

QUESTIONNAIRE

Annex 1

Indicators	Formal provisions	What actually happens
<p>Executive</p> <ul style="list-style-type: none"> • Can citizens sue Government for infringement of their civil rights? • Are there procedures for the monitoring of assets, including disclosure provisions, for the chief executive, Ministers and other high level officials? • Are there conflict of interest rules? • Are there rules and registers concerning gifts and hospitality? • If so, are these registers kept up to date? By whom? <ol style="list-style-type: none"> 1. Have they legal powers to enforce disclosure? 2. Have they staff to investigate allegations? 3. What powers of sanction are in place against parliamentarians? 4. Have they ever been invoked? • Are members of the executive obliged by law to give reasons for their decisions? • Do Ministers or equivalent high level officials have and exercise the power to make the final decision in ordinary contract award and licensing cases? Is this power limited to special circumstances? 	<p>Yes</p> <p>Yes</p> <p>Yes There are rules which demand the creation of registers and forbid officials to receive gifts</p> <p>No. However, all the decisions of the Executive may be reviewed by the Judiciary.</p> <p>No. There are special commissions for awarding contracts.</p>	<p>Yes</p> <p>Civil society has scarce access to information related to officials' fulfillment of patrimonial duties. Procedures for the monitoring of assets are not publicized and no sanctions have ever been taken.</p> <p>Most public agencies don't have registers. The Anticorruption Office and the Ombudsman's Office possess registers. Requirements set in laws regarding the creation of registers are not taken into practice.</p>

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Are there administrative checks and balances on decisions of individual members of the executive?	Yes. There are a variety of recourses in hands of civil society and of public officials.	
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<p>Legislature</p> <ul style="list-style-type: none"> • Is the legislature required to approve the budget? • Are there significant categories of public expenditure that do not require legislative approval? Which? • Are there conflict of interest rules for parliamentarians? • Are there rules concerning gifts and hospitality? • If so, are these registers kept up to date? By whom? <ol style="list-style-type: none"> 1. Have they legal powers to enforce disclosure? 2. Have they staff to investigate allegations? 3. What powers of sanction are in place against parliamentarians? 4. Have they ever been invoked? • If so, are there public registers for gifts and hospitality? • Is there an independent Electoral Commission (if not, are the arrangements for elections in the hands of agencies who are widely regarded as being non-partisan)? 	<p>Yes Yes: former social security funds, public companies and direct grants to provincial governments. Yes Yes</p> <p>No</p> <p>Yes</p>	
<p>Political Party Funding</p> <ul style="list-style-type: none"> • Are there rules on political party funding? • Are substantial donations and their sources made public? • Are there rules on political party expenditures? • Are political party accounts published? 	<p>Yes, however this legislation is backward.</p> <p>Yes</p> <p>Yes</p> <p>Yes. For one (1) day in the Official Bulletin.</p>	<p>There is no keen monitoring.</p> <p>20% of State grants must be allocated to research or education.</p>

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<ul style="list-style-type: none"> • Are accounts checked by an independent institution? • Does that institution start investigations on its own initiative? 	<p>By the Electoral Justice, to which political parties must submit their annual balance sheets yearly, certified by public notary.</p> <p>Yes.</p>	<p>Electoral Justice and the Ministry of Internal Affairs are in charge of patrimonial control of political parties.</p> <p>The Ministry of Internal Affairs has the power to exert control if necessary. Control by Electoral Justice is mandatory.</p>
<p>Supreme Audit Institution</p> <ul style="list-style-type: none"> • Is the national auditor general independent? i.e. <p>Is the appointment of the general auditor required to be based on professional criteria/merit?</p> <p>Is the appointee protected from removal without relevant justification?</p> <ul style="list-style-type: none"> • Are all public expenditures audited annually? • Is reporting up to date? 	<p>Yes. There are 7 auditors, 3 of which are elected by the Upper Chamber, 3 by the Lower Chamber and the remaining auditor by both Chambers.</p> <p>Yes. They must be specialized in financial management and control.</p> <p>Yes, they can only be removed by serious misconduct or unfulfillment of duties.</p> <p>Yes</p> <p>----</p>	

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<ul style="list-style-type: none"> • Are reports submitted to a Public Accounts Committee and/or debated by the legislature? 	<p>Yes. They are debated in the legislature.</p>	
<ul style="list-style-type: none"> • Are all public expenditures declared in the official budget? 	<p>No</p>	
<p>Judiciary</p>		
<ul style="list-style-type: none"> • Have the courts the jurisdiction to review the actions of the executive (i.e. Presidency, the Prime Minister's or other Ministers and their officials)? 	<p>Yes. Judicial revision of decisions of the Executive is mandatory by the National Constitution.</p>	
<ul style="list-style-type: none"> • Are judges/investigative magistrates independent? i.e. 	<p>Yes</p>	
<p>Are appointments required to be based on merit?</p>	<p>The only requirements for being elected judge are age requirements, argentine nationality and being a lawyer.</p>	<p>Although, some are accused of being dependent on the Executive.</p>
<p>Are the appointees protected from removal without relevant justification?</p>	<p>Yes, their salaries and positions cannot be modified.</p>	
<ul style="list-style-type: none"> • Are recruitment and career development based on merit? 	<p>No</p>	
<ul style="list-style-type: none"> • Have there been instances of successful prosecutions of corrupt senior officials in the past 3 years? 	<p>Yes</p>	
<ul style="list-style-type: none"> • Does the education system pay attention to integrity issues and corruption/bribery? Is it expected to? 	<p>Education curricula does not pay specific attention to corruption. It attempts</p>	

