Gazette N° 37.522 of September 6, 2002.

³⁶ Special Official Gazette N° 5.556 of November 13, 2001.

³⁷ Official Gazette N° 37.305 of October 17, 2001.

conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Yes, there are mechanisms to enforce compliance with the above standards of conduct, aimed at ensuring the conservation and proper use of resources entrusted to public officials in the performance of their functions.

The Organic Act for the Financial Administration of the Public Sector³⁸, Article 161, establishes the obligation to carefully monitor employees responsible for management and disposal of national revenue or for receiving, holding, and managing public funds or assets; Article 159 establishes the obligation of public employees to make reparation to the State for any damages and harm caused by abuse, fraud, negligence, ineptitude, or imprudence in the performance of their duties. Title IX is devoted exclusively to misconduct of employees entrusted with financial administration of the public sector and how to proceed if it occurs.

In the Civil Service Statute Act³⁹, Articles 79 and 80 establish statutory definitions of the offenses of public employees.

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System⁴⁰ establishes penalties for administrative liability for acts, facts, and omissions defined as administrative offenses in Articles 91 and 92, which are related to the management and administration of public funds, as well as the observance of legal and sub-legal rules, the organization plan, policies and manuals for systems, and internal control procedures. It also establishes the authority to institute proceedings when there is evidence of damage to public property (Article 85). Judgments of administrative liability result in a fine that goes to the entity where the offense was committed; the Comptroller General has the exclusive authority to decree suspension for up to 24 months or dismissal, and bars the individual from public positions for up to 15 years. As required by the law governing its operations, the Office of the Comptroller General maintains a list of disqualified persons that must be consulted by all government agencies before they hire any public employee, under penalty of having the appointment voided.

Articles 51 ff. of the Organic Act of the Office of the Comptroller General and the National Fiscal Control System establish the obligation of those who administer public resources to be accountable for their operations and the results of their administration to the fiscal control organs indicated by the Office of the Comptroller General, which are responsible within their respective jurisdictions for auditing the accounts, expressing an opinion on them, and closing them within five years after the date of their submission.

Criminal liability concerning preservation of property, as well as the definition of offenses

³⁸ Official Gazette N° 37.029 of September 5, 2000.

³⁹ Official Gazette N° 37.522 of September 6, 2002.

⁴⁰ Official Gazette N° 37.347 of December 17, 2001.

against the public assets are regulated in the Anti-Corruption Act. In this regard, it should be noted that the Scientific, Criminal, and Forensic Investigation Corps—the police criminal investigation agency—established the Division against Organized Crime in the Public Service, which began operations on January 29, 2002. Its purpose is to investigate crimes against public property and administrative corruption.

c) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

To measure results obtained in implementing the above standards and mechanisms, information was requested from the state and municipal comptroller's offices, as well as the internal audit units of the agencies that make up the central government, but as of the date of completion of this questionnaire no reply has been received.

Actions taken by the Office of the Comptroller General and the Public Prosecutor's Office concerning the standards on conservation and proper use of resources entrusted to public officials in the performance of their functions are as follows:

In fulfillment of the legal requirement to audit financial statements of Treasury employees and other persons who administer, manage, or hold national funds, assigned to the Office of the Comptroller General in the Organic Act that governed its operations until December 31, 2001, 5,951 statements were reviewed, with the following results:

STATEMENTS REJECTED BY THE OFFICE OF THE COMPTROLLER GENERAL ⁴¹

Statements rejected by year					
1998	1999	2000	2001	2002	Total
314	253	136	111	107	921

CORRECTIONS ORDERED BY THE OFFICE OF THE COMPTROLLER GENERAL ⁴¹

Item	Years					Total
	1998	1999	2000	2001	2002	
Number	501	120	21	18	14	674
Amount (millions of Bs.)	12,984.06	14,753.68	109.35	167.86	1,662.07	29,677.02

⁴¹ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

**ADMINISTRATIVE INVESTIGATIONS UNDERTAKEN BY THE OFFICE OF THE
COMPTROLLER GENERAL^{42*}**

Item	Number of cases per year					Total
	1998	1999	2000	2001	2002	
Opened	22	56	18	163	209	468
Decided**	90	53	62	43	26	274

*Grounds for proceeding established in the Organic Act of the Office of the Comptroller General (abrogated) Art. 113 and 91 and 92 of the Organic Act of the Office of the Comptroller General and the National Fiscal Control System.

**Includes investigations begun in previous years.

⁴² Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

EMPLOYEES FOUND GUILTY OF ADMINISTRATIVE INFRACTIONS BY THE OFFICE OF THE COMPTROLLER GENERAL ^{42*}

Number of employees per year					
1998	1999	2000	2001	2002	Total
48	64	109	82	47	350

* Grounds for proceeding established in the Organic Act of the Office of the Comptroller General (abrogated) Art. 113 and 91 and 92 of the Organic Act of the Office of the Comptroller General and the National Fiscal Control System.

EMPLOYEES FOUND GUILTY OF ADMINISTRATIVE INFRACTIONS BY INTERNAL AUDIT UNITS⁴³

Number of employees per year						
1998	1999	2000	2001	2002	2003	Total
75	41	37	0	17	36	206

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System, establishes in Article 112 the Comptroller General's authority to decree preventive measures as required in the course of investigations when there is clear and present danger of damage to public property. Among these measures is suspension without pay. This measure is also established in the Organic Act for Protection of Public Property, although it did not provide for suspension of pay.

EMPLOYEES SUSPENDED FROM THEIR POSTS⁴⁴

Employees suspended per year					
With pay				Without pay	
1998	1999	2000	2001	2002	Total
1.868	150	0	0	55	2.073

The abrogated Organic Act of the Office of the Comptroller General and the active Organic Act of the Office of the Comptroller General and the National Fiscal Control System provide for supplementary penalties for persons found guilty of administrative infractions, such as: suspension from performance of duties, dismissal, and ban on holding public positions. Application of these rules has yielded the following results:

⁴³ Source: Registers of the Office of the Comptroller General

⁴⁴ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

**EMPLOYEES RECEIVING DISCIPLINARY SANCTIONS FROM THE OFFICE OF THE
COMPTROLLER GENERAL , BY YEAR⁴⁵**

PENALTY	2002
Dismissal	1
Dismissal and Disqualification 1 year	1
Dismissal and Disqualification 1 yr. 6 mo.	1
Dismissal and Disqualification 2 years	3
Dismissal and Disqualification 3 years	3
Disqualification 3 years	3
Suspension from post for 1 month	1
Suspension from post for 3 months	1
Suspension from post for 6 months	2
TOTAL	16

**CIVIL SUITS AND CHARGES FILED BY THE PUBLIC PROSECUTOR'S OFFICE, IN CASES
OF VIOLATION OF STANDARDS TO CONSERVE PROPER USE OF PUBLIC RESOURCES⁴⁶**

Type of liability	Suits and charges per year					
	1999	2000	2001	2002	2003	Total
Civil	-	-	1	5		6
Criminal	3	34	92	59	52	240
Total	3	34	93	64	52	246

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

- a) **Are there standards of conduct in your country that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware? If yes, briefly describe them, indicating aspects such as to whom they apply and if there are any exceptions, and list and attach a copy of the related provisions and documents.**

Yes, there are standards of conduct that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware. They are:

⁴⁵ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

⁴⁶ Source: Public Prosecutor's Office.

The Penal Procedure Organic Code⁴⁷, which in Article 287 (paragraph 2), provides that the reporting by public officials is compulsory when in the course of their duties they become aware of any public offense of the type defined in our legislation as crimes against public property.

The Organic Act of the National Public Treasury⁴⁸, Article 13, establishes in statute the duty of all national government authorities and private parties to cooperate with all treasury officials and report acts of which they become aware that involve tax fraud. Violators of this law are subject to penalties established in the Penal Code.

The Executive Order that promulgated the Civil Servants' Code of Conduct⁴⁹ establishes in Article 3 the duty of every civil servant to report any violation of regulations concerning the principles governing the duties and conduct of civil servants in the ethical values required in public service; the report is to be submitted to the heads of the agency where they alleged violator works.

The Code of Ethics for Civil Servants, issued by the Office of the Comptroller General May 17, 1997⁵⁰, in Article 1, paragraph 9, establishes the duty of public employees to report to the appropriate authority any activity contrary to the proper management of funds and the public interest.

b) Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Concerning mechanisms to enforce compliance with the standards of conduct that require public officials to report to appropriate authorities acts of corruption in public office of which they are aware, we could note the following:

The Penal Code⁵¹, in Article 208, establishes that a public official commits a crime if he or she becomes aware, in the course of duty, of an infraction that must be reported and fails to report it or unduly delays reporting it to the appropriate authority. The established penalty is a fine.

