

Uruguay Transparente UNCAC report

Name and organisation of respondent: Verónica García Leites, Uruguay Transparente.
Country reviewed: Uruguay
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I. Executive Summary

The United Nations Convention Against Corruption was ratified by Uruguay by Law 18056 of November 20, 2006.

Uruguay has a regulatory system that encompasses most of the behaviours that the Convention established as criminal offences. However, there are some obstacles to implementation in full of the rules of the Convention:

- ✦ In the case of "illicit enrichment" the Uruguayan academic writing says that it opposes the principles established by the Constitution because it means shifting the burden of proof. This influences the Legislative discussion. In the legislative debate when considering the current law 17060 of December 23, 1998 of "Regulations Relating to the Misuse of Public Power (corruption)", the proposal to criminalize illicit enrichment was rejected by one vote (14 in 29). JUTEP been developed in the 2011 an Preliminary Draft Law in which included the illicit enrichment . The Project is not approved in the Cameras, therefore the matter not been reviewed at the moment.

But recently the issue of illicit enrichment has been discussed again in Parliament, and have emerged favorable positions. This simplifies the purpose of Uruguay Transparente for make this topic be discussed in Uruguay at all levels. JUTEP, by Resolution number 3829/2012 of 26 September 2012, decided offer to Uruguay Transparente co-organize one academic event the December 9, 2012 . One of the topics will we discuss will be the convenience for Uruguay to adopt the figure of illicit enrichment. The event will be attended by representatives of various Latinamerican states and will be the first time that Civil Society and State, on equal terms, will commemorate the International Day against Corruption.

- ✦ In a future is being planned one "corruption observatory in Uruguay" with the Civil Society collaboration.
- ✦ The Uruguayan academic writing says that only individuals can be criminally sanctioned. The control increment is essential for increase the transparency and the corruption fight. The economic fines is not a good strategies to implement these goals in case of powerful investors. The mechanisms of state control and information to the population should be increased. An analysis of the cases singularity will be much more effective to prevent irregularities.
- ✦ In a interview with Uruguay Transparente, JUTEP stated to be in favor of the criminalization of legal persons . They noted that this task would make more sense when be applied the legislation that takes away the anonymity of joint stock companies.

Furthermore it should be noted that many Latin American countries have adopted such measures according to the convenience of controlling big business in its territory. We should note that as a result of the globalization process, the isolated state control of capital is not enough. Collaboration between countries is necessary and for the legislation to be efficient should be analyzed by comparing it with the legislation of the potential state partners in the fight.

- ⤴ An effort was made to create Specialized Courts and Prosecutors, however, the resources needed are not yet available.
- ⤴ There is a control system to prevent money laundering (see Appendix "B" to Annex I Law 18494, Decree 355/010 and BCU Circular 1722) with the creation of the Information and Financial Analysis Unit (UIAF). However the resources needed are not yet available.
- ⤴ There are no statistical data to track the allegations and check if they follow the conduct established by the Convention. This aspect is a constant. Only general data is available so effective monitoring is not possible.

A. Conduct of process

Table 1: Summary of the transparency of the government's UNCAC review process

Transparency of the Government's Undertaking of the Review Process	
Did the government make public the contact details of the country focal point?	Yes
Was civil society consulted in the preparation of the self-assessment?	No
Was the self-assessment published on line or provided to CSOs?	Yes
Did the government agree to a country visit?	Yes
Was a country visit undertaken?	No
Was civil society invited to provide input to the official reviewers?	No
Has the government committed to publishing the full country report	Yes

B. Availability of information

Currently the requested information is not registered by the Administration. Accessibility is restricted by the lack of updated data available and a criminal justice system that prioritizes the principle of reservation above the principle of access to information. This is based on the lack of adequate human and technological resources and a strong tradition around the secret of criminal proceedings.

C. Implementation and Enforcement

Uruguay is a regulatory system that covers most of the points addressed in the Convention. Our country ratified the Inter-American Convention Against Corruption by Law 17008 of September 25, 1998. Therefore, the rules enacted in response to such a convention is accompanied by a legislative effort in recent years aimed to implement tools that will enable a more effective system implementation (creation of courts and prosecutors specialized in organized crime.) However, the basis for enforcement lies in the possibility of taking the text of the law to practical application through the appropriate resource. This influences both the independence of the justice enforcement officials and the transparency of the system as a whole. For the moment Uruguay does not have adequate resources to carry investigations as effectively as possible and submit data to enable monitoring of the Civil Society.

