

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
Twenty-Fourth Meeting of the Committee of Experts
September 8-12, 2014
Washington, DC

OEA/Ser.L.
SG/MESICIC/doc. 422/14 rev. 4
September 12, 2014
Original: English

BELIZE

FINAL REPORT

(Adopted at the September 12, 2014 plenary session)

SUMMARY

This report contains the comprehensive review of the implementation in Belize of Article III, paragraph 9, of the Inter-American Convention against Corruption, covering “oversight bodies, with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts,” which was selected by the MESICIC Committee of Experts for the Fourth Round; and of the follow-up of the implementation of the recommendations formulated to Belize during the First Round.

The review was conducted in accordance with the Convention, the Report of Buenos Aires, the Committee’s Rules of Procedure, and the methodologies it has adopted for conducting on-site visits as well as for the Fourth Round, including the criteria set out therein for guiding the review based on equal treatment for all the States Parties, functional equivalence, and the common purpose of both the Convention and the MESICIC of promoting, facilitating, and strengthening cooperation among the States Parties in the prevention, detection, punishment, and eradication of corruption.

The review was carried out taking into account Belize’s response to the questionnaire, information provided by civil society organizations, information gathered by the Technical Secretariat, and, as a new and important source of information, the on-site visit conducted between April 23 and 25, 2014, by the members of the review subgroup for Belize, comprising Canada and Jamaica, with the support of the Technical Secretariat. During that visit, the information furnished by Belize was clarified and expanded and the opinions of civil society organizations, the private sector, professional associations, academics, and researchers on issues of relevance to the review were heard. This provided the Committee with objective and complete information on those topics, assisting with the gathering of information on practices, and providing Belize with the opportunity to offer and/or request technical assistance for the purposes of the Convention.

The review of the oversight bodies was intended, in accordance with the terms of the methodology for the Fourth Round, to determine whether they have a legal framework, whether that framework is suitable for the purposes of the Convention, and whether there are any objective results; then, taking those observations into account, the relevant recommendations were issued to the country under review.

The oversight bodies in Belize reviewed in this report are: The Office of the Auditor General; the Ministry of the Public Service; The Office of the Services Commissions; and the Office of the Director of Public Prosecutions.

Some of the recommendations formulated to Belize for its consideration in relation to the foregoing oversight bodies address purposes such as the following:

Provide the oversight bodies with the financial and human resources necessary for the adequate fulfillment of their functions and responsibilities; ensure that there are adequate channels of coordination and communication between them; and provide routine training to their personnel.

With respect to the Office of the Auditor General, ensure that there are mechanisms to ensure adequate follow-up, implementation and compliance with OAG recommendations; and maintain adequate records on the results of the work of the OAG, in order to identify challenges and recommend corrective action.

With respect to the Office of the Services Commissions and the Services Commissions, prepare and publish an annual report summarizing the activities of the OSC; create an internet portal for the OSC;

and maintain adequate records on the results of the OSC and the Services Commissions, in order to identify challenges and recommend corrective action.

With respect to the Ministry of the Public Service, conclude the process of reviewing and updating the Public Service Regulations; prepare and publish an annual report summarizing the activities of the MPS; ensure the proper maintenance of the website of the MPS; and maintain adequate records on the results of the work of the MPS, in order to identify challenges and recommend corrective action.

With regard to the Office of the Director of Public Prosecutions, prepare and publish an annual report informing of its activities; create and maintain an institutional website for the DPP; ensure that there is adequate coordination between police prosecutors and Crown Counsel when the former are assigned to prosecute corruption related cases; implement the measures necessary for corruption-related cases to be assigned to and handled by trained Crown Counsel; and maintain adequate records on the results of the work of the DPP's Office, in order to identify challenges and recommend corrective action.

With regard to follow-up on the recommendations formulated to Belize in the First Round and with respect to which, the Committee, in the Second and Third Round reports, found required additional attention, based on the methodology for the Fourth Round and bearing in mind the information provided by Belize in its response to the questionnaire and during the on-site visit, a determination was made as to which of those recommendations had been satisfactorily implemented, which required additional attention, and which required reformulation. A list of those still pending was also prepared, and has been included in Annex 1 of the report.

Among the progress related to the implementation of those recommendations, the following is noted: the strengthening of the mechanisms for encouraging civil society participation in public management.

Some of the recommendations formulated to Belize in the First Round that remain outstanding, or which were reformulated, address purposes such as strengthening the system for financial declarations in Belize, by ensuring, among others, the operation of the Integrity Commission; as well as the strengthening of the system of access to information.

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

**DRAFT PRELIMINARY REPORT ON IMPLEMENTATION IN BELIZE OF THE
CONVENTION PROVISION SELECTED TO BE REVIEWED IN THE FOURTH ROUND,
AND ON THE FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE
FIRST ROUND^{1/}**

INTRODUCTION

1. Contents of the Report

[1] This report presents, first, a comprehensive review of Belize's implementation of the provision of the Inter-American Convention against Corruption that was selected for review by the Committee of Experts of the Follow-up Mechanism (MESICIC) for the Fourth Round. That provision appears in Article III (9) of the Convention, pertaining to "Oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts."

[2] Second, the report will examine the best practices that Belize has voluntarily expressed its wish to share in regard to the oversight bodies under review in this report.

[3] Third, as agreed by the Committee of Experts of the MESICIC at its Eighteenth Meeting, in compliance with recommendation 9(a) of the Third Meeting of the Conference of States Parties to the MESICIC, this report will address the follow-up of implementation of the recommendations that the Committee of Experts of MESICIC formulated to Belize in the First Round and that it deemed to require additional attention in the reports it adopted for that country in the Second and Third Rounds, which may be consulted at the following: <http://www.oas.org/juridico/english/blz.htm>

2. Ratification of the Convention and adherence to the Mechanism

[4] According to the official records of the OAS General Secretariat, Belize deposited the instrument of ratification of the Inter-American Convention against Corruption on September 6, 2002.

[5] In addition, Belize signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 9, 2003.

I. SUMMARY OF THE INFORMATION RECEIVED

1. Response of Belize

[6] The Committee wishes to acknowledge the cooperation that it received from Belize throughout the review process, and in particular from the Attorney General's Ministry, which was evidenced, *inter alia*, in the response to the Questionnaire and in the constant willingness to clarify or complete its contents,

^{1/} This Report was adopted by the Committee in accordance with the provisions of Article 3(g) and 25 of its Rules of Procedure and Other Provisions, at the plenary session held on September 12, 2014, at its Twenty-Fourth Meeting, held at OAS Headquarters, September 8-12, 2014.

and in the support for the on-site visit to which the following paragraph of this report refers. Together with its response, Belize sent the provisions and documents it considered pertinent. That response and the provisions and documents may be consulted at the following webpage: http://www.oas.org/juridico/english/mesicic4_blz.htm

[7] The Committee also notes that the country under review gave its consent for the on-site visit, in accordance with provision 5 of the *Methodology for Conducting On-Site Visits*.² As members of the preliminary review subgroup, the representatives of Canada and Jamaica conducted the on-site visit from April 23 to 25, 2014, with the support of the MESICIC Technical Secretariat. The information obtained during that visit is included in the appropriate sections of this report, and the agenda of meetings is attached thereto, in keeping with provision 34 of the *Methodology for Conducting On-Site Visits*.

[8] For its review, the Committee took into account the information provided by Belize up to April 25, 2014, as well as that furnished and requested by the Secretariat and the members of the review subgroup to carry out its functions, in keeping with the *Rules of Procedure and Other Provisions*; the *Methodology for the Review of the Implementation of the Provision of the Inter-American Convention against Corruption Selected in the Fourth Round*; and the *Methodology for Conducting On-Site Visits*. This information may be consulted at the following webpage: http://www.oas.org/juridico/english/mesicic_rounds.htm

3. Documents and opinions received from civil society organizations and/or, among others, private sector organizations, professional associations, academic or researchers

[9] The Committee did not receive any documents from civil society organizations within the time period established by the Committee in the schedule, in accordance with Article 34(b) of the Committee's *Rules of Procedure*.

[10] However, during the on site visit to the country under review from April 23 to 25, 2014, information was gathered from civil society and private sector organizations; and professional associations, who were invited to participate in the meetings held for that purpose, pursuant to provision 27 of the *Methodology for Conducting On-Site Visits*. A list of invitees is included in the agenda of the on site visit, which has been annexed to this report. This information is reflected in the appropriate sections of this report, as appropriate.

II. REVIEW, CONCLUSIONS, AND RECOMMENDATIONS ON THE IMPLEMENTATION BY THE STATE PARTY OF THE CONVENTION PROVISION SELECTED FOR THE FOURTH ROUND:

OVERSIGHT BODIES, WITH A VIEW TO IMPLEMENTING MODERN MECHANISMS FOR PREVENTING, DETECTING, PUNISHING, AND ERADICATING CORRUPT ACTS (ARTICLE III (9) OF THE CONVENTION)

[11] Belize has a set of oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts, among which the following are highlighted: the Office of the Auditor General (OAG); the Office of the Services Commissions (OSC); the Ministry of the Public Service (MPS); and the Office of the Director of Public Prosecutions (DPP).

² Document SG/MESICIC/doc.276/11 rev. 2, which may be consulted at the following webpage: http://www.oas.org/juridico/english/met_onsite.pdf

[12] The following is a short description of the purposes and functions of the four organs selected by Belize that are reviewed in this report.

[13] The Office of the Auditor General (OAG), has the constitutional responsibility to ensure that all moneys appropriated and distributed by the National Assembly are used for the purposes for which they were appropriated and that the expenditure conforms to the authority that governs it.

[14] The Office of the Services Commissions (OSC), coordinates and administers the whole spectrum of Human Resource Management with respect to the Public Services Commission, the Security Services Commission and the Judicial and Legal Services Commission, which in turn are each responsible for guiding and regulating matters concerning public officers that fall within their respective competence, including appointments, transfer, promotions and discipline.

[15] The Ministry of the Public Service (MPS), is the primary human resource Ministry of the Government Service, and as such it administers the relevant parts of the Belize Constitution, in particular those entrenched in the Public Service Regulations and the Services Commissions Regulations.

[16] The Office of the Director of Public Prosecutions (DPP), is responsible for instituting and undertaking criminal proceedings against any person before any court of law (other than a court martial) in respect of any offence alleged to have been committed by that person.

1. OFFICE OF THE AUDITOR GENERAL (OAG)

1.1. Existence of a legal framework and/or other measures

[17] The Office of the Auditor General (OAG), has a set of provisions in its legal framework, as well as other measures that refer, *inter alia*, to the following:

[18] With respect to its objectives and functions, pursuant to section 120 of the Constitution, the Office of the Auditor General is responsible for ensuring that all moneys appropriated by the National Assembly and disbursed have been applied to their intended purposes (section 120(2)(a)). In addition, section 120(2)(b) of the Constitution provides that at least once a year, the Auditor General is to audit and report on the public accounts of Belize, the accounts of all officers and authorities of the Government, the accounts of all courts of law in Belize, the accounts of the Belize Advisory Council and every Commission established by the Constitution and the accounts of the Clerk to the National Assembly.

[19] Section 109(1) of the Constitution of Belize establishes that the Auditor General is appointed by the Governor-General, acting in accordance with the advice of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

[20] Similarly, section 109(5) of the Constitution provides that the Auditor General may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehavior. Subsections 109(6) through 109(8) outline the procedure whereby the Belize Advisory Council may advise the Governor-General, following an enquiry into the matter, on the removal of the Auditor General.

[21] Pursuant to section 120(7) of the Constitution, in the exercise of his functions, the Auditor General is not subject to the direction or control of any other person or authority.

[22] Section 120(3) of the Constitution provides that the Auditor General and any officer delegated by him shall have access to all books, records, returns, reports and other documents that he considers is related to any of the accounts referred to in section 120(2). In this regard, the Finance and Audit (Reform) Act of 2005 (FARA), at section 13, provides that in the exercise of his duties, the Auditor General may (a) call upon any public officer for any explanations or information...; (b) authorize any public officer to conduct on his behalf any inquiry or examination of audit...; (c) cause a search to be made in and extracts to be taken from any book, document or record in any public office; (d) lay before the Attorney General a case in writing as to any question regarding the interpretation of any law concerning the powers of the Auditor General or the discharge of his duties and the Attorney General shall give a written opinion upon such case.

[23] With respect to the detection of possible acts of corruption, FARA, at section 14, provides that the Auditor General is to inform the Minister (of Finance) in the event that it appears that any fraud, serious loss or serious irregularity has occurred in the receipt, custody or expenditure of public moneys or in the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other Government property of any kind whatsoever.

[24] With regard to the Auditor General's function of auditing and reporting on the public accounts of Belize, FARA, at section 15(1), requires the Accountant General to "...sign and submit to the Auditor General accounts showing fully the financial position of the Consolidated Revenue Fund and other public funds of Belize on the last day of such financial year." Section 15(2) provides that the National Assembly, pursuant to a written request from the Accountant General, and for good and sufficient reason, may extend the period within which accounts are to be submitted to the Auditor General by a period not to exceed three months. Section 16 requires the Auditor General to submit those accounts to the Minister of Finance, together with a certificate of audit and an audit report of all accounts. This Section also provides that in turn, the Minister is to submit the audit reports to the National Assembly, and that if the Minister fails to do so, the Auditor General shall submit them directly to the National Assembly through the Speaker of the House of Representatives and the President of the Senate (section 16(1)).

[25] Similarly, section 16(4) provides that in this report to the National Assembly, the Auditor General shall call attention to any case in which the audit reveals that (a) accounts have not been properly kept; (b) any public money was not duly accounted for; (c) the checks against irregularity and fraud were inadequate or ineffective; (d) the laws, directions and instructions relating to finance and accounts appear to be inadequate; (e) there has been apparent neglect in the assessment of collection of revenues; (f) any disbursement of public money exceeded the proper authority; or (g) there has been apparent waste or extravagance in the Administration of government property.

[26] With respect to personnel of the OAG, the response of the country under review to the questionnaire indicates that "*Other senior officials below the Auditor General are appointed/promoted, transferred, disciplined/removed, by the Public Service Commission pursuant to S. 105 of the Constitution, in accordance with the PSR [Public Service Regulations] and SCR [Services Commissions Regulations].*"³

[27] Additionally, the response notes that "*...Public officers are selected based on the defined criteria for the post for which they have applied. Senior posts, in particular, are advertised either internally or externally to the general public service. A panel comprising of a member of the Public Service*

³ See the response of Belize to the Questionnaire for the Fourth Round of Review, at p. 12, available at: http://www.oas.org/juridico/PDFs/mesicic4_blz_resp.pdf

Commission, a representative of the Ministry from which the vacancy arises, and two representatives of the Ministry of the Public Service interview the candidates and identify the person most suited to fill the post. They make a recommendation in this regard to the Public Service Commission. If the Commission agrees with the recommendation, that person is appointed to the post. However, if the Commission considers that the recommendation is not genuine or was motivated by other issues which are not merit-based, it may request a candidate/candidates to appear before them for clarification of questions that may have arisen with respect to the Panel's recommendation.”⁴

[28] *“In some instances, senior posts may be filled on a contractual basis. This may occur where the post requires specialist skills, especially where these are in short supply, and the most suitable person for the post does not wish to be tenured in the public service. In such a case, such recommendation must be made to the Public Service Commission and the Commission must agree thereto. In all instances, all public officers are held accountable by the respective Ministry through it[s] CEO, and ultimately by the relevant Service Commission – in this case, the Public Service Commission.”⁵*

[29] With respect to the existence of manuals describing the functions of personnel of the OAG, during the on-site visit, the Auditor General explained that although the OAG has basic job descriptions, they are reviewing and updating current descriptions for all OAG posts.

[30] In a similar sense and with regard to the existence of documented procedures for the performance of tasks, during the on-site visit, OAG representatives explained that the manuals that exist are principally audit manuals, which have not been substantively updated since 1985.

