

Uruguay

Western Hemisphere / **South America**

CAPITAL Montevideo	TERRITORY 175,020 km ²	POPULATION (2020) 3,473,727.00	GDP TOTAL (2020) \$53.63B USD	GDP PER CAPITA (2020) \$15,438.41 USD	INCOME GROUP High income
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Convention Implementation



In progress

14th of 31 western hemisphere
6th of 12 South American countries

Prevention



In progress

Criminalization and law enforcement

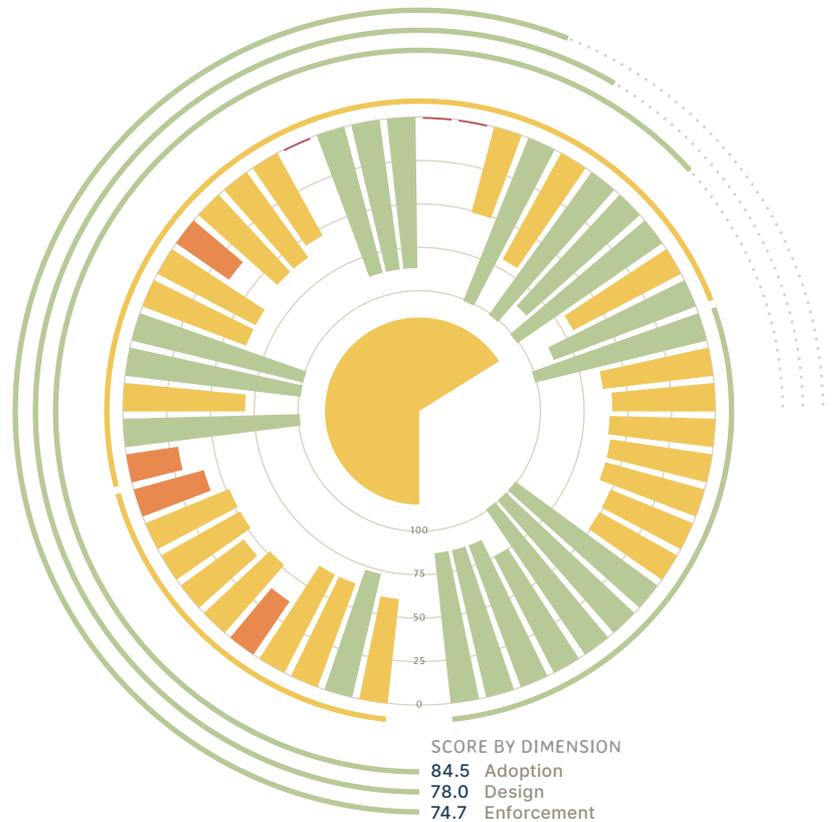


In progress

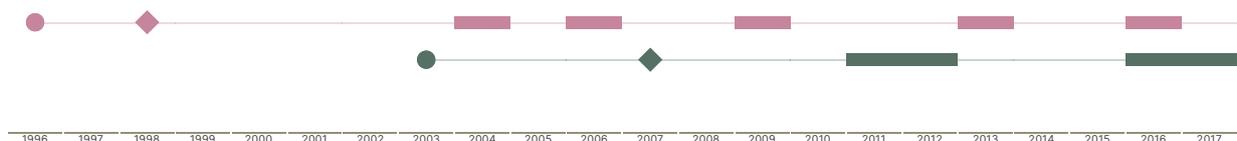
International cooperation



Implemented



Anti-corruption conventions timeline



CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

Prevention

In progress

52.9

✓ Adoption 90.0 ✎ Design 75.0 ⌚ Enforcement 61.7

Standards of Conduct In progress 59.4 ✓ 75.0 ✎ 83.3 ⌚ 66.7	Enforcement of Standards of Conduct In progress 71.9 ✓ 100.0 ✎ 100.0 ⌚ 66.7	Training of Public Officials In progress 62.5 ✓ 100.0 ✎ 66.7 ⌚ 83.3	Asset and Conflicts of Interests Declarations In progress 62.5 ✓ 100.0 ✎ 66.7 ⌚ 83.3	Transparency in Government Contracting Core-deficient 35.9 ✓ 50.0 ✎ 66.7 ⌚ 50.0
Elimination of Favorable Tax Treatment In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Oversight Bodies Core-deficient 43.8 ✓ 100.0 ✎ 66.7 ⌚ 50.0	Measures to Deter Domestic and Foreign Bribery In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Encouraging Participation by Civil Society In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Study of Other Preventive Measures Core-deficient 40.6 ✓ 75.0 ✎ 50.0 ⌚ 66.7

Criminalization and law enforcement

In progress

65.9

✓ Adoption 77.0 ✎ Design 71.3 ⌚ Enforcement 77.3

Protection of Those who Report Acts of Corruption Core-deficient 28.9 ✓ 50.0 ✎ 50.0 ⌚ 50.0	Scope Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-in-Territory In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0	Jurisdiction: Offense-by-National Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offender-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Public Bribery In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Active Public Bribery In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Abuse of Functions Core-deficient 35.9 ✓ 50.0 ✎ 50.0 ⌚ 66.7	Money Laundering In progress 59.4 ✓ 75.0 ✎ 83.3 ⌚ 66.7	Participation and Attempt In progress 59.4 ✓ 75.0 ✎ 83.3 ⌚ 66.7
Active Foreign Bribery In progress 53.1 ✓ 100.0 ✎ 66.7 ⌚ 66.7	Illicit Enrichment No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Use of State Property Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Illicit Acquisition of a Benefit Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Public Embezzlement Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0
Passive Foreign Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Embezzlement In progress 50.0 ✓ 50.0 ✎ 50.0 ⌚ 100.0	Obstruction of Justice Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Liability of Legal Persons In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0
Statute of Limitations Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Prosecution, Adjudication and Sanctions Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Consequences and Compensation Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Cooperation With Law Enforcement In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0	Asset Recovery Implemented 85.9 ✓ 100.0 ✎ 100.0 ⌚ 83.3