D. Recommendations for priority actions

In order of importance, the priority actions which are needed are:

1. **Implementing a system that makes public and available (preferably on the Web), data concerning the criminal proceedings initiated in Uruguay** arising out conduct included in the Convention such as statistical information, which enables tracking of how many end in conviction, dismissal, etc. It is also recommended to publish statistics on administrative procedures initiated based on complaints concerning behavior set out in the convention.
2. **Reconsider the criminality of illicit enrichment so as to make this offence compatible with the Uruguayan constitutional principles.** Many Latin American countries have adopted the illicit enrichment easily enough.
3. **Establishing more effective forms of deterrence to prevent corruption in the private sector**, by providing proportionality of the penalty to the offending entity, and the importance of legal protection. Improving the control measures taken. Considering positive experiences by countries in the region in relation to the promotion of good practices in the private sector. The mechanisms of state control and information to the population should be increased. An analysis of the cases singularity will be much more effective to prevent irregularities. Is necessary to consider the criminalization of legal persons.
4. In this regard, and taking into account concerns given by some subjects required by the system that is regulated by Decree 355/010 of December 2, 2010, it is necessary for the state **to give adequate courses and manuals to facilitate understanding in reporting suspicious transactions for required professionals.**
5. Increase and further develop state policies regarding education for prevention of corruption, for the public sector, private **and civil population.**

This point relates to the implementation of the Convention:

In general,

- Viewed from the standpoint of the potential transgressor of the law (public officials in case of the Convention). The rules should prevent unlawful conduct by intimidation on the person who is in a position to inflict the same. The state policies of education and control are useful for accentuate this consequence of the law. The informed person, will endeavour in not commit illicit acts because can be punished.
- Viewed from the standpoint of the person injured by the wrongful conduct. The most efficient control is done person to person, based on a population that knows their rights (for example, in case of a public tender in which a public official is bribed there can be a direct action of the State, but in practice and in most cases, the investigation starts at the initiative of the firms affected by the fraudulent award)

In particular,

- With regard to articles 32 and 33 of the Convention, it is essential widen the knowledge of the special scheme established by Article 8 of Law 18494 for the potential witnesses, victims, experts and collaborators of processes of competence of the Courts of First Instance Specialized on Organized Crime. This type of protection is different from the general arrangements for Criminal Courts. The state policies of diffusion and education are necessary for that this aspect of the law whatever known. The implementation would provide an incentive for potential whistleblowers.

Law 18494:

“Artículo 8º. (Protección de víctimas, testigos y colaboradores)

8.1. Los testigos, las víctimas cuando actúen como tales, los peritos y los colaboradores en los procesos

de competencia de los Juzgados Letrados de Primera Instancia Especializados en Crimen Organizado podrán ser sometidos a medidas de protección cuando existan sospechas fundadas de que corre grave riesgo su vida o integridad física tanto de ellos como de sus familiares.

8.2. Las medidas de protección serán las siguientes:

1. La protección física de esas personas a cargo de la autoridad policial.
2. Utilización de mecanismos que impidan su identificación visual por parte de terceros ajenos al proceso cuando debe comparecer a cualquier diligencia de prueba.
3. Que sea citado de manera reservada, conducido en vehículo oficial y que se establezca una zona de exclusión para recibir su declaración.
4. Prohibición de toma de fotografías o registración y divulgación de su imagen tanto por particulares como por los medios de comunicación.
5. Posibilidad de recibir su testimonio por medios audiovisuales u otras tecnologías adecuadas.
6. La reubicación, el uso de otro nombre y el otorgamiento de nuevos documentos de identidad debiendo la Dirección Nacional de Identificación Civil adoptar todos los resguardos necesarios para asegurar el carácter secreto de estas medidas.
7. Prohibición total o parcial de revelar información acerca de su identidad o paradero.
8. Asistencia económica en casos de reubicación la que será provista con cargo al artículo 464, numeral 3) de la Ley N° 15.903, de 10 de noviembre de 1987.

8.3. Las medidas de protección descritas en el inciso anterior serán adoptadas por el Juez a solicitud del Ministerio Público o a petición de la víctima, testigo, perito o colaborador y serán extensibles a los familiares y demás personas cercanas que la resolución judicial determine.