[31] During the on-site visit, the OAG representatives noted that there is neither a formalized nor comprehensive training program offered by the OAG for its personnel. However, the Auditor General noted that since assuming her role in 2012, Fridays are now devoted to training days for staff, and each Friday a specific topic is selected and addressed. In addition, technical staff take advantage of specialized training provided by international institutions and other partners.

[32] With regard to mechanisms for accountability and for providing information to the public, the OAG has its own internet portal, available at: <http://audit.gov.bz/index.html>, and on which information relevant to the institution can be found, such as the mission statement and historical background of the OAG, the legal provisions applicable to the OAG, information on the audit process, the Annual and Special Reports prepared by the OAG, and press releases and information on OAG events, among others. In addition, the internet portal also contains a “Whistle Blowing” tab, which allows members of the public to present tips or concerns to the OAG. During the on-site visit, OAG representatives also explained that members of the public can also present complaints or allegations in person at the OAG, by telephone, or by written correspondence.⁶

[33] With regard to the existence of mechanisms for internal control and for dealing with claims, complaints, or allegations related to the pursuit of its objectives and the performance of its personnel, the response to the questionnaire notes that the OAG Strategic Plan 2013 to 2018 includes a Code of Ethics which has been presented to OAG staff and which has been also presented to the Ministry of the Public Service for information and implementation purposes.⁷ In addition, during the on-site visit, the OAG

⁴ Ibid, at p. 11.

⁵ Ibid, at p. 12.

⁶ Also see the OAG on-site visit power point presentation, at slide 27, available at: http://www.oas.org/juridico/english/mesicic4_blz.htm

⁷ See the response of Belize to the Questionnaire for the Fourth Round, at p. 19, supra note 3.

representatives explained that the 2001 Public Service Regulations provide guidelines concerning the conduct of public officers including OAG personnel. Finally, the Auditor General also noted that the OAG has formally adopted the Code of Ethics of the International Organization of Supreme Audit Institutions (INTOSAI), which provides further guidelines to OAG personnel.

[34] During the on-site visit, the OAG reported on several activities related to institutional strengthening and technical cooperation, including, among others, a donation of teleconference equipment from the Organization of Latin American and Caribbean Supreme Audit Institutions (OLACEF); a peer review exercise that is going to be conducted in Belize by the Comptroller General of the Republic of Peru; attachments to other Supreme Audit Institutions (an exchange program where an OAG officer is sent to a foreign Audit Office for 6 months).

[35] With respect to the manner in which budgetary resources of the OAG are ensured, section 118(6) of the Constitution provides that the budgets presented by the offices of the Auditor General, the Ombudsman, the Contractor General, the Elections and Boundaries Commission, the Integrity Commission, the Director of Public Prosecutions, the Supreme Court and the Court of Appeal shall be given first priority calls on the Consolidated Revenue Fund. Additionally, during the on-site visit, the OAG presented information on its budget, indicating that for 2014-2015, the OAG budget is BZ \$2,010,819, which represents 0.002% of the budget of the Government of Belize.⁸ In addition, the available Annual Reports of the OAG indicate that in previous years, its budget was as follows: 2008-2009 – BZ \$1,397,326; 2009-2010 – BZ \$1,471,396; and 2010-2011 – BZ \$1,728,090.

1.2. Adequacy of the legal framework and/or other measures

[36] The Office of the Auditor General has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were briefly described in section 1.1 of this report. Nonetheless, the Committee considers it appropriate to formulate certain observations in relation thereto:

[37] First, the Committee observes that the OAG has responsibility for auditing all public accounts in Belize, including the accounts of all three branches of Government. In this regard, during the on-site visit, the OAG reported that due to their size (approximately 52 staff members, including 10 support staff), it is not possible for them to carry out audits with respect to the more than 300 institutions over which they have audit authority. As a result, the OAG first audits entities that are considered high risk, either due to the nature of their functions, or as a result of them receiving larger allotments from the national budget. In this regard, during the on-site visit, the Auditor General noted that in late 2013, she had asked for approximately 20 additional staff members and that it remains to be seen whether and how many additional staff the OAG will be provided with.

[38] Also with respect to the need for additional staff, the OAG reported that they routinely have to rely on the Office of the Solicitor General for legal interpretation, and noted that if they had their own internal legal counsel, they could address these questions in a more expedited fashion, as well as examine the need for legislative changes to the laws regarding the OAG.

[39] The Committee believes, taking into account the important functions carried out by the OAG related to the detection of acts of corruption, that it is important for the country under review to consider ensuring that it has the necessary financial and human resources to enable it to adequately

⁸ BZ \$1 = approximately US \$0.50.

carry out its constitutionally established mandate. The Committee will formulate a recommendation in this regard. (See recommendation 1.4.1 in chapter II of this report.)

[40] Related to the foregoing consideration, during the on-site visit, several representatives of civil society and the private sector noted that the Office of the Auditor General needed to be provided with appropriate staff and resources, in order to properly execute its assigned functions.

[41] Second, the Committee observes that there is no effective mechanism for ensuring compliance with or following-up on the recommendations issued by the OAG in any of her audit reports. It takes note, however, that while currently the laws do not establish penalties or sanctions for non-compliance with her recommendations by any Ministry or Department, or with the failure to provide the OAG with information requested as part of an audit process, her Office follows their internal protocol of liaising with the relevant Ministry or Department for follow-up, allowing an appropriate time-frame for a response. If none is forthcoming, and depending on the issue, the OAG would bring the matter to the attention of the Ministry of the Public Service, the Public Accounts Committee or the Office of the Director of Public Prosecutions, as the case may be.

[42] During the on-site visit, representatives of the OAG noted that the above problems stem largely from the fact that the Public Accounts Committee (PAC) of the National Assembly is not in operation. They noted that the PAC would have the ability to follow-up on and enforce compliance with recommendations issued by the OAG once they have been laid in the National Assembly pursuant to section 120 of the Constitution. However, they noted that currently, the PAC is not operational and, accordingly, the issues with respect to the compliance with OAG recommendations have remained unaddressed and unresolved. They noted that this situation has adversely affected the ability of the OAG to ensure compliance with its recommendations. One aspect of this situation is stated in the 2010-2011 Annual Report of the Auditor General, which notes that *“In Belize, the Public Accounts Committee has been inactive in recent years, thus depriving the Office of its immediate channel for informing and reporting the results of its work. Therefore, the important work that we conduct does not have an effective channel of accountability for departments and ministries to implement the recommendations arising from our audits.”*⁹

[43] The Committee considers that in light of the importance of the work being carried out by the OAG, it is extremely important for the country under review to consider taking the necessary steps to ensure that (1) Institutions that are subject to the OAG’s audit authority comply with their legal obligation to cooperate with the OAG; (2) that there are effective mechanisms for the imposition of sanctions against public servants who fail to comply with this obligation; and (3) a functioning mechanism is implemented to ensure adequate follow-up and compliance with the recommendations issued by the OAG. The Committee will formulate a recommendation in this regard. (See recommendation 1.4.2 in chapter II of this report.)

[44] Third, and related to coordination between the OAG and the Ministry of the Public Service, as well as to the existence of any alternatives to ensure compliance by public servants with OAG instructions and recommendations, during the on-site visit, the Auditor General noted that it would also be possible to follow the disciplinary route with regard to non-compliant public servants, through the submission of a complaint against that public servant to the Ministry of the Public Service. She

⁹ See point 1.15 of the 2010-2011 Auditor General Report, available at: <http://audit.gov.bz/downloads/AG-Report-2011-FINAL.pdf>

further noted, however, that this would be a lengthy and complicated process, and OAG representatives were unsure if that route had ever been pursued.

[45] In subsequent meetings held with representatives of the Ministry of the Public Service (MPS), MPS representatives also recognized the possibility for the OAG to pursue this route. However, they further noted that they did not remember receiving any such complaints from the OAG, and they did not know whether the OAG itself was aware that such an action was possible.

[46] Also related to coordination between the MPS and the OAG, during the on-site visit, the Auditor General noted that in some cases, vacancies in the OAG are filled by the Ministry of the Public Service and the Public Service Commission, without any consultation with the OAG. She noted that as a result of this lack of consultation, she has had to object to public servants who were sent to fill an OAG vacancy by the MPS, but who were unsuitable for the post in question. With regard to this situation, the 2010-2011 Report of the Auditor General, notes in pertinent part that *“Hiring of our staff is done through the Ministry of the Public Service without any input from the Auditor General’s Office.”*¹⁰

[47] The Committee believes that it is important for the country under review to consider the need to improve existing coordination between the OAG and the Ministry of the Public Service, which could include, among other aspects: (1) For the MPS to include a member of the OAG as part of the MPS-organized interviewing panel for the filling of vacancies within the OAG, and otherwise to consult with the OAG with respect to transfers; and (2) Establish adequate procedures for the OAG to report to the MPS the failure of a public officer to comply with an OAG recommendation or a request for information in order for the MPS to follow-up, and, where necessary, impose disciplinary measures. The Committee will formulate a recommendation on this issue. (See recommendation 1.4.3 and 3.4.1 in chapter II of this report.)

[48] Fourth, and with regard to accountability mechanisms and the manner in which the OAG informs the public of its activities and compliance with its mandated functions, the Committee observes, as noted in section 1.1, above, that the Constitution requires the Auditor General to perform a yearly audit of the public accounts of Belize as well as report on those audits (section 120(2)(b)), and to ensure that those reports are submitted to the National Assembly (section 120(5)).

[49] Notwithstanding, during the on-site visit, and with regard to the existence of Annual Reports subsequent to the 2010-2011 Auditor General report that is available on the OAG website, the Auditor General explained that the yearly audits that the OAG performs pursuant to the Constitution are based on financial statements submitted to the OAG by the Accountant General, in accordance with FARA. She further explained that as of the date of the on-site visit, the OAG had not received financial statements from the Accountant General corresponding to fiscal years 2011-2012, or 2012-2013. Consequently, the OAG has been unable to carry out the corresponding audits, or issue the required audit reports, as required by the Constitution. The Committee considers it important for the country under review to consider taking the necessary steps to remedy this situation, and will formulate the corresponding recommendation. (See recommendation 1.4.4 in chapter II of this report.)

[50] Fifth, and related to the above situation, the Auditor General also noted on the occasion of the on-site visit, that in her view, the financial statements do not present an accurate picture of the

¹⁰ Ibid, at point 1.13.

financial situation in each Ministry, which could be attributed to the fact that while the OAG and the Accountant General follow International Public Sector Accounting Standards (IPSAS), there is no uniform standard used by the financial officers or units that prepare the financial statements in each Ministry, and who are responsible only to the CEO of their particular Ministry, rather than to the Ministry of Finance.

[51] In order to assist in ensuring that the OAG receives reliable and timely financial statements, the Committee believes that it would be beneficial for the country under review to consider imposing a requirement that all entities subject to audit by the OAG prepare their financial statements in accordance with some recognized and uniform standard, perhaps to be determined by the Ministry of Finance, in collaboration with the OAG. The Committee will formulate a recommendation addressing this point. (See recommendation 1.4.5 in chapter II of this report.)

[52] Sixth, and with regard to mechanisms for coordination with other oversight bodies for the performance of its functions, during the on-site visit, OAG representatives noted that they have a need for increased mechanisms for coordinating with the Accountant General, the Contractor General, the Solicitor General, the Ombudsman, the Ministry of the Public Service, and the Financial Intelligence Unit. In this regard, they further noted that at present, no formal mechanisms for such coordination exist, although informal arrangements have been made with certain other bodies. By way of example, the Auditor General noted that until recently, the OAG was cooperating closely with the Financial Intelligence Unit, but because the head of that Unit has changed, they will have to begin that cooperation process anew. The Committee believes that it would be very useful for the country under review to consider building upon the current efforts of the OAG to establish cooperation mechanisms with oversight bodies and government institutions with which such coordination is required or helpful for the fulfillment of the functions of the OAG, and examine the need to formalize these mechanisms. The Committee will formulate the corresponding recommendation. (See recommendation 1.4.6 in chapter II of this report.)

[53] Seventh, and with regard to internal controls in the OAG, the Committee denotes an absence of an established internal procedure for receiving and handling complaints regarding OAG officials or personnel. The Committee will formulate a recommendation taking this into account. (See recommendation 1.4.7 in chapter II of this report.)

[54] Eighth, the Committee observes that regular training is provided, for example, via the designation of Friday's as training days. Nonetheless, the Committee believes that it might be useful for the country under review to consider establishing and implementing an orientation program, including the development of an orientation manual for new personnel. The Committee will formulate a recommendation taking this into account. (See recommendation 1.4.8 in chapter II of this report.)

[55] Ninth, the Committee observes that the OAG audit manuals have not been substantially updated since 1985. In this regard, the Committee believes that it would be beneficial for the country under review to consider updating those manuals, and it will formulate the appropriate recommendation. (See recommendation 1.4.9 in chapter II of this report.)

1.3. Results of the legal framework and/or other measures

[56] Based on the response of the country under review to the questionnaire and the on-site visit, information was gathered regarding the results obtained by the Office of the Auditor General with respect to the fulfillment of its functions, including the following:

[57] First, with respect to measures relating to the prevention of corruption, the response to the questionnaire notes that *“The Office of the Auditor General has undertaken a campaign under the banner “Citizen Participation”. In April 2013 sessions were held with Staff in an effort to sensitize them and create awareness about the office’s role and its interaction with stakeholders. Follow-up sessions were held with stakeholders including the media, Finance Officers in the Government Service, and the Chamber of Commerce. Visits were also made to tertiary level educational institutions (the universities and junior colleges). The Office now seeks to network with the Financial Intelligence Unit and other relevant agencies.”*¹¹

[58] Second, with respect to results related to the detection of acts of corruption, the response to the questionnaire states that *“The Office addresses this two-fold: Through compliance and financial audits conducted regularly. Once the audits are completed the findings and recommendations are forwarded to the respective Ministries for necessary action. Follow-up is not normally done by this office. Follow-up of the process is done by the respective Ministry, which is free to liaise with the Office for further information or clarification.”*¹²

[59] During the on-site visit, the OAG noted that while they do attempt to follow-up with the Ministries to determine the level of compliance with audit recommendations and to suggest appropriate courses of action, the OAG does not have any sort of results on the level of compliance by Ministries with OAG recommendations, and further noted that it would be very difficult to maintain such figures.

[60] The response also notes with respect to the detection of acts of corruption, that *“There is also the reporting process for losses suffered by the ministries, where these are required to report any loss or damage of Government property to the Auditor General, and to submit the relevant/supporting evidence/documentation. The Auditor General reviews the particular matter and makes the relevant recommendation, which may vary from disciplinary action, a surcharge or recommendation for criminal action to be instituted.”*¹³

[61] During the on-site visit, the OAG representatives explained that they do not have any figures on the total amount of the recommended surcharges for public servants found to be in violation, the amount of surcharges that the Ministries in turn ordered the public servant to pay, nor the actual amounts received from those public servants, if any. Similarly, no statistics were available regarding the results of disciplinary action recommended by the OAG, nor on the implementation of those disciplinary recommendations in the respective Ministries.

[62] With respect to the detection of acts of corruption that trigger criminal responsibility, during the on-site visit, the OAG provided the following information on the results achieved by the Office in relation to the audits involving cases of fraud: *“We have not encountered cases of corruption over the*

¹¹ See the response to the questionnaire, at p. 22, supra note 3.

¹² Ibid, at p. 23.

¹³ Ibid, at p. 23.

*last 6 years; Audit Examinations begun and completed: 60; Fraud Investigations completed: 17; Investigations ongoing: 1; Investigations suspended: 0; Investigations shelved: 0.*¹⁴

[63] During the on-site visit, OAG representatives clarified that the 17 completed fraud investigations indicated above, all refer to cases in which indicia of fraud were detected through audits. In all 17 cases, OAG representatives noted that the audit results were sent to the police and the Director of Public Prosecutions (DPP) for appropriate investigation and processing, as appropriate. However, the OAG representatives also explained that the OAG does not carry out any follow-up with respect to cases forwarded to the police and the DPP, and accordingly, they could not say whether OAG audits had led to any successful criminal prosecutions.