The Penal Procedure Organic Code⁵², in Article 24, provides that criminal charges must be filed by the Public Prosecutor's Office, and in Article 37, establishes that the prosecutor of the Public Prosecutor's Office cannot fail to do this in the case of offenses committed by public officials. Articles 285 to 291 specifically regulate the complaint.

⁴⁷ Special Official Gazette N° 5.558 of November 14, 2001.

⁴⁸ Special Official Gazette N° 1.660 of June 21, 1974.

⁴⁹ Official Gazette N° 36.496 of July 15, 1998 (Executive Order N° 1).

⁵⁰ Official Gazette N° 36.268 of August 13, 1997.

⁵¹ Special Official Gazette N° 5.494 of October 20, 2000.

⁵² Special Official Gazette N° 5.558 of November 14, 2001.

The Anti-Corruption Act⁵³, in Article 44, provides that when the Office of the Comptroller General determines the administrative liability of a public employee it shall transmit to the Public Prosecutor's Office the result of its findings so the latter can take the corresponding action. This provision is based on paragraph 4 of Article 289 of the Constitution. Pursuant to Article 51 of this law, if the Public Prosecutor's Office concludes after investigation that there is sufficient evidence that the individual investigated has committed the crime of illegal enrichment, punishable by three to 10 years in prison, or any other crime contemplated in the law, it will file criminal charges.

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System⁵⁴, in Article 96, provides that the administrative proceeding to determine liability by one of the fiscal control agencies can be instituted on its own initiative, from a complaint, or at the request of any agency or public employee.

The Office of the Comptroller General issued an order on complaints of irregularities in connection with the management of public funds or assets,⁵⁵ but it is not directed especially at public employees but rather intended to encourage citizen participation in the fight against corruption. It should be added that the Office of the Comptroller General, in Article 20 of its Organizational Resolution N° 1 of March 15, 2000⁵⁶, established a Citizens' Service Office to receive complaints, process them, and provide information on their handling.

With regard to protection of those who denounce violations, it should be noted that the Constitution, in Article 55, first paragraph, provides that "Every person has the right to protection by the State, through the citizen safety organs regulated by law, from situations that affect or constitute a threat, vulnerability or risk to the physical integrity of individuals, their properties, the enjoyment of rights or the fulfillment of duties."

The Scientific, Criminal, and Forensic Investigative Agencies Act⁵⁷ contains a general provision on protection of witnesses and experts in Article 25, if there is an imminent threat to their person or property, through the adoption of measures to protect their identity, profession or vocation, workplace, and residence or domicile.

The Organic Act of the Judicial Branch⁵⁸ establishes that it is a crime against the administration of justice to commit violence or intimidation with the intent of influencing a complainant in a case, or do any act that threatens life, integrity, freedom, or reprisal.

The Organic Act of the Public Prosecutor's Office⁵⁹ establishes in paragraph 2, Article 31, that senior prosecutors have the duty to head the Victim Protection Office.

⁵³ Special Official Gazette N° 5.637 of April 7, 2003.

⁵⁴ Official Gazette N° 37.347 of December 17, 2001.

⁵⁵ Official Gazette N° 36.883 of February 2, 2000.

⁵⁶ Special Official Gazette N° 5.447 of March 15, 2000.

⁵⁷ Special Official Gazette N° 5.551 of November 9, 2001.

⁵⁸ Official Gazette N° 5.262 Extraordinario of September 11, 1998.

⁵⁹ Special Official Gazette N° 5.262 of September 11, 1998.

- c) **Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.**

As evidence of the objective results obtained from enforcement of the standards and mechanisms requiring public officials to report to appropriate authorities acts of corruption in public office of which they are aware we present the following data from the Public Prosecutor's Office:.

COMPLAINTS PROCESSED BY THE PUBLIC PROSECUTOR'S OFFICE CONCERNING ALLEGED ACTS OF CORRUPTION IN PUBLIC OFFICE⁶⁰

Type of liability	Complaints received per year					
	1998	1999	2000	2001	2002	Total
Criminal	967	1,234	1,307	1,649	1,478	6,635

The Citizens' Service Office of the Office of the Comptroller General has among its duties providing personalized service and guidance to citizens who come to the Office of the Comptroller General for solving a particular problem; as well as those cases it receives in writing, by telephone or e-mail, to explain the requirements of the process, the location of the appropriate offices or branches, the officials in charge of it, and the duration of the process. It also receives claims, suggestions, petitions, and complaints within the jurisdiction of the Office of the Comptroller General, and if they are not within its jurisdiction it refers them to the appropriate agency. In this regard the office received and processed the following complaints:

COMPLAINTS PROCESSED BY THE CITIZENS' SERVICE OFFICE OF THE OFFICE OF THE COMPTROLLER GENERAL⁶¹

Complaints processed per year			
2000	2001	2002	Total
413	367	572	1,352

⁶⁰ Source: Public Prosecutor's Office.

⁶¹ Source: Annual Management Report of the Office of the Comptroller General

CHAPTER TWO
SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, 4)

- a) **Are there regulations in your country establishing methods for registering the income, assets and liabilities of those who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public? If yes, briefly describe them, indicating aspects like to whom they apply and when the declaration must be presented, the content of the declaration, and how the information given is verified, accessed, and used. List and attach a copy of the related provisions and documents.**

Yes, there are regulations establishing methods for registering the income, assets, and liabilities of those who perform public functions, as follows:

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System and particularly the Anti-Corruption Act regulate details of the disclosure statement. Chapter III of Title I establishes the obligation to present the sworn statement by officials indicated in Article 3: a) all those who perform permanent or temporary public functions, paid or unpaid, chosen by election, appointment, or contract issued by competent authority, at the service of the republic, the states, the federal entities, the districts, the metropolitan districts, or the municipalities, of autonomous agencies, public universities, the Central Bank of Venezuela, or any other government agency or entity; b) all directors and administrators of civil and commercial corporations, foundations, civil associations and other legal entities whose capital or assets includes contributions from the entities mentioned in Article 4 of this law that are equal to or greater than fifty percent (50%) of the capital or assets; and directors appointed to represent these state entities even if the participation is less than fifty percent (50%) of the capital or assets; c) any other person in the cases set forth in this law. Directors and administrators mean those who have duties such as: 1) Directors, managers, supervisors, comptrollers, and auditors; 2) Those who have voice and vote on committees for procurement, competitive bidding, contracts, businesses, grants, or any other nature that could impact public property; 3) Managers or custodians of warehouses, workshops, depositaries, and in general make decisions concerning the receipt, provision, or delivery of property of the agency or entity for its use; 4) Those who move funds of the agency or entity in bank accounts; 5) Those who represent the agency or entity with authority to commit it; 6) Those who make commitments on behalf of the agency or entity or authorize corresponding payments; and 7) Those who make decisions that affect the rights or duties of private parties or the powers and duties of the State.

The disclosure statement must be presented to the Office of the Comptroller General or the officials designated by the Comptroller General. It can also be requested by the Public Prosecutor's Office and courts with criminal jurisdiction.

The sworn declaration must be presented within 30 days of assuming public office and within 30 days after leaving public office. In the case of persons who manage or have custody of warehouses, workshops, deposits, and in general make decisions on the reception, provision,

and delivery of personal property of the agency or entity for its use, the Anti-Corruption Act provides that the deadline for presentation will be established in a justified resolution issued by the Comptroller General (paragraph c of Article 3).

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System⁶², provides in Article 78 that the Office of the Comptroller General may request sworn statements of assets from officials, employees, and laborers of the public sector, private persons who have performed such functions or jobs, taxpayers or responsible parties according to the Organic Tax Code, and those who in any manner contract, negotiate, or engage in operations involving public property, or receive contributions, subsidies, other transfers or tax incentives.

The abovementioned law, in its single paragraph, provides that the Comptroller General can order periodic presentation of disclosure statements by employees and laborers of agencies under his or her control. Since 2000 the Comptroller General has required annual presentation of sworn declarations of assets through Resolutions N°. 01-00-00-003 of January 24, 2000, N° 01-00-012 of April 10, 2001, N° 01-00-015 of April 30, 2001, N° 01-00-016 April 30, 2001, N° 01-00-008 of March 25, 2002 and N°. 01-00-011 of May 2, 2003.

The order for presentation of the disclosure statement by the Office of the Comptroller General through Resolution N° 01-00-012 April 18, 2002⁶³, establishes the requirement to include assets of a spouse not legally separated for assets, and those of minor children. It also provides that the declaration must include the declarant's express and irrevocable authorization to the Office of the Comptroller General and the competent jurisdictional organ to investigate his or her accounts and assets abroad.