8.4. Podrán celebrarse acuerdos con otros Estados a los efectos de la reubicación de víctimas, testigos o colaboradores.

8.5. Las resoluciones que se adopten en cumplimiento de los incisos anteriores tendrán carácter secreto y se estamparán en expediente separado que quedará en custodia del Actuario del Juzgado.”

II. Assessment of Review Process for Uruguay

A. Report on the review process

Table 2: Transparency of the government’s UNCAC review process

Transparency of the Government’s Undertaking of the Review Process		
Did the government make public the contact information for the country focal point?	Yes	<i>The country focal point in this case is the JUTEP (Transparency and Public Ethics Board). The contact information is in the website: www.jutep.gub.uy</i>
Was civil society consulted in the preparation of the self-assessment?	No	<i>There was no concrete one agreement for civil society consultation. However since 2011 Uruguay Transparent maintains contact with JUTEP. We were given the self evaluation report before it is presented by Uruguay and we reached agreements for collaboration in various matters related to the Convention issues in which Uruguay is still delayed in their implementation. Especially regarding illicit enrichment and criminalization of legal persons.</i>
Was the self-assessment published on line or provided to the expert assessing? If so, by whom?	Yes	<i>The Self-assessment was given to Uruguay Transparent, so far not published on the website of the Board. However, Uruguay decided to make the document public. Will be published on the website of the UN.</i>
Did the government agree to a country visit?	Yes	<i>In separate interviews with representatives of JUTEP we were informed that the official position</i>

		<p>of Uruguay is agree with the in-situ visits. Uruguay has emphasized that the visits should be conducted in the country assessed and has not supported the proposal of other Member States on the possibility of being tested outside its territory.</p> <p>As appears from a document posted on the website of the JUTEP, government representatives at the UN, participated in meetings to convince other states about this topic.</p>
Was a country visit undertaken?	No	Uruguay has not been visited.
Was civil society invited to provide input to the official reviewers? Please enter the form of input invited.	No	<p>Had not considered the possibility until now. They informed us the UNCAC system is even tighter than MESISIC, system of revision of the Inter-American Convention Against Corruption (IACAC). They do not believe that CSOs are given a relevant role in the UNCAC system.</p> <p>Transparent Uruguay raised the issue during the interview. They proposed to make a formal request to the Board in order to be considered in this regard.</p>
Has the government committed to publishing the full country report (Please indicate if published by UNODC and/ or country)	Yes	JUTEP has submitted the report. Will be analyzed for the assess countries, Argentina and Brazil, and will be published on the UN Web.

B. Access to Information

Access to information is insufficient because:

a) -There is no statistical information available.

In the first searches we found that the required information is not available at the web site of the Uruguayan Judiciary. Below are the efforts undertaken to obtain the information required:

We had a phone interview with Cr. Luz Maria Bonett, Director of the Supreme Court Statistics Department. She informed us that no such updated statistics exist due to lack of human and technological resources (do not have a computerized system to keep track of updated data). She suggested, if we had enough time, to present a petition to the Corporate Communications Division of the Supreme Court to authorize Specialized Judges in providing information. The initiative will be reviewed administratively. If approved, it will allow us to review case by case, and to collect information personally. She advised us that we will need adequate staff because the Courts do not have enough assistants to devote time to this task. According to her experience in similar cases, it is very difficult for such permission to be granted to NGOs.

Secondly, we maintained contact with the Institute of Political Science at the Social Sciences Faculty (UdelaR). The Institute did research on transparency which culminated in the publication of "Diagnosis of Corruption in Uruguay" in November 2010. The research coordinator, Lic. Daniel Buquet, told us that his team had not had access to information because the Forensic Technical Institute of the Judiciary did not have the data. He provided us the table included as Appendix "A".

Finally, during the interview with the JUTEP, they stated that one of the shortcomings that they have been able to corroborate is the absence of a system that makes public and available updated information on corruption cases.

b) – It is not easy to get details of individual cases

The System of the Uruguayan Code of Criminal Procedure (CPP) includes the observance of the "reserve" or "principle of confidentiality" as a fundamental aspect of the criminal process of Uruguay. This is based on the principle established in the Constitution:

“Artículo 10. Las acciones privadas de las personas que de ningún modo atacan el orden público ni perjudican a un tercero, están exentas de la autoridad de los magistrados.”

