

MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-
AMERICAN CONVENTION AGAINST
CORRUPTION

BELIZE

**2nd PROGRESS REPORT (ARTICLES 31 AND 32 OF THE RULES OF
PROCEDURE AND OTHER PROVISIONS OF THE COMMITTEE)**

Second Progress Report of Belize
pursuant to
The Inter-American Convention against Corruption

This report highlights some of the actions undertaken and measures adopted by Belize during the period December 18, 2010 to March 17, 2013, pursuant to its obligations under the Inter-American Convention against Corruption. During this period, Belize continued to manifest its firm commitment to fight corruption by continuing to implement existing frameworks that have proven to be adequate and by reviewing some of those that need revision or strengthening.

One example is the revision of the Public Service Regulations 2001. The revision exercise in itself is a success story of consultation and cooperation between the public and private sectors, including civil society organizations and the trade/workers' Union. These draft regulations seek to establish a strengthened and transparent framework for the recruitment of persons into the system, their training, and their discipline. These are strengthened and complemented by improved provisions on preventing conflicts of interest.

During the period under revision, focus was also placed on the training of public officers. A number of workshops are planned and some of these have been implemented. The Ministry of the Public Service teamed with the University of the West Indies to offer Certificate Courses to Middle and Senior Managers within the Government System.

Consultation and collaboration systems were developed with the establishment of a Liaison Office within the Prime Minister's Office and the establishment of the Prime Minister's Forum as an annual event. Both of these initiatives seek to provide public and private sector consultations and closer collaboration.

PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

FIRST ROUND OF REVIEW

RECOMMENDATION 1:

STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)

1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms

Recommendation 1.1:

Consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all public officials and employees, so as to permit the practical and effective application of a public ethics system.

Measures suggested by the Committee:

(a) Establish a standard for addressing the conflicts that can occur between individual specific government matters in which those persons that perform public functions would be expected to act as part of their responsibilities and an official's or family member's financial interests or his outside activities or negotiations for future private employment arrangements. Such a standard could include recusal, request by the person that performs public functions for permission to continue to act, request by the official for a transfer of duties (if appropriate), or direction by an appropriate authority for divestiture/resignation when the conflict is pervasive.

(b) Establish suitable restrictions for persons who leave public service, such as prohibitions on participation as a representative of a private interest in ongoing specific matters in which they had participated in an official capacity, or for a reasonable time, restrictions on dealing with former government body in which they served.

Adopted Measures:

The Revised Public Service Regulations (Public Service Regulations 2013) have been drafted and are being reviewed by the Attorney General's Ministry as part of the formal process of institutionalization. Among the issues addressed are:

(a) standards of conduct to prevent conflicts of interest –this area comprises a prominent aspect of Part VII of the Regulations (Code of Conduct). Part VII makes provisions with respect to: engagement in private activity which could compromise the official's job performance or office; use of information or any material gained from a public officer's official position for private gain; exploitation of status and privilege of a public officer's position for private gain; solicitation or acceptance of payment or other considerations for the performance or neglect of official duties; conduct of private business on government premises; engagement in transaction on behalf of the

Government where an unfair advantage is given to relatives or family members and members of staff, or an organization in which relatives or family members and members of staff have interest;

(b) bribery;

(c) personal indebtedness; and

(d) acceptance of gifts.

The revision of the Public Service Regulations to enhance its provisions to prevent conflicts of interest, to establish ethical standards and to strengthen disciplinary procedures is a joint effort of the Ministry of the Public Service, the Association of Public Service Senior Managers and the Public Service Union of Belize.

RECOMMENDATION 2:

SYSTEMS FOR REGISTRATION OF INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

Recommendation:

Consider strengthening the systems for registering income, assets, and liabilities.

Measures suggested by the Committee:

“c. Use the financial declarations [required under the Prevention of Corruption Act] not only to detect actual violations of law and conflicts of interest, but to also serve as a basis for providing counseling on the prevention of conflicts of interest.

Adopted Measures

No specific measure has been developed to address this recommendation.

RECOMMENDATION 3:

OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 AND 11, OF THE CONVENTION)

Recommendation:

Strengthen, and when appropriate create, oversight bodies in particular in the area of functions to enforce compliance with the matters covered by the provisions of Article III, paragraphs 1¹, 2²,

¹ Standards of conduct for the correct, honorable, and proper fulfillment of public functions. These standards shall be intended to prevent conflicts of interest and mandate the proper conservation and use of resources entrusted to government officials in the performance of their functions.

