

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.420/14 rev. 4
12 September 2014
Original: English

GRENADA

FINAL REPORT

(Adopted at the September 12, 2014 Plenary Session)

SUMMARY

This report contains the comprehensive review of the implementation in Grenada 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 Grenada 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 and 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 Grenada’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 22 and 24, 2014, by the members of the review subgroup for Grenada, comprising Colombia and the United States, with the support of the Technical Secretariat. During that visit, the information furnished by Grenada was clarified and expanded and the opinions of civil society organizations and the private sector 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 Grenada 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 Grenadian oversight bodies reviewed in this report are: the Integrity Commission (IC); the Public Service Commission (PSC); the Office of the Director of Public Prosecutions (DPP); and the Audit Department (AD).

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

Regarding the IC, specify its functions vis-à-vis those of the PSC with respect to disciplinary oversight of public servants; adopt a Code of Conduct and other regulations provided for under the Integrity in Public Life Act; determine the scope of the IC’s role in reviewing asset disclosure statements; adopt coordination and support mechanisms with other bodies; implement a merit-based selection system, a disciplinary system, and a training plan for its staff; post a copy of its annual activities report and information on its mission, tasks, and activities on the government’s website; ensure timely delivery of the resources the IC needs to discharge its functions; adopt a follow-up mechanism that enables the IC to ascertain the outcomes of investigations into cases of wrongdoing brought to the attention of the competent authorities; and develop statistical data on the results of its work in order to identify challenges and recommend, where appropriate, corrective measures.

As regards the PSC, update the regulations that govern it; standardize its disciplinary oversight functions with those of the IC and adopt coordination mechanisms with other bodies; implement the measures necessary to enable it to have timely and relevant information regarding the conduct of public servants provided by those required to do so; adopt the measures necessary to revive the network of public servants responsible for personnel management, implement the counseling program for public servants provided for under its 2013-2015 Corporate Plan, and conclude the systemization of its operations; adopt a system for publishing government job openings that is user-friendly for the public; post a copy of its annual activities report and information on its mission, tasks, and activities on the government's website; ensure the PSC receives the resources it needs to discharge its functions; and develop statistical data on the results of the PSC's work in exercising disciplinary oversight over public servants in order to identify challenges and recommend, where appropriate, corrective measures.

With respect to the DPP, adopt the measures necessary to preserve its operational autonomy; adopt coordination measures with other bodies; ensure the timely delivery of the budget resources the DPP needs to discharge its functions; assign a sufficient number of prosecutors and support staff to it and ensure that prosecutors receive periodic training on how to prosecute corrupt acts; implement a system of follow-up for the cases of corruption the DPP initiates that enables it to find out how such cases are proceeding and what the outcomes are; develop and publish statistical data that makes it possible to ascertain clearly which of the cases prosecuted by the DPP are specifically related to corrupt acts as well as the outcomes of such cases, in order to identify challenges and recommend, where appropriate, corrective measures; and disseminate, via the government's website, information on the DPP's activities, challenges, and the results of its prosecution of corrupt acts.

Concerning the AD, adopt the measures necessary to enable it to send its reports, in parallel, to the Minister of Finance and the House of Representatives, and to ensure the effective implementation of the its recommendations; implement coordination mechanisms with other bodies; adopt the measures necessary to ensure that the entities subject to its oversight provide the AD with the information it requests in a timely fashion and maintain the documents necessary for audits; ensure the AD receives the resources it needs to discharge its functions and implement its 2012-2015 Corporate Plan; adopt the measures necessary to enable the AD to select its staff and exercise disciplinary oversight over them; develop and publish statistical data that makes it possible to ascertain whether, as a result of its audits, anything has been detected that could constitute a corrupt act and implement a system to monitor how such cases are being handled by the competent authorities in terms of investigation and punishment – such system should make it possible to find out the outcomes of these cases; and develop statistical data on compensation awarded to the State, in order to identify challenges and recommend, where appropriate, corrective measures.

The best practices Grenada provided information on refer, in short, to the IC's sharing of information with specific groups, including high-level government authorities and bodies and the public at large via the press and television; to the open consultation the PSC held with teacher and public employee unions, which facilitated implementation of the disciplinary system for them; to the electronic circulation of documents by said Commission; to the adoption of a Prosecutor's Code by the DPP; and to the annual performance report, quality assurance function, and management of working papers within the AD.

With regard to follow-up on the recommendations formulated to Grenada 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 Grenada in its response to the questionnaire and during the on-site visit, a determination was made as to which of those recommendations required additional attention. A list of those still pending was also prepared, and has been included in Annex 1 of the report.

In terms of the progress made with regard to implementation of such recommendations, the following stand out: passage of the Integrity in Public Life Act of September 2013, which sought, among other things, to implement the provisions of the Inter-American Convention against Corruption, and the “Social Partners Protocol.” In the framework of this Protocol, the government meets with representatives of different social groups and the private sector to address matters of national interest.

Some of the recommendations formulated to Grenada in the First Round that remain in effect have to do with objectives such as: strengthening the implementation of the provisions on conflicts of interest and ensuring that the laws on this matter are applicable to all persons performing public functions; strengthening control systems within the public administration by developing enforceable rules that apply to such persons, and that compel them to appropriately use and safeguard the resources allocated to them; strengthening mechanisms that require all public officials to report corrupt acts and providing protection to whistleblowers; considering the publication of asset disclosure statements where appropriate; establishing a enforceable system that ensures access to government information; implementing mechanisms for consultation with civil society and non-governmental organizations and for encouraging their involvement in public management and in the monitoring thereof; determining specific areas that may require technical cooperation support from other States Party to the Convention in order strengthen Grenada’s capacity to prevent, detect, investigate, and punish corrupt acts; and developing procedures and indicators that make it possible to confirm follow-up to the recommendations formulated to Grenada in the First Round.

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

**REPORT ON IMPLEMENTATION IN GRENADA OF THE CONVENTION PROVISION
SELECTED FOR REVIEW IN THE FOURTH ROUND, AND ON FOLLOW-UP TO THE
RECOMMENDATIONS FORMULATED TO THAT COUNTRY IN THE FIRST ROUND ¹**

INTRODUCTION

1. Contents of the Report

[1] This report presents, first, a comprehensive review of the implementation in Grenada of the provision of the Inter-American Convention against Corruption selected by the Committee of Experts of the Follow-up Mechanism (MESICIC) for review in 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 the country under review 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 Grenada in the report it adopted for that country 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 are available online at: <http://www.oas.org/juridico/english/grd.htm>

2. Ratification of the Convention and adherence to the Mechanism

[4] According to the official records of the OAS General Secretariat, Grenada deposited its instrument of ratification of the Inter-American Convention against Corruption on January 16, 2002.

[5] In addition, Grenada signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2001.

I. SUMMARY OF THE INFORMATION RECEIVED

1. Response of Grenada

[6] The Committee wishes to acknowledge the cooperation that it received throughout the review process from Grenada, in particular, from the Attorney’s General’s Chambers, which was evidenced, inter alia, in the response to the Questionnaire, in the constant willingness to clarify or complete its contents, and in the support for the on-site visit, to which the following paragraph of this report refers. Together with its response, Grenada sent the provisions and documents it considered

¹ This report was adopted by the Committee in accordance with the provisions of Articles 3 (g) and 25 of the Committee’s Rules of Procedure, at the September 12, 2014 plenary session, within the framework of the Twenty-Fourth Meeting of the Committee, held at OAS headquarters in Washington, D.C., from September 8 to 12, 2014.

pertinent. Said response, provisions and documents are available at: http://www.oas.org/juridico/english/mesicic4_grd.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 Review Subgroup, the representatives of Colombia and United States conducted the on-site visit from April 22 to 24, 2014, with the support of the MESICIC Technical Secretariat. The information obtained on that visit is included in the appropriate sections of this report, and its agenda of meetings is appended 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 Grenada up to April 24, 2014, the date on which the aforementioned visit ended, as well as that provided 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 on the following web page: http://www.oas.org/juridico/english/mesicic4_grd.htm

2. Information received from civil society organizations and/or, *inter alia*, private sector organizations, professional organizations, academics or researchers.

[9] The Committee did not receive documents from civil society organizations within the time limit established in the schedule for the Fourth Round, as envisaged in Article 34(b) of the Committee's Rules.

[10] However, in the course of the on-site visit conducted in the country under review, information was collected from civil society and private sector organizations invited to participate in meetings to that end, in keeping with the provisions contained in item 27 of the *Methodology for Conducting On-site Visits*. A list of those persons is included in the agenda for that visit, which is annexed hereto. Where relevant to the purposes of this report, that information is reflected in the appropriate sections hereof.

II. REVIEW, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE STATE PARTY'S IMPLEMENTATION 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] The following is a brief description of the purposes and functions of the four bodies selected by Grenada that are analyzed in this report:

[12]- The Integrity Commission (IC), established by the Integrity in Public Life Act, 2013, which is responsible for ensuring integrity in public life, obtaining declaration of the assets, liabilities, income and interest in relation to property of persons in public life, to give effect to the provisions of the Inter-American Convention Against Corruption, and for matters incidental thereto, and for purposes connected therewith.

² Document SG/MESICIC/doc.276/11 rev. 2, available at: www.oas.org/juridico/english/met_onsite.pdf

[13]- The Public Service Commission (PSC), which, under section 84(1) of the Constitution, and subject to the provisions of section 91 of the Constitution, has the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office and the power to grant leave.

[14]- The Office of the Director of Public Prosecutions (DPP), which, under section 71(2) of the Constitution, provides the Director of Public Prosecutions, with the power in any case in which he considers it desirable so to do: a) to institute and undertake criminal proceedings against any person before any court (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.

[15]- The Audit Department (AD), which, under section 82(2) of the Constitution, provides the Director of Audit with the duty to audit and report on the public accounts of Grenada, the accounts of all officers and authorities of the Government of Grenada, the accounts of all courts in Grenada (including any accounts of the Court of Appeal or the High Court maintained in Grenada), the accounts of every Commission established by the Constitution and the accounts of the Clerk to the Senate and the Clerk to the House of Representatives.

1. INTEGRITY COMMISSION (IC)

1.1. Existence of provisions in the legal framework and/or other measures

[16] The Integrity Commission (IC) has a set of provisions in its legal framework and other measures, concerning, among others, the following:

[17] Regarding its purpose, under the Integrity in Public Life Act, 2013,³ the Integrity Commission (IC)⁴ is established “in order to ensure integrity in public life, to obtain declaration of the assets, liabilities, income and interest in relation to property of persons in public life,⁵ to give effect to the provisions of the Inter-American Convention Against Corruption, and for matters incidental thereto, and for purposes connected therewith.”

[18] Section 4(2) of the Integrity in Public Life Act, 2013, deals with the composition of the IC and makes provision for the following persons to be appointed by the Governor General: (a) a Chairperson, who shall be a retired Judge, an attorney-at-law of at least fifteen years standing; or a citizen of Grenada who is a person of good standing in the community; (b) a certified or chartered accountant; (c) an attorney-at-law of at least seven years standing; (d) one person, on the recommendation of the Prime Minister; (e) one person, on the recommendation of the Leader of the Opposition; and (f) two persons after consultations with faith based organizations.

[19] Section 4(3) of the Integrity in Public Life Act, 2013, establishes that a person appointed to the IC shall be a person of high integrity, who shall exercise competence, diligence, sound judgment, confidentiality and impartiality in fulfilling his or her duties pursuant to the provisions of this Act.