International cooperation

Implemented

75.2

✓ Adoption 93.3 ✎ Design 91.1 ⌚ Enforcement 78.9

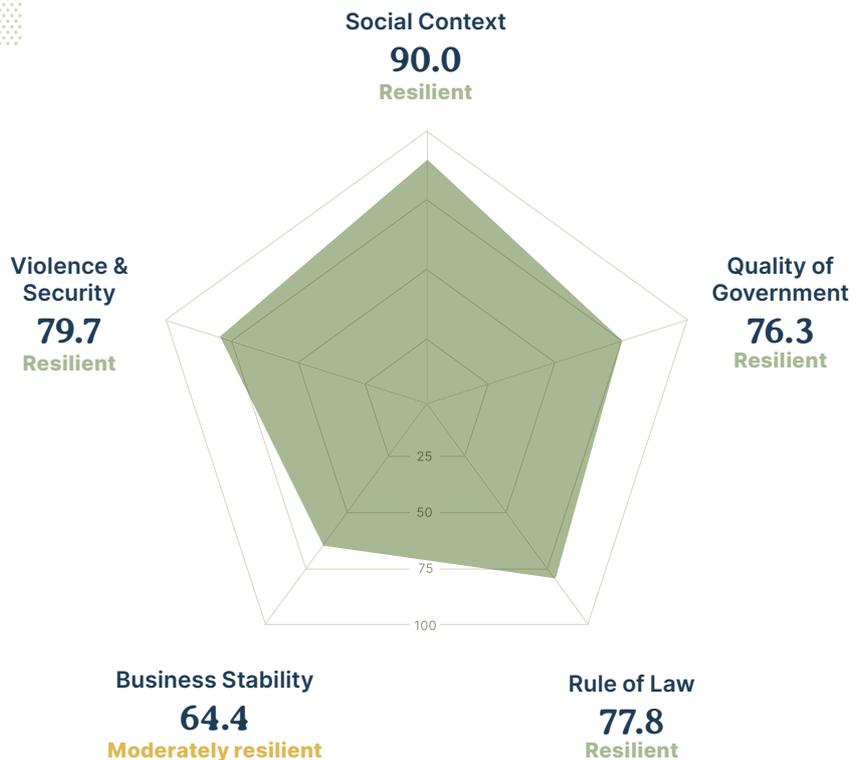


Corruption Resilience

77.6

Resilient

1st of 31 western hemisphere
 1st of 12 South American countries



Analysis

Convention Implementation

Uruguay signed the Inter-American Convention Against Corruption (IACAC) on March 29, 1996, and ratified it on October 28, 1998. It is a State Party to the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) since June 4, 2001. The country also signed the United Nations Convention Against Corruption (UNCAC) on December 9, 2003, and subsequently ratified it on January 10, 2007. Accordingly, Uruguay has undergone five rounds of review under MESICIC, and one round of review under the UNCAC review mechanism (of which, for comparability purposes, only the first one was considered here).

Uruguay's record in implementing its commitments to IACAC and UNCAC exhibits a number of successes and a few failures. With an overall score of 66.1, the measures adopted place the country squarely at the middle point of compliance with international norms, surrounded by Jamaica (65.1), Ecuador (65.1), Honduras (66.6), and The Bahamas (67.1). Despite achieving higher success in regard to criminalization and international cooperation (as is the case throughout the region) the majority of preventive measures are found to be in progress or implemented while most failures pertain to criminalization and law enforcement. Consequently, a degree of progress is found in all three sections—albeit with an emphasis on international cooperation.

The prevention of corruption is undergoing, classified as “in progress” by its average score and with all but three measures receiving a score of 50 or above. Measures found to be in progress include the adoption of standards of conduct (59.4) and their implementation (71.9), the training of public officials (62.5), and the systems for registering asset and conflict of interests' declarations (62.5), among others. Three measures receive a failing score: transparency in government contracting (35.9), the study of preventive measures related to equitable compensation (40.6), and the state of oversight bodies (43.8). Among other issues affecting government contracting, the report of the fifth round of MESICIC (adopted in 2016) states that “it is unclear the extent to which there are legal provisions in place that allow for the National Civil Service Office to take corrective measure against an irregular selection process or declare invalid an irregular appointment, other than those hired into the public service on a probationary basis”. Furthermore, the report points out the lack of knowledge about “similar authorities having been established, or