[64] Based on the foregoing paragraphs, the Committee concludes that there is no information available on the results of: (1) OAG recommendations issued to Ministries as a result of audit findings; (2) cases in which indications of criminal activity have been revealed by audits and forwarded on to the appropriate authorities; or (3) surcharges recommended by the OAG to be imposed on public servants for damage or loss caused to the public treasury.

[65] Taking the foregoing into consideration, the Committee notes that a comprehensive assessment of the effectiveness of the OAG's compliance with its mandates and functions cannot be performed. The Committee will formulate a recommendation on this point. (See recommendation 1.4.10 in chapter II of this report.)

1.4. Conclusions and recommendations

[66] Based on the foregoing comprehensive analysis of the OAG, the Committee offers the following conclusions and recommendations:

[67] Belize has considered and adopted measures intended to maintain and strengthen the Office of the Auditor General as an oversight body, as indicated in Chapter II, Section 1 of this report.

[68] In view of the comments made in that section, the Committee suggests that the country under review consider the following recommendations:

- 1.4.1. Provide the Office of the Auditor General with sufficient human and financial resources, within available resources, so that it can fully and adequately execute its functions, particularly those related to the audits required by the Constitution. (See Chapter II, Section 1.2 of this report.)
- 1.4.2. Take the necessary steps to ensure (i) that public servants comply with their obligation to cooperate with and respond to requests from the OAG; (ii) that there are mechanisms in place for the imposition of sanctions against those public servants who fail to comply with this obligation; and (3) that there is a functioning mechanism in place to ensure adequate follow-up to and compliance with recommendations issued by the OAG. (See Chapter II, Section 1.2 of this report.)
- 1.4.3. Consider the need to improve existing coordination between the OAG and the Ministry of the Public Service, which could include, among other aspects: (1) For the

¹⁴ See the OAG on-site visit power point presentation, available at: http://www.oas.org/juridico/english/mesicic4_blz.htm

MPS to include a member of the OAG as part of the MPS-organized interviewing panel for the filling of vacancies within the OAG and otherwise to consult with the OAG with respect to transfers; and (2) To establish adequate procedures for the OAG to report to the MPS the failure of a public officer to comply with an OAG recommendation or a request for information, in order for the MPS to follow-up, and, where necessary, impose disciplinary measures. (See Chapter II, Section 1.2 of this report.)

- 1.4.4. Take the necessary steps to ensure that the Office of the Auditor General receives timely financial statements from the Accountant General, in order for the OAG to comply with its Constitutional obligation to audit the accounts of Government on a yearly basis, and to prepare and submit reports on those audits in a timely fashion. (See Chapter II, Section 1.2 of this report.)
- 1.4.5. Consider the utility of imposing a requirement that all entities whose financial statements are subject to audit by the Office of the Auditor General prepare their financial statements in accordance with the same recognized and uniform accounting standard, perhaps to be determined by the Ministry of Finance, in collaboration with the OAG. (See Chapter II, Section 1.2 of this report.)
- 1.4.6. Establish cooperation mechanisms with oversight bodies and government institutions with which coordination is required or helpful for the fulfillment of the functions of the OAG, and examine the need to formalize those mechanisms. (See Chapter II, Section 1.2 of this report.)
- 1.4.7. Establish a procedure to address any claims or complaints that might be received from the public regarding the performance of the Office of the Auditor General or its personnel. (See Chapter II, Section 1.2 of this report.)
- 1.4.8. Establish and implement an orientation program for new personnel of the Office of the Auditor General, including the development of an orientation manual. (See Chapter II, Section 1.2 of this report.)
- 1.4.9. Update the audit manuals in the Office of the Auditor General. (See Chapter II, Section 1.2 of this report.)
- 1.4.10. Maintain information on the results of the work of the Office of the Auditor General, which demonstrate: (i) the number of recommendations issued by the OAG to government Ministries or institutions that have been complied with, as well as the number that have not been implemented; (ii) the final disposition of those cases that have been forwarded to the appropriate authorities for action, when an OAG audit reveals potential criminal activity; and (iii) the amount of the surcharges recommended by the OAG to be imposed on public servants for loss or damage to the public treasury, the amounts the respective Ministries actually ordered the public servants to pay, and the amount actually received from public servants. (See Chapter II, Section 1.3 of this report.)

2. OFFICE OF THE SERVICES COMMISSIONS

2.1. Existence of a legal framework and/or other measures

[69] The Office of the Services Commission has a set of provisions in its legal framework, as well as other measures that refer, *inter alia*, to the following:

[70] With respect to the objectives and functions of the Office, the response to the questionnaire notes that *“In 2001, the Office of the Services Commissions (“the Commission”) was established to coordinate and administer the whole spectrum of Human Resource Management with respect to the three constitutionally-established services commissions: (a) the Public Services Commission (s. 105 of the Belize Constitution); (b) the Security Services Commission (s. 110C of the Belize Constitution); and (c) the Judicial and Legal Services Commission (s.110E of the Belize Constitution). To support their functions and responsibilities, it was staffed with a small secretariat and two regulations were developed pursuant to s. 106 (3) of the Constitution: the Public Service Regulations (“the PSR”) and the Services Commission Regulations (“the SCR”).”* These sections also provide that in the performance of their respective functions, the services commissions are not subject to the direction or control of any other person or authority.

[71] Section 106 of the Constitution provides that the power to appoint, transfer, discipline and remove public servants, other than offices in the judicial and legal services and the security services, vests with the Public Services Commission. Similarly, section 110D provides that the Security Services Commission has similar powers with respect of offices in the security services, while section 110F vests the Judicial and Legal Services Commission with similar powers with respect to judicial and legal officers. The response to the questionnaire notes that *“While each of these three commissions were established to guide and regulate matters concerning public officers that fall within the purview of each, their functions are similar in nature.”*¹⁵

[72] Regulation 4 of the Services Commissions Regulations (SCR) establishes that the Services Commissions have the power to appoint persons to office in the public service, the power to transfer or confirm appointments, as well as the power, subject to section 111 of the Constitution, to exercise disciplinary control over such persons and remove them from office.

[73] Similarly, Regulation 8 of the SCR empowers the Services Commissions to require any public officer to appear before them and produce any official document relating to a matter under consideration by the Commission, while section 9 provides that failure to comply with requirements or requests of a Service Commission constitutes a breach of discipline.

[74] In addition, the response to the questionnaire notes *“[p]revention and detection of corrupt acts within the public service are the primary responsibility of each Government Office, Department or Ministry...”* and that *“[p]unishment of corrupt acts is the responsibility of the relevant Services Commission through administrative proceedings. Some of these actions may also give rise to civil or criminal proceedings, which are pursued within the jurisdiction of the domestic courts.”*¹⁶

[75] With respect to decisions taken by the Public Service Commission, section 105(15) of the Constitution provides that decisions of the Commission require the concurrence of a majority of all the members, while section 111 provides that appeals of disciplinary decisions taken by a Service Commission against a public officer may be made to the Belize Advisory Council. In this regard, the

¹⁵ See the response of Belize to the Questionnaire for the Fourth Round, at p. 5, *supra* note 3.

¹⁶ *Ibid.*

response to the questionnaire notes that decisions taken by the Services Commissions can also be appealed to the Supreme Court of Belize.¹⁷

[76] With respect to exceptions to the scope of authority of the Services Commissions, Regulation 3(2) of the SCR provides that the Regulations do not apply to Justices of the Court of Appeals and the Supreme Court, the Director of Public Prosecutions, the Auditor General, an officer to whom section 110B of the Constitution applies,¹⁸ open vote workers to whom the Government (Open Vote) Workers Regulations apply, any office to which section 107 of the Constitution applies,¹⁹ or to any other category or class of officers where special Regulations are made in respect of that category or class of officers.

[77] Pursuant to section 105 of the Constitution, the Public Service Commission is made up of six members. Section 110C of the Constitution provides that the Security Services Commission is made up of five members, while according to section 110E of the Constitution, the Judicial and Legal Services Commission is composed of four members. Section 105, 110E, and 110(8) also provide, with regard to the Public Service Commission, the Judicial and Legal Services Commission, and the Security Services Commission, respectively, that Commission members may only be removed for inability to perform the functions of their office or for misbehavior, and following a procedure in which the Belize Advisory Council enquires into the matter and advises the Governor General whether the member of the particular Commission should be removed.

[78] The Office of the Services Commission is headed by a Director, who is responsible for (a) serving as Secretary to the Services Commissions; (b) submitting matters for consideration to the appropriate services commission; (c) giving effect to and providing notice of decisions taken by the Services Commissions; and (d) ensuring that documents related to matters subject to consideration by the Services Commission are submitted in a timely manner.²⁰ The response also indicates that the functions of Director of the Office of the Services Commission are being executed by the Human Resource Management Section of the MPS.²¹

[79] With respect to the staff of the Office of the Services Commissions, the response to the questionnaire notes that its staff is made up of existing public officers, who are subject to the provisions of the Public Service Regulations and the Constitution.²² During the on-site visit, the Director of the Office informed that the staff of the Office consists of the Director, as well as three Secretaries who each support one of the three Services Commissions.

[80] With respect to the existence of documented procedures for the performance of tasks, the response notes that although there is a Disciplinary Procedure Manual used by the Administrative Officers in the public service, there is no formal procedure manual used by the Commission, and that the principal guides are the Public Service Regulations and the Services Commissions Regulations.²³

[81] According to the response to the questionnaire, *“Budgetary allocations are provided by the Ministry of Finance from the budgetary allocation within the framework of the Annual Estimates. The*

¹⁷ Ibid, at p. 10.

¹⁸ Section 110B of the Constitution provides that the power to appoint, confirm, discipline or remove persons in the Prison Service vests with the Superintendent of Prisons.

¹⁹ See Section 2.1, above.

²⁰ Ibid, at p. 8.

²¹ Ibid.

²² Ibid, at p. 15.

²³ Ibid, at pages 16 and 17.

Office of the Services Commissions' budget is managed by the Financial Officer at the Ministry of the Public Service."²⁴

[82] With respect to existing coordination mechanisms for harmonizing their functions with those of other oversight bodies, the response to the questionnaire notes that "*The composition of the individual Services Commissions provides opportunity for some level of coordination with other public bodies, and in the case of the SSC, with the private Sector.*"²⁵

2.2. Adequacy of the legal framework and/or other measures

[83] The Office of the Services Commission has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were briefly described in Section 2.1 of this report. Nonetheless, the Committee considers it appropriate to formulate certain observations in relation thereto:

[84] First, the Committee observes, as noted above in Section 2.1, that the Services Commissions lack a formal disciplinary procedures manual, notwithstanding that during the on-site visit, the representatives noted that a manual for hearings before the Public Service Commission was being worked on. The Committee considers that formal manuals would be useful in order to provide for clear procedures and mechanisms, as well as to promote transparency. The Committee will formulate a recommendation in this regard. (See recommendation 2.4.1 in chapter II of this report.)

[85] Second, the Committee notes that neither the Office nor the Services Commissions themselves produce an annual report. In this regard, the response to the questionnaire notes in pertinent part, that "*The Office of the Services Commissions informs that currently it does not have an adequate reporting mechanism with respect to its duties and achievements...*"²⁶ In this sense the Committee considers that it would be useful for such an annual report to be prepared and published, and for it to contain standardized information, as well as summarize the activities of the Office and the Services Commissions. The Committee considers that this would allow members of the public to track the progress made by these institutions from year to year. The Committee will formulate the corresponding recommendation. (See recommendation 2.4.2 in chapter II of this report.)

[86] Third, the Committee notes that the Office of the Services Commissions does not have an institutional website. Although the Committee observes, as noted in the response to the questionnaire, that the Constitution, the Public Service Regulations, and the Services Commissions Regulations are all available on the Government of Belize website, the Committee believes that it might be useful for the Office of the Services Commission to have its own Internet portal in order to assist in providing useful information to members of the public, such as their objectives and functions, composition of the Office and the Commissions, annual reports, procedures manuals, etc. The Committee will formulate a recommendation on this point. (See recommendation 2.4.3 in chapter II of this report.)

2.3. Results of the legal framework and/or other measures

²⁴ Ibid, at p. 20.

²⁵ Ibid.

²⁶ Ibid, at p. 21.

[87] Based on the response of the country under review to the questionnaire and the on-site visit, information was gathered regarding the results obtained by the Offices of the Services Commissions with respect to the fulfillment of its functions, including the following:

[88] First, with respect to results relating to the detection of corruption, the response to the questionnaire notes that *“The Office of the Services Commissions is not primarily tasked with the detection of cases of corruption, but rather to [submit] reports of acts of corruption by public officers to the relevant Commission for proper investigation and corrective measures, including the imposition of disciplinary measures. The Office of the Services Commissions, also gives advice on how to improve internal systems of control/monitoring to safeguard Government assets.”*²⁷

[89] Second, with respect to results relating to the punishment of corrupt acts that trigger disciplinary, administrative, or financial responsibility, the response notes that *“The Office of the Services Commissions informs that [the]re is an average of 10 cases disposed of by the Commission each year and that in all cases, the public officers were found guilty. They inform further that none of the cases was statute barred...The monetary sanctions imposed are normally equivalent to the losses suffered by the Government which is recovered from the person directly in addition to the loss of benefit which the Government would have otherwise paid to the individual.”*²⁸

[90] Additionally, during the on-site visit, representatives of the Office of the Services Commission provided a presentation which included the following information related to disciplinary cases involving corrupt acts corresponding to the year 2013: Customs department = 2; Immigration department = 4; Magistracy = 1; Post office = 3; Fire department = 1; Vital Statistics = 1; Ministry of Health – 2; Cases of surcharge = 5.²⁹

[91] The representatives noted that it was difficult to provide additional statistics or specifics with regard to the cases in which disciplinary measures or financial penalties were imposed, due to the fact that everything is manual, and that compiling such statistics would require going through every file and manually determining whether a sanction was imposed. In addition, no information was available on the total number of allegations of wrongdoing by public officers received by the Commissions.

[92] In a similar sense, the representatives noted that the Office of the Services Commissions does not carry out follow-up with regard to the implementation of the disciplinary measures of financial penalties imposed, as that is the responsibility of the individual Ministry concerned.

[93] In this regard, the representatives further noted that they had begun work on a database that would allow them to have electronic access to cases, which would allow for statistics to be compiled and analyzed. The Committee considers that the absence of comprehensive and detailed results in this area precludes an adequate assessment of the effectiveness of the Office of the Services Commission’s compliance with its mandates and functions. In addition to allowing the effectiveness of the Office and the Services Commissions to be analyzed, this type of information would also assist the Office in determining which areas may be in need of increased attention and focus. The Committee will formulate a recommendation on this point. (See recommendation 2.4.4 in chapter II of this report.)

²⁷ Ibid, at p. 23.

²⁸ Ibid, at p. 24.

²⁹ See the Offices of the Services Commission on-site visit power point presentation, available at: http://www.oas.org/juridico/english/mesicic4_blz.htm

2.4. Conclusions and recommendations

[94] Based on the foregoing comprehensive analysis of the Office of the Services Commissions, the Committee offers the following conclusions and recommendations:

[95] **Belize has considered and adopted measures intended to maintain and strengthen the Office of the Services Commissions as an oversight body, as indicated in Chapter II, Section 2 of this report.**

[96] In view of the comments made in that section, the Committee suggests that the country under review consider the following recommendations:

- 2.4.1. Develop and issue manuals that outline procedures to be followed in disciplinary proceedings and hearings before the Services Commissions. (See Chapter II, Section 2.2 of this report.)
- 2.4.2. Prepare and publish an annual report summarizing the activities of the Office of the Services Commissions, as well as the results of the execution of its functions and responsibilities, including budget allocation, expenditures and training provided. (See Chapter II, Section 2.2 of this report.)
- 2.4.3. Create an internet portal for the Office of the Services Commissions in order to provide information to the public, including information on the applicable legal framework of this Office, information on its objectives and functions, composition and functions of the Services Commissions, annual reports, and any other relevant information. (See Chapter II, Section 2.2 of this report.)
- 2.4.4. Implement the necessary mechanisms, making use of modern technologies if appropriate, so that results of the work of the Office of the Services Commission and the Services Commissions can be maintained, such as (i) information on the number of disciplinary cases related to acts of corruption received and examined by the Services Commissions, including information on the type of corruption involved; the number of cases in which responsibility was found; the number of cases in which no responsibility was found; and the types of disciplinary measures that were ordered and subsequently applied by the respective Ministry; and (ii) information on the amount of the financial sanctions imposed, or the amounts ordered to be paid back to the State that have actually entered the public treasury. (See Chapter II, Section 2.3 of this report.)