³ Available at: [Integrity in Public Life Act 24 297 \(2013\)](#)

⁴ Proclamation date: October 03, 2013.

⁵ According to section 2 of the Integrity in Public Life Act, 2013, a “person in public life means a person referred to in the First Schedule”. This Schedule is available at the above link.

[20] Sections 5, 6, 7, and 9 of the Integrity in Public Life Act, 2013, deal, respectively, with disqualifications, tenure of office, resignation, and removal from office, of members of the IC.

[21] Section 12(2) of the Integrity in Public Life Act, 2013, deals with the autonomy of the IC and provides that in the exercise of its functions under this Act, the IC: (a) shall not be subject to the direction or control of any person or authority; (b) may in all cases where it considers it appropriate to do so, make use of the services or draw on the expertise of any law enforcement agency or the Public Service; and (c) shall have the power to authorize investigations, summon witnesses, require the production of any reports, documents or other relevant information, and to do all such things as it considers necessary or expedient.

[22] Section 12(1) of the Integrity in Public Life Act, 2013, deals with the functions of the IC and envisages, inter alia, the following: (a) ... (b) receive and examine all declarations filed pursuant to the provisions of the Act; (c) make such inquiries as it considers necessary in order to verify or determine the accuracy of a declaration filed pursuant to the provisions of this Act; (d) receive and investigate complaints regarding any alleged breaches of the provisions of this Act⁶ or the commission of any suspected offence under the provisions of the Prevention of Corruption Act, Chapter 252A⁷; (e) investigate the conduct of any person falling under the purview of the IC which in the opinion of the IC, may be considered dishonest or conducive to corruption; (f) ... (g) instruct, advise and assist the heads of public bodies with respect to changes in practices or procedures which may be necessary to reduce the occurrence of corrupt practices; (h) carry out programs of public education intended to foster an understanding of the standard of integrity.

[23] Section 18(1) of the Integrity in Public Life Act, 2013, deals with the decisions of the IC, and provides that all decisions of the IC shall be decided by a majority of members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote. The decisions of the IC can be challenged in the High Court.⁸

[24] Regarding support for discharging its duties from other authorities, according to section 35(1) of the Integrity in Public Life Act, 2013, the IC may advise the Governor General to establish an investigatory tribunal to investigate the accuracy or fullness of a declaration. In addition, under section 37(2)(b) of the aforesaid Act, the report of the tribunal can be used by the IC if there are reasonable grounds to believe that an investigation into the assets and liabilities of a person in public life is necessary. The IC shall submit the report of the findings of the Investigatory Tribunal to the Director of Public Prosecutions so that he or she may make an application to a judge for an investigation direction under section 38 for an investigation. If an investigation direction has been given by the judge, the IC can take action pursuant section 38 (9) of this Act.

[25]. Additionally, under section 38(14) of the aforesaid Act, where based on the findings of the IC pursuant to an investigation direction issued pursuant to the provisions of this Act, the IC has reason to believe that the evidence before it may constitute a criminal offence, it shall forward a copy of its findings to the Director of Public Prosecutions.

⁶ According with section 40 of the Integrity in Public Life Act, 2013, “a person in public life shall observe the Code of Conduct as specified in the Sixth Schedule.” This Code of Conduct was not a part of the Act and must be developed by the Commission. The country under review reported the existence of a Code of Conduct; however, a copy of it was not furnished and hence it could not be reviewed by the Committee. Should it be presented by the State under review, it will be taken into account for the review, in subsequent rounds, of those recommendations in this report that address it.

⁷ Available at: [Prevention of Corruption Act](#)

⁸ Grenada’s reply to the questionnaire, page 11

[26] Regarding support from the public, according to section 41(1) of the Integrity in Public Life Act, 2013, a person who has reasonable grounds to believe that a person in public life is in breach of any provision of the Code of Conduct mentioned in section 40 of this Act, may make a complaint in writing to the IC.⁹

[27] According to section 44 of the aforesaid Act, where pursuant to an investigation conducted pursuant to this section, the IC finds that a person in public life breaches a provision of the Code of Conduct, the IC shall send a report of its findings, for appropriate action, to the authorities mentioned in this section.¹⁰

[28] Regarding documented procedures or manuals, section 50 (1) of the Integrity in Public Life Act, 2013, states that the Minister¹¹ may make Regulations prescribing: (a) the manner in which inquiries may be carried out and any matters incidental to or consequential upon such inquiries; (b) the standard or criteria for the initiation of such inquiries; (c) the manner in which information received from the public would be assessed and verified; (d) the period within which any information or document required by the Commission should be furnished or produced; (e) the period within which any information generated shall be retained; (f) any matter or thing in respect of which it may be necessary to make regulations for carrying into effect the provisions of this Act.¹²

[29] Regarding the way in which its personnel is selected, section 19(1) of the Integrity in Public Life Act, 2013, states that the IC shall have the power to appoint an administrative officer and other officers on such terms and conditions as it thinks fit for the proper carrying out of its functions under the Act.

[30] Regarding its budgetary resources, section 21 of the aforesaid Act states that subject to the provisions of this section the IC shall be responsible for approving the level of capital equipment, furnishings, materials and administrative activities for the carrying out of its functions, powers and duties under this Act.¹³

[31] Regarding accountability mechanisms, section 26(1) of the Integrity in Public Life Act, 2013, states that subject to subsection (2) of this section, and not later than three months after the end of each financial year, the IC shall submit to the Minister, an annual report on the work and activities of the IC for the financial year and the Minister shall not later than one month after receipt of that

⁹ This section of the Integrity in Public Life Act, 2013, refers to the information to be included in the complaint, while sections 42 and 43 refer to the IC's processing of the complaint.

¹⁰ These being: "(a) In the case of the President of the Senate and of the Speaker of the House of Representatives, to the Governor-General; (b) in the case of a Senator, to the President of the Senate; (b) in the case of a member of the House of Representatives, to the Speaker of the House of Representatives; (c) in the case of a person appointed by the Public Service Commission, to that Commission; (d) in the case of a person appointed by the Judicial and Legal Services Commission to that Commission; or (e) in the case of a person appointed to hold office in a statutory body, to the person or authority having power to appoint that person."

¹¹ "Minister" means the Minister responsible for Legal Affairs, section 2 of the Integrity in Public Life Act, 2013.

¹² In accordance with subsection (2) of this section, regulations made pursuant to subsection (1) shall be subject to the affirmative resolution of Parliament.

¹³ In accordance with subsection (2) of this section, the finance required for the salary and allowances of the IC, and for the resources described in section 19, shall not exceed a maximum amount indicated in a Commission plan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation other than under this Act. Provided that the Commission shall present to the House of Representatives by the 15th day of September of each year, a Commission plan which will indicate the activities for the ensuing year.

report, lay same before the House of Representatives. In addition, subsection (3) of this section, states that a summary of the annual report pursuant to subsection (1) shall be published in the *Gazette* and the entire annual report shall be made available to any person on payment of the prescribed fee to the IC.

[32]As for the manner in which citizens are kept informed, according to statements by the IC during the on-site visit, the IC issues circulars in which it explains its functions and how it carries them out.¹⁴

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

[33] The Integrity Commission (IC) has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were described in brief in section 1.1 of this report. However, the Committee believes it timely to make a number of observations in relation thereto:

[34] First, Section 12(1) (d) and (e) of the Integrity in Public Life Act, 2013, assigns to the IC the functions of investigating public servants who violate the Corruption Prevention Act, or whose conduct may be regarded, in the IC's opinion, as dishonest or conducive to corruption. These functions need to be differentiated from the function of exercising oversight over said public servants as mandated to the Public Service Commission (PSC) under section 84(1) of the Constitution, in order to avoid duplicating the functions of the two bodies. The Committee will make a recommendation in this regard to the country under review (see Recommendation 1.4.1 of Chapter II of this report).

[35] With regard to the above, it is worth noting that, during the on-site visit, the IC pointed out the need to differentiate its functions in respect of the investigation of acts of corruption from those assigned to the PSC (and possibly those that should be handled by the RCPF with the oversight of the DPP). It said it was aware that the PSC functions are derived from the Constitution, but the two bodies would try and work together to harmonize their spheres of competence. For that, the IC stressed that it was necessary to provide additional guidance regarding what is meant by an act of corruption, as set forth in the Prevention of Corruption Act.

[36] Second, bearing in mind that adoption of the Code of Conduct envisaged in section 40 of that Act is vital for the effective implementation of many of the provisions of the Integrity in Public Life Act, 2013, the Committee will offer a recommendation to the country under review that it consider adopting said Code as a priority¹⁵ (See Recommendation 1.4.2 in Chapter II of this report).

[37] Third, bearing in mind that prompt adoption of the regulations provided for in section 50(1) of the Integrity in Public Life Act, 2013 (those relating to Commission inquiries), is crucial for the exercise of the functions assigned to the IC, the Committee will offer a recommendation to the country under review that it consider adopting said regulations (See Recommendation 1.4.3 in Chapter II of this report).

[38] Fourth, bearing in mind that the IC is a body that has just begun the process of becoming fully operational, the Committee considers that it would be useful for major priorities to be

¹⁴ The IC provided copies to three of these circulars, which are available at: http://www.oas.org/juridico/english/mesicic4_grd.htm

¹⁵ The country under review reported the existence of a Code of Conduct; however, a copy of it was not furnished and hence it could not be reviewed by the Committee. Should it be presented by the State under review, it will be taken into account for the analysis, in subsequent rounds, of those recommendations in this report that address it.

established and a timetable adopted that set the actions to be undertaken, deadlines for their execution, and annual targets to be reached, and to publicize those priorities and the timetable so that citizens can more fully appreciate the IC's efforts to move forward in meeting the full exercise of its functions. Not to do so may undermine the public's trust in the Commission before it has had an opportunity to become fully operational. The Committee will offer a recommendation in this regard (see Recommendation 1.4.4 in Chapter II of this report).

[39] Regarding the foregoing paragraph, the Committee wishes to point out that, although the IC was established on September 25, 2013, as set out under the Integrity in Public Life Act, 2013, an Integrity Commission had previously been established by the Integrity in Public Life Act, 2007, (repealed by the later Act). According to information provided by the current IC during the on-site visit,¹⁶ its predecessor had only begun to be installed in 2010 and was in fact replaced in 2013 by the current IC before it was fully functional. Hence the additional importance, this time round, of the IC's publicly setting priorities and goals and indicative timetables for meeting those goals.

[40] Fifth, bearing in mind that section 12(1) of the Integrity in Public Life Act, 2013, assigns to the IC the function of examining declarations of assets, liabilities and income, the Committee deems it necessary for the country under review to consider defining the scope of that function so that there is clarity from the beginning on what the intended purpose of IC's review will be (i.e. detecting and preventing conflicts of interest, detecting violations of law or regulations, and/or spotting unjustified increases in wealth) and what standards the IC will use to conduct the review, particularly in the area of conflicts of interest, and then to establish an appropriate procedure for conducting that examination. The Model Law adopted by the Committee to that end,¹⁷ could provide useful guidance. (See recommendation 1.4.5 in Chapter II of this report).

[41] Sixth, bearing in mind the functions of investigating acts of corruption assigned to the IC in section 12(1) (d) and (e) of the Integrity in Public Life Act, 2013, the Committee deems it useful for mechanisms to be adopted for coordinating the exercise of those functions with other bodies that also have investigation functions, such as the Public Service Commission and the Police, with a view to avoiding actions that could impair the investigations for which each body is competent. The Committee will offer a recommendation in this regard (see recommendation 1.4.6 in Chapter II of this report).

