

**Presidencia de la Nacion  
Republica Argentina**

**ARGENTINA LEGISLATION RELATED TO ETHICS  
AND CONTROL**

The Argentine government along the last 10 years in Office, added to the already existing legislation, regulations related to the control of the public officials activities and its ethical conduct. The new institutions in charge of control complete the needed structure to face the fight against corruption organised by the Inter-American Convention against Corruption and the commitments with international organisations and countries that head to the same objective.

CONSTITUTIONAL AMENDMENT - 1994

- The legislative enactment of the illicit enrichment was included in our Penal Code gaining constitutional rank - Art. 36 of the National Constitution (CN)
- Strengthening of control bodies and mechanisms - Arts. 85 (National Auditing Office), 86 (Ombudsman), 114 (Judiciary Council), 115 (Trial Court of Judges) and 120 (Office of the Attorney General) of the CN.
- Enactment of a Public Ethics law of for the public function- Art. 36 CN.

NATIONAL AGENCY OF INTERNAL CONTROL AND NATIONAL AUDITING OFFICE

Law 24156 - Administration of Financial Affairs of Controlling Systems for the National Public Sector, which establishes functions of internal control agencies and entities as regards its proprietary, economic, financial and operative aspects. in charge of the lawfulness, management and audit of the overall activities of the centralised and decentralised public administration.

OFFICE OF THE ATTORNEY GENERAL

Pursuant to Art. 120 of the National Constitution, the National Office of the Attorney General is an independent body with autonomous functions and economic self-sufficiency aimed at fostering the actions of justice in the defence of the lawfulness of the general interests of society, and works with the remaining authorities of the Republic. It is formed by the National Attorney General and the National Defender General.

Organic Law of the National Office of the Attorney General - Law 24946 stipulates its independence and serves the lawfulness defence of the general interests of society. To this aim, this body shall work with other authorities of the Republic, provided that it will only be subject to the instructions or directives issued by any body within the purview of its structure.

As of the enactment of Law 24846 - Organic Law of the National Office of the Attorney

General, the National Prosecutor's Office of Administrative Investigations has become part of the same body reporting to the Attorney General

#### NATIONAL OFFICE OF THE OMBUDSMAN

Governed by Law 24284. Its mission is the defence and protection of human and any other right, guaranty or interest protected by the National Constitution and its laws, in case of the performance or non-performance of acts or actions by the Public Administration and also monitors the exercise of the Public Administration functions.

Pursuant to the provisions under section 114 of the National Constitution, the Judiciary Council shall be in charge of selecting judges managing the Judiciary Power and shall be, from time to time, formed in such a way as to ensure the balance between the representation of the political bodies which result from popular election, the judges of all instances, and the registered lawyers and, any other person from the academic milieu, in the number and way provided by law.

Consequently, as of the enactment of the Constitutional amendment, the President of the Nation appoints the members of the National Supreme Court of Justice with approval by the Senate, granted by two thirds of the attending members, in a public session called for that purpose. The rest of the judges shall be appointed by the President of the Nation based on a binding proposal submitted by the Judiciary Council, and must be also approved by the Senate, in a public session. (art. 99, par. 4, CN)

#### TRIAL COURT FOR JUDGES

The incorporation of a Trial Court for Judges, formed by legislators, judges and registered lawyers. is another issue introduced by the 1994 constitutional amendment, related to the Judiciary Power. This court shall be entrusted with the removal of judges of the national lower courts - Art. 115 C.N. As of the amendment, the members of the National Supreme Courts are the only members of the National Judiciary removed by the Impeachment Proceeding.

Law 24937, amended by Law 24.939, has provided for the integration, competencies and performance of the Judiciary Council, which is a permanent body of the Judiciary Branch, and of the Trial Court for Judges.

#### ATTORNEY'S OFFICE OF THE NATIONAL TREASURY

Its organisation and functions are governed by the provisions of Laws. 12954, 18777 and 24667, and the Executive Orders. 34952/47 and 1590/67.

As provided by Law 24667, the Attorney of the National Treasury reports to the President of the Nation with a rank equivalent to Minister and besides it is technically independent to use its powers. Deputy Attorneys hold a rank equivalent to Secretaries to the Executive Branch.

### RULES FOR INVESTIGATION PROCEEDINGS

Executive Order 1798/80 approves the Rules for Investigation Proceedings, that shall apply to the personnel subject to the Basic Legal System of the Public Function

### BASIC LEGAL SYSTEM FOR PUBLIC FUNCTION

As regards the personnel of the Public Administration, the provisions of the Basic legal System for Public Function -Law 22140- and the Regulatory Order 1797/80, include regulations and rules about the public official's entrance to the public service, rights, obligations and prohibitions.

### NATIONAL SYSTEM FOR THE ADMINISTRATIVE PROFESSION

All the information regarding the agent's career in the National Public Administration, is provided under the Executive Order 993/91 and the subsequent amendments.

### PENAL CODE

As regards the penal law, our Code under the Title XI, of the Second Volume, provides for the classification of the different types of conducts that may be considered a crime against the Public Administration and include: active and passive bribery, gifts to public officials embezzlement of public monies, transactions incompatible with the Public Function.

As regards trans-national bribery the law of Public Ethics has included amendments to the Penal Code, punishing the offering or granting, directly or indirectly, of any monetary value or other benefit in exchange for any act or omission in the performance of that official's public functions.

### CODE OF ETHICS FOR THE PUBLIC FUNCTION

As of the current year, the Argentine Republic has a Code of Ethics for the Public Function - Executive Order 41/99, which is binding on all the Public Officials of the National Public Administration.