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	to deliver moral education.	
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<p>Civil Service</p> <ul style="list-style-type: none"> • Are there laws establishing criminal and administrative sanctions for bribery? • Are there rules requiring political independence of the civil service? • Are recruitment/career development rules based on merit? • Are there specific rules to prevent nepotism? Cronyism? (note: rules discriminating positively in favour of marginalised or minority groups are <u>not</u> included in this description) • Are there rules (including registries) concerning acceptance of gifts and hospitality? • If so, are these registers kept up to date? By whom? <ol style="list-style-type: none"> 1. Have they legal powers to enforce disclosure? 2. Have they staff to investigate allegations? 3. What powers of sanction are in place against parliamentarians? 4. Have they ever been invoked? • Are there restrictions on post public service employment? • Are procedures and criteria for administrative decisions published (e.g. for granting permits, licences, bank loans, building plots, tax assessments, etc)? • Are there complaint mechanisms for public servants and whistleblower protection measures? 	<p>Yes</p> <p>Yes Yes Yes</p> <p>There are rules which forbid the acceptance of gifts. There are no registries.</p> <p>Yes. Officials cannot execute contracts with government for (1) year after the end of their mandate.</p> <p>Yes, in the Official Bulletin, in the Internet and in one of the national newspapers with greatest scope.</p> <p>There are specific recourses for public servants against decisions issued by the Executive. There are no whistleblower protection</p>	<p>The system of public service promotion is accused of not being transparent, of not implementing the existing mechanisms of control. Officials are often appointed by political or personal reasons.</p>
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<ul style="list-style-type: none"> • Are there means for complaints by members of the public? 	<p>measures.</p> <p>Yes, every public agency has a center to attend public complaints. Moreover, this constitutes a specific function of the Ombudsman.</p>	
<p>Police and Prosecutors</p> <ul style="list-style-type: none"> • Is the commissioner of police independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification? • Are public prosecutors independent? • Are there special units for investigating and prosecuting corruption crimes? • Is there an independent mechanism to handle complaints of corruption against the police? 	<p>It depends on the Executive Branch. Police agents must attend training institutions and participate in contests. They can only be removed by causes established in law that regulates their performance and by the correspondent authority.</p> <p>They are chosen by the President and 2/3 of the members of the Upper Chamber.</p> <p>No special units.</p> <p>No special procedures.</p>	

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<ul style="list-style-type: none"> • Does civil society have a role in such a mechanism? • In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)? • Are there any cases of corruption within the prosecuting agencies? • Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery? • Is private-to private corruption punishable by law? • Is the law applied? How many cases of prosecution have been undertaken in the past years? How many have been successful? If the number is low, are there other effective measures or other good reasons why the number is low? 	<p>No —</p> <p>Probably</p> <p>Usual procedures for the persecution of crimes.</p> <p>Private to private corruption is punishable to the extent that it constitutes breach of contract or crime.</p> <p>-----</p>	
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<p>Public procurement</p> <ul style="list-style-type: none"> • Do rules for public procurement require competitive bidding for all major procurements with limited exceptions? • Are the rules laid down in documents publicly accessible? • Are there strict formal requirements that limit the extent of sole sourcing? • Are all major public procurements widely advertised to the private sector? • Are procurement decisions made public? • Is there a procedure to request review of procurement decisions? • Can an unfavourable decision be reviewed in a court of law? • Are there provisions for blacklisting of companies proved to have bribed in a procurement process? <p>Are there rules and procedures to prevent nepotism/conflict of interest in public procurement?</p> <ul style="list-style-type: none"> • Are assets, incomes and life styles of public procurement officers monitored? 	<p>There are exceptions to competitive bidding when contracts do not exceed certain amount of money (Currently US\$75.000).</p> <p>Yes. Rules are published in Official Bulletin and major newspaper.</p> <p>-----</p> <p>Public procurements are advertised on major national newspapers.</p> <p>Yes, they are made public. Yes, decisions may be reviewed within the public administration and through the Judiciary. Yes, except the interested party complies with legal procedures.</p> <p>No, there are no records or databases of previous contracts.</p> <p>There are rules which forbid nepotism or conflict of interests.</p> <p>Not specifically. The ACO declared in the interview that it</p>	
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	<p>monitored affidavits of lower rank officials by random (See report).</p>	
<p>Ombudsman</p> <ul style="list-style-type: none"> • Is there an ombudsman or its equivalent (i.e. an independent body to which citizens can make complaints about maladministration)? • Is the ombudsman independent? i.e. <p>Are appointments required to be based on merit?</p> <p>Is the appointee protected from removal without relevant justification?</p> <p>Has an ombudsman been removed without relevant justification in the last five years?</p> <ul style="list-style-type: none"> • Can petitioners complain anonymously if they fear possible reprisals? • Are reports of the ombudsman published? 	<p>There is an ombudsman since 1993. The Ombudsman is independent and autonomous.</p> <p>He/ She is chosen by Congress for a 5 year period with one (1) possible reelection. Not chosen by merit.</p> <p>The Ombudsman may only be removed due to commission of crimes, misconduct or lack of fulfillment of duties.</p> <p>No ombudsman has ever been removed.</p> <p>Complaints must be signed by the interested party.</p> <p>The Ombudsman must present a yearly report to Congress, which is also sent to the Executive Branch.</p>	