[42] With respect to the foregoing paragraph, the Committee considers that the implementation of coordination mechanisms, such as agreements between the above-mentioned bodies, could prove to be very useful for achieving effective coordination as well as to ensure that the investigation by one body does not undermine any other investigation, particularly a criminal investigation, that should occur with regard to the same conduct.

[43] Seventh, for effective implementation of the provisions of section 12(2) (b) of the Integrity in Public Life Act, 2013, which enable the IC to call upon the services and draw on the expertise of other bodies, the Committee deems it advantageous for assistance agreements to be concluded to obtain the collaboration the IC needs to perform its functions with such entities as the Financial Intelligence Task Force, the Audit Department, and the Office of the Director of Public Prosecutions (see recommendation 1.4.7 in Chapter II of this report).

¹⁶ This information is found in the document entitled "Presentation Integrity Commission (I)," which can be accessed at: http://www.oas.org/juridico/english/mesicic4_grd.htm

¹⁷ Posted at: http://www.oas.org/juridico/spanish/ley_declaracion.htm

[44] Eighth, bearing in mind that, although section 5 of the Integrity in Public Life Act, 2013, establishes disqualifications from being appointed a member of the IC, it does not define conduct incompatible with membership, such as conflicts of interest that may arise while a person is a member (as when he or she has to deal with a matter that effects his/her, or a close relative's, financial interests or outside interests) or after completing membership, such as intervening in official matters for which she or he was responsible while a member. The Committee will offer a recommendation in this regard (see recommendation 1.4.8 in Chapter II of this report).

[45] It is worth noting in this regard that, during the on-site visit, the IC pointed out that the incompatibilities envisaged in the Public Service Commission (PSC) regulations, which apply to most public servants, do not apply to members of the IC.

[46] Ninth, bearing in mind that, pursuant to Section 19(1) of the Integrity in Public Life Act, 2013, the IC is empowered to select its staff on terms and conditions it thinks fit for the performance of its functions and that it was established during the on-site visit that the IC lacks an officially adopted procedure for that purpose, a recommendation will be formulated by the Committee to the country under review that it consider adopting an IC staff selection system based on merit, taking as its guidelines the recommendations offered to Grenada in section 1.1 of Chapter III of the Second Round report regarding its public servant recruitment systems (see recommendation 1.4.9 in Chapter II of this report).¹⁸

[47] With the regard to the above, it is worth noting that, during the on-site visit, the IC pointed out that, although it has no written procedure for selecting its staff, it is developing a selection process in which invitations are published to submit applications to fill vacancies that arise; those applications are then analyzed in terms of the qualifications, experience, and background of the applicants and selection panels are then formed to interview suitable candidates.¹⁹

[48] Tenth, the Committee considers that, although during the on-site visit it was found that the IC has individual job descriptions for the positions to be filled by the staff selection process it is developing, including performance criteria, it has no officially adopted comprehensive manual of functions and performance criteria. Bearing in mind that such a manual would be useful for the IC, the Committee will offer a recommendation in that regard (see recommendation 1.4.10 in Chapter II of this report).

[49] It is worth noting, in this regard, that during the on-site visit the IC pointed out that it is working on manuals relating to the performance of functions and activities assigned to its staff and it provided copies of the individual job descriptions referred to in the foregoing paragraph.²⁰

[50] Eleventh, bearing in mind that the IC stated during the on-site visit that, since it is autonomous, the Commission staff is not subject to the disciplinary rules in force for other public servants or to the disciplinary oversight exercised by the Public Service Commission (PSC), the Committee will make a recommendation to the country under review that it consider adopting a set of disciplinary rules for IC staff, an internal training and counseling program regarding those rules, and the procedures to be followed when imposing discipline for violations of those rules.(see recommendation 1.4.11 in Chapter II of this report).

¹⁸ This report analyzes the rules governing the selection of IC staff, bearing in mind that in the Second Round this entity was not reviewed in connection with public servant hiring systems, because it was established on September 25, 2013 under the Integrity in Public Life Act, 2013.

¹⁹ The IC provided a copy of the invitations referred to in this paragraph, which are found at: http://www.oas.org/juridico/english/mesicic4_grd.htm

²⁰ Those descriptions are found at: http://www.oas.org/juridico/english/mesicic4_grd.htm

[51] In relation to the above, it is worth noting that, during the on-site visit, the IC pointed out that it plans to adopt a set of disciplinary rules for its staff, in addition to enforcing the standards set by Grenada's Labor Code .

[52] Twelfth, the Committee considers that although, during the on-site visit, the IC pointed out that it had begun giving in-house training courses and that a training program would gradually be developed as staff are recruited, the IC currently has no officially adopted comprehensive training plan for its staff. Given that the Committee considers that the IC would benefit from such a plan, the Committee will offer a recommendation to that end (see recommendation 1.4.12 in Chapter II of this report).

[53] In connection with the above, it is worth noting that, during the on-site visit, the IC made available a list of the topics on which training would be provided by some of its members and other authorities.²¹ It also pointed out that it needs technical assistance in this area.

[54] Thirteenth, the Committee considers that, although the IC indicated during the on-site visit that its offices were fully equipped with computers and electronic communication capacities, with respect to declarations of assets, liabilities and income, there is no electronic system in place for the submission of these declarations; reports are currently collected on paper. The Committee notes that the Model Law adopted by the Committee in this regard,²² recommends electronic submission of declarations unless the requisite technology is not available in the jurisdiction of the person obliged to submit such a declaration. In light of the above and given the potential usefulness of electronic systems for carrying out the functions of receiving and examining said declarations assigned to the IC in section 12(1) of the Integrity in Public Life Act, 2013, the Committee will make a recommendation in this regard to the country under review (see recommendation 1.4.13 in Chapter II of this report).

[55] It is worth noting, in relation to the above, that the IC stated during the on-site visit that it would be beneficial to have electronic versions of the declarations and to take advantage of the progress made in this area in other countries.

[56] Fourteenth, even though section 26(3) of the Integrity in Public Life Act, 2013, provides for publication in the Official Gazette of a summary of the annual report of its activities that the IC is required to submit to the Minister of Legal Affairs and states that anyone can obtain the complete report by paying the IC's fee, there are no plans to publish that report on the government website (www.gov.gd), which would enable citizens to familiarize themselves with the IC's activities and have a better basis for gauging its performance, without having to incur the costs of buying the Gazette and the printout of the Report. In addition to continuing to publish the aforementioned report in the Official Gazette, it would also be useful if the IC used that website to disseminate information about its mission, functions, and activities, and about how citizens can file complaints and interact with the Commission. In light of the above, the Committee will make a recommendation to that effect to the country under review (see recommendation 1.4.14 in Chapter II of this report).

[57] It is worth noting, in relation to the above, that the IC stated during the on-site visit that, in addition to using the government website, it planned to have its own web page for informing citizens about its mission, functions, and activities and also for publishing the above-mentioned annual report.

²¹ This information is to be found in page 2 of the document entitled "Presentation Integrity Commission (II)," http://www.oas.org/juridico/english/mesicic4_grd.htm

²² Available at: http://www.oas.org/juridico/spanish/ley_declaracion.htm

[58]Fifteenth, although pursuant to Section 21 of the Integrity in Public Life Act, 2013, the IC participates in the process of determining its budget, during the on-site visit the Commission pointed to the need to expedite the delivery of the budgetary resources allocated to it, in order to avoid problems obtaining them in a timely manner. With that in mind and considering, furthermore, that, as it was only recently established, the IC needs to have timely access to the budgetary resources required to become fully operational in performing its functions, the Committee will make a recommendation in this regard to the country under review (see recommendation 1.4.15 in Chapter II of this report).

[59]Sixteenth, during the on-site visit the IC pointed out the need for technical cooperation on matters related to providing guidance on the concept of an act of corruption as set forth in the Corruption Prevention Act; training for its staff; and procedures for filing and investigating complaints made by the public and for monitoring the processing of the complaints concerning irregularities that it refers to the competent authorities under section 44 of the Integrity in Public Life Act, 2013. With the above in mind, the Committee will make a recommendation to the country under review that it consider taking appropriate steps to ask international organizations or other countries for the technical cooperation it may need in relation to the aforementioned matters (see recommendation 1.4.16 in Chapter II of this report).

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

[60] In the on-site visit, the IC provided the following information on results relating to the functions assigned to it in respect of declarations of wealth and interests by section 12(1) of the Integrity in Public Life Act, 2013:

[61] “- Systems have been established for the receipt of declarations.”

[62] - “Individual Notices are issued to persons in public life.”

[63] - “The first group of persons who filed their declarations were the members of the House of Representatives and the Senate.”

[64] - “The second and third groups were Legal Officers and Prison Officers respectively.”

[65] - “Gazette Notices are published after the filing of declarations. Example detailed hereunder:” (example is then provided).²³

[66] - “Those Officers who have been granted extension of time to file declarations, have been issued with notices to file their declarations on May 02, 2014. Those Officers who have been served with final notices, are required to file their declarations on June 26, 2014.”

[67] - “The name of any Officer who has failed to file his/her declaration, will be published in the Gazette and newspaper. A subsequent failure, will be followed by Court proceedings.”

[68] - “The protocol pertaining to following up on the processing by competent authorities on irregularities-Section 44 of the Act is not yet developed. Technical Assistance required.”

[69] First, the Committee is conscious that the IC was established in November 2013,²⁴ and that it is still developing the regulations and procedures needed for it to fully perform its functions. Thus, it

²³ This example is to be found on page 5 of the document entitled “Presentation Integrity Commission (II),” http://www.oas.org/juridico/english/mesicic4_grd.htm

understands that the information provided by the Commission on its results reflects its early endeavors in relation to its spheres of competence with regard to declarations of assets, liabilities and income.

[70] Second, as regards the IC's functions under section 12(1) (d) and (e) of the Integrity in Public Life Act, 2013, of investigating public servants who violate the Corruption Prevention Act, or whose conduct is deemed by the IC to be dishonest or conducive to corruption, the Committee considers that it would be useful for the Commission to compile data to analyze its performance which would include the number of investigations it carries out and their outcomes. Such data should be useful in identifying challenges and recommending corrective measures. The Committee will make a recommendation in that regard to the country under review (see recommendation 1.4.17 in Chapter II of this report).

[71] Third, the Committee considers that it would be useful for the IC to have a follow-up system that enables it to know the outcome of conduct irregularities referred to other competent authorities by virtue of section 44 of the Integrity in Public Life Act, 2013. Such a system would help the Commission with identifying challenges and recommending corrective measures. The Committee will make a recommendation in that regard to the country under review (see recommendation 1.4.18 in Chapter II of this report).

1.4. Conclusions and recommendations

[72] Based on the comprehensive review conducted with respect to the Integrity Commission (IC) in the foregoing sections, the Committee formulates the following conclusions and recommendations:

[73] Grenada has considered and adopted measures intended to maintain and strengthen the Integrity Commission (IC) as an oversight body, as described in section 1 of Chapter II of this report.