3. MINISTRY OF THE PUBLIC SERVICE (MPS)

3.1. Existence of a legal framework and/or other measures

[97] The Ministry of the Public Service (MPS) has a set of provisions in its legal framework, as well as other measures that refer, *inter alia*, to the following:

[98] With respect to its objectives and functions, section 106(3) of the Constitution empowers the MPS to make regulations relating to “...(a) *the formulation of schemes for recruitment to the public service;* (b) *the determination of a code of conduct for public officers;* (c) *the fixing of salaries and privileges;* (d) *the principles governing the promotion and transfer of public officers;* (e) *measures to ensure discipline,*

and to govern the dismissal and retirement of public officers, including the procedures to be followed; (f) the procedure for delegation of authority by and to public officers; and (g) generally for the management and control of the public service.”

[99] In addition, the response to the questionnaire notes that the MPS serves as the principal human resource ministry for the public service, and that accordingly, it is responsible for the application of, *inter-alia*, the relevant sections of the Belize Constitution Act, the Public Services Regulations 2001 and the Services Commissions Regulations 2001.³⁰

[100] Section 107(1) of the Constitution establishes that the Chief Executive Officer (CEO)³¹ of each Ministry is appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Public Services Commission. Pursuant to section 107(2), the power to exercise disciplinary control over the CEO, including the power of removal, vests with the Governor-General, acting in accordance with the advice of the Prime Minister.

[101] Officials other than the CEO are appointed, promoted, transferred, disciplined and/or removed by the Public Service Commission, in accordance with section 105 of the Constitution and the Public Service Regulations, 2001. In this regard, the response to the questionnaire notes that *“Public officers are selected based on the defined criteria for the post for which they have applied. Senior posts, in particular, are advertised either internally or externally to the general public service. A panel comprising of a member of the Public Service Commission, a representative of the Ministry from which the vacancy arises, and two representatives of the Ministry of the Public Service interview the candidates and identify the person most suited to fill the post. They make a recommendation in this regard to the Public Service Commission. If the Commission agrees with the recommendation, that person is appointed to the post. However, if the Commission considers that the recommendation is not genuine or was motivated by other issues which are not merit-based, it may request a candidate/candidates to appear before them for clarification of questions that may have arisen with respect to the Panel’s recommendation. In some instances, senior posts may be filled on a contractual basis. This may occur where the post requires specialist skills, especially where these are in short supply, and the most suitable person for the post does not wish to be tenured in the public service. In such a case, such recommendation must be made to the Public Service Commission and the Commission must agree thereto.”*³²

[102] With respect to the adoption of decisions by the MPS, the response to the questionnaire notes that the CEO has primary responsibility for adopting and enforcing decisions, in accordance with the Public Service Regulations.³³ The response also explains that requests for revision of MPS decisions may be addressed to the CEO.

[103] With regard to appeals of disciplinary actions, the response notes that these may be made to the Public Service Commission, while appeals against decisions taken by that Commission may be made to the Belize Advisory Council, established pursuant to section 54 of the Constitution.³⁴

³⁰ See the response of Belize to the Questionnaire for the Fourth Round of Review, at p. 6, *supra* note 3.

³¹ Section 48 of the Constitution provides in pertinent part, that subject to limited exceptions, *“...every department of government shall be under the supervision of a public officer whose office is referred to in this Constitution as the office of a Chief Executive Officer.”*

³² See the response of Belize to the Questionnaire for the Fourth Round of Review, at p. 11, *supra* note 3.

³³ *Ibid.*

³⁴ *Ibid.*, at p. 9.

[104] With respect to the implementation of modern technology to facilitate the work of the MPS, during the on-site visit, MPS personnel informed that they are working with “Smart Solutions International” and the Government’s Central Information Technology Office, in order to automate many of the Ministry’s human resources policies.

[105] In this regard, MPS personnel also indicated that part of the Smart Stream Human Resource Policy now being implemented includes Job, Position and Employee modules, which will allow a list of all public service employees to be generated. Similarly, MPS personnel indicated that descriptions for all positions in the public service are being reviewed and updated. MPS personnel explained that these efforts are scheduled to be completed by December, 2014.

[106] The response to the questionnaire indicates that supervisors provide regular coaching and training, and that MPS personnel receive training offered by the MPS to the wider public service in collaboration with educational institutions.³⁵ In addition, during the on-site visit, MPS representatives informed that one of the MPS’ medium to long-term goals is the creation of a Public Service Learning and Resource Center, which will serve as a centralized and permanent training unit, and which will include, among other information, dissertations and theses given by public officers in order to assist in informing public policy.

[107] With regard to the manner in which the general public is provided with information about the objectives and functions of the MPS, the response notes that *“The Ministry’s functions are more relevant and geared toward Government line-Ministries and Departments. These ministries and departments are provided with Circulars and Circular Memoranda on a regular basis. It is through this means that Government’s HR policies and decisions and the relevant processes are conveyed. The Ministry also organizes Public Service Days which are held during Public Service Week. The Ministry, along with other Ministries, participates offering the general public information about its services and processes.”*³⁶

[108] Regarding internal controls, the response explains Claims, complaints or allegations related to the pursuit of the objectives of the MPS or the performance of its personnel may be presented in person, in writing, via email or by telephone. In addition, the response notes that *“When these are received, they are investigated by the Ministry’s administration. The officer in question is informed and is given ample and fair opportunity to respond. Any action that is required, as a result, is done either verbally, by way of advice or warning, or in writing. If wrongdoing is proven, and such wrongdoing is serious, the matter is referred to the Public Service Commission.”*³⁷

[109] With regard to the budget of the MPS, the response to the questionnaire notes that *“The Ministry is provided with a monthly budgetary allocation from the Ministry of Finance in the framework of the Annual Estimates of Revenue and Expenditure as approved by the National Assembly.”*³⁸ In addition, during the framework of the on-site visit, the MPS provided the following figures, corresponding to the approved budget for the MPS corresponding to 2009 to 2015: 2014/2015 - \$11,115,094 (Present); 2013/2014 - \$9,052,384; 2012/2013 - \$7,698,996; 2011/2012 - \$9,073,934; 2010/2011 - \$7,817,237; 2009/2010 - \$4,436,060.

[110] In reference to mechanisms for coordinating with other oversight bodies, during the on-site visit, representatives of the MPS explained that there are weekly meetings of the Caucus of Chief

³⁵ Ibid, at p. 15.

³⁶ Ibid, at p. 17.

³⁷ Ibid, at p. 18.

³⁸ Ibid, at p. 19.

Executive Officers, which serve as a safe space to talk openly about various issues. In addition, the response to the questionnaire notes that *“At weekly meetings of the Caucus, ministries’ various programmes and initiatives are discussed and support/collaboration obtained for same. Where a particular programme of the Ministry requires particular collaboration with another Ministry or agency, outreach is made to these agencies and support requested.”*³⁹

[111] With respect to accountability mechanisms, the response to the questionnaire notes that the Ministry is required to produce an Annual Report and that additionally, it is required to provide the Office of the Prime Minister with a yearly account of its accomplishments.⁴⁰

[112] With regard to institutional strengthening actions, during the on-site visit, MPS representatives explained that the MPS has a 2012-2017 Action Plan, pursuant to which many activities and projects related to strengthening the MPS and improving its ability to execute its functions are being developed. These include, among others, a job classification exercise to ensure the principle of equal pay for equal work across the public service; the establishment of a Quality Assurance Unit in the MPS to improve customer service; the establishment of an Employee Assistance Program; the establishment of a Public Service Learning and Research Center; the production of a list of all public officers within the public service; and the implementation of a Smart Stream Human Resource Policy.

3.2. Adequacy of the legal framework and/or other measures

[113] The Ministry of the Public Service has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were briefly described in Section 3.1 of this report. Nonetheless, the Committee considers it appropriate to formulate certain observations in relation thereto:

[114] First, with respect to coordination with other oversight bodies, the Committee observes, as noted in Section 1.2, above, that there appears to be a need for formal channels of communication between the Ministry of the Public Service and the Office of the Auditor General, for the filing and processing of disciplinary actions against public servants as a result of failure to comply with requests by the OAG, as well as to ensure that the Office of the Auditor General has some form of input with respect to the selection of the personnel of the OAG, including officers transferred from elsewhere in the public service to fill a position in the OAG. The Committee will formulate a recommendation in this regard. (See recommendation 3.4.1 and 1.4.4 in chapter II of this report.)

[115] Second, during the on-site visit, the MPS representatives explained that the MPS was in the process of drafting a comprehensive revision of the existing Public Service Regulations, which, according to the representatives, among others, more clearly defines the roles and functions of heads of Departments; contemplates a vetting process for new recruits to the public service; contains an enhanced code of conduct addressing additional forms of conflicts of interest. During the on-site visit, it was also reported that these new regulations are in final draft form, and that once they have been signed by the Governor General, public officers will receive the appropriate training. The Committee considers that it is important for this revision process to be concluded, and will formulate the corresponding recommendation. (See recommendation 3.4.2 in chapter II of this report.)

³⁹ Ibid, at p. 20.

⁴⁰ Ibid, at p. 21.

[116] Third and related to the existence of documented procedures for the performance of tasks, during the on-site visit, MPS representatives indicated that these types of manuals will be drafted once the Revised Public Service Regulations have been issued. The Committee will formulate a recommendation in this regard. (See recommendation 3.4.3 in chapter II of this report.)

[117] Fourth, with respect to accountability mechanisms and the manner in which the MPS informs the public of the fulfillment of its functions and responsibilities, the Committee observes that the response to the questionnaire notes that *“The Ministry, like all others, is required to produce an Annual Report. It is also required, in the early months of each year, to provide the Office of the Prime Minister with an account of its accomplishments.”*⁴¹

[118] Regarding the foregoing, during the course of the on-site visit, MPS representatives noted that an annual report corresponding to 2012-2013 was being prepared, and that the last annual report that was prepared corresponds to 2009. The Committee considers it important for the MPS to ensure that it complies with its obligation to publish a yearly report informing the public of its activities, and will formulate the corresponding recommendation. (See recommendation 3.4.4 in chapter II of this report.)

[119] Fifth, and related to the above, during the on-site visit, MPS representatives pointed out that annual reports are not available on the MPS Internet website, and that furthermore, the website is often out of date, due to the fact that it is managed not by the MPS, but by the Government’s Central Information Technology Office (CITO), which manages and is responsible for updating the MPS website. In this regard, during the process of preparation of this report, the MPS Internet website was frequently not accessible. The Committee will formulate a recommendation bearing this circumstance in mind. (See recommendation 3.4.5 in chapter II of this report.)

[120] Sixth, during the on-site visit, representatives of the MPS noted that one of the difficulties that the MPS encounters is the need to provide significant assistance to middle managers in Government Ministries with respect to the proper way to put together disciplinary cases that are sent to the MPS and subsequently examined by the Services Commissions. They further reported that this fact has led to reduced efficiency and effectiveness and that some cases have been put together in such a deficient manner by the respective Ministry that the Public Service Commission has had to absolve the accused or remove the case from the schedule.

[121] Further, during the on-site visit, the Human Resources Manager of the MPS informed that the MPS has had to assist these middle managers with the preparation of the relevant documentation that needs to be put together with respect to disciplinary matters that are to be referred to the relevant Services Commission for consideration, in order to ensure that these matters do not fail due to lack of adequate or proper documentation or evidence.

[122] In this regard, the Committee believes that it would be useful for the country under review to consider ensuring that middle managers receive guidance and periodic training so that they are able to prepare files on disciplinary matters to be referred to the Office of the Services Commission. The Committee will formulate a recommendation in this regard. (See recommendation 3.4.6 in chapter II of this report.)

⁴¹ Ibid.

[123] Seventh, and with regard to the complaints from the public relating to the performance of public servants, during the on-site visit, the MPS explained that a frequent complaint from the public is that public officials provide poor customer service. To address this problem, in 2012 the MPS created a Quality Assurance/Customer Service Unit and appointed a Supervisor of Quality Assurance. MPS representatives explained during the on-site visit that what is still pending is the production of a policy and standards for this Unit. The Committee considers that this Unit, once the necessary operational policy and standards are in place, could be a valuable tool to improve the services provided by the MPS to the public, and could also serve as a formal mechanism for channeling and addressing complaints from members of the public. The Committee will formulate a recommendation on this point. (See recommendation 3.4.7 in chapter II of this report.)

3.3. Results of the legal framework and/or other measures

[124] Based on the response of the country under review to the questionnaire and the on-site visit, information was gathered regarding the results obtained by the Ministry of the Public Service with respect to the fulfillment of its functions, including the following:

[125] First, with respect to results relating to the prevention of corruption, the response to the questionnaire notes the following ongoing activities: (a) production of a 2013 revision of the Public Service Regulations; (b) production of a 2013 Staff List; (c) the development of an Employee Assistance Policy; (d) implementation of a Job Classification Exercise; and (3) development of a Quality Assurance/Customer Service Policy and Implementation Plan for the public service.⁴²

[126] Second, although the Ministry of the Public Service is not responsible for hearing or deciding upon disciplinary matters relating to corrupt acts by public servants, as Secretariat for the Office of the Services Commissions, all disciplinary matters relating to public servants are directed from Government Ministries to the MPS. Nonetheless, during the on-site visit, MPS representatives noted that they did not have statistics on the number of cases received from the respective Ministries, the number of cases that were transmitted to the Services Commissions to be processed, nor the outcome of those cases. In this regard, MPS representatives explained that because all of their files are maintained manually rather than electronically, gathering and maintaining statistics of this nature would be very difficult and time consuming. The Committee will formulate a recommendation in this regard. (See recommendation 3.4.8 in chapter II of this report.)

3.4. Conclusions and recommendations

[127] Based on the foregoing comprehensive analysis of the Ministry of the Public Service, the Committee offers the following conclusions and recommendations:

[128] Belize has considered and adopted measures intended to maintain and strengthen the Ministry of the Public Service as an oversight body, as indicated in Chapter II, Section 3 of this report.

[129] In view of the comments made in that section, the Committee suggests that the country under review consider the following recommendations:

- 3.4.1. Establish formal channels of communication and coordination between the Ministry of the Public Service and the Office of the Auditor General, in order to, among other

⁴² Ibid, at p. 22.

things: (i) streamline and regulate of the filing and processing of disciplinary complaints against public servants when they fail to comply with instructions from the Office of the Auditor General; and (ii) ensure that the Office of the Auditor General participates in the selection of all would-be OAG personnel. (See Chapter II, Section 3.2 of this report.)