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<ul style="list-style-type: none"> Does the government act on the Ombudsman's recommendations? 	<p>According to the interview carried out to the current Ombudsman, the Executive sometimes acts on its recommendations.</p>	
<p>Investigative/watchdog agencies (e.g. Anti-Corruption Bureau)</p> <ul style="list-style-type: none"> Are there special investigative or watchdog agencies? Are they independent? i.e. <p>Are appointments required to be based on merit?</p> <p>Are appointments generally based on merit?</p> <p>Are the appointees protected from removal without relevant justification?</p> <p>Are their reports published (other than when criminal charges are pending)?</p> <ul style="list-style-type: none"> Do they report publicly to the legislature on the general scope of their 	<p>Yes. The Anti-corruption Office (ACO) was created by the current government to accomplish its anticorruption objectives.</p> <p>The Director of the ACO is appointed and removed with discretion by the Executive.</p> <p>The Director of the ACO must be above 30 years old, lawyer with six (6) years of practice and specialized in related matters.</p> <p>Probably the highest rank official is not chosen on merit but on trust. However, middle rank officials are very well prepared.</p> <p>Removed by Executive due to unfulfillment of duties.</p> <p>They are published but not distributed among the public.</p> <p>They must report to the</p>	<p>ACO dependent on the Ministry of Justice and Human Rights, Executive Branch</p>

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work? Can people complain to the agency without fear of recrimination?	Legislature: (i) the results of every investigation undertaken, (ii) report every six months and (iii) yearly, where they recommend future courses of action and reforms. Yes	
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<p>Media</p> <ul style="list-style-type: none"> • Is there a law guaranteeing freedom of speech and of the press? • Is there censorship of the media? • Is there a spread of media ownership? • Does any publicly-owned media regularly cover the views of government critics? • Have journalists investigating cases of corruption been physically harmed in the last five years? • Does the media carry articles on corruption? • Do media licensing authorities use transparent, independent and competitive criteria and procedures? • Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption? 	<p>Yes. The Argentine National Constitution</p> <p>Apparently not.</p> <p>Yes</p> <p>Yes. The Official Channel 7, reports and criticizes government.</p> <p>----</p> <p>Yes, written press, radio and TV, carry abundant articles on corruption. There have been cases of corruption, in which licenses provided by previous administrations were withdrawn.</p> <p>No</p>	
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<p>Civil Society</p> <ul style="list-style-type: none"> • Does the public have access to information and documents from public authorities? • Do the public authorities generally co-operate with civil society groups? • Are there citizen's groups or business groups campaigning against corruption? • Are there citizen's groups monitoring the government's performance in areas of service delivery, etc? • Do citizen's groups regularly make submissions to the legislature on 	<p>There are a variety of governmental websites with useful information. Other than that, the provision of information depends on each agency.</p> <p>Cooperation usually depends on the agency, and the will of its employees.</p> <p>There are a number of NGOs who promote civic education, participation and awareness and work occasionally in programs to foster government transparency. The practice of Lobby is not regulated in Argentina</p> <p>Not generally.</p> <p>According to Argentine</p>	<p>Does not happen regularly. According to the</p>
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proposed legislation?	Legislation, citizens can propose legislation, which must be treated within the next 12 months.	interviews, parliamentarians never treat these proposals.
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<p>Local Government</p> <ul style="list-style-type: none"> • Is there a legal requirement that meetings of city/ town councils be open to the press and public? • Are there clear criteria restricting the circumstances in that city/town councils can exclude the press and public? 	<p>Each provincial constitution establishes its own legislation. In the City of Buenos Aires (Capital City) it is mandatory to provide open access to council sessions. No rules that restrict press and public to councils.</p>	
<p>Progress with Government Strategy</p> <ul style="list-style-type: none"> • Has the government announced an anti-corruption strategy and a timetable for implementation? • How much of the strategy has been implemented? • Is the government meeting its own timetable? 	<p>Government has not announced an anticorruption strategy, although anticorruption was the most salient issue of its political campaign. However, the current government has created the ACO to accomplish its anticorruption goals. The ACO provides yearly information on its performance to the Legislature.</p> <p>----- -----</p>	