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

- 1.4.1 Adopt appropriate measures to differentiate the functions of the Integrity Commission, pursuant to section 12(1) (d) and (e) of the Integrity in Public Life Act, 2013, with regard to the investigation of public servants who violate the Corruption Prevention Act or whose conduct may be considered by the Integrity Commission to be dishonest or conducive to corruption, and the function of exercising disciplinary oversight over said public servants assigned to the Public Service Commission under section 84 (1) of the Constitution (see section 1.2 of Chapter II of this report).
- 1.4.2 Adopt the Code of Conduct provided for in section 40 of the Integrity in Public Life Act, 2013 (see section 1.2 of Chapter II of this report).
- 1.4.3 Adopt the regulations provided for in section 50(1) of the Integrity in Public Life Act, 2013 (see section 1.2 of Chapter II of this report).
- 1.4.4 Establish priorities and goals and a timetable for meeting those goals in furtherance of reaching full operational status of the Integrity Commission, and disseminate priorities, goals and timetable so that citizens can get to know the Integrity

²⁴ During the on-site visit, the IC told the Committee that its current members had been appointed as of November 2013.

Commission's efforts to progress toward the full exercise of its functions (see section 1.2 of Chapter II of this report).

- 1.4.5 Define the scope of the function assigned to the Integrity Commission in section 12(1) of the Integrity in Public Life Act, 2013, of examining declarations of assets, liabilities and income, in such a way so that the review is useful for detecting and preventing conflicts of interest and/or for detecting unjustified increases in net worth, and to have an appropriate standards of review and procedures for carrying out such an examination (see section 1.2 of Chapter II of this report).
- 1.4.6 Adopt, where applicable, mechanisms for coordinating the exercise of the functions of investigating acts of corruption assigned to the Integrity Commission in section 12(1)(d) and (e) of the Integrity in Public Life Act, 2013, with those of other bodies with investigative functions, such as the Public Service Commission, the Office of the Director of Public Prosecutions, and the Police, with a view to avoiding actions that might impair the investigations for which each body is competent (see section 1.2 of Chapter II of this report).
- 1.4.7 Enter into assistance agreements or Memorandums of Understanding to obtain the collaboration that the Integrity Commission needs to perform its functions with such entities as the Financial Intelligence Task Force, the Audit Department, and the Office of the Director of Public Prosecutions (see section 1.2 of Chapter II of this report).
- 1.4.8 Establish incompatibilities for the members of the Integrity Commission in respect of conflicts of interest that may arise during membership or after it has concluded (see section 1.2 of Chapter II of this report).
- 1.4.9 Adopt a staff selection system based on merit, taking as guidelines the recommendations offered to Grenada in section 1.1 of Chapter III of the Second Round report regarding its public servant recruitment systems (see section 1.2 of Chapter II of this report).
- 1.4.10 Adopt a functions and performance criteria manual for the Integrity Commission (see section 1.2 of Chapter II of this report).
- 1.4.11 Adopt a set of disciplinary rules for the staff of the Integrity Commission, covering their duties, prohibitions, offenses, penalties, and the authorities responsible for and the procedures to be followed in imposing them, together with an internal training and advisory program for the members of that staff, dealing with the rules that govern them (see section 1.2 of Chapter II of this report).
- 1.4.12 Adopt a comprehensive training plan for staff of the Integrity Commission (see section 1.2 of Chapter II of this report).
- 1.4.13 Adopt a system that allows for electronic presentation when possible of declarations of assets, liabilities and income, in order to facilitate persons in public life and the Integrity Commission in complying with the functions of this oversight body for receiving and examining said declarations, as assigned to it under section 12(1) of the Integrity in Public Life Act, 2013 (see section 1.2 of Chapter II of this report).

- 1.4.14 Adopt pertinent measures to ensure publication on the government's website (or a cross-reference on the government's website to its own website) of the annual report on the activities of the Integrity Commission, as referred to in section 26(3) of the Integrity in Public Life Act, 2013, as well as the dissemination through that website of its mission, functions, and activities, along with information as to how citizens can file complaints and interact with the Commission (see section 1.2 of Chapter II of this report).
- 1.4.15 Adopt appropriate measures to ensure timely disbursement of the necessary budgetary resources needed by the Integrity Commission to perform its functions (see section 1.2 of Chapter II of this report).
- 1.4.16 Adopt appropriate measures for requesting from international organizations or other countries the technical cooperation that the Integrity Commission needs with regard to providing guidance on the concept of an act of corruption as set forth in the Corruption Prevention Act; the training of its staff; and procedures for filing and investigating complaints by the public and following up on the processing of complaints of irregularities referred to the competent authorities by virtue of section 44 of the Integrity in Public Life Act, 2013 (see section 1.2 of Chapter II of this report).
- 1.4.17 Compile performance data in respect of the functions assigned to the Integrity Commission in section 12 (1), (d) and (e) of the Integrity in Public Life Act, 2013, that will enable it to determine the number of investigations carried out and their outcomes, in order to assist the Commission in identifying challenges and recommending corrective measures, where applicable. (see Section 1.3 in Chapter II of this report).
- 1.4.18 Adopt a monitoring system that allows the Integrity Commission to ascertain the outcome of the processing of the complaints of irregularities it refers to the competent authorities by virtue of section 44 of the Integrity in Public Life Act, 2013, with a view to identifying challenges and recommending corrective measures, where applicable. (see Section 1.3 in Chapter II of this report)

2. PUBLIC SERVICE COMMISSION (PSC)

2.1. Existence of provisions in the legal framework and/or of other measures

[75] The Public Service Commission (PSC) has a set of provisions in its legal framework and other measures, concerning, among others, the following:

[76] With respect to its objectives and functions, section 84(1) of the Constitution establishes that, subject to the provisions of section 91 of the Constitution,²⁵ the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to

²⁵ Section 91 of the Constitution deals with appeals against decisions in which the Public Service Commission has had a say.

remove such persons from office and the power to grant leave shall vest in the Public Service Commission.²⁶

[77] Additionally, section 84(2) of the Constitution provides that the PSC may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or, with the consent of the Prime Minister, to any public offices.

[78] Section 84(3) of the Constitution establishes that the provisions of this section shall not apply in relation to the following offices, that is to say: a) any office to which section 85 of this Constitution applies;²⁷ b) the office of Director of Public Prosecutions; c) the office of Director of Audit; d) any office to which section 88 of this Constitution applies;²⁸ e) any office in the Police Force.

[79] Section 83(1) of the Constitution deals with the composition of the PSC, and provides that there shall be a Public Service Commission for Grenada which shall consist of a Chairman and four other members who shall be appointed as follows: a) the Chairman and two members shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister ; b) two members shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister after the Prime Minister has consulted the appropriate representative bodies;²⁹ Provided, however, that no appointment shall be made under this subsection unless the body consulted has been in agreement thereto.

[80] Regarding the autonomy of the PSC and support from others authorities, section 83(12) of the Constitution provides that the PSC shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority. Additionally, section 83(13) of the Constitution, establishes that the PSC may by regulation or otherwise regulate its own procedure and, with the consent of the Prime Minister, may confer powers or impose duties on any public officer or on any authority of the Government of Grenada for the purpose of the exercise of its functions.

[81] In addition, section 33(1) of the Public Service Commission Rules, Statutory Rules and Orders, No. 27 of 1969 (hereinafter PSC Rules)³⁰ provides that a Permanent Secretary or Head of Department shall forward to the Chief Personnel Officer in each year on or before the first day of February a Confidential Report in respect of every officer who served in his Ministry or Department during the whole or part of the previous year, which shall include, inter alia, an unbiased assessment of the officer's performance and conduct.

[82] Section 76(1) of the PSC Rules, provides that the PSC shall deal with disciplinary proceedings against officers in the light of reports from Permanent Secretaries and Heads of Departments, or

²⁶ Sections 84 (4 to 7); 85(2); 88(2); and 89(1) of the Constitution refers to the authorities with whom the PSC must coordinate or who it must consult with regard to the performance of its functions.

²⁷ According with section 85(1) of the Constitution, this section applies to the offices of Secretary to the Cabinet, permanent secretary, head of a department of government and deputy head of a department of government.

²⁸ According with section 88(1) of the Constitution, this section applies to the offices of magistrate, registrar of the High Court and any public office in the department of the Attorney General (including the public office of Attorney-General) or the department of the Director of Public Prosecutions (other than the office of Director) for appointment to which persons are required to be qualified to practice as a barrister or a solicitor in Grenada.

²⁹ According with section 83(15) of the Constitution, in this section “the appropriate representative bodies” means the Grenada Civil Service Association and the Grenada Union of Teachers.

³⁰ Available at: http://www.oas.org/juridico/spanish/grd_public_ser_comm.pdf

otherwise. Subsection 2 of this section establishes that, subject to paragraph (3) of this regulation,³¹ where the PSC is of the opinion that disciplinary proceedings ought to be instituted against an officer, the PSC may institute such proceedings.

[83] Under section 85 of the PSC Rules, the penalties which may be imposed by the PSC on an officer against whom a disciplinary charge has been established are: dismissal, reduction in rank, reduction in salary, deferment of increment, stoppage of increment, fine and reprimand.

[84] With respect to its decisions, section 83(14) of the Constitution provides that any decision of the PSC shall require the concurrence of a majority of all its members. In accordance with section 91 of the Constitution, the decisions of the PSC can be appealed in the Public Service Board of Appeal for Grenada.

[85] With respect to its human resources, their training, and the rules that apply to them, the PSC is governed by the rules applicable to public servants in Grenada in general, which are set forth principally in the Corruption Prevention Act of 2007, Part II of which establishes offenses and penalties for acts of corruption; in the PSC Rules, sections 51, 56, 66, 67, 68, 69, 74, and 85 of which address incompatibilities, prohibitions, offenses, and disciplinary penalties to be imposed by the PSC; in the Regulations of the Public Service Commission of 1973 (hereinafter PSC Regulations/Staff Orders),³² Chapter I of which refers to the appointment of public servants, Chapter II of which refers to the conduct of Public Officers and Chapter V of which deals with training courses for them.

[86] As regards its budgetary resources, as the country under review reported in its reply to the questionnaire, the PSC budget is not independent of the budget approved by Parliament.

[87] As for job or function descriptions and the existence of manuals or documented procedures for the performance of its tasks, the Parts III and VIII of the PSC Rules regulate the exercise of its functions in respect of the appointment of public servants and disciplinary oversight, including, in Sections 87-89 the procedure for imposing penalties. It also has the PSC Regulations, Chapter I of which also regulates the appointment of public servants, while Chapter II contains rules regarding their conduct.³³ In addition, as the Committee was told during the on-site visit, there is a procedures manual and a manual describing the functions and requirements for each position.

³¹ Paragraph 3 of this regulation establishes that “where an offence against any law appears to have been committed by an officer the Commission before acting under paragraph (2) of this regulation shall obtain the advice of the Attorney General as to whether criminal proceedings ought to be instituted against the officer concerned; and if the Attorney General advises that criminal proceedings ought to be so instituted the Commission shall not initiate disciplinary proceedings (if any) before the determination of any criminal proceedings so instituted.” Additionally, section 79(1) of the PSC Rules, establishes that “where criminal proceedings have been instituted in any Court against an officer, disciplinary proceedings upon any grounds arising out of the criminal charge shall not be taken or continued against him until after the Court has given judgment and the time allowed for an appeal from the judgment has expired; and where an officer after conviction has appealed, proceedings for his dismissal shall no be taken until after the withdrawal or determination of the appeal.”

³² Available at: http://www.oas.org/juridico/spanish/grd_staff_orders.pdf

³³ These rules refer to such aspects as the provision of information by public servants regarding their private investments and real or apparent conflicts of interest (Section 25); permission to accept a paid private job (Section 26); and permission to serve as auditors or members of the Board of Directors of enterprises (Section 27).