assigned for other important areas of government that carry out their own hiring outside of the scope of the National Civil Service Office.”

In terms of criminalization and law enforcement, Uruguay shows better results than those regarding prevention, with over one third of all measures within this section found to be successfully implemented. These include the criminalization of embezzlement in the public sector, the illicit acquisition of a benefit (i.e., influence trading), and obstruction of justice; as well as actions to pursue asset recovery, providing a long statute of limitations, and broader consequences—such as the rescinding of contracts and obtaining compensation—for the commitment of corrupt offenses (as required by UNCAC). On the other hand, Uruguay has not taken any actions conducive to the criminalization of illicit enrichment, the passive bribery of foreign officials, or bribery in the private sector. Moreover, two important measures are also found deficient—the protection of those who report acts of corruption (28.9) and the criminalization of abuse of functions (35.9). Other measures remain in progress, including those pertaining to embezzlement in the private sector (50.0), the active bribery of foreign officials (53.1), and money laundering (59.4).

Finally, Uruguay's mild implementation of its commitments regarding international cooperation is reflected in half of all measures within this section receiving an “implemented” score and no measures found deficient at core or unimplemented.

Corruption Resilience

Uruguay's social context indicator score increased by 0.3 points from the previous year. The country has consistently been a top performer within the Western Hemisphere and South American regions with the social context indicator. Uruguay's indicator score is 25.1 points above the Western Hemisphere average of 64.9 for 2020. The decade range for the country is 3.3, where it attained its highest indicator score in 2020 with 90.0 and its lowest indicator score in 2015 with 86.7. The country's social context indicator score is mainly because civil liberties and political rights are guaranteed and respected. For example, the constitution protects freedom of speech, which is respected, and the press is independent and not vulnerable to politicization or threats.