The early stages of the Uruguayan criminal proceedings are:

"Notitia criminis": The judge does get information about an alleged criminal act.

"Presumario": Stage that extends from the initiation of criminal proceedings, to the providence that orders to close the file for lack of evidence to prosecute, or prosecution of the investigated. The test at this stage is confidential. The court must take evidence within 24 hours and take a decision within 48 hours.

No one doubts the importance of the principle, but it has become a tradition rooted in the criminal justice system in Uruguay, so that in practice it extends beyond the strict domain prescribed by law. The information is not easily accessible at all stages of criminal proceedings.

In accordance with Uruguay's Law on Access to Information (Law 18381) (Articles 2 and 3, the secret should be the exception not the rule, strictly in accordance with the provisions of the Criminal Procedure Code for the "Presumario" stage.

III Implementation and Enforcement of the Convention

A. Key issues related to the legal framework

1. Areas which show good practice:

- **ARTICLE 15: Bribery of national public officials**

The Uruguayan Penal Code, sections 157, 158 and 159 (amended by Article 8 of Law 17060 of December 23, 1998) criminalizes the "bribe simple", "bribery qualified " and "bribery". Behaviour set out in the article 15 of the Convention.

- **ARTICLE 17: Embezzlement, misappropriation or other diversion of property by a public official**

The conducts covered by Article 17 of the Convention are provided by our Criminal Code articles 153 (Embezzlement), 160 (fraud), 161 (conjunction of personal and public interest) and 163 Bis (Misuse of inside information). Law 17060 incorporates the latter into our legal system.

- **ARTICLE 23: Laundering of proceeds of crime**

The conducts referred to in Article 23 of the Convention are covered by Articles 54-57 of Decree-Law 14294 of October 31, 1974 (as amended by law 17016 of October 22, 1998).

Article 8 of the Law 17835 of September 23, 2004 (as amended by Law 18494 of June 5, 2009) unified history of crimes of money laundering, establishing a list of predicate offenses. In paragraph 15 it includes acts of corruption involving public administration.

- **ARTICLE 32: Protection of witnesses, experts and victims; and ARTICLE 33: Protection of reporting persons**

Article 3 of Law No. 17835, of September 23, 2004, as amended by Law 18494, of June 5, 2009, provides that when the Unit of Information and Financial Analysis receives a suspicious transaction report, it must keep strict confidentiality regarding the identity of the author and the identity of the signer thereof. This information will only be disclosed at the request of the competent criminal justice, by grounded resolution, when it considers that it is relevant to the cause.

Moreover, Law 18494 in the article 6° provides that The Public Ministry, at any stage of criminal proceedings, may reach an agreement that may involve, inter alia, the reduction of sentence with a person who has committed crimes within the jurisdiction of the Courts of First Instance Specialized in Organized Crime. The Law describes two specific hypothesis of cooperation. If the person:

“A) Revelare la identidad de autores, coautores, cómplices o encubridores de los hechos investigados o de otros conexos, proporcionando datos suficientes que permitan el procesamiento de los sindicados o la resolución definitiva del caso o un significativo progreso de la investigación.

B) Aportare información que permita incautar materias primas, estupefacientes, dinero, sustancias inflamables o explosivas, armas o cualquier otro objeto o elemento que pueda servir para la comisión de delitos, planificarlos e incluso recuperar objetos o bienes procedentes de los mismos.”

In article 8° it says what witnesses, victims when acting as such, experts and collaborators in the processes of competence of the Courts of First Instance Specialized in Organized Crime may be subjected to security measures when there are reasonable grounds for believing that life or physical integrity is seriously endangered be it for themselves and their families.

Recent developments:

- There is an Draft Law referred to Parliament on 27 June 2012 by the Presidency of the Republic to the increase the penalties in cases where offenses "against public administration" have been committed by police officers.
- In December 2011 Uruguay achieved get out of the "gray list" of OECD after signing and adopted 18 treaties of tax information exchange at international level. In 2012 were ratified treaties of cooperation with European, Asian and American States.
- Preliminary Draft Law of the JUTEP is intended to criminalize illicit enrichment, make public the affidavits to state officials, and add the bribery of officials of international organizations at Article 29 of Law 17060.