Verification of assets is a special administrative procedure, described and regulated in the Anti-Corruption Act, which grants exclusive authority to the Office of the Comptroller General to perform it. In general terms, it seeks verification of the information contained in the disclosure statement, as well as comparing it with the financial situation of a public employee.

This process calls for going beyond verification of the veracity of the data in the disclosure statement, so that the highest comptroller organ makes an in-depth analysis of the sources and data to be certain there are no other material facts that would indicate an infraction by the declarant.

Using universally accepted accounting procedures the Office of the Comptroller General is in a position to certify with a high degree of certainty the existence of assets consistent with the income of the employee. In other words, even when the sworn declaration being reviewed and verified is accepted on its face value, this does not mean it is legally valid. The declaration may

⁶² Official Gazette N° 37.347 of December 17, 2001.

⁶³ Official Gazette N° 37428 of April 23, 2002

be true, but the assets reflected may have been illegally obtained, when the increase in assets is not consistent with the declarant's income. The declaration may also be unacceptable as untrue even if the increase in assets is legitimate.

The finding comes from a detailed examination of the various sources used in the process, which clearly reveal traces of asset movement. The sources are covered in the initial requests for information from various public and private entities considered reliable at the time their data are presented.

There are several aspects that distinguish the procedure of verification of assets from the other administrative procedures used in the Venezuelan public administration, among them the consequences in terms of liability, because corruption is a criminal offense under our laws, which leads to other special characteristics of this procedure.

This is noted to point up the unique role played by the declarant in the procedure, as compared with administrative procedures, because what is reviewed is the employee's own sworn declaration, which becomes the primary source of information in the verification of assets.

After the disclosure statement has been verified, if there are grounds for presuming civil or criminal liability (illegal enrichment or any other crime) on the part of the public employee, the Office of the Comptroller General sends the file to the Public Prosecutor's Office for appropriate action, as provided in Article 32 of the Anti-Corruption Act.

b) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Disclosure statements received in compliance with the requirement established in Article 5 of the Organic Act for Protection of Public Property and the Anti-Corruption Act.

SWORN DECLARATIONS OF ASSETS RECEIVED, BY YEAR⁶⁴

Sworn declarations per year					
1998	1999	2000	2001	2002	Total
15,977	20,177	346,883	148,340	48,605	579,982

To correct errors or omissions in the disclosure statements, additional information was requested from the declarants whose statements did not meet all the requirements of form or content or did not follow the model established in the order issued in the Comptroller General's resolution.

⁶⁴ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

REQUESTS FOR ADDITIONAL INFORMATION ⁶⁴

Year	1998	1999	2000	2001	2002	Total
Number	3,160	4,713	2,357	2,246	2,242	14,718

Fines imposed for failure to submit the sworn statement of assets, as provided in Articles 19 paragraph 1) of the Organic Act for Protection of Public Property and 33, paragraphs 1,2, and 3 of the Anti-Corruption Act, for not providing information or documentation required for the procedure of verification of assets, in accordance with Article 127 of the abrogated Organic Act of the Office of the Comptroller General .

Item	Fines and amounts by year ⁶⁵					
	1998	1999	2000	2001	2002	Total
Number	111	83	55	134	70	453
Amount (millions of Bs.)	27.20	34.12	87.19	134.53	45.25	328.29

Verifications done pursuant to Article 15 of the Organic Act for Protection of Public Property and Article 29 of the Anti-Corruption Act.

VERIFICATIONS PER YEAR ⁶⁵					
Year	1999	2000	2001	2002	Total
Number	1	11	9	20	41

The following verifications were referred to the Public Prosecutor's Office because of evidence of offenses covered by the Organic Act for Protection of Public Property and the Anti-Corruption Act:

VERIFICATIONS REFERRED TO THE PUBLIC PROSECUTOR'S OFFICE PER YEAR ⁶⁵					
Year	1999	2000	2001	2002	Total
Number	1	5	6	14	26

The following verifications were closed for failure to disclose evidence of offenses covered in the Organic Act for Protection of Public Property and the Anti-Corruption Act.

VERIFICATIONS CLOSED BY YEAR ⁶⁶

⁶⁵ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

Year	1999	2000	2001	2002	Total
Number	0	6	3	6	15

⁶⁶ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

CHAPTER THREE OVERSIGHT BODIES

- a) **Are there oversight bodies charged with the responsibility of ensuring compliance with the provisions stated in Article III (1), (2), (4) and (11)? If yes, list and briefly describe their functions and characteristics, and attach a copy of the related provisions and documents.**

Yes, there are oversight bodies charged with the responsibility of ensuring compliance with the provisions stated in paragraphs 1, 2, 4, and 11 of Article III of the Convention. The legal framework is established in the following instruments: the Constitution of the Bolivarian Republic of Venezuela (Articles 163, 273 to 279, 287 to 291), the Organic Act of the Office of the Comptroller General and the National Fiscal Control System⁶⁷, the Organic Act for the Financial Administration of the Public Sector⁶⁸ (Titles I, VI, and X), and the Organic Act of the Citizens' Branch (Article 23)⁶⁹.

Pursuant to Article 290 of the Constitution the Organic Act of the Office of the Comptroller General and the National Fiscal Control System, in force on January 1, 2002, was promulgated to regulate the operation of the highest control body, the Office of the Comptroller General and the National Fiscal Control System, consisting of the set of organs, structures, resources, and procedures integrated under the Office of the Comptroller General to interact in a coordinated manner to achieve unity in the direction of control systems and procedures for attainment of the general objectives of the various agencies and organs subject to that law, and the proper functioning of the public administration (Article 4).

The National Fiscal Control System consists of: the Office of the Comptroller General, the comptrollers of the states, municipalities, districts, and metropolitan districts; the internal audit units of public agencies; the Office of the National Superintendent of Internal Audit; the senior officials, directors, and managers of public entities; and the citizens, exercising their right to participate in the oversight of public administration (Articles 24 and 26).

Control can be internal or external. Internal control is a system including the organization plan, policies, standards, and methods and procedures adopted within an agency or entity covered by the Organic Act of the Office of the Comptroller General and the National Fiscal Control System; it is organized by the senior officials, without prejudice to the authority of the Office of the Comptroller General, and it is reviewed by the internal audit units that must function in the same entities, whose heads are chosen by competitive selection.

External control includes the oversight, inspection, and auditing carried out by external control organs on the operations of entities covered in Article 9, paragraphs 1 to 11, of the

⁶⁷ Official Gazette N° 37.347 of December 17, 2001.

⁶⁸ Official Gazette N° 37.029 of September 5, 2000.

⁶⁹ Official Gazette N° 37.310 of October 25, 2001

Organic Act of the Office of the Comptroller General and the National Fiscal Control System. The external control organs are: the Office of the Comptroller General (highest), the state comptrollers, the municipal comptrollers, and the comptrollers of the districts and metropolitan districts, each of which may perform audits, inspections, and reviews in the respective jurisdiction.

The Office of the Comptroller General is one of the organs that make up the citizens' branch; it is national in scope and has autonomy; it is responsible for control, oversight, and monitoring of the income, expenditures, public assets, and national assets, as well as operations involving them. Its chief serves for seven years and is appointed as provided in Article 279 of the Constitution. The Comptroller General's duties include: to inspect and audit the organs, entities, and legal entities of the public sector under his or her control; to order the start of investigations into irregularities involving public assets, and to apply measures, remedies, and administrative penalties prescribed by law; to request the Prosecutor General to initiate appropriate legal action in the case of infractions and offenses against public assets of which he or she becomes aware in the course of duty; to exercise management control and evaluate compliance and results of public policy decisions of organs and entities of the public sector subject to his or her control with regard to their income, expenditures, and assets.

The comptroller's offices in the states, municipalities, districts, and municipal districts enjoy organic, functional, and administrative autonomy, and exercise control, supervision, and auditing of the income, expenditures, and assets of agencies and entities under their jurisdiction pursuant to law, without prejudice to the scope of the authority of the Office of the Comptroller General. They are headed by a comptroller who must be appointed through competitive selection by the Legislative Councils, Municipal Councils, or City Council, as appropriate, and serves a five-year term.

The Organic Act for Financial Administration of the Public Sector establishes and regulates the internal control system of the public sector⁷⁰, whose highest organ is the Office of the National Superintendent of Internal Audit, which includes a set of standards, organs, and procedures for control, integrated into the financial administration procedures, and internal audit. The internal control system operates in coordination with the External Control System of the Office of the Comptroller General, and has the objective of promoting efficient collection and use of public resources, compliance with legal standards for state operations, reliability of information produced and divulged concerning them; it also seeks to improve the administrative capability to evaluate the management of State resources and guarantee reasonable compliance with the employees' obligation to be accountable for their work.

b) Briefly state the results that said oversight bodies have obtained in complying with the previous functions, attaching the pertinent statistical information, if available.