² Mechanisms to enforce these standards of conduct.

4³, and 11⁴ of the Convention; provide them with the necessary resources to enable them to carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

Adopted Measures:

While no new measures were adopted during the period under consideration to address this recommendation, consultations by and with the Minister and Ministry of the Public Service continued, and so did the existence and participation of the advisory bodies formed to advise and guide the Minister and Ministry of the Public Service in matters affecting the public service. These advisory bodies have civil society participation.

Other bodies participated in other initiatives of the Ministry of the Public Service. For instance, the Association of Public Service Senior Managers and the Public Service Union of Belize were instrumental in advising on the modification of the Public Service Regulations. The effort resulted in the Draft Public Service Regulations, which are currently being reviewed by the Government's legislative drafters.

In addition to those entities created by the Belize Constitution (Chapter 4 of the Laws of Belize, R.E. 2000 – 2003), as reported in our First Progress Report, the Constitution establishes three Commissions: the Public Service Commission (s. 105), the Judicial and Legal Services Commission (s. 110 E) and the Security Services Commission (s. 110 C). These are fully autonomous bodies not subject to the control of any other entity (sections 105 (12) and 110E (12) of the Constitution). These Commissions have the power of appointment, promotion, transfer and confirmation of appointment of all public officers. Their duties and functions are established in the Services Commissions Regulations

RECOMMENDATION 4:

MECHANISMS TO PROMOTE THE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)

4.1. General participation mechanisms

Recommendation:

Consider whether the recommendations related to specific mechanisms referred to below indicate a need for Belize to strengthen its general approach to encouraging civil society and nongovernmental organizations in efforts to prevent corruption.

Adopted Measures:

Belize adopted two specific measures/initiatives to strengthen participation of civil society and nongovernmental organizations to fight corruption, as follows:

³ Systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law and, where appropriate, for making such registrations public.

⁴ Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption.

In March 2012, a Liaison Office was established within the Prime Minister's Office to liaise between the Private Sector and Central Government. Through this Office, private sector groups requested consultative meetings with the Ministry and Minister of the Public Service to discuss, inter alia, issues affecting the Public Service. In one of these meetings, they advocated, among other things, for the reactivation of the Public Accounts Committee of the House of Representatives, which was signaled in the 2010/2011 Report of the Auditor General as a challenging issue affecting the Public Service.

The Prime Minister's Forum was established in 2011 as an annual event. This Forum is a combined public and private sector dialogue to address issues of national impact and importance.

4.2. Mechanisms for access to information

Recommendation:

Strengthen the mechanisms on access to information.

Measures suggested by the Committee:

- a. *Conduct a comprehensive review of the rules and regulations that provide exceptions to the right of access to public information, in order to ensure that they do not obstruct the exercise of the right to information as an effective mechanism in efforts against corruption, in accordance with the observations in section 4.2.2 of this report.*
- c. *Carry out a comprehensive evaluation of the use and effectiveness of mechanisms for access to information, and, based on the results of that evaluation, consider the adoption of measures to promote, facilitate, and consolidate the effectiveness of these mechanisms.*

Adopted Measures:

Belize reiterates its position reported in the First Progress Report with respect to this recommendation. Specifically, the amendments to the Freedom of Information Act have gone a long way in facilitating access to information to the public. During the period under review, public offices report receiving and addressing requests from the public made pursuant to the Freedom of Information Act.

4.3. Mechanisms for consultation

Recommendation:

Strengthen existing mechanisms and consider creating other ones as part of their efforts to combat corruption.

Measures suggested by the Committee:

- a. *Strengthen consultation mechanisms to enable civil society and nongovernmental organizations to generate opinions and proposals to be taken into account in preventing,*

detecting, investigating, and punishing corruption.

Adopted Measures:

The development of the new Public Service Regulations, which are in draft form, is an example of collaboration and consultation with civil society.

4.4. Mechanisms to encourage participation in public administration

Recommendation:

Implement mechanisms to encourage civil society and nongovernmental organizations to participate in public administration.