The country's quality of government indicator score declined in 2020 by 0.36 points from the previous. Despite the decline in Uruguay's indicator score, the country again has scored above the

Western Hemisphere average of 50.6 by 25.7 points. Throughout the decade, the country has consistently had an optimal indicator score, where it attained its highest score in 2016 with 79.5 and its lowest score in 2020, with a range of 2.13 points. The country's quality of government is mainly because of the country's effective control of corruption and effective and adequate system.

Uruguay's rule of law increased in 2020 by 0.1 points from the previous year. Uruguay's indicator score is 26.7 points above the Western Hemisphere average of 51.1 for 2020. Throughout the decade, the country has consistently had an optimal indicator score, where it attained its highest score in 2015 with 78.9 and its lowest score in 2010 with 61.1, with a range of 17.8 points. Since 2010 the country's indicator score has been improving. Uruguay's rule of law indicator score is primarily because of the independence of the judiciary and safeguards against politicization.

The country's business stability indicator score increased in 2020 by 0.9 points from the previous

year. During the decade, the country's indicator score has varied, where the country achieved its highest indicator score in 2012 with 67.8 and its lowest indicator score in 2010 with 63.2, with a range of 4.6 points. Uruguay's indicator score is 13.9 points above the Western Hemisphere average of 50.5 for 2020. The country's indicator score is attributed to better control of corruption and an effective regulatory system that governs the private business sector.

Uruguay's violence and security indicator for 2020 increased by 4.1 points from the previous year. Uruguay's indicator score is 24.7 points above the Western Hemisphere average of 55.0 for 2020. Since 2010, the country has had a very high score compared to its counterparts in the Western Hemisphere.; however, in the last few years, the country has witnessed a slight drop but nothing too concerning. The country remains the safest when compared to other countries in the Western Hemisphere.

Transparency

MAIN REPORTING NGO
Uruguay Transparente

REPORT DATE	REVIEW YEAR	DOCUMENT REVIEWED	LANGUAGE
Feb-2011	2011-2012	Executive Summary	English

Did the government make public the contact details for the country focal point? ✔ Yes

Was civil society consulted in preparation for the self-assessment? ✘ No

Was civil society invited to provide information to the official reviewers? ✘ No

Was the self-assessment published online or provided to CSOs? ✔ Yes

Assessment of the Review Process Civil Society Parallel Reports

Source: UNCAC CIVIL SOCIETY COALITION

Uruguay's civil society parallel review report was authored by Uruguay Transparente, the Uruguayan branch of Transparency International. The report assessed the country's compliance with articles 15, 16, 17, 20, 23, 26, 32, 33, and 46 of chapters III and IV of the UNCAC. The availability of information was relatively poor, as the administration does not keep updated records of restricted data. Generally, the report noted that the criminal justice system prioritizes discretion above the principle of access to information, and this is further strengthened by a lack of human and technological resources, as well as a culture of secrecy around criminal proceedings. In terms of the legal framework, Uruguay ratified IACAC in 1998 and boosts a regulatory system which addresses most points in UNCAC. In recent years the country has focused on employing tools that enhance the implementation system (i.e., creating courts and training prosecutors specialized in organized crime).

However, in terms of enforcement, there are difficulties surrounding the application of law into practice due to a shortage of resources. As a result, the independence of law enforcement officials and the transparency of the entire system is affected. This means that Uruguay does not possess the necessary resources to carry out the most effective investigations and consequently, submit data to allow civil society monitoring. To mitigate these discrepancies, the report highlights several priority area

recommendations—namely the implementation of a publicly accessible system that hosts data concerning criminal proceedings, reconsidering the criminality of illicit enrichment, establishing more effective forms of deterrence to prevent corruption in the private sector, and lastly, developing state policies to raise awareness about preventing corruption for the public and private sectors.