⁷⁰ The Internal Control System envisioned in that law has been in force since January 1, 2002.

With the entry into force of the laws envisioned in the Constitution, such as the Organic Act of the Office of the Comptroller General and the National Fiscal Control System, the Organic Act for Financial Administration of the Public Sector, and the Organic Act of the Citizens' Branch, the old standards that regulated action of public officials have been updated, cleaned up, streamlined, and perfected. In addition, all governmental agencies in their respective hierarchy and authority are progressively adapting their internal and operational structures to respond properly to the demands of the ever more active participation of citizens and nongovernmental organizations (NGOs).

Since the implementation of these regulations is fairly recent, it is difficult to measure results. Only now are we beginning to receive data to determine quantitative and qualitative indicators of effectiveness. However, the objective results of the Office of the Comptroller General, the oversight body responsible for enforcing compliance with the provisions of paragraphs 1, 2, 4, and 11 of Article III of the Convention, are as follows:

ACTIONS BY THE OFFICE OF THE COMPTROLLER GENERAL TO CARRY OUT ITS DUTIES⁷¹

Type of action	Actions by year					
	1998	1999	2000	2001	2002	Total
Operational and financial audits	215	79	127	122	27	570
Account reviews	2,611	1,458	748	533	601	5,951
Verification of complaints	-	-	84	52	20	156
Special actions	-	-	18	-	-	18
Evaluation/review of State Comptroller's Offices	2	23	18	-	-	43
Preliminary Investigations ⁷²	9	4	32	-	-	45
Follow-up of corrective action ⁷³	34	18	29	45	4	130
Management audits	-	56	20	8	7	91
Reviews	31	5	6	4	4	50
Unprogrammed activities ⁷⁴					168	168
Other activities ⁷⁵					962	962

⁷¹ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve).

⁷² Covers investigations to determine whether to admit complaints.

⁷³ Covers verification of measures ordered by the Office of the Comptroller General to correct reported errors in fiscal activity reports.

⁷⁴ Activities not planned in the annual monitoring plan, for the purpose of verifying specific situations.

⁷⁵ Includes review of budget ordinances, annual reports, advisory services, etc.

CHAPTER FOUR
PARTICIPATION BY CIVIL SOCIETY (ARTICLE III, NUMBER 11)

1. General questions on the mechanisms for participation

- a) Are there in your country a legal framework and mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.**

Yes, there is a legal framework to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption, but the mechanisms to accomplish it are only now emerging because of the recent date of the new Constitution, adopted in December 1999.

Article 62 of the Constitution provides that all citizens have the right to participate freely in public affairs, either directly or through their elected representatives, and that the participation of the people in forming, carrying out, and controlling the management of public affairs is necessary for achieving involvement to ensure their complete development, both individual and collective; it further states that it is the obligation of the State and the duty of society to facilitate the generation of optimum conditions for putting this into practice.

Furthermore, Article 70 of the Constitution provides that participation and involvement of people in the exercise of their sovereignty in social and economic affairs involve citizen service organs, self-management, co-management, cooperatives in all forms, including those of a financial nature, savings funds, community enterprises, and other forms of association guided by the values of mutual cooperation and solidarity; it is left for law to establish conditions for the effective functioning of these means of participation. When the Constitution established the Ethics Council (Articles 273 to 279) of the citizen's branch, composed of the Ombudsman, the Prosecutor General, and the Comptroller General, it assigned among that Council's duties promotion of education for civic development and instilling social responsibility. Specifically, Article 278 says the Ethics Council should promote civic and democratic virtues, which is ratified and developed in Article 35 of the Organic Act of the Citizen's Branch⁷⁶, which provides that in its preventive work the Council must develop and promote teaching activities to promote knowledge and study of the Constitution, love of country, and the controlling virtues of the Venezuelan State as a democratic and social state of law and justice.

Citizen involvement is established in several Constitutional provisions. Articles 168, 173, 184 N° 2, 187 N° 4, 253, 255, and 294 provide for intervention of civil society in State functions, thus guaranteeing greater transparency in public service.

⁷⁶ Official Gazette N° 37.310 of October 25, 2001.

The new Organic Act of the Office of the Comptroller General and the National Fiscal Control System⁷⁷ has as one of its objectives encouraging citizen participation in the comptroller function. To this end, it provides in Article 6 that the organs that comprise the national fiscal control system shall adopt the necessary measures to encourage citizen participation in oversight of public administration; its Article 75 states that the Comptroller General shall: respond to community initiatives in this process of participation; establish strategies to promote civic participation to assist in monitoring fiscal management; and promote citizen control mechanisms in projects with high economic, financial, and social impact. Finally, it establishes in Article 76 that the organized communities and organizations representing sectors of society can present candidates to head the fiscal control organs of the entities covered by the law.

In the exercise of its powers and duties the Office of the Comptroller General issued an order on complaints⁷⁸, which encourages citizens to file accusations when they have knowledge that public or private officials are involved in some irregularity concerning the management of public funds or assets. Also the highest comptroller organ established internally a Citizens' Service Office attached to the office of the Deputy Comptroller, to meet the need for incorporating society in the fight against corruption, guiding and informing it on the issue, channeling its complaints, claims, petitions, or accusations⁷⁹; it has promoted and organized educational programs, supported regional initiatives to establish community involvement as a control factor.

The Organic Planning Act⁸⁰ provides that each Public Policy Planning and Coordination Council shall ensure coordination with and participation of society in the preparation and execution of the State Development Plan, and in the programs and activities carried out in the state, and guarantee that the state development plans are duly coordinated with the corresponding national and regional plans. It also establishes that the public administration agencies and entities shall promote citizen involvement in planning. To this end individuals may directly, or through organized communities or legally organized nongovernmental organizations, present proposals and render opinions on the planning of the public administration agencies and entities (Articles 25, 27, and 59).

The Municipal System Organic Act⁸¹ provides that the municipality may establish parishes in order to decentralize municipal administration, encourage citizen participation, and improve delivery of local public services. Municipalities and other local entities must also encourage the development of neighborhood associations for the defense of common interests, and provide those associations with full information on their activities and, insofar as possible, the use of the media and the benefit of economic assistance for the achievement of their objectives,

⁷⁷ Official Gazette N° 37.347 of December 17, 2001. In force as of January 1, 2002

⁷⁸ Official Gazette N° 36.883 of February 2, 2000.

⁷⁹ Special Official Gazette N° 5.447 of March 15, 2000. Organizational Resolution N° 1 of the same date.

⁸⁰ Official Gazette N° 5.554 of November 13, 2001

⁸¹ Official Gazette N° 4.109 of June 15, 1989

encouraging their participation in municipal affairs (Articles 32 and 170).

The Local Public Planning Councils Act⁸² establishes that without affecting any other duty assigned to the municipality the councils shall have among their duties the collection, processing, and prioritizing of proposals from organized communities, and to present proposals and direct the Municipal Development Plan toward meeting the needs and capabilities of the people, the balanced development of the territory and municipal property (Article 5, paragraphs 1 and 3).

Furthermore, the Acts for Partial Reform of the Law on Special Economic Allocations to the States from Mining and Hydrocarbons⁸³, and for Partial Reform of the Law Establishing the Intergovernmental Fund for Decentralization⁸⁴, provide that at least 20 percent of the resources allocated annually to the states and municipalities shall be used to fund projects presented to them by organized communities, neighborhood associations, and nongovernmental organizations (Articles 20 and 24 respectively). On this point the Local Public Planning Councils Act, in Article 14, establishes the obligation of the municipalities to execute projects presented by the organized communities, charged to the percentages of the allocations that belong to them, under the laws that grant and transfer resources to the organized communities.

Finally, in Venezuela the participation of nongovernmental organizations in activities related to the control of public administration in the country is recognized in the Constitution, laws, and jurisprudence for civil society organizations of national scope. This is based on the jurisprudence of the Supreme Court⁸⁵, which grants this type of authority exclusively to Venezuelans, and in accordance with the principles of the OAS Charter in the framework of respect for sovereignty and the juridical order of the states, nonintervention, and the juridical equality of states.

b) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

In this area we can note the following results:

- Dissemination of the Constitutional provisions governing the citizens' branch in seven federal entities, through a pedagogical program for middle school teachers in the area of pre-military instruction. The beneficiaries of the program were: 264 teachers and 175,598 students in the states of Anzoátegui, Apure, Cojedes, Lara, Miranda, and Monagas. On the basis of the results obtained, the Office of the Comptroller General recommended

⁸² Official Gazette N° 37.509 of August 20, 2002

⁸³ Official Gazette N° 37.086 of November 11, 2000

⁸⁴ Official Gazette N° 37.066 of October 30, 2000

⁸⁵ See attached decision.