The Uruguayan executive was sent this Draft Law to parliament for discussion on March 2, 2011. Currently, it is studied by the Committee of Constitution and Law of the Chamber of Senators (in annex there is information of the Draft Law).

This Draft Law proposes the inclusion in the Uruguayan legal system of illicit enrichment. As the JUTEP representatives have raised, they believe that in the discussion of the Parliament be presented the same objections that determined, in the past, the rejection of the illicit enrichment.

In the legislative debate when considering the current law 17060 of December 23, 1998 of "Regulations Relating to the Misuse of Public Power (corruption)", the proposal to criminalize illicit enrichment was rejected by the legislators. They are considered that the illicit enrichment implies the reversal of the burden of proof (the defendant is the one who must prove that there is no illegal enrichment). But, we considered that is important to start talking about it, and treat of include illicit enrichment in a manner consistent with the Uruguayan Constitution.

The Project process has been monitored for UT, is not approved. Therefore the matter not been reviewed at the moment.

The rest of the changes will mean progress in relation to the Convention but not present apparent legal difficulties for incorporation.

- Article 414 of Law 18362 of October 6, 2008 (Supplement by Law 18.514 of June 26, 2009), created two Criminal Courts of First Instance Specializing in Organized Crime, which began operating on 1 January 2009. They were created by Law 18.390, in addition under two National Prosecutors Offices Specializing in Organized Crime.

The Uruguayan Penal System has trained judges, but they must act in a high number of cases. The creation of Specialized Courts allows the specialization of judges in matters that require thorough investigation. It allows for better time management and provide a basis for the creation of specific rules. For example, Article 7 of Law 18494 says that at the request of prosecutors and with the aim of investigating the crimes that enter the sphere of competence, the Courts of First Instance Specialized in Organized Crime may by reasoned decision, authorize public officials to act under an assumed identity.

These Courts have adjudicated major cases of drug trafficking, smuggling, etc., all linked to the bribery of public officials in Uruguay. The law allowed them use of technology for research but they due not have sufficiently adequate access due to lack of financial resources.

- The articles 4-7 of Law 18083 of 27 December 2006 eliminated the possibility of creating new offshore companies (SAFI -Sociedades Financieras de Inversión-), the law gave until December 31, 2010 to accommodate the existing general statutory scheme of Uruguay (Law 16.060).

Regulatory Decree 94/010 of February 19, 2010 has prohibited the new constitution of SAFIs and eliminated the special tax regime that protected the existing. This system means SAFIS tend to disappear alleging the "extra" tax burden that they are liable for. But it should be necessary to track and publicise detailed data concerning how many have morphed into another type of company.

2. Areas where there are deficiencies:

- **Bribery of Foreign Public Officials** (*Article 16 of the Convention*).

Some shortcomings of the legal type Uruguayan regarding the provisions of the Convention should be noted:

- The Convention speaks of "... an undue advantage for its own benefit or that of another person or entity ..." In this regard it should be noted that the concept of "undue advantage" is broader than "money or other economic benefit "of our article 29.

"Undue advantage" is a broader term as it may involve something other than strictly economic. We recommend reviewing the term used to encompass a greater number of situations.

- The Uruguayan legal system does not cover acts involving officials of international organizations, stipulated in Article 16 of the Convention. For this to happen it is necessary that the Draft Law amending Article 29 of Law 17060 including bribery of Officials of International Organizations, be approved. Junta de Transparencia y Ética Pública (JUTEP) presented a project; the Uruguayan executive was sent this Draft Law to parliament, for discussion, on March 2, 2011. The Project process has been monitored for UT, is not approved. Therefore the matter not been reviewed at the moment (in annex there is information on the Draft Law).
- Finally, paragraph two of Article 16 of the Convention requires the criminalization of "... the solicitation or acceptance by a foreign public official or an official of a public international organization (...), of an undue advantage..." In our legal system, the passive actions in the act of bribery of foreign public officials or international organization is not contemplated.
- **Responsibility of Legal Persons** (*Article 26 of the Convention*).
- In Uruguay legal persons as such can not be punished criminally. This is because our system follows the principle of "societas delinquere non potest". The legal persons have no capacity for action, therefore are not capable of guilt. Legal persons as such can not be deprived of freedom, so the responsibility will fall on managers or representatives who commit the conduct that fits the offence. For to act our criminal justice system should be able to identify one or more individuals liable to criminal liability.
- While important control mechanisms have been implemented, the penalties imposed are often insufficient. To big corporations, the threat of financial penalties is not a significant disincentive. Moreover, in most cases it is difficult to identify the real perpetrators of the crimes, the visible face of the legal person (representatives) are the ones that should be liable to respond for the crimes committed.
- **Mutual Legal Assistance in the absence of dual criminality** (*Article 46, paragraph 9*)
- There are two ways to request that the Uruguayan authorities remove the bank secrecy (is considered case for case). Invoking a Mutual Treaty or, failing that, by the Article 36 of Law 17060. They last way require dual criminality.
- May be request at the Uruguayan authorities to lift the bank secrecy by invoking a Mutual Treaty or, failing that, by invoking the Article 36 of Law 17,060 that requires dual criminality. To lift banking secrecy, the foreign judicial authority, should requesting information for crimes under national law.