[88]As for accountability mechanisms, the PSC told the Committee during the on-site visit that every three years the PSC reports on its activities. PSC submits end of term report to the Governor-General and Prime Minister but that said report is not made public.

[89]As for the way citizens are kept informed on activities of the PSC, according to the reply by the country under review to the questionnaire, the PSC generally communicates with citizens via circulars and the Official Gazette.

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

[90] The Public Service Commission (PSC) has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were described in brief in section 2.1 of this report. However, the Committee believes it timely to make a number of observations in relation thereto:

[91]First, regarding the rules governing the PSC contained in the PSC Rules and the PSC Regulations (Staff Orders), the Committee considers that it would be beneficial for them to be updated, bearing in mind that the PSC itself pointed out during the on-site visit that those rules were out of date and in some cases were not applicable to current situations.³⁴ Further, the 1969 PSC Rules predate the Constitution, while the 1973 PSC Regulations do not provide clear guidance and, in part, still serve as a type of code of conduct and financial disclosure system. For example, the Regulations lack standards and procedures for exercising the various discretionary actions that are allowed under their terms (ie. permissions or approvals required under section 25(2) for acquiring investments, section 26(a) for private work, and section 27 for becoming an auditor or director of a private entity) or definitions of a real or apparent conflict of interest for public servants (Section 25 which also contains a disclosure system that has not been expressly eliminated by the Standards in Public Life Act), ora gift (Section 37) . Updating the Rules and Regulations is not just important for the staff of the PSC but for the public service as a whole. The Committee will offer the country under review a recommendation in that regard (See recommendation 2.4.1 of Chapter II of this Report).

[92] Regarding the above, it is worth noting that, during the on-site visit, the PSC pointed out that it is already working on updating its rules/regulations (Staff Orders).

[93] Second, as the Committee already stated in Section 1.1 of Chapter II of this report, under section 12(1) (d) and (e) of the Integrity in Public Life Act, 2013, the Integrity Commission is assigned the functions of investigating public servants who violate the Corruption Prevention Act, or whose conduct is deemed by the Integrity Commission to be dishonest or conducive to corruption, functions that need to be differentiated from the function of exercising disciplinary oversight of public servants assigned to the PSC under Section 84(1) of the Constitution, in order to avoid duplicating the functions of these two oversight bodies.

[94] Although the Committee already offered a recommendation in section 1.4 of Chapter II of this report for the country under review to adopt appropriate measures to differentiate the aforementioned functions of the Integrity Commission and the PSC, it deems it advisable for the PSC to adopt coordination mechanisms with the Integrity Commission for the harmonious performance of said functions, which would not require waiting for their legal differentiation (See recommendation 2.4.2 in Chapter II of this report).

³⁴ This information is available in the Section on the PSC in the document entitled "Presentation PSC" (page 8), which is posted at: http://www.oas.org/juridico/english/mesicic4_grd.htm

[95] Regarding the above, it is worth noting that, during the on-site visit, the PSC pointed out its readiness to harmonize its functions with those of the Integrity Commission.

[96] Third, bearing in mind that under section 76(3) of the PSC Rules, the latter must obtain the advice of the Attorney General on whether a possible offense by an officer warrants instituting criminal proceedings, in which case the PSC would not initiate its investigation and would have to wait, pursuant to Section 79(1) of those Rules, until the corresponding Court adopts its decision regarding criminal proceedings, the Committee deems it beneficial for the country under review to consider adopting by the PSC appropriate measures to ensure that disciplinary proceedings for acts of corruption that may also trigger criminal liability should not be made dependent upon the criminal proceedings (nor interfere with such proceedings), so that both processes could, with the concurrence of the DPP, begin or continue simultaneously. The Committee considers that the above would expedite the disciplinary function assigned to the PSC in section 84(1) of the Constitution and make it more effective, so it will offer a recommendation in that regard to the country under review See Recommendation 2.4.3 in Chapter II of this report).

[97] Fourth, supplementing the above recommendation, the Committee thinks the PSC could benefit from having coordination mechanisms, where applicable, with the Office of the Attorney General, with the Office of the Director of Public Prosecutions and with the Royal Grenada Police Force (RGPF) for matters relating to the investigation of offenses by public servants that may involve both disciplinary and criminal liability. For that reason, it will offer a Recommendation in that regard to the country under review See Recommendation 2.4.4 in Chapter II of this report).

[98] With respect to the foregoing paragraph, the Committee considers that the implementation, where applicable, of coordination mechanisms, such as agreements between the above-mentioned bodies, could prove to be very useful for achieving effective coordination.

[99] Fifth, bearing in mind that it was indicated ,during the on-site visit, annual reports that the Permanent Secretaries and Heads of Department are required to file on the conduct and performance of public servants pursuant to section 33(1) of the PSC Rules and which are vital for it to perform its disciplinary oversight and human resources management function, were not in fact being delivered on time and, when they did arrive, they did not contain relevant information and failed to meet established requirements. The Committee will offer the country under review a recommendation in that regard. (See Recommendation 2.4.5 of Chapter II of this report).

[100] Sixth, bearing in mind that the PSC indicated, during the on-site visit ³⁵ that, among other things, the reactivation of the network of officers responsible for human resource management would help prepare public servants to shoulder their responsibilities. This would also usefully supplement the work of the PSC by, in part, by providing public servants with more training and information regarding the code of ethics governing them, and furnishing the PSC with information about those public servants, in a timely fashion. The Committee will offer the country under review a recommendation in that regard (See Recommendation 2.4.6 of Chapter II of this report).

[101] Seventh, bearing in mind the PSC stated during the on-site visit³⁶ that, due to the number and type of disciplinary issues that arise, it was necessary to have a public servant counseling service and that there were ongoing discussions with the Public Administration Department regarding that service, and considering also that said program (envisaged in the PSC's 2013-2015 Corporate Plan)

³⁵ This information is on page 9 of the document entitled "PSC Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

³⁶ This information is on page 10 of the document entitled "PSC Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

would help prevent the commission of disciplinary offenses by public servants, the Committee will offer the country under review a recommendation in that regard (See Recommendation 2.4.7 of Chapter II of this report).

[102] Eighth, bearing in mind that the PSC stated during the on-site visit³⁷ that the report on its activities, challenges and achievements it submits every three years is not made public, and considering that it would be a good idea for citizens to be better informed about the PSC so that they could better understand its objectives and evaluate its performance, the Committee will offer a recommendation to the country under review that it consider compiling and publicly disseminating, through such media as the Government's website (www.gov.gd) and through printed documents, an annual report on its mission, functions, and activities, including information on how citizens can file complaints and interact with Commission (See Recommendation 2.4.8 of Chapter II of this report).

[103] It is worth noting, with regard to the above that, during the on-site visit, the PSC pointed out that it plans to conduct public awareness campaigns on its functions through, inter alia, the Government Information Service (GIS) and the public domain.

[104] Ninth, bearing in mind that one of the priorities in the PSC's Corporate Plan 2013 - 2015³⁸ is the digitization or systematization of its operations and of information on public servants and that, as mentioned in that Plan, a program moving in that direction had been suspended due to financing problems, the Committee will recommend that the country under review consider taking the necessary steps to complete that program, given its usefulness for the PSC (See Recommendation 2.4.9 of Chapter II of this report).

[105] Tenth, bearing in mind that, to facilitate performance of the function assigned to the PSC under section 84(1) of the Constitution of appointing public servants, it would be useful for the country under review to consider adopting a system for publishing invitations to submit applications to fill public sector vacancies, that can be readily consulted by citizens and that allows prospective candidates for those posts to have the information they need to apply, the Committee will offer the country under review a recommendation in that regard (See Recommendation 2.4.10 of Chapter II of this report).

[106] With regard to the above, it is worth adding that, although the Committee made a recommendation in the Grenada Report of the Second Round about “ensuring that the Public Service Commission clearly substantiate when a decision is made not to advertise a vacancy to the general public, as well as ensure the use of modern means of media for publicizing vacancies (e.g. the Internet),”³⁹ the system recommended for adoption in this report would not only help the PSC perform the function mentioned in the foregoing paragraph but would also constitute an advance toward implementing the second round recommendation transcribed in this paragraph.

[107] Eleventh, bearing in mind that the PSC stated during the on-site visit that it lacked appropriate support staff to perform its functions,⁴⁰ and that its staff needed training in dealing with disciplinary

³⁷ This information on page 5 of the document entitled "PSC Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

³⁸ This Plan is available in the document entitled "Corporate Plan 2013 - 2015" (See pages 4 and 5, #6 and 13, # 1 and # 2), http://www.oas.org/juridico/english/mesicic4_grd.htm

³⁹ Recommendation 1.1.c) of Chapter II of the Report on Grenada adopted by the Committee in the Second Round; posted at: <http://www.oas.org/juridico/english/grd.htm>

⁴⁰ This information is on page 7 of the document entitled "PSC Presentation," and pages 10 and 11 of the "Corporate Plan 2013-2015," http://www.oas.org/juridico/english/mesicic4_grd.htm

matters, the Committee will offer a recommendation in that regard to the country under review (See Recommendation 2.4.11 of Chapter II of this report).

[108] Twelfth, bearing in mind that the PSC stated during the on-site visit that it lacked appropriate offices and office equipment to perform its functions,⁴¹ the Committee will offer a recommendation in that regard to the country under review (See Recommendation 2.4.12 of Chapter II of this report).

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

[109] During the on-site visit, the PSC provided the following information regarding the outcomes of the exercising of disciplinary oversight over public servants assigned to it under section 84(1) of the Constitution:

[110] - "Three cases of absenteeism resulted in termination"

[111] - "Eight officers were interdicted from the performance of their duties as a result of their arrest and charge by the Royal Grenada Police Force for offenses which involved theft, forgery, possession of controlled substances, sexual misconduct."

[112] "Three officers who held probationary appointments were terminated. Two of the officers were reinstated to their positions on conclusion of the court hearings. One officer, who was interdicted in March 2010, by the former Commission, was also dismissed on the basis of the court judgment."

[113] - "Disciplinary hearings were conducted by the Commission as follows: 2010: 1; 2011: 13; 2012: 13; 2013: 12. TOTAL: 39."

[114] - "Disciplinary action taken by the Commission constituted reprimand for the most part. One (1) officer was fined, eight (8) officers were dismissed and the acting appointment of one (1) officer was terminated resulting in the officer's reversion to her substantive post.

[115] - "The Commission treated cases of indiscipline which covered the following areas. In each case appropriate disciplinary measures were applied: absence from duty without approved leave; unpunctuality; leaving the work place without permission; engaging in private work without necessary permission; engaging in private work during working hours; sexual misconduct; unruly behavior; forgery; irresponsible behavior relating to financial matters, e.g., overpayments, payroll tampering, non-depositing of large sums of money resulting in loss; malingering and unauthorized sick leave especially those who go abroad for medical attention; unauthorized use of Government property, e.g. use of vehicles, computers; unauthorized divulgence of information and breach of confidentiality; leaving the State without Public Service Commission's permission; rude behavior to customers/ clients; deliberately slowing down the process of delivery of services to clients/ customs."

[116] - "Three cases of sexual misconduct were reported to the Director of Public Prosecution resulted in the transfer of officers from the teaching service to main stream public service. Due to the late submission of reports to the court, the cases were thrown out. One case is pending."