- that the Ethics Council (Prosecutor General, Comptroller General, and Ombudsman) coordinate in federal entities the development of an information program on the content of the new Constitution and the organization of the branches of government, especially the citizens' branch, emphasizing Article 274 of the Constitution of the Bolivarian Republic of Venezuela⁸⁶.
- Use of the accusation mechanism as a tool for monitoring State organs by the citizenry, because the Office of the Comptroller General, exercising its authority from the Organic Act of the Office of the Comptroller General and the National Fiscal Control System, receives an average of 400 accusations each year from private parties and requests for investigations from agencies and officials⁸⁷.
 - The Office of the Comptroller General established the Citizens' Service Office to meet the need to incorporate society in the fight against corruption, guiding and informing it in that regard, channeling its complaints, claims, and petitions, and has participated in the training of the so-called "Societal Comptroller's Offices" (*Contralorías Sociales*), with the seminar "Citizen Participation and Control of Public Administration," offered in the states of Mérida, Lara, Aragua, and Carabobo, where there are already more than 700 Societal Comptrollers⁸⁸.
 - In 270 Municipalities of the 335 Local Public Planning Councils have been formed as a tool for citizen participation, to facilitate participation of the population and organized communities in public administration control systems. It should be noted that this instrument was launched in 2002 thanks to the action of the Citizen Participation Committee of the National Assembly, which took the first steps to guarantee the public permanent liaison with its elected officials⁸⁹.
 - The Prosecutor General's Office established a Victim Service Unit, with branches in every judicial district⁹⁰.
 - Other State institutions such as governors, mayors, and state and municipal comptroller's offices have set up a total of 36 Citizens' Service Offices, as well as Community Comptrollers or similar units such as⁹¹:
 - i. Community Comptrollers, Nueva Esparta State
 - ii. Societal Comptroller, Local Planning Council, Mayor's Office of Zamora Municipality, Guatire.
 - iii. Societal Comptroller of Iribarren Municipality of Lara State.

⁸⁶ Source: registers of the Office of the Comptroller General

⁸⁷ Source: Annual Management Report of the Office of the Comptroller General (www.cgr.gov.ve)

⁸⁸ Source: registers of the Office of the Comptroller General

⁸⁹ Source: Office of the Vice President of the Republic, Coordination of Territorial Policies

⁹⁰ Source: Public Prosecutor's Office

⁹¹ Source: registers of the Office of the Comptroller General and web sites

- iv. Community comptrollers, appointed by the communities of Mérida State.
- v. Societal comptroller, Women's Bank.

2. Mechanisms for access to information

- a) **Are there mechanisms in your country that regulate and facilitate the access of civil society and nongovernmental organizations to information under the control of public institutions? If so, describe them briefly, and indicating, for example, before which entity or agency said mechanisms may be presented and under what criteria the petitions are evaluated. List and attach a copy of the related provisions and documents.**

Yes, there are mechanisms that regulate and facilitate the access of civil society and nongovernmental organizations to information under the control of public institutions.

The Constitution declares: anyone has the right of access to documents of any nature containing information of interest to communities or groups of persons (Article 28), and every citizen has the right of access to administrative files and records, except under acceptable limitations in a democratic society in certain areas—internal and external security, criminal investigation, and private confidentiality—in accordance with the law that governs classification of confidential documents. In this same vein Articles 51, 57, and 143 of the Constitution contain provisions on the right of private parties to have access to information and establish the possibility of dismissal of public officials who violate this right.

The Public Administration Organic Act⁹², governing the national public administration. Also applicable by extension to the other agencies of government, it contains several standards on this subject: Article 6, paragraph 3, establishes that the public administration must guarantee individuals free access to current information on its organization, procedures, and services; Article 7, paragraph 7, confirms the right of individuals to access files and registers; Article 13 deals with the principle of publicizing regulations; Articles 102 and 110 cover the requirement to publish documents of State corporations and foundations; Article 139 establishes the obligation of public administration to inform individuals; and Articles 155 to 171 all deal with the right of access to public administration files and registers.

The Administrative Procedures Organic Act⁹³, in Articles 33 and 72, regulates the dissemination of regulations, information to persons affected by the administration, and publicizing of administrative acts of general interest.

The Anti-Corruption Act, in Article 9, provides that State employees shall inform citizens on the use of assets and expenditure of resources from public property that they administer. For this purpose they will publish quarterly, and place at the disposal of anyone in the offices open to the public or the citizens' service offices that they must create, an easily understandable report on the property they administer, with a description and justification of its use and expenditure.

⁹² Official Gazette N° 37.305 of October 17, 2001.

⁹³ Special Official Gazette N° 2.818 of July 1, 1981.

The Municipal System Organic Act establishes the obligation of the mayor to keep the community informed on the work of the administration and interest it in the solution of its problems; the duty of municipalities and districts to provide full information on their work and to promote the participation of all citizens in local activities; the right of citizens to consult municipal files and registers and obtain copies or certificates of decisions by organs in charge of local entities, except for classified or confidential documents, and the duty of municipalities and other local entities to encourage the development of Neighborhood Associations to protect their interests and provide full information to those associations on their activities, and insofar as possible, use of the media and the benefit of economic assistance for achieving their objectives, encouraging their participation in municipal affairs (Articles 75, paragraph 4, and 168 to 170).

The Planning Organic Act establishes in Article 60 that the agencies and entities of the public administration are required to provide full and timely information to the social sectors on their development plans and other programs and projects.

b) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

All these regulations, which have afforded individuals and nongovernmental organizations access to administrative registers and files, documents of various types, and any other information of interest to them that is possessed or controlled by public agencies, explain the increase in accusations, petitions, complaints, etc., which has contributed to making public officials more diligent and responsible in the exercise of their duties. In addition, the public entities have complied with the abovementioned legal standards by setting up web sites⁹⁴, on which individuals can access the desired information.

It is quite difficult to measure these results statistically because of the recency of the establishment, amendment, and implementation of the standards. Nevertheless, each entity involved has begun data gathering to quantify the effectiveness of the results.

3. Mechanisms for consultation

a) Are there mechanisms in your country for those who perform public functions to consult civil society and nongovernmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Yes, there are mechanisms for those who perform public functions to consult civil society and nongovernmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption.

⁹⁴ See Guide to Internet Resources, attached.

The Constitution, in Article 71, establishes the consultative referendum as a vehicle by which matters of special transcendence at the national, state, municipal, or parish levels may be submitted to the will of the people.

The Constitution also provides in Article 211 that during the process of debating and approval of bills the National Assembly or standing committees shall consult the other organs of the State, the citizenry, and organized society to hear their opinions on them. Organized society representatives have the right to the floor on such terms as may be established by the Regulations of the National Assembly.

The Municipal System Organic Act⁹⁵, in Article 175, provides that the Municipal Council will convene a referendum of electors of the parish, municipality, or district to validate ordinances or other matters of common interest, except the budget ordinance and taxes, when the Council so decides by a two-thirds (2/3) vote or when it is requested by at least ten percent (10%) of the residents registered in the electoral district with jurisdiction in the area.

There are also other mechanisms concerned with consultation on legal standards, regulations, or other requirements established in the Public Administration Organic Act⁹⁶, Articles 136 and 137, which nullify any standards not submitted to consultation with nongovernmental organizations and organized communities. Other consultation mechanisms are provided in the Constitution in Articles 70, 71, and 299, through which public officials can encourage participation by civil society in matters within their jurisdiction.

One example is the Act on State Councils for Planning and Coordination of Public Policies, which gives the State Policy Planning and Coordination Councils the authority to express an opinion on programs and projects presented by the governor to the Intergovernmental Fund for Decentralization (Article 9, paragraph 6).

The Local Public Planning Councils Act provides that any project presented to the local public planning council must have the prior approval of the respective community, meeting in an assembly, to guarantee compliance with Article 62 of the Constitution, which establishes the principle of participation and involvement. The order of priority of the projects will be set by the community assembly in accordance with its needs, except in duly confirmed emergency cases. It also provides that when developing the municipal investment budget the mayor will present the figure or total amount of investment in each sector to the local public planning council and organized communities in a special meeting that shall be held at least fifteen (15) calendar days before the formal meeting of the local public planning council (Articles 11 and 13).

⁹⁵ Official Gazette N° 4.109 of June 15, 1989

⁹⁶ Official Gazette N° 37.305 of October 17, 2001.

b) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Because of the large number of entities in the public sector, as of this date it has not been possible to get statistics to measure the effectiveness of these mechanisms. However, all laws enacted by the National Assembly since its inception have been referred to civil society, based on the abovementioned Constitutional provisions.