- 3.4.2. Conclude the process of updating and issuing the comprehensive revision of the Public Service Regulations. (See Chapter II, Section 3.2 of this report.)
- 3.4.3. Draft and publish manuals or guides which establish documented procedures for the performance of tasks in the Ministry of the Public Service. (See Chapter II, Section 3.2 of this report.)
- 3.4.4. Prepare and publish the Annual Report of the Ministry of the Public Service in a timely manner, which should include a summary of its activities, concrete results regarding the execution of its functions and responsibilities, training conducted within the period covered by that Report, as well as budget allocation and expenditures. (See Chapter II, Section 3.2 of this report.)
- 3.4.5. Ensure that the website of the Ministry of the Public Service is continuously maintained and updated and that its annual reports, legislation and other information relevant to the Ministry are published electronically in a timely manner. (See Section 3.2 of Chapter II of this Report).
- 3.4.6. Ensure that middle managers receive guidance and periodic training on the preparation of files on disciplinary matters to be referred to the Office of the Services Commissions. (See Section 3.2 of Chapter II of this Report).
- 3.4.7. Complete the production of a policy and standards manual for the Quality Assurance/Customer Service Unit in the Ministry of the Public Service, and consider using this Unit as a formal means to channel and address complaints from members of the public. (See Section 3.2 of Chapter II of this Report).
- 3.4.8. Maintain results indicating the total number of disciplinary cases referred to the Ministry of the Public Service from Government Ministries and institutions; the number of investigations that have resulted from those referrals; the number of investigations that remain ongoing; the number of investigations that have been suspended for whatever reason; the number of investigations that have been shelved due to statute of limitations; the number of investigations that have been shelved without a decision being reached on the merits in the case under investigation; the number of investigations that are at a stage that allows a decision to be reached on the merits of the case under investigation; and the number of investigations that have been referred to the competent Services Commission in order for such a decision to be taken; as well as the outcome of those referrals, in order to identify challenges and recommend corrective measures. (See Section 3.2 of Chapter II of this Report).

4. OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP)

4.1. Existence of a legal framework and/or other measures

[130] The Office of the Director of Public Prosecutions (DPP) has a set of provisions in its legal framework, as well as other measures that refer, *inter alia*, to the following:

[131] With respect to its objectives and functions, section 50(2) of the Constitution establishes the following: “(a) to institute and undertake criminal proceedings against any person before any court of law (other than a court martial) in respect of any offence alleged to have been committed by that person; (b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.”

[132] Section 50(3) provides that the powers to take over and continue or to discontinue any criminal proceedings instituted by any other person or authority are vested in the DPP to the exclusion of any other person or authority.

[133] In addition, section 50(5) provides that criminal proceedings include any appeal from any determination of any court in criminal proceedings or any case, while section 50(3) states that the function of the DPP may be exercised through other persons acting under and in accordance with his or her general or specific instructions.

[134] With regard to exceptions to the scope of functions of the DPP, the response to the questionnaire notes that the DPP does not have the authority to discontinue proceedings arising from an appeal by a person who has been convicted in criminal proceedings.⁴³

[135] In addition, during the on-site visit, DPP representatives explained that Belize makes use of police prosecutors, who are not trained as attorneys, but who nonetheless prosecute crimes that are subject to summary jurisdiction, pursuant to the Police Act and the Summary Jurisdiction (Offenses) Act of 2000. In this regard, the representatives further explained that the police prosecutor unit in the Belize Police Department is headed by an attorney, and that there is some coordination that takes place between the DPP and police prosecutors, and more specifically, between police prosecutors and Crown Counsel in the Office of the DPP, who can provide guidance to the police prosecutors.

[136] Similarly, during the on-site visit, DPP representatives explained that “civilian prosecutors” also prosecute cases in magistrates courts, pursuant to the Summary Jurisdiction (Procedure) Act of 2000, which at section 38 provides that “Both the complainant and the defendant shall be entitled to conduct their respective cases in person or by an attorney-at-law or (without prejudice to section 17 of the Police Act) by any other fit and proper person designated by the Director of Public Prosecutions in writing to conduct prosecutions.”⁴⁴ During the on-site visit, DPP representatives explained that these civilian prosecutors have paralegal certificates.

⁴³ Ibid, at p. 8.

⁴⁴ Section 17 of the Police Act, Chapter 138, Revised Edition 2000, provides that “Where any information has been laid, or complaint or arrest made, by any police officer, it shall be lawful for the Commissioner or any superior officer, sergeant or corporal of the Department, if of opinion that such information was laid, or that such complaint or arrest was made, by such police officer in the performance of his duty as a police officer, to appear on behalf of such police officer before any magistrate at any proceedings consequent upon such information, complaint or arrest, and, on behalf of such police officer, to conduct the information, complaint or charge, and examine and cross-examine witnesses in the same manner as if such information had been laid, or such complaint or arrest had been made, by such Commissioner, superior officer, sergeant or corporal.”

[137] With respect to the independence of the DPP, section 50(6) of the Constitution provides that subject to the powers of the Attorney General, in the exercise of the powers vested in him by the Constitution, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

[138] With regard to the adoption of decisions by the DPP and the possibility of challenging those decisions, the response to the questionnaire notes that the DPP is bound by the Code of Prosecutors, which “...establishes the tests that should be observed when considering whether a matter should be proceeded with. The first test is the evidentiary test and the second is the public interest test. A decision of the DPP is subject to review by the Supreme Court upon application by any person with standing on the matter.”⁴⁵

[139] Pursuant to section 108(1) of the Constitution, the Director of Public Prosecutions is appointed by the Governor General, acting in accordance with the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

[140] Section 108(5) provides that the Director of Public Prosecutions shall vacate his office when he attains sixty years of age or such other age as may be prescribed by the National Assembly. Similarly, section 108(6) of the Constitution provides that the Director of Public Prosecutions may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehavior. Subsections 108(7) through 108(9) outline the procedure whereby the Belize Advisory Council may advise the Governor-General, following an enquiry into the matter, on the removal of the Director of Public Prosecutions.

[141] Appointments, transfers, confirmations, discipline and removal of Senior Crown Counsel and Crown Counsel in the Office of the DPP is the responsibility of the Judicial and Legal Services Commission, pursuant to section 110E of the Constitution. In this regard, the response to the questionnaire notes that “Some of these officers are on fixed term contracts, while others are held against established positions within the public service. They are all guided by the Public Service regulations, the Code of Judicial Etiquette and those on fixed term contracts, additionally by the specific provisions of said contract.”⁴⁶

[142] In addition, during the on-site visit, DPP representatives explained that pursuant to section 106 of the Constitution, support and administrative staff of the Office are appointed, transferred, disciplined and removed by the Public Service Commission, and accordingly, are also subject to the provisions of the Public Service Regulations.

[143] With respect to manuals describing the functions of DPP personnel, as well as the provision of training in relation to those functions, the response notes that “The powers of the DPP are established in and by the Constitution. Crown Counsel and Senior Crown Counsel are guided by a Code for Prosecutors and the relevant provisions of the individual contracts signed by each Counsel. The support staff is bound by the Public Service Regulations in the performance of their functions. Training is offered by the Ministry of the Public Service on a consistent basis for public officers.”⁴⁷

⁴⁵ See the response of Belize to the Questionnaire for the Fourth Round of Review, at p. 11, supra note 3.

⁴⁶ Ibid, at p. 14.

⁴⁷ Ibid, at p. 16.

[144] In terms of training, during the on-site visit, it was explained that newly-appointed Crown Counsel are assigned to a more Senior Crown Counsel for a minimum of three months before being responsible for conducting a case on their own. Similarly, DPP representatives noted that training in Belize has also been received through the United States Embassy, and that in addition, DPP staff have taken advantage of international training opportunities in such countries as Panama, El Salvador and the United States, in various related areas, including money laundering and the recovery of assets, among others.⁴⁸

[145] With regard to institutional strengthening activities, during the on-site visit and in the response to the questionnaire, representatives of the DPP noted a series of actions that have been or are being undertaken by the DPP, including, among others, (1) the “zoning” of professional staff, through the assignation of Crown Counsel to particular police formation and precincts, allowing for closer collaboration and faster responses; (2) the planned opening of a DPP office in Belmopan as well as in a northern district of Belize; (3) the obtaining of additional resources for training and research; (4) the assignation of legal assistants to each court in order to assist Crown Counsel in the preparation of trials; (5) the establishment of a Case Care Unit intended to assist victims of crimes and staffed with police officers; and (6) lobbying by the DPP for amendments to legislation, including those that allow cases to proceed without the physical presence of witnesses in order to address the problem of witness intimidation.⁴⁹

[146] With respect to the manner in which the general public is informed of the activities of the DPP, the response notes that the DPP periodically undertakes minor awareness campaigns, including a “community prosecution model” that was recently initiated, and which is aimed at sensitizing the public about the functions of the DPP and the manner in which decisions are made.⁵⁰

[147] With regard to mechanisms for internal control, the response notes that claims, complaints or allegations regarding the DPP or its personnel can be made directly (in person, electronically, or in writing) to the DPP or to the respective Service Commission. The response further notes that *“In practice, if a claim/complaint/allegation is directed at the DPP, she would investigate the matter and give the officer a fair opportunity to be heard. If she considers that the matter is not a serious one and can be addressed by her, she will. If the matter requires deeper investigation or consideration, she would refer same to the appropriate authority.”*⁵¹

[148] With respect to the manner in which budgetary resources of the DPP are ensured, section 118(6) of the Constitution provides that the budgets presented by the offices of the Auditor General the Ombudsman, the Contractor General, the Elections and Boundaries Commission, the Integrity Commission, the Director of Public Prosecutions, the Supreme Court and the Court of Appeal shall be given first priority calls on the Consolidated Revenue Fund. In this regard, the response notes that *“Each fiscal year a proposal is submitted to the Ministry of Finance for consideration in the new*

⁴⁸ See the Office of the Director of Public Prosecution on-site visit presentation, available at: http://www.oas.org/juridico/english/mesicic4_blz.htm.

⁴⁹ See the Office of the Director of Public Prosecution on-site visit presentation, available at: http://www.oas.org/juridico/english/mesicic4_blz.htm, as well as p. 17 of the response of Belize to the Questionnaire for the Fourth Round of Review, supra note 3.

⁵⁰ See the response of Belize to the Questionnaire for the Fourth Round of Review, at p. 18, supra note 3. No additional information on the “community prosecution model” was available during the on-site visit.

⁵¹ Ibid, at p. 19.

budget. If additional funds are needed during the fiscal year, the relevant request is made to the Ministry of Finance."⁵²

[149] Regarding coordination mechanisms for harmonizing the functions of the Office of the DPP with those of other oversight bodies or government authorities, the response notes that in the performance of its functions, the DPP interacts most with the Belize Police Department, and that there are certain protocols (unwritten) in place in order to ensure the efficient carrying out of duties.⁵³ In this regard, the response to the questionnaire, as well as a Power Point presentation presented by DPP representatives during the on-site visit, explain that the DPP also advises the Police Department and other institutions with powers of investigation and arrest in the exercise of those functions.⁵⁴

[150] The response also notes that Crown Counsel are assigned to work with specific police stations, and that there is regular direct communication between the DPP and the Commissioner of Police, the Head of the National Criminal Investigation Branch and the Head of the Crime Investigation Branch, Eastern Division (Belize City).

4.2. Adequacy of the legal framework and/or other measures

[151] The Office of the Director of Public Prosecutions has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were briefly described in Section 4.1 of this report. Nonetheless, the Committee considers it appropriate to formulate certain observations in relation thereto:

[152] First, the Committee observes an absence of accountability mechanisms publicizing the work of the DPP, or informing the public of the results of its performance of its functions. In this regard, during the on-site visit, DPP representatives noted that the Office does not prepare an annual report summarizing its activities. In this sense, the Committee notes that there is no legal obligation for the DPP to prepare such a report. In light of this circumstance as well as the importance of enhancing the accountability of the Office of the DPP, the Committee will formulate the corresponding recommendation. (See recommendation 4.4.1 in chapter II of this report.)

[153] Second, the Committee observes that the DPP has no institutional website, which would allow members of the public to learn of the objectives and functions of the DPP and the procedures established for the performance of its functions, among others. The Committee will formulate a recommendation in this regard. (See recommendation 4.4.2 in chapter II of this report.)

[154] Third, during the on-site visit, DPP representatives noted that there is a high amount of turnover in the Office. This high turnover rate, they explained, is a result of the private sector being much more lucrative for attorneys-at-law. As a result, most Crown Counsel remain at the Office of the DPP for two or three years and then move on to the private sector. This situation was noted as one of the difficulties faced by the Office. In addition, during the on-site visit, on DPP representatives explained that each of the Crown Counsel had a significant workload. In this sense, a Senior Crown Counsel noted that he manages approximately 75 cases continually. DPP representatives also observed that the limited number of prosecutors at the DPP's Office contributed to the delays in prosecutions.

⁵² Ibid, at p. 20.

⁵³ Ibid, at p. 21.

⁵⁴ See the Office of the Director of Public Prosecution on-site visit Power Point presentation, supra note 53.

[155] In light of the foregoing and bearing in mind the constitutional role of the Office of the DPP in instituting and undertaking criminal proceedings, including acts of corruption, as well as the need for it to have the human and financial resources it needs for the proper performance of its duties, the Committee will formulate a recommendation (See Recommendation 4.4.3 in chapter II of this report).

[156] Related to the foregoing, during the on-site visit, representatives of civil society and the private sector noted that the Office of the DPP needed to be adequately funded and staffed.

[157] Fourth and related to the filling of Crown Counsel and Senior Crown Counsel positions in the Office of the DPP, during the on-site visit, DPP representatives explained that vacancies for Crown Counsel positions are generally not advertised. Rather, an interested person normally will hear of the vacancy through word of mouth and will leave a resume with the Director of Public Prosecutions and the resume will be sent to the Judicial and Legal Services Commission in order for the position to be filled. Without regard to the recommendations issued to Belize in the framework of the Second Round of Review, the Committee considers that to ensure transparency, and to attract the most qualified candidates to the Office of the DPP, among other reasons, it is important for vacancies in the office to be publicized and for those vacancies to be filled based on merit. The Committee will formulate a recommendation in this regard. (See Recommendation 4.4.4 in chapter II of this report).

[158] Fifth, with respect to training, the Committee observes that during the on-site visit it was explained that the staff of the DPP have participated in various training events on a range of subject-matters, including international training, which the Committee encourages be continued. The Committee also observes that very little to none of the reported training events have contemplated or been directly related to the prosecution of acts of corruption. In this sense, the Committee considers that it would be beneficial for the country under review to strengthen the skills and ability of the legal staff of the Office of the DPP to prosecute fraud and corruption cases. The Committee will formulate a recommendation in this regard. (See Recommendation 4.4.5 in chapter II of this report).

[159] Sixth and related to the use of police prosecutors, the Committee observes that as explained during the on-site visit, police prosecutors only prosecute cases subject to summary jurisdiction. However, the Committee also notes that the Summary Jurisdiction (Offenses) Act of 2000 establishes two categories of offenses that are subject to summary jurisdiction: those crimes listed in the Second Schedule to the Act which can be tried summarily without the consent of the accused; and those crimes listed in the Third Schedule, which can be tried summarily with the consent of the accused. In this regard, the Committee notes that the Third Schedule to the Act, includes the following crimes: Corruption, oppression and extortion (No. 32), bribery of public officers (No. 36), and agreement for influencing officers (No. 37), among others.