⁴¹ This information is on page 8 of the document entitled "PSC Presentation," and page 11 of the "Corporate Plan 2013-2015," http://www.oas.org/juridico/english/mesicic4_grd.htm

[117] Regarding the foregoing information, the Committee notes that, although it shows that the PSC has exercised the type of disciplinary oversight over public servants required under section 84(1) of the Constitution, the information is not broken down in such a way as to show results relating specifically to acts of corruption, and consequently, how those cases of discipline involving corrupt acts were coordinated with the DPP. It will therefore offer the country under review a recommendation in that regard (See Recommendation 2.4.13 of Chapter II of this report).

2.4. Conclusions and recommendations

[118] Based on the comprehensive review of the Public Service Commission (PSC) in the foregoing sections, the Committee formulates the following conclusions and recommendations:

[119] Grenada has considered and adopted measures intended to maintain and strengthen the Public Service Commission (PSC) as an oversight body, as indicated in section 2 of Chapter II of this report.

[120] In light of the comments made in that Section, the Committee suggests that the country under review consider the following recommendations:

- 2.4.1 Update the rules governing the Public Service Commission, especially those set forth in the 1969 PSC Rules, which were issued prior to the 1973 Constitution, and in the 1973 PSC Regulations (Staff Orders) which apply to public servants generally, and which lack, for example, articulated standards and procedures for discretionary acts and definitions for real or apparent conflicts of interest and gifts, and now conflict, in part, with subsequent legislation such as the Integrity in Public Life Act (See section 2.2 of Chapter II of this report).
- 2.4.2 Adopt coordination mechanisms with the Integrity Commission that enables it to perform its function of exercising disciplinary oversight over public servants, assigned to the Public Service Commission under section 84(1) of the Constitution, in harmony with the investigating function assigned to the Integrity Commission under section 12(1) (d) and (e) of the Integrity in Public Life Act for public servants who contravene the Corruption Prevention Act, or whose conduct may be deemed by the Integrity Commission to be dishonest or conducive to corruption (See section 2.2 of Chapter II of this report).
- 2.4.3 Adopt appropriate measures (including a working agreement with the DPP) to ensure that disciplinary proceedings in relation to acts of corruption that may also involve criminal responsibility are not always subordinated to the criminal proceedings to ensure that whenever possible without undermining the criminal proceedings both processes could occur simultaneously (See section 2.2 of Chapter II of this report).
- 2.4.4 Establish coordination mechanisms, where applicable, with the Attorney General's Office, with that of the Director of Public Prosecutions, and with the Police in respect of investigation of offenses by public servants that may involve both disciplinary and criminal liability (See section 1.2 of Chapter II of this report).
- 2.4.5 Adopt appropriate measures to ensure that the Permanent Secretaries and Heads of Department punctually remit to the Public Service Commission the annual reports regarding the conduct and performance of public servants that they are required to send pursuant to section 33(1) of the PSC Rules, and to ensure that the information

contained therein is relevant and meets established requirements (See section 2.2 of Chapter II of this report).

- 2.4.6 Adopt appropriate measures to reactivate the network of human resources managers, which would help in the training of public servants on their ethical responsibilities, and provide the Public Service Commission with timely information on those public servants_(See section 1.2 of Chapter II of this report).
- 2.4.7 Adopt appropriate measures to define and implement the public servants counseling program provided for in the Corporate Plan 2013-2015 of the Public Service Commission (See section 2.2 of Chapter II of this report).
- 2.4.8 Compile and disseminate, through media such as the Government website, an annual report on the work of the Public Service Commission, as well as information on its mission, functions, and activities and on the way citizens can file complaints and interact with the Commission (See section 2.2 of Chapter II of this report).
- 2.4.9 Adopt appropriate measures to complete the digitization or systematization of the operations of the Public Service Commission and of information on public servants, bearing in mind the priority attached to this activity in the Corporate Plan 2013-2015 of the Public Service Commission (See section 2.2 of Chapter II of this report).
- 2.4.10 Adopt a system for publishing invitations to apply for public service vacancies that can be readily accessed by the public and that provide potential candidates for those vacancies with the information on requirements and procedures they need to submit proper applications (See section 2.2 of Chapter II of this report).
- 2.4.11 Adopt appropriate measures, within available resources, to enable the Public Service Commission to have the support staff it needs to perform its functions and to provide training in disciplinary matters (See section 2.2 of Chapter II of this report).
- 2.4.12 Adopt appropriate measures, within available resources, to ensure that the Public Service Commission has sufficient budgetary resources to do its job, including the funds needed to have appropriate premises and the necessary office furnishings (See section 2.2 of Chapter II of this report).
- 2.4.13 Compile performance data on the PSC's exercise of its disciplinary oversight over public servants with respect to acts of corruption under section 84(1) of the Constitution. That performance data should include the number of investigations ordered and their results, exonerations or penalties imposed, as well as the number of cases suspended, barred by the statute of limitations, or shelved without a decision being reached and the time expended from the receipt of a complaint to ultimate disposition. Such performance data should assist in identifying challenges and needed corrective actions, where applicable. (See section 2.3 of Chapter II of this report).

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

3.1. Existence of provisions in the legal framework and/or of other measures

[121] The Office of the Director of Public Prosecutions (DPP) has a set of provisions in its legal framework and other measures, concerning, among others, the following:

[122] With respect to the DPP's objectives and functions, section 71(2) of the Constitution establishes that the Director of Public Prosecutions has the power in any case in which he considers it desirable so to do: a) to institute and undertake criminal proceedings against any person before any court (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.

[123] Additionally, the Director of Public Prosecution also has the power given to him under section 44 of the Constitution with respect to the prosecution of unqualified persons sitting or voting in either House of Parliament.

[124] Section 86(1) of the Constitution provides for the appointment of the Director of Public Prosecutions by the Governor General on the advice of the Judicial and Legal Services Commission, and establishes in its subsection 2 that a person shall not be qualified to be appointed to hold or act in the Office of Director of Public Prosecution unless: (a) he is qualified to practice as an advocate in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth; and (b) he has been qualified for not less than five years to practice as an advocate or solicitor in such a court.

[125] Section 86(6) of the Constitution provides that the Director of Public Prosecution may be removed from office only for inability to exercise the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be removed except in accordance with the provisions of that section.

[126] Regarding the autonomy and decisions of the DPP, section 71(6) of the Constitution provides that in the exercise of the functions vested in him by subsection (2) of this section and by section 44 of the Constitution, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.⁴² While not subject to the direction or control of any other person, the decisions of the DPP- including the decision not to prosecute - can be subject to judicial review. In the jurisdiction of Grenada based on the hierarchy of courts, decisions of the DPP can be challenged in the High Court, the Court of Appeal and the Privy Council.⁴³

[127] Regarding the support of other bodies or authorities in the exercise of its functions, as noted in Grenada's reply to the questionnaire, the DPP works along with other agencies such as the Royal Grenada Police Force (RGPF), Customs, Financial Intelligence Unit (FIU) and the Eastern Caribbean Supreme Court. In addition, during the on-site visit the DPP stated that it exercises a supervisory/advisory role in relation to the prosecutorial arm of the RGPF, and generally advises and guides the RGPF on all legal matters pertaining to the investigation of crime.⁴⁴ The Committee was also told that the RGPF has authority to conduct summary prosecutions in the Magistrate's Court but

⁴² During the on-site visit, the Committee was told that: "Administratively, the DPP's Office falls under the Ministry of Legal Affairs, though in the constitutional arrangement, it is an independent office, not subject to the Executive, Legislature or Judiciary and insulated from political influence and/or control." See page 5 of the "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁴³ Grenada's Reply to the Questionnaire, page. 10, and information provided by the DPP during the on-site visit, which is to be found on page 15 of the "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁴⁴ Grenada's Reply to the Questionnaire, page. 6, and information provided by the DPP during the on-site visit, which is to be found on pages 4, 6 and 7 of the document "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

no corruption offenses are considered summary offenses. Thus the RGPF only investigates alleged instances of corruption.

[128] Regarding its human resources and the rules governing them, pursuant to section 88 of the Constitution, the power to appoint legal officers in the department of the DPP, the power to exercise disciplinary control over such persons and the power to remove such persons from office vests in the Governor General on the advice of the Judicial and Legal Services Commission.

[129] Regarding the requirements for holding positions in the DPP and the training of its staff, the DPP reported during the on-site visit that: “the DPP and his legal officers must be trained Lawyers and qualified to practice law in Civil and Criminal matters within any jurisdiction in the Commonwealth. - A minimum of 5 years is needed for the DPP. - DPP and Legal Officers would have been trained in the practice of law. (Degree phase - Law School phase). - Also continuing Legal Education/Seminars/Courses/Training Workshops both overseas and locally (New Scotland Yard/Proceeds of Crime examples).”⁴⁵

[130] Regarding handbooks or documented procedures for exercising its functions, the DPP has its Code for Prosecutors,⁴⁶ adopted on January 7, 2013, which refers, inter alia, to the role, ethics, and impartiality of the Director; his relations with the Police and other investigators; the adoption of decisions regarding charges to be brought during the judgment phase of proceedings and upon appeal; and his relations with the media.

[131] As for its budgetary resources, according to information provided by the country under review in its reply to the questionnaire, the DPP budget is not independent of the budget approved by parliament. In addition, as a result of the on-site visit, the following information was obtained: “Budget for DPP’s Chambers for the years 2012-2014 as provided in the Estimates of Revenue and Expenditure: 2012: EC\$891,332; 2013: EC\$885,260; 2014: EC\$691,965.”⁴⁷

[132] As regards accountability mechanisms, the DPP also reported that: “Crown Counsel⁴⁸ and Staff report directly to the DPP. - DPP unofficially reports to the M.O.L.A.⁴⁹ through the Attorney General. - Senior Management Board meetings. Heads of all the Public Services meet together with the Cabinet Secretary. - DPP’s Office enjoys a good rapport and relationship with the media and the public. - DPP operates an “open door”: policy members of the public attend/call at any time to air concerns or discuss issues concerned with the Office and its performance. - DPP also appraises the performance of his legal officers periodically for the Department of Public Administration.”⁵⁰

[133] As for the manner in which information is provided to citizens, the DPP reported during the on-site visit that: “DPP addresses the media as required/necessary in matters of public interest/concern.- Assizes [court sessions] are fixed by law 3 times yearly, DPP addresses the public at Opening and Closing of Assizes (January/April, May/July and October/December).- Provides a

⁴⁵ See pages 9 and 10 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁴⁶ See page 5 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁴⁷ The e-mail in which the country under review conveyed this information also stated: “Please note that this is not a true reflection of actual spending. It is just what the Ministry of Finance provides for. Spending is usually above what is provided and is possible through the raising of Special Warrants.”

⁴⁸ Name given to the prosecutors.

⁴⁹ Minister of Legal Affairs

⁵⁰ See page 14 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

Report which is made available to the media and all stakeholders and often does a media interview to inform the public on the Assizes.”⁵¹

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

[134] The Office of the Director of Public Prosecutions (DPP) has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were described in brief in section 3.1 of this report. However, the Committee believes it timely to make a number of observations in relation thereto:

[135] First, bearing in mind that, based on information provided by the Office of the Director of Public Prosecutions (DPP) during the on-site visit, the DPP depends administratively (and thus financially) on the Ministry of Legal Affairs and the Director of Public Prosecutions reports (albeit “unofficially”) to the Minister of Legal Affairs, through the Attorney General, and considering, furthermore, that, pursuant to Article 71(6) of the Constitution, the Director of Public Prosecutions shall not be subject in the exercise of his functions to the direction or control of any other person or authority, the Committee will recommend to the country under review to consider adopting the necessary measures to ensure that the Office's functional autonomy is not impaired by said dependency, nor by the “unofficial” report of the Director of Public Prosecutions to the Minister of Legal Affairs through the Attorney General (See Recommendation 3.4.1 of Chapter II of this report).