4. Mechanisms to encourage active participation in public administration

a) Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and nongovernmental organizations in the process of public policy making and decision making, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them and list and attach the related provisions and documents.

Yes, there are some standards for mechanisms to promote and obtain the active participation of civil society and nongovernmental organizations in the process of public policy making and decision making, as follows:

The already cited Public Administration Organic Act⁹⁷, in Article 135, establishes the obligation of agencies and entities of the public administration to promote citizen participation in public affairs in general, and provides to that end that community organizations or public nongovernmental organizations may present proposals and express opinions on the work of these agencies and entities, for which purpose they can request listing in a register maintained in the public entities by sectors. Also, as already noted, Article 136 establishes the mechanism of consultation on legal or sectoral regulations. Articles 138 and 139 establish the obligation of national, state, and municipal public administration to inform the public regarding their activities.

The Organic Act of the Office of the Comptroller General and the National Fiscal Control System has as one of its objectives to regulate citizen participation in the comptroller function. To do this, its Article 6 delegates to the organs that make up the national fiscal control system the adoption of the necessary measures to strengthen citizen participation in control of public affairs; its Article 75 tasks the Comptroller General with responding to community initiatives in this process of participation, establishing strategies to promote citizen involvement to assist in oversight of public affairs, and promoting citizen control mechanisms in projects of high economic, financial, and social impact. In Article 76 it provides explicitly that organized communities and organizations representing sectors of society can present candidates to head the fiscal control organs of the entities under the law, but this aspect has not yet been regulated.

⁹⁷ Official Gazette N° 37.305 of October 17, 2001.

The Anti-Corruption Act⁹⁸ provides that individuals and organizations of society have the right to take part in the planning, evaluation, and execution of the budget in the corresponding territorial political level, in accordance with the Constitution and the law. It also stipulates that the heads of government agencies and entities must inform citizens on the use of assets and the expenditure of resources from the public property they administer. For this purpose they will publish quarterly, and place at the disposal of anyone in the offices open to the public or the citizens' service offices that they must create, an easily understandable report on the property they administer, with a description and justification of its use and expenditure (Articles 11 and 9, respectively).

The Organic Planning Act⁹⁹, establishes that government agencies and entities will promote citizen participation in planning. To this end, individuals may directly, or through organized communities of legally constituted nongovernmental organizations, present proposals and express opinions on planning by government agencies and entities (Article 59).

The Local Public Planning Councils Act¹⁰⁰ provides that without prejudice to any other duty given to the municipality, the Councils have among their duties those of promoting, cooperating, guiding, and presenting within the Municipal Development Plan the investment policies of the municipal budget contemplated in Article 178 of the Constitution. All this must be done in accordance with the guidelines of the National Plan, the plans and policies of the Federal Government Council, and the Council for Planning and Coordination of Public Policies, with the proposals of the organized communities, and with evaluation of the execution of plans and projects and encourage the parish and neighborhood networks to exercise social control over them (Articles 5, paragraph 2, and 21)

In addition, the Local Public Planning Council will promote the network of parish and neighborhood councils in each area of civil society that generally reflects the essence of the municipality, whose function will be to become the focus for participation and involvement of the people in the planning, execution, control, and evaluation of public policies, and to develop ideas and proposals for the organized community to present to the Local Public Planning Council. Once their proposals are approved and become projects, members of the parish and neighborhood councils can undertake the corresponding follow-up, control, and evaluation (Article 8).

Furthermore, the Acts for Partial Reform of the Law on Special Economic Allocations to the States from Mining and Hydrocarbons¹⁰¹, and for Partial Reform of the Law Establishing the Intergovernmental Fund for Decentralization¹⁰², provide that at least 20 percent of the resources

⁹⁸ Special Official Gazette N° 5.637 of April 7, 2003

⁹⁹ Official Gazette N° 5.554 of November 13, 2001

¹⁰⁰ Official Gazette N° 37.437 of June 12, 2002

¹⁰¹ Official Gazette N° 37.086 of November 11, 2000

¹⁰² Official Gazette N° 37.066 of October 30, 2000

allocated annually to the states and municipalities shall be used to fund projects presented to them by organized communities, neighborhood associations, and nongovernmental organizations (Articles 20 and 24 respectively). On this point the Local Public Planning Councils Act, in Article 14, establishes the obligation of the municipalities to execute projects presented by the organized communities, charged to the percentages of the allocations that belong to them, under the laws that grant and transfer resources to the organized communities.

b) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

In this regard we could note the following results:

- The Office of the Comptroller General established the Citizens' Service Office to meet the need to incorporate society in the fight against corruption, guiding and informing it in that regard, channeling its complaints, claims, and accusations, and issued an order on accusations, which encourages citizens to file accusations when they learn that public officials or private parties are engaged in any irregular act concerning the management of public funds or assets.
- The Office of the Comptroller General has participated in the training of the so-called "Societal Comptroller's Offices" (*Contralorías Sociales*), with the seminar "Citizen Participation and Control of Public Administration," offered in the states of Mérida, Lara, Aragua, and Carabobo, where there are already more than 700 Societal Comptrollers¹⁰³.
- In 270 of the 335 Municipalities Local Public Planning Councils have been formed as a tool for citizen participation, to give the people and organized communities control over municipal affairs. It should be noted that this instrument was launched in 2002 thanks to the action of the Citizen Participation Committee of the National Assembly, which took the first steps to guarantee the public has permanent liaison with its elected officials¹⁰⁴.
- The Prosecutor General's Office established a Victim Service Unit, with branches in every judicial district¹⁰⁵.
- Other State institutions such as governors, mayors, and state and municipal comptroller's offices have set up a total of 36 Citizens' Service Offices, as well as Community Comptrollers or similar units such as¹⁰⁶:
 - vi. Community Comptrollers, Nueva Esparta State
 - vii. Societal Comptroller, Local Planning Council, Mayor's Office of Zamora Municipality, Guatire.

¹⁰³ Source: registers of the Office of the Comptroller General

¹⁰⁴ Source: Office of the Vice President of the Republic, Coordination of Territorial Policies

¹⁰⁵ Source: Public Prosecutor's Office

¹⁰⁶ Source: registers of the Office of the Comptroller General and web sites

- viii. Societal Comptroller of Iribarren Municipality of Lara State.
- ix. Community comptrollers, appointed by the communities of Mérida State.
- x. Societal Comptroller, Women's Bank.

5. Participation mechanisms for the follow-up of public administration

- a) Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and nongovernmental organizations in the follow-up of public administration, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them, and list and attach a copy of the related provisions and documents.**

Yes, there are mechanisms to facilitate participation of civil society and nongovernmental organizations in the follow-up of public administration in order to prevent, detect, and punish acts of public corruption, consisting basically of the people's right to information on activities of public entities as established in Articles 138 and 139 of the Public Administration Organic Act¹⁰⁷, and the constitutional right to have timely and satisfactory response to their petitions (Article 51).

In addition, the Anti-Corruption Act¹⁰⁸, in Article 9, provides that heads of government agencies and entities shall inform citizens on the use of assets and expenditure of resources from public property that they administer. For this purpose they will publish quarterly, and place at the disposal of anyone in the offices open to the public or the citizens' service offices that they must create, an easily understandable report on the property they administer, with a description and justification of its use and expenditure.

- b) Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.**

On this aspect we can report the following results:

- The Office of the Comptroller General established the Citizens' Service Office to meet the need to incorporate society in the fight against corruption, guiding and informing it in that regard, channeling its complaints, claims, petitions, or accusations, and issued an order on accusations, which encourages citizens to file accusations when they learn that public officials or private parties are engaged in any irregular act concerning the management of public funds or assets.
- The Office of the Comptroller General has participated in the training of the so-called "Societal Comptroller's Offices" (*Contralorías Sociales*), with the seminar "Citizen Participation and Control of Public Administration," offered in the states of Mérida, Lara,

¹⁰⁷ Official Gazette N° 37.305 of 17-10-2001.

¹⁰⁸ Official Gazette N° 5.637, Extraordinario of 07-04-2003

- Aragua, and Carabobo, where there are already more than 700 Societal Comptrollers¹⁰⁹.
- In 270 of the 335 Municipalities Local Public Planning Councils have been formed as a tool for citizen participation, to give the people and organized communities control over municipal affairs. It should be noted that this instrument was launched in 2002 thanks to the action of the Citizen Participation Committee of the National Assembly, which took the first steps to guarantee the public has permanent liaison with its elected officials¹¹⁰.
 - The Prosecutor General's Office established a Victim Service Unit, with branches in every judicial district¹¹¹.
 - Other State institutions such as governors, mayors, and state and municipal comptroller's offices have set up a total of 36 Citizens' Service Offices, as well as Community Comptrollers or similar units such as¹¹²:
 - xi. Community Comptrollers, Nueva Esparta State
 - xii. Societal Comptroller, Local Planning Council, Mayor's Office of Zamora Municipality, Guatire.
 - xiii. Societal Comptroller of Iribarren Municipality of Lara State.
 - xiv. Community comptrollers, appointed by the communities of Mérida State.
 - xv. Societal comptroller, Women's Bank.