[160] Pursuant to the foregoing, the Committee observes that is it conceivable for police prosecutors to be responsible for prosecuting not only minor offenses, but also serious crimes involving the corruption of public officials. Given the importance of adequately prosecuting corruption offenses, the Committee considers it important for the country under review to implement mechanisms to ensure that there is adequate coordination and oversight of police prosecutors by Crown Counsel from the Office of the DPP, in the event that police prosecutors are called upon to prosecute corruption offenses, and it will formulate a recommendation in this regard. (See Recommendation 4.4.6 in chapter II of this report)

[161] Seventh, with regard to the use of civilian prosecutors, the Committee observes that they also prosecute cases pursuant to a designation by the Director of Public Prosecutions, in accordance with the Summary Jurisdiction (Procedure) Act of 2000. The Committee considers that it would be advisable for the Office of the DPP to limit such designations, in order to ensure that serious crimes, particularly those cases involving allegations of corruption, are prosecuted by trained attorneys, i.e., Crown Counsel in the Office of the DPP, or, at a minimum, by police prosecutors under the supervision of Crown Counsel, as recommended in the foregoing paragraph. The Committee will formulate the corresponding recommendation. (See Recommendation 4.4.7 in Chapter II of this report)

4.3. Results of the legal framework and/or other measures

[162] Based on the response of the country under review to the questionnaire and the on-site visit, information was gathered regarding the results obtained by the Office of the Director of Public Prosecutions with respect to the fulfillment of its functions, including the following:

[163] First, with regard to results related to the prosecution of corrupt acts, during the on-site visit, representatives of the DPP provided a power point presentation, indicating that the only types of corruption offenses that have been prosecuted in Belize in recent years involve: (1) extortion by police officers as well as forgery of an official document by a police officer; (2) a case against three customs officers in which all three were acquitted; (3) prosecution of the former Chairman of the Social Security Board that resulted in an acquittal; and (4) charges brought against a former Prime Minister and a former Minister of Government for misappropriation of government funds, which did not go past the preliminary stage.⁵⁵

[164] With regard to the limited prosecutions involving cases of corruption, during the on-site visit, DPP representatives noted that very few such cases appear before the courts. The representatives pointed to a couple of potential causes for this, including: (1) lack of a complainant – in this regard, they noted that if a member of the public does not file a formal complaint, the police will not investigate the matter; and (2) the need for a witness to the alleged actions. In addition, they noted a general failure by members of the public to understand what constitutes an act of corruption in Belize and the means of reporting such an act. The Committee will formulate a recommendation in this regard. (See Recommendation 4.4.8 in Chapter II of this report).

[165] Second, the DPP representatives noted that they were unable to provide information on the total number of cases referred to the Office of the DPP from oversight bodies responsible for the detection and/or investigation of acts of corruption, based on an investigation revealing potential acts of corruption, or on the results of those referrals. The Committee considers that maintaining such results would assist in assessing the effectiveness not only of the DPP, but also of the oversight bodies that refer cases thereto, and it will formulate a recommendation in this regard. (See Recommendation 4.4.9 in Chapter II of this report).

[166] Third, the Committee believes that the country under review should consider establishing mechanisms for the Office of the DPP to coordinate and provide information to the oversight bodies responsible for detecting and/or investigating acts of corruption, such as the Office of the Auditor General, the Services Commissions or the Ministry of the Public Service, among others, on the

⁵⁵ Ibid.

outcome of cases that are referred to it by those oversight bodies. The Committee will formulate the corresponding recommendation. (See Recommendation 4.4.10 in Chapter II of this report).

[167] Fourth, the Committee considers that it is also important for the Office of the DPP to maintain statistics on the results of those prosecutions that are carried out by police prosecutors, pursuant to the Summary Jurisdiction (Offenses) Act of 2000, and specifically those that involve cases of corruption. This would assist in determining the effectiveness of the prosecutions carried out by police prosecutors, in order to identify challenges and/or the need for corrective action. The Committee will formulate a recommendation in this regard. (See Recommendation 4.4.11 in Chapter II of this report).

4.4. Conclusions and recommendations

[168] Based on the foregoing comprehensive analysis of the Office of the Director of Public Prosecutions, the Committee offers the following conclusions and recommendations:

[169] **Belize has considered and adopted measures intended to maintain and strengthen the Office of the Director of Public Prosecutions as oversight bodies, as indicated in Chapter II, Section 4 of this report.**

[170] In view of the comments made in that section, the Committee suggests that the country under review consider the following recommendations:

- 4.4.1. Prepare and disseminate an annual public report on the activities and the results achieved by the Office of the Director of Public Prosecutions. (See Section 4.2 of Chapter II of this Report).
- 4.4.2. Create and maintain an institutional website for the Office of the Director of Public Prosecutions, which can serve as a useful mechanism, *inter alia*, for informing the public about the objectives and functions of the Office and for providing information about the procedures established for carrying out those functions. (See Section 4.2 of Chapter II of this Report).
- 4.4.3. Strengthen the Office of the Director of Public Prosecutions by ensuring that it has the human and financial resources it needs for the proper performance of its functions, bearing in mind the availability of resources. In connection with those efforts, ensure that the terms and conditions of service are sufficient both to attract new legal staff members as well as to retain legal staff currently in the service of the DPP. (See Section 2.2 of Chapter II of this Report).
- 4.4.4. Ensure that vacancies for all Crown Counsel positions in the Office of the Director of Public Prosecutions are publicized, and that those vacancies are filled based on merit. (See Section 2.2 of Chapter II of this Report).
- 4.4.5. Strengthen the skills and ability of officers in the Office of the Director of Public Prosecutions to prosecute fraud and corruption cases, through the provision of broader training opportunities to staff members of the Office of the Director of Public Prosecutions, especially training on the prosecution of acts of corruption and related areas of international cooperation (See Section 4.2 of Chapter II of this Report).

- 4.4.6. Implement mechanisms to ensure that there is adequate coordination between and oversight of police prosecutors by Crown Counsel from the Office of the Director of Public Prosecutions, in the event that police prosecutors are assigned to prosecute corruption offenses. (See Section 4.2 of Chapter II of this Report).
- 4.4.7. Implement the measures necessary for corruption-related cases to be assigned to and handled by trained Crown Counsel. (See Section 4.2 of Chapter II of this Report).
- 4.4.8. Develop and implement a public awareness campaign, in order to ensure that members of the public understand what constitutes an act of corruption, as well as the various means via which such acts can be reported to the appropriate authorities. (See Section 4.3 of Chapter II of this Report).
- 4.4.9. Maintain results indicating the total number of referrals of wrongdoing received from oversight bodies responsible with the detection and investigation of corruption; the number of referrals that did not end prosecution and the reasons therefore; the number of referrals that resulted in prosecutions; and the results of any of those prosecutions, in order to identify challenges and recommend corrective measures. (See Section 4.3 of Chapter II of this Report).
- 4.4.10. Establish and implement a mechanism for the Office of the Director of Public Prosecutions to coordinate and provide information on the outcome of cases that are referred to it by oversight bodies responsible for detecting and/or investigating acts of corruption.. (See Section 4.3 of Chapter II of this Report).
- 4.4.11. Maintain results indicating the total number of corruption-related cases prosecuted by police prosecutors on a yearly basis, including information on the number of cases that were ready for a decision to be adopted in each of the past five years; the number of decisions adopted in connection therewith; the number of those decisions in which criminal liability was established or penalties were imposed; the number of those decisions in which no criminal liability was established or which resulted in acquittals; and the number of cases that could not proceed because of the triggering of the statute of limitations, in order to identify challenges and recommend corrective measures. (See Section 4.3 of Chapter II of this Report).

III. BEST PRACTICES

[171] The country under review did not identify any best practices that it wishes to share with the other member countries of the MESICIC, pursuant to Section V of the *Methodology for the Review of the Implementation of the Provision of the Inter-American Convention against Corruption Selected in the Fourth Round* and the *Format* for country reports adopted by the Committee for that round.

IV. FOLLOW-UP ON NEW AND RELEVANT INFORMATION AND DEVELOPMENTS WITH REGARD TO THE IMPLEMENTATION OF RECOMMENDATIONS SUGGESTED IN THE COUNTRY REPORT IN THE FIRST REVIEW ROUND⁵⁶

[172] This section of the report refers to progress, information, and new developments in Belize in connection with the recommendations and measures suggested by the Committee in the report of the First Round that were deemed to require additional attention in the reports of the Second and Third Rounds,⁵⁷ and it will proceed to take note of those that have been satisfactorily considered and those that require additional attention from the country under review. In addition, where appropriate, it will address the continued validity of those recommendations and measures and, as applicable, reformulate them, in accordance with provisions contained in Section VI of the methodology adopted by the Committee for the Fourth Round.

[173] This section also takes note of any difficulties in implementing the above recommendations and measures to which the country under review may have drawn attention, as well as of technical cooperation it may have requested to that end.

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE THEM (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.

Measure a), which requires further attention in the framework of the reports from the Second and Third Rounds:

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.

[174] In its response to the questionnaire for the Fourth Round,⁵⁸ the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:

56. The recommendations that, following this review, still require additional attention or have been reframed are listed in Annex I to this report.

57. Available at: <http://www.oas.org/juridico/english/blz.htm>

58. *Ibíd*, at pp. 29 – 31, *supra* note 3.

[175] – The process of drafting of the Revised Public Service Regulations 2013, which were formulated by a Revision Group composed of the CEO and two Administrative Officers of the Ministry of the Public Service, the CEO of the Ministry of Labour, a former Auditor General, a Legal Representative from the Office of the Solicitor General, the President and an Industrial Relations Officer of the Public Service Union, the President of the Association of Public Service Senior Managers. The response further notes that the new Regulations are complete and are now being reviewed by the Attorney General’s Ministry as part of the process of institutionalization.

[176] The Committee takes note of the steps taken by the country under review to progress with the implementation of measure (a) of recommendation 1.1, above, as well as the need for it to continue to give attention to its implementation. In addition, the Committee considers that the new Public Service Regulations can be reviewed by the Committee once they have entered into force.

Measure b), which requires further attention in the framework of the reports from the Second and Third Rounds:

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.

[177] In its response to the questionnaire for the Fourth Round⁵⁹ and during the on-site visit, the country under review provides the following information on the foregoing measure:

[178] – “*Such restrictions are established by the Constitution with respect to the Members of the three Services Commissions: s. 105 (3) and (4) with respect to the PSC; s. 110D with respect to the SSC; and s. 110E (3) and (4) with respect to the JLSC...*”

[179] In meetings held during the on-site visit, representatives of the Ministry of the Public Service noted that they did not believe that any provisions have been contemplated which would create or establish post-employment conflict of interest restrictions for those who leave public service, in the sense of the recommended measure. They further indicated that the Revised Public Service Regulations, 2013 do not contemplate any such restriction.

[180] In light of the foregoing information, the Committee takes note of the need for the country under review to give additional attention to the implementation of measure (b) of recommendation 1.1.

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

Recommendation 2:

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

Measure c), which requires further attention in the framework of the reports from the Second and Third Rounds:

59. Ibid, p. 31.

Use the financial declarations 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.

[181] In its response to the questionnaire,⁶⁰ the country under review notes that no new measures have been adopted with respect to the implementation of measure (c) of recommendation 2, above. In this regard, the response further notes that “*A principal setback in this matter has been the fact that Members of the Integrity Commission were not appointed. The matter was recently addressed by the Executive and it was agreed that the Members of the Commission would be officially appointed in early January 2014.*”

[182] Notwithstanding the above, at the time of the on-site visit (April, 2014), representatives of the country under review explained no member of the Integrity Commission was formally in place and that accordingly, there was no functioning Integrity Commission.

[183] The Committee believes that it is important for the country under review to consider taking the steps necessary to ensure that the members of the Integrity Commission are appointed so that the Commission can, inter-alia, perform the important functions assigned to it with regard to the system of financial declarations in Belize. At present, declarations are not being used as a basis for providing counseling on the prevention of conflicts of interest, as recommended by measure (c), above. More importantly, the absence of a functional Integrity Commission means that no aspect of the financial declaration system can operate, such as the review of declarations that are filed; making use of declarations to detect conflicts of interest; or the application of penalties with respect to those public servants required by law to file financial declarations and who fail to do so, among others. In light of this circumstance, the Committee considers it appropriate to reformulate the measure contained in recommendation 2 above, as follows:

[184] 2(a) Take the steps necessary to ensure the appointment of the members of the Integrity Commission, so that the Commission can begin to exercise its critical responsibilities as the oversight body for the financial declarations system in Belize.

[185] 2(b) Use financial declarations 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.

[186] Related to the foregoing, during meetings held with civil society representatives during the on-site visit, those representatives noted that although the country under review took certain steps to appoint Commissioners to the Integrity Commission, those nominated for appointment had eventually declined for various reasons.

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

Recommendation 3.1:

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 1, 2, 4, and 11 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.

⁶⁰ Ibid., p. 33.

[187] In its response to the questionnaire for the Fourth Round,⁶¹ the country under review notes that no new measures have been adopted to address this recommendation. Nonetheless, the country under review notes that the Constitution of Belize makes provision for oversight bodies, including the three Services Commissions (Public Service Commission, Judicial and Legal Services Commission and the Security Services Commission), and the Standing Committees of the House of Representatives.

[188] With regard to the oversight bodies mentioned above, the Committee notes that specific recommendations have been issued with respect to the three Services Commissions, in Section 2 of Chapter II of this Report. With regard to the Standing Committees of the House of Representatives, and in particular, the Public Accounts Committee (PAC), the Committee observes, as noted in Section 1.2 in Chapter II of this Report, that this Committee has not been operational for quite some time. As a result, important oversight functions related to the prevention, detection and sanction of corruption are not being performed. Similarly, the effectiveness of the work of the Office of the Auditor General is being undermined as a result of the non-operation of the PAC.

[189] Additionally, the Committee notes that there are other oversight bodies that are neither referred to in the response of the country under review, nor the subject of review within the Fourth Round, but which were nonetheless identified as such in the Report from the First Round of Review, including, among others, the Contractor General, the Ombudsman, and the Integrity Commission.

[190] In light of the foregoing considerations, the Committee deems it appropriate to reformulate recommendation 3.1, above, as follows:

[191] 3.1. 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 1, 2, 4, and 11 of the Convention, including, among others, the Contractor General and the Office of the Ombudsman; provide them with the necessary resources to enable them to carry out their functions in full; and establish the mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

[192] 3.2. Take the measures necessary to ensure the appointment of the members of the Public Accounts Committee, in order for it to carry out its responsibilities related to the prevention, detection and sanction of acts of corruption in Belize.

[193] Related to the foregoing, during the on-site visit, representatives of civil society and of the private sector highlighted the need for oversight bodies in Belize to be properly resourced and budgeted for, in order to address corruption in a meaningful way.

4. MECHANISMS TO ENCOURAGE 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 4.1:

61. Ibid, p. 34.

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.

[194] In its response to the questionnaire for the Fourth Round,⁶² the country under review presents information and new developments with respect to the above recommendation, of which the Committee notes, as steps that lead it to conclude that it has been satisfactorily considered, the following:

[195] – The Liaison Office established in the Prime Minister’s Office in March, 2012, to liaise between the Private Sector and the Central Government.

[196] – The Prime Minister’s Forum, established in 2011, and which is held annually. This forum combines public and private sector dialogue on issues of national importance.

[197] – The process of review of the Public Service Regulations, which included both government Ministries, as well as the Association of Public Service Senior Managers and the Public Service Union of Belize.

[198] In light of the foregoing information provided by the country under review, in terms of additional efforts that have been implemented to encourage civil society and nongovernmental organizations in efforts to prevent corruption, the Committee takes note of the satisfactory consideration by Belize of recommendation 4.1. above.

4.2. Mechanisms for access to information

Recommendation 4.2:

Strengthen the mechanisms on access to information.

Measure c), which requires further attention in the framework of the reports from the Second and Third Rounds:

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.

[199] In its response to the questionnaire for the Fourth Round,⁶³ the country under review notes the following with respect to the above measure:

[200] *“Conducting an evaluation of anything, and more so a comprehensive evaluation of existing mechanisms can be challenging for any country, but especially so for small countries with very limited resources and many competing priorities. Belize informed the honourable Committee of Experts of this reality in our First Progress Report produced in December 2010.*

[201] *Despite the foregoing, Belize amended the Freedom of Information Act through the Freedom of Information (Amendment) Act which, inter alia, invalidates secrecy provisions in public contracts, reduces the categories of exempt documents, and penalizes unreasonable refusal or failure to provide*

62. Ibid, at p. 36.

63. Ibid, at p. 38, supra note 3.

access to public documents. This amendment complements existing measures in Belize, including the Government of Belize website (www.belize.gov.bz) which is constantly updated with relevant information for all and categorized accordingly (citizens, non-citizens, business, and public officers).

[202] *Other initiatives of Government and Government Ministries and Departments has been to create websites for the publication of relevant information. Many of these can also be accessed via links from the Government of Belize website (www.belize.gov.bz).*"

[203] In addition to the foregoing information, during the on-site visit, the Director of the Public-Private Sector Dialogue from the Office of the Prime Minister noted with respect to the freedom of information system in Belize, that there are no mechanisms for receiving complaints for failure to provide information, and as a result, complaints go to the media and to the Office of the Ombudsman. Consequently, there were no known sanctions applied for failure to provide information.