[136] Second, bearing in mind the information provided in the reply of the country under review to the questionnaire,⁵² to the effect that there are no mechanisms for the DPP to harmonize its functions with those of other bodies and that it interacts with them in accordance with the powers conferred on it by the Constitution, and considering, furthermore, that since bodies such as the Integrity Commission and the Public Service Commission are responsible for investigating the misconduct of public servants that could constitute acts of corruption giving rise to both disciplinary and criminal responsibility, the Committee considers that it would be useful for the DPP to adopt, where applicable, mechanisms for coordinating with said bodies in order, inter alia, to offer them guidance on how to determine when alleged misconduct by a public servant may have criminal implications and, if so, when it would be appropriate to inform the competent authorities, such as the Royal Grenada Police Force and the DPP so they can, when appropriate, investigate the conduct and bring criminal charges, respectively. The Committee will make a recommendation in that regard to the country under review (see recommendation 3.4.2 in Chapter II of this report).

[137] Third, bearing in mind that although, as mentioned by the DPP during the on-site visit,⁵³ the DPP exercises a supervisory/advisory role in relation to the prosecutorial arm of the Royal Grenada Police Force, and generally advises and guides it on all legal matters pertaining to the investigation of crime, the Committee considers that it would be useful for the DPP to adopt more robust coordination mechanisms with that body in order to offer enhanced guidance and training advice on matters relating to the investigation of acts of corruption, especially matters concerning any corruption occurring in the RGPF's own ranks. (See Recommendation 3.4.3 in Chapter II of this report).

⁵¹ See page 12 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁵² Grenada's reply to the questionnaire, p. 17.

⁵³ See page 4 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

[138] In relation to the above, it is worth adding that, during the on-site visit, the DPP pointed to the need to provide training for the Royal Grenada Police Force, because if a case is not properly investigated, prosecution of it is likely to fail.⁵⁴

[139] Fourth, bearing in mind the information provided by the country under review in its reply to the Questionnaire,⁵⁵ and the information provided by the DPP during the on-site visit,⁵⁶ indicating more prosecutors, legal officers, and support personnel were needed, as well as the fact that at the time of the visit the statistics of the DPP indicated it had only two prosecutors responsible for handling 116 cases at the May Assizes,⁵⁷ the Committee will offer the country under review a recommendation in that regard (See Recommendation 3.4.4 in Chapter II of this report).

[140] Fifth, bearing in mind what was mentioned by the DPP during the on-site visit,⁵⁸ regarding the difficulties the DPP faced in fulfilling its functions, in the sense that it needed to have continuing legal training and to improve its access to information regarding recent developments in the field, the Committee will offer the country under review a recommendation that it consider adopting appropriate measures to ensure that prosecutors and DPP staff receive the periodic training they need to maintain and improve their knowledge and skills with regard to prosecuting acts of corruption and to endow them with the tools needed for them to have timely access to recent legal developments (See Recommendation 3.4.5 in Chapter II of this report).

[141] Sixth, during the on-site visit⁵⁹ the DPP pointed out the need for technical cooperation in acquiring a forensic laboratory (so as, when possible, to avoid the delays that occur when evidence must be sent out of the country for analysis), implementing a program for videotaping interrogations of suspects, and providing training for the Royal Grenada Police Force. With the above in mind, the Committee will make a recommendation to the country under review that it consider taking appropriate steps to ask international organizations or other countries for the technical cooperation it may need in relation to the aforementioned matters. (See Recommendation 3.4.6. in Chapter II of this report).

[142] Seventh, the Committee notes that although, as reported during the on-site visit, the DPP periodically informs the media about the cases it is handling in "Assizes" (court sessions), its slot on the Government website (www.gov.gd), contains only information regarding its "Mission" and "Vision." In light of the above, and considering that it would be useful for citizens to have a better grasp of the activities, challenges, and outcomes associated with the DPP's anti-corruption efforts, and thereby be in a better position to evaluate its performance, the Committee will offer the country under review a recommendation in that regard (See Recommendation 3.4.7 in Chapter II of this report).

⁵⁴ Document entitled "DPP Presentation" (page 19), available in the DPP section at the following link" http://www.oas.org/juridico/english/mesicic4_grd.htm

⁵⁵ Grenada's reply to the questionnaire, p. 20.

⁵⁶ Document entitled "DPP Presentation" (page 17), available in the DPP section at the following link" http://www.oas.org/juridico/english/mesicic4_grd.htm

⁵⁷ Document entitled "MAY ASSIZES 2014", available at the following link: http://www.oas.org/juridico/english/mesicic4_grd.htm

⁵⁸ Document entitled "DPP Presentation" (page 17), available in the DPP section at the following link" http://www.oas.org/juridico/english/mesicic4_grd.htm

⁵⁹ Document entitled "DPP Presentation" (pp. 18 and 19), posted in the DPP section at the following link: http://www.oas.org/juridico/english/mesicic4_grd.htm

[143] Eighth, bearing in mind what the DPP mentioned during the on-site visit,⁶⁰ regarding the difficulties the DPP faced in fulfilling its functions, in the sense that more financial resources needed, and noting, moreover, that its regular budget allocation has declined in the past three years, the Committee will offer the country under review a recommendation that it consider adopting appropriate measures to ensure that the DPP receives in a timely manner the budgetary resources it needs to perform its functions (See Recommendation 3.4.8 in Chapter II of this report).

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

[144] In the reply of the country under review to the questionnaire,⁶¹ the following data were provided with respect to the outcomes achieved by the Office of the Department of Public Prosecutions (DPP) in relation to the following forms of criminal conduct:

[145] - "2008: 2 cases of fraud and 1 case of stealing by reason of employment."

[146] - "2009: 3 cases of fraud, 3 cases of stealing by reason of employment and 1 money laundering."

[147] - "2010: 2 cases of fraud, 2 cases of stealing by reason of employment."

[148] - "2011: 3 cases of fraud and 3 case of stealing by reason of employment."

[149] - "2012: 5 cases of fraud and 3 case of stealing by reason of employment."

[150] During the on-site visit,⁶² the DPP provided the following data on its outcomes:

[151] - "Conviction rate in Grenada well over 80%"

[152] - "Major crimes 2009-2013: - Murders - 24, Rapes - 39 & Fraud - 16 were completed of which conviction rate exceeded 80%."

[153] Subsequent to the on-site visit, the DPP provided a document entitled "MAY ASSIZES 2014"⁶³ (court sessions) listing 116 pending cases (filed between 2009 to April 28, 2014) of various kinds of criminal conduct, including stealing by reason of employment, without specifying how many of those cases involve theft or embezzlement of public funds and property, for the years 2009 to 2014, with a cut-off date of April 28, 2014, indicating the name of the accused, the criminal conduct he or she was accused of, and the witnesses.

[154] First, regarding the foregoing information, the Committee notes that, although it shows that the DPP has exercised its function, under section 71(2) of the Constitution, of prosecuting criminal behaviour, the information is not broken down in such a way as to show results relating specifically to acts of corruption defined as crimes by the Criminal Code. It will therefore offer the country under review a recommendation in that regard (See Recommendation 3.4.9 of Chapter II of this report).

⁶⁰ Document entitled "DPP Presentation" (page 17), available in the DPP section at the following link http://www.oas.org/juridico/english/mesicic4_grd.htm

⁶¹ Grenada's reply to the questionnaire, p. 20.

⁶² See page 16 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁶³ See page 5 of the document entitled "DPP Presentation," http://www.oas.org/juridico/english/mesicic4_grd.htm

[155] Second, the Committee considers that it would be useful for the DPP to have a system for monitoring the cases of corruption it forwards to the courts, so that it can track how such cases are proceeding and the ultimate outcomes thereof, and in so doing can publicize them accordingly, thereby enabling citizens to gauge its efforts to prosecute acts of corruption and have a better basis for evaluating its performance. The Committee will make a recommendation in that regard to the country under review (See recommendation 3.4.10 in Chapter II of this report).

[156] Third, the Committee considers it useful for the country under review to consider compiling and publishing statistics regarding the investigations conducted by competent authorities involving acts of corruption established as such in the Criminal Code, including data that clearly establish how many investigations are on-going; how many have been suspended or dismissed for whatever reason; how many have been closed because the statutory time limit has expired; how many have been referred for criminal prosecution (and the ultimate disposition of such referrals) and how many have been referred to competent authorities for disciplinary (i.e., non-criminal) measures; with a view to identifying challenges and recommending corrective actions, where applicable. The Committee will make a recommendation in that regard to the country under review (see recommendation 3.4.11 in Chapter II of this report).

[157] The Committee considers that the above would help to strengthen the supervisory and advisory role of the DPP vis-à-vis the Royal Grenada Police Force, as it would enable it to have better grounds for assessing how investigations of acts of corruption are progressing.

[158] Fourth, the Committee believes it useful for the country under review to consider compiling and publishing statistics regarding the prosecutions instituted in connection with acts of corruption established as such in the Criminal Code, including data that clearly establish how many cases are on-going; how many have been suspended or dismissed for whatever reason; how many have been closed because the statutory time limit has expired; how many have been disposed of through a plea by the defendant; how many have proceeded to trial (and the outcome of any trial; how many have been referred to competent authorities for appropriate (i.e., non-criminal) disciplinary measures; with a view to identifying challenges and recommending corrective actions, where applicable. The Committee will make a recommendation in that regard to the country under review (see recommendation 3.4.12 in Chapter II of this report).

3.4. Conclusions and recommendations

[159] Based on the comprehensive review of the Office of the Director of Public Prosecutions (DPP) in the foregoing sections, the Committee formulates the following conclusions and recommendations:

[160] Grenada has considered and adopted measures intended to maintain and strengthen the Office of the Director of Public Prosecutions (DPP) as an oversight body, as indicated in section 3 of Chapter II of this report.

[161] In light of the comments made in that Section, the Committee suggests that the country under review consider the following recommendations:

- 3.4.1 Adopt appropriate measures to ensure that the functional autonomy of the Office of the Director of Public Prosecutions, provided for under section 71(6) of the Constitution, is not impaired by its administrative dependence on the Ministry of Legal Affairs, nor by the "unofficial report" by the Director of Public Prosecutions to the Minister of Legal Affairs, through the Attorney General. (See section 3.2 in Chapter II of this report).