Measures suggested by the Committee:

- a. *Develop standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public administration as part of the efforts to prevent corruption*

Adopted Measures:

The 2011 Report of the Good Governance Committee was submitted to the Executive Arm of Government for consideration. This Committee was formed in 2008 to advise and make recommendations to the Minister and Ministry of the Public Service on ways to improve the Service. This Committee comprises of public sector, private sector and Civil Society.

4.5. Mechanisms for participation in the follow-up of public administration.

Recommendation:

Implement mechanisms to encourage civil society and nongovernmental organizations to participate in public administration.

Measures suggested by the Committee:

- a. *Promote, where appropriate, methods to facilitate civil society and non-governmental organizations' efforts to engage in activities in the follow up of public administration and prevention of corruption.*
- b. *Design and implement specific programs to publicize mechanisms to encourage participation in follow-up on public administration and, as appropriate, provide the necessary training and tools to public officials for the effective implementation of those mechanisms.*

During the period under consideration, there was active participation and engagement by civil society and non-governmental organizations in actual and proposed actions and measures by the government. Such participation included meetings with individual

Ministers of Government and Ministries and with the Cabinet. These groups also made large use of the media and the courts to address and challenge, where necessary, public administration issues.

SECOND ROUND OF REVIEW

RECOMMENDATION 1:

SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Systems of Government Hiring

Recommendation:

Consider strengthening the systems of government hiring.

Measures Suggested by the Committee:

- a) *Develop, through the relevant legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing candidates to posts in the Public Service, by adopting provisions and clearly defined criteria that ensure entry to the public service, always taking into account the principles of openness, equity and efficiency as provided in the Convention.*
- b) *Examine the existing job descriptions and classifications, in order to determine whether it would be useful to have a single Job Description or Job Classification Manual containing all generic public sector posts.*
- c) *Adopt, through the appropriate legislative and/or administrative procedures, provisions and mechanisms that contain clearly defined criteria for the advertisement of hiring opportunities or vacancies in the public service, as well as the time frame in which they should be advertised, and which take into account the use of the mass media, such as newspapers with national circulation and/or websites, among others.*
- d) *Adopt, through the appropriate legislative and/or administrative procedures and in keeping with the principle of due process, provisions for the establishment of administrative challenge mechanisms to clarify, modify or revoke substantial acts that are part of the recruitment and selection procedures in the Public Service, ensuring a timely, objective, impartial, and effective procedure.*
- e) *Strengthen the legal provisions regarding the Service Commissions, so that these authorities have the competence to revoke or take other corrective measures when it is found that an appointment process was, among other things, irregular, improper, or made through a fraudulent competition.*

- f) *Develop, through the appropriate legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing workers governed by the Belize Constitution (Government Open Vote Workers) Regulations, by adopting provisions and clearly defined criteria that ensure access to this category of service, and establishing a time limit for the duration of their employment, always taking into account the principles of openness, equity and efficiency as provided in the Convention.*
- g) *Develop, through the appropriate legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing National Assembly staff, by adopting provisions and clearly defined criteria that ensure access to those positions, always taking into account the principles of openness, equity and efficiency as provided in the Convention.*
- h) *Adopt, through the appropriate legislative and/or administrative procedures, provisions which provide that the selection and recruitment process for staff of the National Assembly is to be based on merit.*
- i) *Adopt, through the appropriate legislative and/or administrative procedures, provisions which require the publication of staff vacancies that arise in the National Assembly.*
- j) *Adopt, through the appropriate legislative and/or administrative procedures and in keeping with the principle of due process, provisions for the establishment of administrative challenge mechanisms to clarify, modify or revoke substantial acts that are part of the recruitment and selection procedures for the National Assembly, ensuring a timely, objective, impartial, and effective procedure.*
- k) *Consider disaggregating the results provided by the Ombudsman on complaints received and their resolution, in order to indicate how many of those complaints were based on challenges to the government hiring and selection process.*

Adopted Measures:

- (a) The draft Public Service Regulations provide for an improved transparent selection and recruitment process.

The Ministry of the Public Service, through its Circular No. 2 of 2013 of March 1, 2013, advised the general public service on “Priority Training Areas 2013 – 2014” and of its plan to conduct training workshops on a number of areas, including on the development of desk manuals. These workshops are aimed at Middle Managers to guide them in the development of desk manuals based on the Revised Public Service Regulations 2013. These manuals will address the areas of recruitment and selection of public officers, training and development, as well as disciplinary measures. The idea is that direct input in the development of these manuals from the officers who will be responsible for their administration will result in an improved framework.