[204] In addition, representatives noted that there were no statistics available, due to the absence of any centralized system for access to information, but that she was aware that in the past, Government Ministries have consulted the Attorney General's Ministry for legal opinions when they are unsure of how to comply with information requests.

[205] Tied to the foregoing, the representative also noted that there was an ongoing technical cooperation project with the Government of Taiwan, intended to facilitate the transition to E-Governance, which is hoped will help increase the availability of information on government websites.

[206] In light of the difficulty presented by Belize with respect to the possibility of carrying out a comprehensive evaluation of the use and effectiveness of the mechanisms for access to information, as suggested by measure (c), as well as the information gathered during the course of the on-site visit, regarding, inter-alia, the lack of a means for channeling and/or processing complaints relating to access to information; the lack of available statistics by which the effectiveness of the system can be assessed, and the ongoing transition to E-Government, the Committee considers it appropriate to reformulate recommendation 4.2 in Chapter IV, Section 4 of this report, as follows:

[207] 4.2.1. Strengthen the mechanisms that guarantee the right of access to government information, establishing for this purpose, among other aspects, the following: (i) procedures for accepting requests and responding to them on a timely basis; (ii) a mechanism for channeling appeals of decisions made by public servants to deny access to information accessible pursuant to the Freedom of Information Act; and (iii) mechanisms for the application of sanctions against public servants who improperly fail to comply with the relevant provisions of the Freedom of Information Act.

[208] 4.2.2. Implement a formal mechanism requiring Government Ministries and institutions to consult with the Attorney General's Ministry for legal opinions in the event that they are unsure of how to comply with requests for information.

[209] 4.2.3. Continue the transition to E-Government, ensuring that Government websites are maintained and up to date.

[210] 4.2.4. Implement an awareness building campaign regarding the Freedom of Information Act, which could include the provision of information to the public on the access to information system in Belize, as well as the preparation of printed and/or online education materials thereon.

[211] 4.2.5. Provide routine training for public servants on how to comply with their obligations to provide information under the Freedom of Information Act.

[212] 4.2.6. Maintain and compile statistics on requests for information, in order to identify challenges and recommend corrective measures.

[213] Related to the foregoing, during the course of the on-site visit, representatives of civil society and the private sector indicated that some of the challenges to the access to information system in Belize include poor enforcement of the Freedom of Information Act; few resources provided to government institutions in order to comply with information requests; and the public's apparent failure to understand how to request information from government institutions, as well as the type of information to which they may have access.

4.3. Mechanisms for consultation

Recommendation 4.3:

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

Measure a), which requires further attention in the framework of the reports from the Second and Third Rounds:

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.

[214] In its response to the questionnaire for the Fourth Round,⁶⁴ the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:

[215] – The updating and enhancing of the Government of Belize website, in order for it to be more user friendly and for it to “...*be constantly updated with relevant information of the work undertaken by the Government as well as with relevant country and public service information, including how, where and who to contact with respect to particular government ministries, departments, missions, etc.*”

[216] In addition to the foregoing, during the on-site visit, the Director of the Public- Private Sector Dialogue of the Office of the Prime Minister discussed the dialogue set up by the Prime Minister, and composed of Ministry CEO's and heads of private sector institutions, in order to discuss relevant issues.

[217] The Committee takes note of the steps taken by the country under review to progress with the implementation of measure (a) of recommendation 4.3, above, as well as the need for it to continue to give attention to its implementation, considering that the information provided in the response and gathered during the on-site visit does contemplate mechanisms that allow civil society to present opinions or proposals to be taken into account for preventing, detecting, investigating and punishing corruption, as suggested by the measure.

4.4. Mechanisms to encourage participation in public administration

64. *Ibíd.*, at p. 40, *supra* note 3.

Recommendation 4.4:

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

Measure a), which requires further attention in the framework of the reports from the Second and Third Rounds:

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

[218] In its response to the questionnaire for the Fourth Round,⁶⁵ the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as steps that contribute to progress in its implementation:

[219] – The process of drafting of the Revised Public Service Regulations, 2013, which are being reviewed by the Attorney General’s ministry as part of formal process of institutionalization; as well as the formulation of the draft by a Revision Group comprised of: CEO and two Administrative Officers of the Ministry of the Public Service, the CEO of the Ministry of Labour, a former Auditor General, a Legal Representative from the Office of the Solicitor General, the President and an Industrial Relations Officer of the Public Service Union, the President of the Association of Public Service Senior Managers.

[220] The Committee takes note of the steps taken by the country under review to progress with the implementation of the above measure, as well as the need for it to continue to give attention to its implementation, considering that (1) the country under review has not indicated what standards and measures might be included in the draft regulations, and which might touch upon maintaining and strengthening mechanism to encourage the participation by civil society and nongovernmental organizations in public administration, as recommended by measure (a), above; and (2) the Revised Public Service Regulations, 2013, have not yet become law. The Committee also notes that these draft regulations can be examined once they have entered into force.

4.5 Participation mechanisms for follow-up of public administration**Recommendation 4.5:**

Implement mechanisms to encourage civil society and nongovernmental organizations to participate in public administration and to generate opinions and proposals to be taken into account in preventing, detecting, investigating, and punishing corruption.

Measure a), which requires further attention in the framework of the reports from the Second and Third Rounds:

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.

65. Ibid, at p. 41.

[221] In its response to the questionnaire in the Fourth Round,⁶⁶ the country under review presents information and new developments with respect to the above measure, of which the Committee notes, as steps that lead it to conclude that it has been satisfactorily considered, the following:

[222] – The consultation process with public servants and civil society on matters that affect the public service and on how to improve existing mechanisms, which was commenced by the Minister of the Public Service in 2008, and which has continued since that time.

[223] Similarly, the response mentions, as indicated above, the Prime Minister’s Forum, which is a combined public/private sector dialogue where issues of national import are addressed.

[224] In addition to the foregoing, during the on-site visit, representatives of civil society and the private sector noted that they had been consulted on certain issues, such as the drafting of the Draft Revised Public Service Regulations, among others.

[225] In light of the above information, the Committee takes note of the satisfactory consideration by the country under review of measure (a) of recommendation 4.5, above.

Measure b), which requires further attention in the framework of the reports from the Second and Third Rounds:

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.

[226] – In its response, the country under review does not refer to any steps taken with respect to the implementation of measure (b), above. Accordingly, the Committee reiterates the need for the country under review to give additional attention to its implementation. This measure will be renumbered as the sole measure of recommendation 4.5 in Chapter IV of this report.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

Recommendation 5.1:

Design and implement a comprehensive program of dissemination and training specifically geared to the competent authorities and officials, to ensure they are familiar with and can apply the provisions in force on mutual legal assistance for investigation and prosecution of acts of corruption in the Convention and in other treaties signed by Belize.

[227] In its response to the questionnaire in the Fourth Round,⁶⁷ the country under review presents information and new developments with respect to the above measure, of which the Committee notes, as steps that lead it to conclude that it has been satisfactorily considered, the following:

[228] – The upgrading of the Office of Legal Cooperation within the Attorney General’s Ministry to a Section (International Legal Affairs Section), as well as the training provided to the two Crown Counsel who staff the Section, which has responsibility, inter-alia, for ensuring compliance with Belize’s

66. Ibid, at p. 42-43.

67. Ibid, at p. 45.

international legal obligations with respect to mutual legal assistance, including with respect to investigation and prosecution of acts of corruption.

[229] In addition to the foregoing, during the on-site visit, representatives of the country under review explained that there are two main additional sources of training: International Organizations, and inter-Ministerial training, resulting from cooperation with other government entities.

[230] The Committee takes note of the satisfactory consideration of recommendation 5.1, above, bearing in mind, among other developments, the upgrading of the International Legal Affairs Section and the relevant training provided to its personnel.

Recommendation 5.2:

Identify and ascribe priority to specific areas in which it deems it could need or it could be useful for it to receive technical cooperation from other States Parties in order to further strengthen its capacity to prevent, detect, investigate and punish corruption.

[231] In its response to the questionnaire for the Fourth Round,⁶⁸ the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as a step that contributes to progress in its implementation:

[232] – The ongoing discussions “...with the other Party of our principal MLA bilateral agreement with a view to identifying weaknesses of the parties in the implementation of the agreement. The aim is to identify and eliminate unnecessary protocols which have played a role in slowing the effective implementation of the provisions of the agreement. It is an expected consequence of these discussions that specific areas of technical cooperation needs will be highlighted and prioritized.”⁶⁹

[233] The Committee takes note of the step taken by the country under review to progress with the implementation of the above measure, as well as of the need for it to continue to give attention to its implementation, considering that the country under review has not yet identified and prioritized specific areas in which it determines it could be useful for it to receive technical cooperation. This recommendation will be renumbered as recommendation 5.1.

Recommendation 5.3:

Strengthen efforts to exchange technical cooperation with other States Parties on the most effective ways and means to prevent, detect, investigate, and punish corruption.

[234] In its response to the questionnaire in the Fourth Round⁷⁰ and during the on-site visit, the country under review presents information and new developments with respect to the above measure, of which the Committee notes, as steps that lead it to conclude that it has been satisfactorily considered, the following:

[235] – “Belize has always signaled to the international community its determination to fight corruption and to cooperate with other countries in this regard. An important aspect of international cooperation is networking – an avenue that has proven to be very helpful to the country in submitting or effecting

68. Ibid, at p. 46.

69. Ibid. at p. 46.

70. Ibid, at p. 47.

*requests for legal assistance, as well as in the general exchange of experience and information. Networking is the key to fighting – preventing, detecting, investigating and punishing – corruption.*⁷¹

[236] – The technical assistance and cooperation received by the various oversight bodies examined in Chapter II of this Report, in order to strengthen the ability of those oversight bodies to prevent, detect, investigate and punish corruption. Some of this technical assistance and cooperation includes, among others, a peer review of the Office of the Auditor General of Belize by its counterpart in Peru, scheduled to take place in 2014; the technical assistance received by the Ministry of the Public Service from various sources for the implementation of the Smart-Stream Human Resources Policy, and from the Commonwealth Secretariat for the Job Classification Exercise; the international training received by Crown Counsel in the Office of the Director of Public Prosecutions in El Salvador, Panama and the United States, and at the Commonwealth Secretariat, among others.

[237] The Committee takes note of the satisfactory consideration of recommendation 5.3, above, bearing in mind, among other developments, the exchanges of technical cooperation between oversight bodies of the country under review and other States Parties reported during the on-site visit.

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.2:

Ensure that said authority has sufficient resources to enable it to carry out its functions.

[238] In its response to the questionnaire for the Fourth Round,⁷² the country under review presents information and new developments with respect to the above measure. In this regard, the Committee notes the following as a step that contributes to progress in its implementation:

[239] – The efforts that are underway to obtain at least one additional Crown Counsel to reinforce the human resource pool of the International Legal Affairs Section of the Attorney General’s Ministry, Belize’s designated Central Authority under the Convention.

[240] The Committee takes note of the step taken by the country under review to progress with the implementation of the above recommendation, as well as of the need for it to continue to give attention to its implementation, considering that no additional resources have yet been provided to the Section of the Attorney General’s Ministry responsible for serving as Belize’s Central Authority under the Convention. This recommendation will be renumbered as recommendation 6.1 in Chapter IV of this Report, and reformulated to make specific reference to the Central Authority.

7. GENERAL RECOMMENDATIONS

Recommendation 7.1:

Design and implement, when appropriate, training programs for public servants in charge of applying the systems, standards, measures and mechanisms considered in this report, with the objective of assuring adequate knowledge, handling, and implantation of the above.

71. Ibid.

72. Ibid, at p. 46.

[241] In its response to the questionnaire in the Fourth Round,⁷³ the country under review presents the following information with respect to recommendation 7.1, above:

[242] - *“Standard training programmes are conducted for public officers on an annual basis. The Public Service Regulations, Financial Orders, Stores Orders, and Control of Public Expenditure Handbook are incorporated in the training. These training, and the exams which follow, are prerequisites to promotions in the Horizontal Grades of the Service, including Customs and Excise, Immigration & Nationality, General Sales Tax and Income Tax. Courses customised for these Departments are also delivered, the passing of which is compulsory for promotion in the Departments.”*

[243] In addition to the foregoing information provided by the country under review, specific training needs have been identified and the corresponding recommendations formulated both with respect to the oversight bodies examined in Chapter II of this Report, as well as with respect to the mechanisms and systems reviewed in Chapter IV. Accordingly, the Committee considers it appropriate to eliminate recommendation 7.1, above, which is more general in nature.

Recommendation 7.2:

Select and develop procedures and indicators, as appropriate, that enable verification of the follow-up to the recommendations contained in this report, and communicate the results of this follow-up to the Committee through the Technical Secretariat. With this in mind, it may take into account the list of more general indicators applicable within the Inter-American system that were available for the selection indicated by the State under review and posted on the OAS website by the Technical Secretariat of the Committee; as well, consider information derived from the review of the mechanisms developed in accordance with recommendation 7.3 below.

Recommendation 7.3:

Develop, as appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in this report, and the recommendations contained in it.

[244] In its response to the questionnaire in the Fourth Round,⁷⁴ the country under review presents the following information with respect to recommendations 7.2 and 7.3, above:

[245] *“To follow-up on the recommendations contained in the Reports adopted by the Committee of Experts, the Report would be submitted to our principals as an information document, with the actual follow-up pursued individually with relevant entities, through their Head of Section.”*

[246] *“In the development of the current report, the relevant entities were consulted and their assistance enlisted according to normal procedure – through their head of section. Additionally, collective e-mails were sent to each Chief Executive Officer, most of who responded with questions –a sure sign that they addressed their mind to it. To complement, ILA conducted a sensitization session with the CEO Caucus, the weekly meeting of CEOs where they are apprised of Cabinet’s latest decisions and discussions ensue on the issues.”*

[247] *“With respect to the issue of the Questionnaire and the country’s Report, it was evident that the awareness raised went a long way to the extent that the CEO within the Prime Minister’s Office urged*

73. Ibid, at p. 49.

74. Ibid, at pp. 50-51.

the Caucus to cooperate as best as possible with our Office. CEOs raised questions about the process and were informed thereon, including the aspect of the on-site visit. It was agreed that our Office would present an information paper for the Cabinet of Ministers, to be submitted through the Honourable Attorney General.”

[248] The Committee takes note of the steps taken by the country under review to progress with the implementation of recommendations 7.2 and 7.3, above as well as of the need for it to give additional attention to their implementation, considering that although the response indicates that there is a procedure in place for awareness-raising among government ministries and for gathering information to be presented to the MESICIC, no procedures or indicators for verifying follow-up to the recommendations have been reported, as suggested by recommendation 7.2, above. Similarly, no information has been provided regarding the existence or implementation of procedures to analyze the mechanisms reviewed in the Report for the First Round, as indicated by recommendation 7.3, above. These recommendations will be renumbered as recommendations 7.1 and 7.2, respectively.

ANNEX I

**OUTSTANDING AND REFORMULATED RECOMMENDATIONS REGARDING THE
TOPICS REVIEWED IN THE FIRST ROUND**

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

1.1. Standards of conduct to prevent conflicts of interests and mechanisms to enforce them.

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.

Suggested measures:

- 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.

1.2. Standards of conduct and mechanisms to ensure the proper conservation and use of resources entrusted to government officials.

The recommendation in this section was satisfactorily considered and, therefore, does not require additional attention.

1.3. Measures and systems requiring public officials to report acts of corruption in the performance of public functions of which they are aware to the appropriate authorities.

The recommendation in this section was satisfactorily considered and, therefore, does not require additional attention.