3. Recommendations on priority actions

- Uruguay should consider the criminalization of illicit enrichment.

So far illicit enrichment is considered as an aggravating factor in our penal system, the Convention requires its classification as an autonomous figure. This is enshrined in the Draft Law submitted to Parliament study.

- Uruguay should establish more effective forms of deterrence to prevent corruption in the private sector and consider the criminalization of legal persons.

Economic sanctions are an inappropriate means of control, it is necessary to implement measures that can be more effective and to keep track of them. There is no adequate statistical data to allow for an effective control.

B. Key issues related to enforcement

1. Statistics:

Table 3: Statistics of cases

	Prosecutions (under way and concluded) <i>Please provide a breakdown into civil and administrative actions if possible.</i>	Settlements	Convictions	Acquittals	Dismissals	Pending
Bribery of Foreign Public Officials (Article 16)	N/A	N/A	N/A	N/A	N/A	N/A
Bribery of national public officials (passive) (Article 15(b))	N/A	N/A	N/A	N/A	N/A	N/A
Bribery of national public officials (active) (Article 15(a))	N/A	N/A	N/A	N/A	N/A	N/A
Embezzlement, misappropriation or other diversion by a public official (Article 17)	N/A	N/A	N/A	N/A	N/A	N/A
Illicit enrichment (Article 20)	Not part of the Uruguayan Legal System.					
Money laundering, corruption –related (Article 23)	N/A	N/A	N/A	N/A	N/A	N/A

2. Are there examples of good practices or progress in enforcement in your country?

- Article 414 of Law 18362 of October 6, 2008 (supplemented by Law 18514 of June 26, 2009), created two Criminal Courts of First Instance, Specializing in Organized Crime, which began operating on 1 January 2009.
- By Law 18390 of 24 October 2008 created two National Prosecutors Offices Specializing in Organized Crime.

3. Are there significant inadequacies in the enforcement system for UNCAC-related offences in your country?

There has been progress in the Uruguayan legal system in recent years regarding the provisions of the Convention. Two Criminal Courts of First Instance Specialized in Organized Crime were created.

We conducted interviews with judges of these courts, who have told us they face practical difficulties to carry out their work. They still do not have adequate technological resources. However they are working on important cases nationwide. Annexed press articles releases about his performance.

The Criminal Procedure Code in force in Uruguay determined that the Judge is responsible for investigating complaints (collecting evidence), determining whether there is enough evidence to proceed (evaluating the evidence) and condemning (hand down sentence in the first instance). A single individual concentrates all responsibilities.

Arguably, this promotes coordination between the two stages (investigation and prosecution). However, the majority of judges in criminal matters interviewed by Uruguay Transparente (interviews conducted in 2010), expressed dissatisfaction as to the difficulty of “acting before the same issue as a researcher and later as a third party unrelated to all”.

This has been raised by representatives of the judiciary as something to be taken into account to make a reform of the Criminal Procedure Code. In other countries there is an investigating judge and another that assesses the evidence collected. The solution that most of the Uruguayan doctrine favours provides that the Prosecutors should be responsible for collecting the evidence and the Judge of assess the same.