- (b) An important medium term mandate of the Ministry of the Public Service is the development and maintenance of a comprehensive Re-classification and Compensation System for the Belize Public Service. In February 2013, A Job Classification Unit was established under the Ministry of the Public Service, headed by a Supervisor and five staff members. The overall mandate of the Unit is to analyse,

update, design, implement and maintain a system of classification and compensation for the Belize Public Service.

The objectives include:

- i. to rationalize the job classification and compensation structure and the policies, systems and practices for compensating public officers;
- ii. to promote equity and transparency in the job classification and compensation system in the Public Service;
- iii. to develop criteria for recruitment and selection of personnel in the Public Service;
- iv. to ensure the skills and expertise required for the maintenance of the reclassification and compensation system are transferred to the Job Classification Unit; and
- v. to advise on strengthening the capacity of the Unit and relevant support staff in the wider Public Service.

Also, in September 2012, the Caribbean Centre for Development Administration (CARICAD) was chosen by the Ministry to conduct an assessment of the job classification efforts in the Belize Public Service. The main deliverables of this exercise, as defined by the Ministry of the Public Service, were to: (1) review existing documentation from previous efforts at classification; and (2) conduct an assessment of work required to complete the Exercise or, alternatively, recommend a new approach to the Exercise. CARICAD submitted its Report in October 2012 and the establishment of the Job Classification Unit in February 2013 is an outcome of CARICAD's recommendations.

- (c) It is a long-established practice of the Ministry of the Public Service to advertise vacancies for senior positions either through the mass media or within the wider government service. Advertisements in the mass media usually run for two weeks, but may be extended where the sufficient number of qualified applicants are not received within that time-frame. Also, the Ministry of the Public Service constantly reminds managers and supervisors of the recruitment procedures. For example, see Circular 7 of 2008 (Process for Filling of Vacant Positions/Creation of Positions). It is foreseen that the development of an updated Selection and Recruitment Manual, as discussed above (1.1 (a)) will provide a sound administrative mechanism to support and improve existing practice.
- (d) The three Commissions – the Public Service Commission, the Security Services Commission and the Judicial and Legal Services Commission - established by the Constitution, serve this purpose.
- (e) Any of the three Commissions can review any of their respective decisions. Thus, aggrieved persons can turn to the same Commission that made the decision or can

refer the matter to the Belize Advisory Council. There have been instances where aggrieved persons have referred the matter directly to the Courts.

- (f) Recruitment of Open Vote Workers are governed by the Government Workers' Regulations (GWR). These Regulations have provisions for the recruitment of three categories of workers:

Category A Workers:

- i. workers engaged for permanent, round- the- year service;
- ii. workers who have served for five (5) years or more and whose employment is not intended to be permanent, round-the-year service, including workers whose employment is intended to be for a particular project only.

Category B Workers:

Workers with less than five (5) years of service, whose employment is not intended to be permanent, round-the-year service, including workers whose employment is intended to be for a particular project only, and who earn hourly rates of pay.

Other categories of Open Vote Workers

Workers temporarily employed against established posts that are already substantively filled. (Substantive holders who may be on approved leave of absence, such as for study, maternity, sick and other purposes).

This category of workers must meet the same academic and other qualifications for recruitment as persons applying for permanent established posts. A revision of the Government Workers' Regulations is scheduled to be undertaken by the Joint Staff Relations Council, a body comprised of Government and Union representatives, in 2013. The objective is a more modern set of Regulations in keeping with contemporary human resource management practices.

- (g) Staff of the National Assembly do not fall within the purview of the Public Service. They are tenured but are transferrable to the Public Service, for which the recruitment and selection criteria are imposed.

RECOMMENDATION 2:

SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

Recommendation:

Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of

their identities, in accordance with its Constitution and the basic principles of its domestic legal system.