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

Recommendation 2:

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

Suggested measures:

- a. Take the steps necessary to ensure the appointment of the members of the Integrity Commission, so that the Commission can begin to exercise its critical responsibilities as the oversight body for the financial declarations system in Belize.
- b. Use financial declarations 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.

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

Recommendations:

- 3.1. 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 1, 2, 4, and 11 of the Convention, including, among others, the Contractor General and the Office of the Ombudsman; provide them with the necessary resources to enable them to carry out their functions in full; and establish the mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.
- 3.2. Take the measures necessary to ensure the appointment of the members of the Public Accounts Committee, in order for it to carry out its responsibilities related to the prevention, detection and sanction of acts of corruption in Belize.

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

4.1. General participation mechanisms

The Recommendation in this section was satisfactorily considered, and therefore, does not require additional attention.

4.2. Mechanisms for access to information

Recommendations:

- 4.2.1. Strengthen the mechanisms that guarantee the right of access to public information, establishing for this purpose, among other aspects, the following: (i) procedures for accepting requests and responding to them on a timely basis; (ii) a mechanism for channeling appeals of decisions made by public servants to improperly deny access to requested information; and (iii) mechanisms for the application of sanctions against public servants who improperly fail to comply with the relevant provisions of the Freedom of Information Act.
- 4.2.2. Implement a formal mechanism requiring Government Ministries and institutions to consult with the Attorney General's Ministry for legal opinions in the event that they are unsure of how to comply with requests for information.

- 4.2.3. Continue the transition to E-Government ensure that Government websites are maintained and up to date.
- 4.2.4. Implement an awareness building campaign regarding the Freedom of Information Act, which could include the provision of information to the public on the access to information system in Belize, as well as the preparation of printed and/or online education materials thereon.
- 4.2.5. Provide routine training for public servants on how to comply with their obligations to provide information under the Freedom of Information Act.
- 4.2.6. Maintain and compile statistics on requests for information, in order to identify challenges and recommend corrective measures.

4.3. Mechanisms for Consultation.

Recommendation 4.3:

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

Suggested measure:

- 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.

4.4. Mechanisms to encourage participation in public administration

Recommendation 4.4:

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

Suggested measure:

- 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

4.5 Participation mechanisms for follow-up of public administration

Recommendation 4.5:

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

Suggested measure:

- 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.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

Recommendation 5.1:

Identify and ascribe priority to specific areas in which it deems it could need or it could be useful for it to receive technical cooperation from other States Parties in order to further strengthen its capacity to prevent, detect, investigate and punish corruption.

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.1:

Ensure that the Central Authority has sufficient human and financial resources to enable it to carry out its functions, within available resources.

7. GENERAL RECOMMENDATIONS

Recommendation 7.1:

Select and develop procedures and indicators, as appropriate, that enable verification of the follow-up to the recommendations contained in this report, and communicate the results of this follow-up to the Committee through the Technical Secretariat. With this in mind, it may take into account the list of more general indicators applicable within the Inter-American system that were available for the selection indicated by the State under review and posted on the OAS website by the Technical Secretariat of the Committee; as well, consider information derived from the review of the mechanisms developed in accordance with recommendation 7.3 below.

Recommendation 7.2:

Develop, as appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in this report, and the recommendations contained in it.

ANNEX II

AGENDA FOR THE ON-SITE VISIT TO BELIZE

<u>Wednesday, April 23, 2014</u>	
09:00 hrs. – 09:45 hrs.	Coordination meeting between the representatives of the Member States of the Subgroup and the Technical Secretariat.
09:45 hrs. – 10:15 hrs.	Coordination meeting between the representatives of the country under review, the Member States of the Subgroup and the Technical Secretariat
10:30 hrs. – 13:00 hrs. Santa Rita Conference Room Radisson Fort George Hotel and Marina	Meetings with civil society organizations and/or, <i>inter alia</i>, private sector organizations, professional organizations, academics or researchers.^{75/}
	<p>Topics:</p> <ul style="list-style-type: none"> • Civil society participation mechanisms and access to information. • Obstacles to the prevention of corruption in Belize. • Cooperation between the oversight bodies and civil society/the private sector in the fight against corruption.
	<p><u>Participants:</u></p> <p><i>Chamber of Commerce and Industry</i> Mrs. Kay Menzies, President</p> <p><i>Belize Tourism Board</i> Dr. Geraldo Flowers, Consultant for the Belize Plan of Action</p> <p><i>National Trade Union Congress of Belize</i> Mr. Dylan Reneau, President</p> <p><i>Institute of Chartered Accountants of Belize</i> Mrs. Shawn Mahler</p> <p><i>Bar Association of Belize</i> Mr. Andrew Marshalleck</p>
14:30 hrs. – 17:30 hrs.	The Office of the Auditor General

⁷⁵. It is suggested that these organizations and individuals be invited in accordance with provision 27 of the *Methodology for Conducting On-Site Visits*, which allows for the participation in these meetings of “civil society organizations and/or, inter alia, private sector organizations, professional associations, academics, or researchers.”

<i>Attorney General's Ministry Conference Room – Belize City</i>	
14:30 hrs. – 16:00 hrs	<p>Panel 1:</p> <ul style="list-style-type: none"> • Institutional introduction (10 minutes) • Institutional coordination mechanisms and regime of competencies. • Adoption of decisions. • Legal and administrative human resources regime. • Internal rules/norms for the fulfillment of its responsibilities. • Institutional strengthening and implementation of technological tools. <hr/> <p><u>Participants:</u></p> <p>Mrs. Dorothy Bradley, Auditor General</p> <p>Mr. Wayne Simon, Deputy Auditor General</p> <p>Mr. Mark Jones, Supervisor of Audit</p> <p>Ms. Carla Faber, Supervisor of Audit</p> <p>Mr. Randolph Ivan Young, Supervisor of Audit</p>
16:10 hrs. – 17:30 hrs	<p>Panel 2:</p> <ul style="list-style-type: none"> • Accountability mechanisms. • Internal Controls. • Budgetary Resources. • Results in relation to the fulfillment of its responsibilities. • Difficulties related to the fulfillment of its responsibilities. • Technical cooperation needs. <hr/> <p><u>Participants:</u></p> <p>Mrs. Dorothy Bradley, Auditor General</p> <p>Mr. Wayne Simon, Deputy Auditor General</p> <p>Mr. Mark Jones, Supervisor of Audit</p> <p>Ms. Carla Faber, Supervisor of Audit</p>

	Mr. Randolph Ivan Young, Supervisor of Audit
18:00 hrs. – 18:30 hrs. Radisson Fort George Hotel and Marina	Informal meeting^{76/} between the representatives of the Member States of the Subgroup and the Technical Secretariat.
<u>Thursday, April 24, 2014</u>	
09:00 hrs. – 10:15 hrs.	Travel to Belmopan
10:30 hrs. – 12:30 hrs. <i>Attorney General's Ministry Conference Room - Belmopan</i>	Ministry of the Public Service
10:30 hrs. – 11:30 hrs.	<p>Panel 3:</p> <ul style="list-style-type: none"> • Institutional introduction (10 minutes) • Objectives and Functions. • Scope of Functions and any exceptions thereto. • Institutional coordination mechanisms and regime of competencies. • Adoption of decisions. • Legal and administrative human resources regime. • Internal rules/norms for the fulfillment of its responsibilities. <p><u>Participants:</u></p> <p>Mrs. Marian McNab, Chief Executive Officer, Ministry of Public Service and Elections & Boundaries</p> <p>Mr. Marcelino Choco, Director, Human Resource Management</p> <p>Ms Rutilda Gabriel, Finance Officer</p>
11:30 hrs. – 12:30 hrs.	<p>Panel 4:</p> <ul style="list-style-type: none"> • Institutional strengthening and implementation of technological tools. • Accountability mechanisms. • Internal Controls. • Budgetary resources. • Results in relation to the fulfillment of its responsibilities.

^{76/} The second paragraphs of the provision 20 of the *Methodology for Conducting On-Site Visits* states: “At the conclusion of the meetings on each day of the on-site visit, the Technical Secretariat shall organize an informal meeting with the members of the Subgroup, to exchange preliminary points of view on the topics addressed at those meetings.”

	<ul style="list-style-type: none"> • Difficulties related to the fulfillment of its responsibilities. • Technical cooperation needs. • Follow-up to Recommendations from the First Round: <ul style="list-style-type: none"> - Civil society participation: <ul style="list-style-type: none"> ○ Information on civil society consultation and input regarding drafting of PSR Regulations 2013 (Recommendation 4.4(a)) ○ Information on mechanisms to encourage civil society and nongovernmental organizations to participate in public administration (Recommendations 4.5(a) and (b)) <p><u>Participants:</u></p> <p>Mrs. Marian McNab, Chief Executive Officer, Ministry of Public Service and Elections & Boundaries</p> <p>Mr. Marcelino Choco, Director, Human Resource Management</p> <p>Ms Rutilda Gabriel, Finance Officer</p>
12:30 hrs. – 13:30 hrs.	Lunch
13:30 hrs. – 15:30 hrs. <i>Attorney General's Ministry Conference Room - Belmopan</i>	Office of the Services Commissions
13:30 hrs. – 14:15 hrs.	<p>Panel 5:</p> <ul style="list-style-type: none"> • Institutional introduction (10 minutes) • Objectives and Functions. • Scope of Functions and any exceptions thereto. • Institutional coordination mechanisms and regime of competencies. • Adoption of decisions. • Legal and administrative human resources regime. • Internal rules/norms for the fulfillment of its responsibilities. <p><u>Participant:</u></p> <p>Mr. Marcelino Choco, Secretary, Office of the Services Commission</p> <p>Mr. Gerald Henry, Commissioner, Public Service Commission</p>

14:15 hrs. – 15:30 hrs.	<p>Panel 6:</p> <ul style="list-style-type: none"> • Institutional strengthening and implementation of technological tools. • Accountability mechanisms. • Internal Controls. • Budgetary resources. • Results in relation to the fulfillment of its responsibilities. • Difficulties related to the fulfillment of its responsibilities. • Technical cooperation needs. <p><u>Participant:</u></p> <p>Mr. Marcelino Choco, Secretary, Office of the Services Commission</p> <p>Mr. Gerald Henry, Commissioner, Public Service Commission</p>
15:30 hrs. – 16:15 hrs. <i>Attorney General’s Ministry Conference Room – Belmopan</i>	Follow-up to Recommendations from the First Round
15:30 hrs. – 16:15 hrs.	<p>Panel 7:</p> <ul style="list-style-type: none"> ○ Information on Liaison Office in the Office of the Prime Minister (Recommendation 4.1) ○ Exceptions to access to information and the Freedom of Information Act, 2008 (Recommendation 4.2(a) & (c)) ○ Information on Government website updating (Recommendation 4.3(a)) <p><u>Participant:</u></p> <p>Ms. Amparo Masson, Director, Public-Private Sector Dialogue, Office of the Prime Minister.</p> <p>Mr. Marcelino Choco, Secretary, Office of the Services Commission</p>
16:15 hrs. – 17:30 hrs.	Travel to Belize City

17:30 hrs. – 18:00 hrs. Radisson Fort George Hotel and Marina	Informal meeting^{77/} between the representatives of the Member States of the Subgroup and the Technical Secretariat.
<u>Friday, April 25, 2014</u>	
09:30 hrs. – 12:30 hrs. <i>Attorney General’s Ministry Conference Room – Belize City</i>	The Office of the Director of Public Prosecutions
09:30 hrs. – 11:00 hrs.	<p>Panel 8:</p> <ul style="list-style-type: none"> • Institutional introduction (10 minutes) • Objectives and Functions. • Scope of Functions and any exceptions thereto. • Institutional coordination mechanisms and regime of competencies. • Adoption of decisions. • Legal and administrative human resources regime. • Internal rules/norms for the fulfillment of its responsibilities. <p><u>Participants:</u></p> <p>Mr. Cecil Ramirez, Senior Crown Counsel, Director of Public Prosecutions</p> <p>Mr. Kileru Awich, Crown Counsel</p> <p>Ms. Maureen Ingram, Administrative Assistant</p>
11:15 hrs. – 12:30 hrs.	<p>Panel 9:</p> <ul style="list-style-type: none"> • Institutional strengthening and implementation of technological tools. • Accountability mechanisms. • Internal Controls. • Budgetary Resources. • Results in relation to the fulfillment of its responsibilities. • Technical cooperation needs. <p><u>Participants:</u></p>

^{77/} The second paragraphs of the provision 20 of the *Methodology for Conducting On-Site Visits* states: “At the conclusion of the meetings on each day of the on-site visit, the Technical Secretariat shall organize an informal meeting with the members of the Subgroup, to exchange preliminary points of view on the topics addressed at those meetings.”

	<p>Mr. Cecil Ramirez, Senior Crown Counsel, Director of Public Prosecutions</p> <p>Mr. Kileru Awich, Crown Counsel</p> <p>Ms. Maureen Ingram, Administrative Assistant</p>
12:30 hrs. – 14:00 hrs.	Lunch
14:00 hrs. – 16:00 hrs. <i>Attorney General’s Ministry Conference Room – Belize City</i>	Follow-up to Recommendations from the First Round of Review
14:00 hrs. – 16:00 hrs.	<p>Panel 10:</p> <ul style="list-style-type: none"> • Conflicts of Interest (Recommendations 1.1(a) & (b)). • Financial Declarations (Recommendation 2(c)). • Assistance and cooperation (Recommendations 5.1, 5.2 and 5.3) • Central authorities (Recommendation 6.2) <p><u>Participants:</u></p> <p>Mrs. Iran Tillett-Dominguez, Deputy Solicitor General, International Legal Affairs</p> <p>Ms. Francine Burns, Crown Counsel, Attorney General’s Ministry</p> <p>Mr. Marc Ramsey, Crown Counsel, Attorney General’s Ministry</p>
16:00 hrs. – 16:45 hrs. <i>Attorney General’s Ministry Conference Room – Belize City</i>	Informal meeting^{78/} between the representatives of the Member States of the Subgroup and the Technical Secretariat.
16:45 hrs. – 17:30 hrs. <i>Attorney General’s Ministry Conference</i>	Final meeting^{79/} between the representatives of the country under review, the Member States of the Subgroup and the Technical Secretariat.

⁷⁸. The second paragraphs of the provision 20 of the *Methodology for Conducting On-Site Visits* states: “At the conclusion of the meetings on each day of the on-site visit, the Technical Secretariat shall organize an informal meeting with the members of the Subgroup, to exchange preliminary points of view on the topics addressed at those meetings.”

⁷⁹. The third paragraph of provision 20 of the *Methodology for Conducting On-Site Visits* states: “At the end of the on-site visit, a meeting shall be held, to be attended by the Subgroup experts, the Technical Secretariat, and the Lead Expert of the country under review and/or the official appointed in his place in accordance with provision 10, second paragraph, of this *Methodology*. That meeting shall identify, if necessary, the information that, exceptionally, the country under review is still to submit through the Technical Secretariat and the deadline within which it is to do so, and it shall also coordinate any other pending matters arising from the on-site visit.”

CONTACT AUTHORITY OF THE COUNTRY UNDER REVIEW FOR THE COORDINATION OF THE ON-SITE VISIT AND REPRESENTATIVES OF THE MEMBER STATES OF THE PRELIMINARY REVIEW SUBGROUP AND THE TECHNICAL SECRETARIAT OF THE MESICIC COUNTRY UNDER REVIEW:

BELIZE

Iran Tillett-Dominguez
Deputy Solicitor General, International Legal Affairs, Attorney General's Ministry
Expert of Belize to the Committee of Experts of the MESICIC

MEMBERS STATES OF THE PRELIMINARY REVIEW SUBGROUP:

CANADA

Douglas Breithaupt
Director and General Counsel, Criminal Law Policy Section
Department of Justice

JAMAICA

Nicole Foster-Pusey QC
Solicitor General, Ministry of Justice
Lead Expert of Jamaica to the Committee of Experts of the MESICIC

TECHNICAL SECRETARIAT OF THE MESICIC

Michael G. Thomas
Legal Officer, Department of Legal Cooperation