CHAPTER FIVE ASSISTANCE AND COOPERATION (ARTICLE XIV)

1. Mutual Assistance

- a) Briefly describe your country's legal framework, if any, that establishes mechanisms for mutual assistance in processing requests from other States Parties that, in accordance with their domestic law, are authorized to investigate or judge acts of public corruption, in order to obtain evidence and undertake other actions needed to facilitate trials or investigations involving the investigation and prosecution of acts of corruption. Attach a copy of the provisions that contain such mechanisms.**

Basically Venezuela's legal framework for mechanisms for mutual assistance in processing requests from investigative or legal authorities of other States Parties consists of conventions or agreements signed by the Republic, although they deal with criminal matters in general. We also have standards on extradition in the Constitution (Articles 69 and 271) and in the Penal Procedure Organic Code¹¹³ (Articles 395 to 402), obviously related to the question of

¹⁰⁹ Source: registers of the Office of the Comptroller General

¹¹⁰ Source: Office of the Vice President of the Republic, Coordination of Territorial Policies

¹¹¹ Source: Public Prosecutor's Office

¹¹² Source: registers of the Office of the Comptroller General and web sites

¹¹³ Special Official Gazette N° 5.558 of November 14, 2001.

mutual assistance, and Article 21, paragraph 13, Organic Act of the Public Prosecutor's Office¹¹⁴, which establishes that one of the powers and duties of the Prosecutor General is to express an opinion on procedures involving the execution of acts involving foreign authorities, extradition, and when any special law provides for her or his intervention.

Venezuela has signed several agreements and conventions on assistance in criminal matters:

- Resolution N° 108 of the Ministry of Foreign Affairs, of June 17, 1998, which orders publication of the Agreement for Cooperation to Prevent, Control, and Eradicate Money Laundering or Legitimization of Assets, signed by the Government of the Republic of Venezuela and the Government of the Republic of Colombia¹¹⁵.
- Ratification of the Treaty of Cooperation between the Government of the Republic of Venezuela and the Government of the United Mexican States on Mutual Legal Assistance in Criminal Matters¹¹⁶.
- Ratification of the Agreement on Legal Assistance in Criminal Matters between the Government of the Republic of Venezuela and the Government of the Republic of Paraguay¹¹⁷.
- Ratification of the Agreement between the Republic of Venezuela and the Dominican Republic on Legal Assistance in Criminal Matters¹¹⁸.
- Agreement to authorize the National Executive to provisionally execute the Agreement on Cooperation and Legal Assistance in Criminal Matters between the Government of the Republic of Venezuela and the Government of the Republic of Colombia¹¹⁹.
- United Nations Convention against Illicit Traffic in Narcotics and Psychotropic Substances, Vienna 1988.
- The United Nations Convention against Transnational Organized Crime, Palermo 2000.
- International Convention for the Suppression of the Financing of Terrorism, New York, Model Regulations concerning Laundering Offenses Connected to Illicit Drug Trafficking and Related Offenses, of the CICAD-OAS.¹²⁰
- Ratification of the Agreement between the Government of the Republic of Venezuela and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters.¹²¹

¹¹⁴ Special Official Gazette N° 5.262 of September 11, 1998.

¹¹⁵ Official Gazette N° 36.479 of June 19, 1998.

¹¹⁶ Special Official Gazette N° 5.241 of July 6, 1998.

¹¹⁷ Special Official Gazette N° 5.247 of August 5, 1998.

¹¹⁸ Special Official Gazette N° 5.274 of November 12, 1998.

¹¹⁹ Official Gazette N° 36.799 of October 1, 1999.

¹²⁰ Official Gazette N° 37.727 of July 8, 2003

¹²¹ Official Gazette N° 37.884 of February 20, 2004

Venezuela has also signed extradition treaties with States Parties of the Inter-American Convention against Corruption, after its signing and entry into force. We could mention the following: On May 20, 1997, an extradition treaty was signed by the Government of the Republic of Venezuela and the Government of the Oriental Republic of Uruguay, which was ratified by Congress on August 18, 1998¹²², and on April 15, 1998, an extradition treaty was signed by the Government of the Republic of Venezuela and the Government of the United Mexican States, which was ratified by Congress on December 7, 1999¹²³. However, these treaties do not specifically include the crimes covered in the cited Convention.

- b) Has your government presented or received requests for mutual assistance under the Convention? If so, indicate the number of requests that it has presented, explaining how many of them have not been answered and how many have been denied and for what reason; indicate the number of requests that it has received, explaining how many of them have not been answered and how many have been denied and for what reason; mention the average time it has taken your country to answer said requests and the average time in which other countries have responded, and indicate whether you consider these intervals reasonable.**

This depends on the provisions of the respective international treaties or agreements; however, according to Article 396 of the above cited Penal Procedure Organic Code, the Ministry of Foreign Affairs is responsible for making a request for extradition to a foreign government, but in the case of precautionary requests abroad or precautionary measures requested by a foreign government the Code gives authority generically to the national executive branch. By way of example we could mention that the Agreement between the Republic of Venezuela and the Dominican Republic on Legal Assistance in Criminal Matters¹²⁴ says that requests for assistance will be handled through the corresponding central authorities, and for this purpose Venezuela designated the Ministry of Justice as the central authority (Article 4); the Extradition Treaty Between the Government of the Republic of Venezuela and the Government of the United Mexican States¹²⁵ stipulates that extradition requests will be handled through diplomatic channels (Article XIII).

2. Mutual technical cooperation

- a) Does your country have mechanisms to permit the widest measure of mutual technical cooperation with other States Parties regarding the most effective ways and means of preventing, detecting, investigating, and punishing acts of public**

¹²² Special Official Gazette N° 5.265 of October 1, 1998.

¹²³ Official Gazette N° 37.219 of June 14, 2001.

¹²⁴ Special Official Gazette N° 5.274 of November 12, 1998.

¹²⁵ Official Gazette N° 37.219 of June 14, 2001.

corruption, including the exchange of experiences by way of agreements and meetings between competent bodies and institutions, and the sharing of knowledge on methods and procedures for citizen participation in the fight against corruption? If so, describe them briefly.

Mechanisms to permit technical cooperation with other States Parties on the most effective ways and means of preventing, detecting, investigating, and punishing acts of public corruption are usually established through international cooperation agreements and other related activities.

b) Has your government made requests to other States Parties or received requests from them for mutual technical cooperation under the Convention? If so, briefly describe the results.

The Office of the Comptroller General has an extensive framework of interagency relations with supreme audit institutions (SAI) and their organizations, such as the Latin American and Caribbean Organization of Supreme Audit Institutions (OLACEFS), the International Organization of Supreme Audit Institutions (INTOSAI), as well as with various international agencies and experts, especially in the framework of its duties for control and audit related to the fight against corruption, which implies participation in various congresses, workshops, seminars, and conferences, including:

- Eleventh General Assembly of the OLACEFS, held in Panama, where one of the technical topics was "Preventing, Identifying, and Punishing Corruption."
- Twelfth General Assembly of the OLACEFS, held in Mexico City, where one of the technical topics was "Audit of Information Systems: Experiences of Supreme Audit Institutions in auditing public works, and Strengthening of Supreme Audit Institutions: Experiences and Proposals for Action."
- The Thirteenth General Assembly of the OLACEFS, held in Havana, Cuba, where one of the technical topics was "Auditing the Public Debt, Audit Information Technologies, and Strengthening of the SAI."
- Subregional workshop on ethics and transparency, held in Lima, Peru.
- First Encounter of Organs of External Control of Economic-Financial Activity in the Ibero-American Public Sector, held in Antigua, Guatemala, from March 5-7, 2003.
- Attendance at the meetings (seven in all) of the Special Committee to Negotiate the United Nations Convention Against Corruption.
- High-level political meeting for the signature of the United Nations Convention Against Corruption in Mérida, Mexico December 9-11, 2003, where there were six plenary sessions attended by representatives of 114 States, as well as observers from the United Nations and other intergovernmental and nongovernmental organizations.
- Attendance at meetings of the working group of the INTOSAI for audit of international organizations, responding to a mandate of the Seventeenth International Congress of