Report co-ordinated by



_____ (signature)

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Affiliation: COMISIÓN URUGUAYA CONTRA LA CORRUPCIÓN (URUGUAY TRASPARENTE)

Professional experience:

- Notary and Procuradora for the School of Law, University of the Republic.
- MA candidate, Master in Latin American Studies, Universidad Complutense de Madrid – School of Social Sciences, University of the Republic.
- Member of the Departments of International Law and Political Economy, School of Law (University of the Republic)
- National Consultant from October 2008 to December 2009 for the Project TRU/URU/3103: “Asistencia para las Políticas Agrícolas” of the Food and Agriculture Organization of the United Nations (FAO).
- Social voluntarily from April 2007 to March 2008, in the Water Resource Management (DINARA), Ministry of Agriculture and Fisheries, Uruguay.

IV Attachments

A. Questionnaire is attached as Annex I to the report.

B. We had a meeting with authorities JUTEP (focal point of government), they told us during the same as the process of self-evaluation of Uruguay has not yet been carried out.

C. Advocacy Plan is attached as Annex II to the report.

D. We Included one table with statistical information provided by the Institute of Political Science at the Faculty of Social Sciences (UdelaR) and relevant legal text, as Appendix "A" and "B" Questionnaire (Annex I).

APPENDIX "A"

Table 13 Crimes against Public Administration (prosecutions judgment)

APPENDIX "B"

- **Law 18.514 – Article Amending 414 of Law 18362.**
- **Law 18.494 - Central Bank of Uruguay. Control of the crime of money laundering.**
- **Law 18.390 – Creates two National Prosecutors Offices Specializing in Organized Crime.**
- **Law 18.362 – Accountability and budget balance. Article 414, are created Courts of First Instance in Criminal Matters Specializing in Organized Crime.**
- **Law 17.060 – Standards relating to the misuse of public power (corruption).**
- **Decree 94/010 - SAFIS**
- **Decree 355/010 - Subjects required reporting unusual or suspicious transactions, in order to improve and strengthen the national anti-money laundering and terrorist financing. Determination.**
- **Decree 239/009 - National Anti-Money Laundering Secretariat. Creation. Operation.**
- **Regulation of the Central Bank of Uruguay 1722. Creating an Information Unit and Financial Analysis (UIAF) that operate within the Financial Intermediation Institutions.**
- **Preliminary Draft Law Strengthening Public Transparency. Presented by the JUTEP.**
- **Draft Law Strengthening Public Transparency. In version in studied for the Uruguayan parliament.**
- **Draft Law referred to Parliament on 27 June 2012 by the Presidency of the Republic to the increase the penalties in cases where offenses "against public administration" have been committed by police officers.**

ADVOCACY PLAN

Recommendation I:

Implementing a system that makes public and available (preferably on the Web), data of the criminal proceedings initiated in Uruguay based on conduct included in the Convention. Statistical information, which enables to track how many end in conviction, dismissal, etc. It is also recommended to publish statistics on administrative procedures initiated based on complaints concerning behavior set out in the convention.

ACTION:

We are working on a survey of the judiciary. The results of this will be communicated to the public through the media. We plan to include questions on these issues, so that differences in behaviors with which the Convention recommends will be evident.

Recommendation II:

Be reconsidered the criminality of illicit enrichment or other figure compatible with the Uruguayan constitutional principles but adapting the best possible way at the provisions of the Convention.

ACTION:

There is a project of law that JUTEP presented to Parliament that includes this issue. We plan to interview some of its members and provide arguments to influence their decision.

Recommendation III:

Establishing more effective forms of deterrence to prevent corruption in the private sector, by providing the proportionality of the penalty to the offending entity, and the importance of legal protection. Improving the control measures taken. Considering positive experiences by countries in the region in relation to the promotion of good practices in the private sector.

ACTION:

At UT we have running the Alac program that encourages complaints regarding corruption. We are working to strengthen it through a media campaign. We hope to increase information about problems in different areas of our society and also in the private sector enabling us to design remedial plans.

Recommendation IV:

In this regard, and taking into account concerns that have given by some subjects required by the system that is regulated by Decree 355/010 of December 2, 2010, it is necessary for the state to give adequate courses and manuals to facilitate understanding in reporting suspicious transactions for required professionals.

ACTION:

We will include this item on the agenda for discussion with members of parliament and also, answer queries arising through Alac program.

Recommendation V:

Be deepened of state policies regarding education for prevention of corruption, for the public sector, private and civil population.

ACTION:

We are working on a strategic plan in which one of the principal programs will be education in values to prevent corruption.

We will also include these issues on the agenda for discussion with members of the parliament