Measures suggested by the Committee:

- a) Protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings;*
- b) Protection of whistleblowers and their families, not only in relation to their physical integrity but also as it concerns the workplace, especially when the person is a public official and the acts of corruption involve superiors or co-workers;*
- c) Expand the existing mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who, in good faith, report acts of corruption;*
- d) The creation of mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it;*
- e) Witness protection mechanisms that offer witnesses the same guarantees as public servants and private citizens;*
- f) Mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.*
- g) A simple whistleblower protection application process.*
- h) Provisions which provide for administrative and criminal sanctions for the failure to observe the rules and/or duties relating to protection.*
- i) Provisions that clearly delineate the respective competence of judicial and administrative authorities with respect to this area.*

Adopted Measures:

In the context of ongoing negotiations between the Government and Unions, the Government/Joint Unions Negotiating Team, in February 2013, agreed to include Whistle Blower legislation as one of the elements in the Collective Bargaining Agreement to be entered into between them. After its drafting is completed, said draft legislation will be submitted to the House of Representatives for their consideration.

RECOMMENDATION 3:

ACTS OF CORRUPTION (ARTICLE VI (1) OF THE CONVENTION)

Recommendations:

3.1. *Review Section 26(b) and 27(b) of the Prevention of Corruption Act, 2007, so as to make it more fully consistent with Article VI(1)(a) of the Convention, by incorporating therein, the words “directly or indirectly”.*

With respect to this recommendation, Belize maintains its position, as expressed in the First Progress Report. Thus, no new measures were adopted in this regard.

3.2. *Review Section 26(a) and 27(a) of the Prevention of Corruption Act, 2007, so as to make it more fully consistent with Article VI(1)(b) of the Convention, by incorporating therein, the words “directly or indirectly”.*

With respect to this recommendation, Belize maintains its position, as expressed in the First Progress Report. Thus, no new measures were adopted in this regard.

3.3. *Review the definition of “public servant” contained in the Prevention of Corruption Act, 2007, by covering “a person who performs public functions”.*

3.4. *Consider the convenience of harmonizing the provisions of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Re 2003, with those of the Prevention of Corruption Act, 2007.*

RECOMMENDATION 4:

GENERAL RECOMMENDATIONS

Recommendations:

4.1 *Design and implement, when appropriate, training programs for public servants responsible for implementing the systems, provisions, measures, and mechanisms considered in this report, for the purpose of ensuring that they are adequately known, managed, and implemented.*

4.2 *Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, provisions, measures, and mechanisms considered in this report, and to verify follow-up on the recommendations made herein.*

Adopted Measures:

Consultations on the draft Public Service Regulations were undertaken in 2012 with all senior ranking officers, Middle Managers, Secretaries to garner input to their provisions. This provided a unique opportunity for public officers to ‘own’ the Regulations, even prior to their submission for legislative drafting.

Training of Public Officers for the period 2013 – 2014 are addressed in Circular No. 2 of 2013 (PUBLIC SERVICE PRIORITY TRAINING AREAS 2013-2014). These include:

- (a) Diploma in Public Sector Administration – for officers at the Clerical level of the Service. This is administered jointly by the Ministry of the Public Service and the University of the West Indies Open Campus and is fully financed by the Government through the Ministry of the Public Service. The programme is offered every two years;
- (b) Executive Masters in Business Administration (Public Sector Management) – for officers who have been successful at the Diploma level, and other officers at the Middle Management level. This is administered jointly by the Ministry of the Public Service and the University of the West Indies School of Business (Barbados) and is partially financed by the Government through the Ministry of the Public Service (60% is covered by the Government and the remaining 40% by the respective Public Officer). The Programme commences in June 2013 and will be run every two years.

Workshops for the period 2013 are scheduled for the following categories of officers. These are based on the draft Public Service Regulations 2013, and will be conducted as soon as these Regulations have completed the drafting process:

- The Association of Public Service Senior Managers/Heads and Deputy Heads of Government Departments;
- Administrative Officers/Administrative Assistants;

Workshop for all Government Finance Officers was held on 25 March 2013 and facilitated by a former Accountant General. This workshop aimed to instruct these officials on how to conduct Boards of Survey for Government and Local Government Revenue earning Departments. Boards of Surveys are conducted annually on 1 April, at the commencement of the every fiscal year. The Workshop was jointly spearheaded by the Ministry of the Public Service and the Treasury Department,

Another workshop is scheduled for all Government Finance Officers on the Financial Orders and Finance and Audit Act. The Workshop will be jointly spearheaded by the Ministry of the Public Service, the Treasury Department and the Accountant General's Department.