- Supreme Audit Institutions (INCOSAI), held in Seoul, Korea in 2001, for the presentation and discussion on the topic “Audit of International and Supranational Organizations by the SAI,” as well as the conclusions and recommendations of the “Seoul Agreements,” in which the INTOSAI decided to establish an ad hoc working group on audit of international organizations, with a limited number of SAI members, for a specific period that would end with the holding of the next INCOSAI, to be held in Budapest, Hungary in 2004, charged with developing and proposing additional guidelines on the subject.
- The Third World Forum on Corruption and Protection of Integrity, held in Seoul, Korea, May 28-31, 2003.
 - Seminar for a world anti-corruption convention, held in Caracas, Venezuela, September 2-3, 2002.
 - International Seminar on application of the Inter-American Convention against Corruption, held in Santo Domingo, Dominican Republic November 27-29, 2002.
 - Sixth Triennial Congress of the Caribbean Organization of Supreme Audit Institutions (CAROSAI), held in Bermuda August 10-16, 2003, which dealt with the topics: “Contributions of the SAI for preventing corruption—A Challenge for the SAI in the Twenty-first Century,” “Developing Effective Government and Effective Public Accounting through Legislative Audits,” and “Institutional Effectiveness—how the SAI can support each other,” which provided valuable input for strengthening the supreme audit institutions of the Caribbean in the constant struggle against the scourge of corruption.
 - International Encounter "Government Audit and the Integration Processes" sponsored by the SAI of the MERCOSUR countries, Bolivia, and Chile and the European Court of Auditors, held in Buenos Aires, Argentina, October 21-23, 2003, where there were several topics concerning integration of the countries in exercising control, the strategic importance of control in the integration of regional blocs, structure of control in MERCOSUR, the desirability of developing common values and parameters for control in different countries and regions, ties between the organization of SAI in the MERCOSUR countries, Bolivia, and Chile with the European Court of Auditors, contributions of the experiences of the SAI in community control of their respective regional organizations, etc.
 - Seventeenth National Congress of Audit Tribunals of the Argentine Republic, sponsored by the permanent secretariat of Audit Tribunals of the Argentine Republic, held in Mar del Plata, Buenos Aires Province, November 24-26, 2003, with discussed the topics: “The role of Audit Tribunals and the requirements of society”, “New challenges to public audit” and “The European Court of Auditors. Special Consideration of its control and guarantee of quality.”
 - International Seminar on the Fight against Organized Crime and Corruption (United

Nations Convention against Transnational Organized Crime and its Protocols), held October 20-21, 2003, in the Supreme Court.

- International course, "Basic Concepts of Financial Audits", held in Caracas, from September 9 to October 1, 2003

d) Has your county developed technical cooperation programs or projects on aspects that are referred to in the Convention, in conjunction with international agencies or organizations? If so, briefly describe, including, for example, the subject matter of the program or project and the results obtained.

Yes, there have been programs or projects on aspects that are referred to in the Convention.

In this regard, the Office of the Comptroller General, as the country's supreme audit organ, has undertaken various actions in the fight against corruption, among which we could note:

- The Cooperation Agreement between the Latin American and Caribbean Organization of Supreme Audit Institutions (OLACEFS) and the General Secretariat of the OAS, signed in Washington D.C. November 24, 1997, in which it was agreed to exchange information and documents in the public domain on matters of common interest, especially those concerning government audits, modernization of the public administration, and the fight against corruption.
- Initiative in the Tenth Regular Session of the General Assembly of the Latin American and Caribbean Organization of Supreme Audit institutions (OLACEFS), held in November 2000 in Brasília, to propose to the OAS a meeting that would include as participants the heads of the SAI members, foreign ministers, and presidents of the justice organs of Latin America and the Caribbean, for the purpose of building a common front in the fight against corruption, a motion that was approved unanimously.
- Signing of an Interagency Cooperation Agreement with the Offices of the Comptroller General of the Bolivarian countries (Bolivia, Colombia, Ecuador, Panama, and Peru) in November 2001, the objectives of which include: promotion of information on the reception, development, transfer, and exchange of experiences on control of public resources and the fight against corruption and impunity; stimulation of the exchange of experiences on specific areas identified as potential risk factors for corruption, such as government and private contracts with public resources, administration of justice, financial management, domestic tax administration, and foreign trade, among others; cooperation with different areas and institutional aspects to promote actions of honesty and public ethics and increase public awareness for the exercise of Social Control of Public Affairs, leading to supremacy of moral authority over counter values.

- Support for the Project for Strengthening of Supreme Audit Institutions (SAI) to combat fraud and corruption, sponsored by the OLACEFS and with financial support from the Inter-American Development Bank (IDB).
- Support for the Project “Ethics and the fight against corruption in the public administration” through the offices of the comptroller general in the countries of the Andean Community, with funding from the Andean Development Corporation (ADC).
- Participation in the subregional workshop on “Ethics and Transparency: initiatives in the Supreme Audit Institutions of the Andean Community” (Peru).

CHAPTER SIX CENTRAL AUTHORITIES (ARTICLE XVIII)

1. Designation of Central Authorities

a) Has your country designated a central authority for the purposes of channeling requests for mutual assistance as provided under the Convention?

On September 9, 2002, the Ministry of Foreign Affairs notified the Office of the Comptroller General in communication No. 00 563 that the Ethics Council will be responsible for carrying out the follow-up of application of the Inter-American Convention against Corruption.

Subsequently, on February 5, 2004, in note N OEA-23, the Permanent Mission of the Bolivarian Republic of Venezuela to the Organization of American States (OAS), notified the General Secretariat / Department of Legal Cooperation and Information, in compliance with Articles XVIII of the Inter-American Convention against Corruption and Article 22 of the Rules of Procedure of the Committee of Experts of the Mechanism for Follow-up of the Convention, that the Ethics Council of the Venezuelan State would be the Central Authority responsible for following up on assistance and cooperation in the framework of the Convention.

b) Has your country designated a central authority for the purposes of channeling requests for mutual technical cooperation as provided under the Convention?

Since the Ethics Council is responsible for follow-up of the application of the Inter-American Convention against Corruption in Venezuela, it is also the central authority responsible for channeling requests for mutual technical cooperation as provided in the Convention.

c) If your country has designated a central authority or central authorities please provide the necessary contact data, including the name of the agency(ies) and the responsible official(s), the position that he or she occupies, telephone and fax numbers, and e-mail address(es).

The Ethics Council is represented for these purposes by the Comptroller General, Dr.

Clodosbaldo Russián.

Office of the Comptroller General: Telephones: 0212- 5719920 / 5719908 Fax: 0212-5083401 / 0212-5718131. E-mail: crussian@cgr.gov.ve.

2. Operation of Central Authorities

- a) **Does the central authority have the necessary human, financial and technical resources to enable it to properly make and receive requests for assistance and cooperation under the Convention? If yes, please describe them briefly.**

The headquarters of the Ethics Council is located at Avenida Urdaneta, Centro Financiero Latino, 28th Floor. Its telephones are 58212-502-4140 and 58212-502-4004. It has its own financial resources, approved in the Budget Act, and has an appropriate structure for carrying out its duties.

- b) **Has the central authority, since its designation, made or received requests for assistance and cooperation under the Convention? If so, indicate the results obtained, whether there were obstacles or difficulties in handling the requests, and how this problem could be solved.**

The Office of the Comptroller General, as representative to the Committee of Experts of the Mechanism for Follow-up of the Implementation of the Inter-American Convention against Corruption (CICC) has met several times with Dr. Francisco Nieto, Professor of Georgetown University (School of Foreign Service-Government Department/International Institute on Government, Management and Policy), and coordinator of the projects "Chair on the Inter-American Hemispheric Convention Against Corruption" and the "Inter-American Anti-Corruption Academic Network," which have the support of the U.S. Department of State, to establish anti-corruption academic research centers in Latin American universities, using as a model the Multidisciplinary Center for Reflection on Corruption of the Central University of Venezuela, at Dr. Nieto's request. Currently the Office of the Comptroller General is identifying mechanisms for cooperation in the design and implementation of these projects in the country.

III. INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

(a) State Party: VENEZUELA

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

() Mr.: _____

() Ms.: YADIRA ESPINOZA MORENO _____

Title/position: GENERAL TECHNICAL DIRECTOR _____

Agency/office: OFFICE OF THE COMPTROLLER GENERAL :

Mailing address: CARACAS 1050, AV. ANDRÉS BELLO, APARTADO 1917.

Telephone number: : (58212) 508.33.25/508.34.42/508.34.73,

Fax number (58212)571.36.04

E-mail address: yespinoz@cgr.gov.ve; yadiraespinoza@hotmail.com

Note: All the legal standards cited in this questionnaire, as well as the Supreme Court decision and the list of the web sites of the country's public agencies, are contained in a CD-ROM submitted with this response.