- 3.4.2 Adopt, where applicable, coordination mechanisms with the Integrity Commission and the Public Service Commission, inter alia, to offer them guidance on how to determine when a misconduct by a public servant could have criminal implications and, if so, when it would be appropriate to inform the competent authorities -- such as the Royal Grenada Police Force and the Office of the Director of Public Prosecutions thereof, for their investigation and, if appropriate prosecution, as well as procedures that would allow disciplinary actions to go forward without waiting for the outcome of a prosecution. (See section 3.2 in Chapter II of this report).
- 3.4.3 Adopt coordination mechanisms with the Royal Grenada Police Force in order to offer it guidance and training advice on matters relating to the investigation of acts of corruption, especially acts of corruption among the RGPF's own ranks (See section 3.2 in Chapter II of this report).
- 3.4.4 Adopt, within available resources, appropriate measures to ensure that the Office of the Director of Public Prosecutions has the prosecutors, legal officers, and support personnel it needs to perform its functions (See section 3.2 in Chapter II of this report).
- 3.4.5 Adopt appropriate measures to ensure that prosecutors of the Office of the Director of Public Prosecutions receive the periodic training they need to maintain and enhance their knowledge and skills with regard to prosecuting acts of corruption and to endow them with the tools needed for them to have timely access to recent legal developments. (See section 3.2 in Chapter II of this report).
- 3.4.6 Take appropriate steps to request international organizations or other countries to provide the technical cooperation that the country under review needs to acquire the timely services of a forensic laboratory, implement a program for videotaping interrogations of suspects, and provide training for the Royal Grenada Police Force (See section 3.2 in Chapter II of this report).
- 3.4.7 Disseminate in the section of the Government website for the Office of the Director of Public Prosecutions, information regarding its activities, challenges, and outcomes associated with its work of prosecuting acts of corruption, so that citizens can assess the efforts it makes to that end, and thereby be in a better position to evaluate its performance. (See section 3.2 in Chapter II of this report).
- 3.4.8 Adopt appropriate measures to ensure that the Office of the Director of Public Prosecutions has, in a timely fashion, the budgetary resources it needs to perform its functions (See section 3.2 in Chapter II of this report).
- 3.4.9 Compile and publish statistics that clearly show which of the prosecutions carried out by the Office of the Director of Public Prosecutions concerned acts of corruption defined as offenses by the Criminal Code (see Section 3.3 in Chapter II of this report).
- 3.4.10 Adopt a system for monitoring the cases of corruption that the Office of the Director of Public Prosecutions brings, so that it can track how they are proceeding and their outcomes, and publicize them accordingly, thereby enabling citizens to know the DPP's efforts to prosecute acts of corruption and have a better basis for evaluating its performance. (See Section 3.3 in Chapter II of this report).
- 3.4.11 Compile and publish statistics regarding the investigations conducted by competent authorities involving acts of corruption established as such in the Criminal Code,

including data that clearly establish how many investigations are on-going; how many have been suspended for whatever reason; how many have been barred because the statutory time limit has expired; how many have been archived without a decision regarding whether to refer the matter for prosecution; how many are in a position where a decision to refer the matter for prosecution could be adopted; and how many have been referred to the competent authority for prosecution with a view to identifying challenges and recommending corrective actions, where applicable. (See Section 3.3 in Chapter II of this report).

- 3.4.12 Compile and publish statistics regarding the prosecutions instituted involving acts of corruption established as such in the Criminal Code, including data that clearly establish how many cases are on-going; how many have been suspended or dismissed for whatever reason; how many have been closed because the statutory time limit has expired; how many have been disposed of through a plea by the defendant; and how many have proceeded to trial (and the outcome of any trial); and how many have been referred to the competent authority to for disciplinary action, with a view to identifying challenges and recommending corrective actions, where applicable. (See Section 3.3 in Chapter II of this report)

4. AUDIT DEPARTMENT (AD)

4.1. Existence of provisions in the legal framework and/or of other measures

[162] The Audit Department (AD) has a set of provisions in its legal framework and other measures, concerning, among others, the following:

[163] With respect to the AD's objectives and functions, section 82(2) of the Constitution, establishes that the Director of Audit has the duty to audit and report on the public accounts of Grenada, the accounts of all officers and authorities of the Government of Grenada, the accounts of all courts in Grenada (including any accounts of the Court of Appeal or the High Court maintained in Grenada), the accounts of every Commission established by the Constitution and the accounts of the Clerk to the Senate and the Clerk to the House of Representatives.

[164] Additionally, section 82(5) of the Constitution, establishes that the Director of Audit shall exercise such other functions in relation to the accounts of the Government of Grenada or the accounts of other authorities or bodies established by law for public purposes as may be prescribed by or under any law enacted by Parliament, and section 82(4) of the Constitution provides that the Director of Audit shall submit every report made by him in pursuance of subsection (2) of this section to the Minister for the time being responsible for finance who shall, not later than seven days after the House of Representatives first meets after he has received the report, lay it before the House.

[165] Section 87(1) of the Constitution provides that the Director of Audit shall be appointed by the Governor General acting in accordance with the advice of the Public Service Commission.

[166] Section 87(6) of the Constitution establishes that a person holding the office of Director of Audit may be removed from office only for inability to exercise the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehavior and shall not be so removed except in accordance with the provisions of this section.

[167] Regarding the autonomy of the AD, section 82(6) of the Constitution, establishes that in the exercise of his functions under subsections (2), (3) and (4) of this section, the Director of Audit shall not be subject to the direction or control of any other person or authority.

[168] Regarding the support from other authorities, section 82(3) of the Constitution provides that the Director of Audit and any officer authorized by him shall have access to all books, records, returns, reports and other documents which in his opinion relate to any of the accounts referred to in subsection (2) of this section. Additionally, pursuant to section 55 of the Public Finance Management Act, the Accountant General is required within six months of the close of every financial year to prepare, certify and submit to the Director of Audit as many copies as the Director of Audit may require of the Public Accounts of Grenada for the financial year accounting for all public money showing fully the financial position of Grenada

[169] Section 5 of the Audit Act⁶⁴ establishes that the Director of Audit shall, in addition to the responsibilities imposed upon him or her pursuant to section 82 of the Constitution, perform the duties and functions imposed upon him or her pursuant to the provisions of that Act.

[170] Section 10 (2) of the Audit Act establishes that the Director of Audit in his or her examination and audit of the accounts of the Government, may make such checks as he or she considers necessary to enable him or her to form an opinion as to whether a department of Government including a branch of a department, a Ministry or an authority has used its resources with economy, efficiency and effectiveness.

[171] Section 12 of the Audit Act provides, inter alia, that the Director of Audit shall submit to the Minister⁶⁵ his or her annual report on the Public Accounts, including the results of the examination by the Director of Audit, and subsequently, after receiving the report, the Minister shall, not later than seven days after the House of Representatives first meets, lay the annual report before the House of Representatives.

[172] Section 13(1) of the Audit Act establishes that the Director of Audit shall, not later than six months after the end of each financial year, make such examinations and inquiries as he or she considers necessary to enable him or her to audit the accounts of statutory bodies and Government controlled corporations for the previous year and to report as required by this Act.

[173] Section 14(1) of the Audit Act establishes that the Director of Audit may submit a special report to the Minister⁶⁶ on any matter of importance or urgency that he or she considers should not be deferred until the presentation of his or her annual report.

[174] Section 16 of the Audit Act establishes that the Director of Audit may, in his or her discretion, advise all or any of the following persons of matters discovered in conducting examinations and audits made pursuant to the provisions of this Act: (a) the Minister;⁶⁷ (b) the Minister or a senior public officer of the department affected, in the case of the audit of the accounts of the Government; (c) the Minister responsible or the chairperson or chief executive officer, in the case of a statutory body.

[175] Regarding its human resources and the disciplinary regime governing them,⁶⁸ the Audit Department (AD) informed the Committee during the on-site visit that its staff is appointed by the Public Service Commission and that there is an "informal understanding" with the PSC regarding the

⁶⁴ Available at: http://www.oas.org/juridico/english/mesicic4_grd.htm

⁶⁵ The Minister responsible for finance

⁶⁶ The Minister responsible for finance

⁶⁷ The Minister responsible for finance

⁶⁸ Section 84(3) of the Constitution establishes that the provisions of that section, which empower the PSC to appoint public servants and to exercise disciplinary oversight over them, do not apply to, among other, the Director of Audit.

selection process, whereby the AD takes part in the interviews with candidates and makes recommendations regarding persons to be hired for positions within the AD. The AD indicated that the PSC is responsible for exercising disciplinary oversight of its staff and those disqualifications and incompatibilities are set forth in the AD's Audit Manual.⁶⁹ In that regard the AD noted that discipline was not administered by the PSC in as a timely a fashion as the AD might wish.

[176] Regarding training for its personnel, in the reply of the country under review to the questionnaire and during the on-site visit, the AD stated that annual training plans had been drawn up; training courses had been delivered by organizations such as the International Organization of Supreme Audit Institutions"- INTOSAI Development Initiative (IDI)+ and the Caribbean Organization of Supreme Audit Institutions - CAROSAI; and courses taught by the AD itself on such subjects as "International Standards of Supreme Audit Institutions- ISSAIs."⁷⁰

[177] With regard to the description of manuals or documented procedures for carrying out its tasks, the AD has the provisions contained in the Audit Act, work programs on audit procedures and the Audit Manual, which, according to information garnered during the on-site visit, contains, among other things, job descriptions.⁷¹

[178] With respect to institution building, the AD is implementing its Corporate Plan 2012 - 2015, which points out, inter alia, the challenges facing the AD, and its strengths, weaknesses, and opportunities, as well as its objectives and the strategies for attaining them.⁷²

[179] As for its budgetary resources, according to information provided by the country under review in its reply to the questionnaire, the AD budget is not independent of the budget approved by parliament, for the Public Service.

[180] As for the way in which citizens are kept informed on its activities, the AD has a slot in the Government website (www.gov.gd), which, among other things, contains a succinct description of its mission, objective, functions and responsibilities; includes audit reports; and provides contact details for the Director. In addition, during its on-site visit the Committee was told by the AD that the institution disseminates audit reports and extracts thereof in newspapers and on radio and television.⁷³

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

[181] The Audit Department (AD) has a set of provisions and/or other measures relevant for the purposes of the Convention, some of which were described in brief in section 4.1 of this report. However, the Committee believes it timely to make a number of observations in relation thereto:

[182] First, bearing in mind that, even though, under section 82(6) of the Constitution, the Director of Audit is not subject in the exercise of his function to the direction or control of any other person or

⁶⁹ See pages 9, 10, 15 and 16 in the document entitled "Presentation Audit Department (II)," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁷⁰ Grenada's reply to the questionnaire, pg. 14 and see page 111 of the document entitled "Presentation Audit Department (II)," http://www.oas.org/juridico/english/mesicic4_grd.htm

⁷¹ See page 13 of the document "Presentation Audit Department (II)," http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

⁷² Document "Audit Corporate - Plan 2012 – 2015", available in the section on Grenada's Reply to the Fourth Round Questionnaire ("Annexes") at: http://www.oas.org/juridico/english/mesicic4_grd.htm

⁷³ See page 14 of the document entitled "Presentation Audit Department (II)," http://www.oas.org/juridico/english/mesicic4_grd.htm

authority, the Committee notes that section 82(4) of the Constitution provides that he shall submit any report he draws up pursuant to the functions assigned to him by section 82(2) of the Constitution to the Minister of Finance, who shall forward it to the House of Representatives. The Committee considers that arrangement to be a restriction on the functional autonomy proper to an oversight body, such as the AD. The Committee is aware that this restriction has constitutional status, as does the AD's autonomy. For that reason, with a view to reconciling these precepts, the Committee will offer the country under review a recommendation that it consider taking appropriate steps to enable the AD to send the aforementioned reports simultaneously to the Minister of Finance and the House of Representatives (See Recommendation 4.4.1 in Chapter II of this report).

[183] In connection with the above, it is worth noting that, in its Corporate Plan 2012 - 2015, the AD describes the fact that its Director of Audit has to submit his reports to the Minister of Finance for forwarding to the House of Representatives as a weakness in its legal framework that limits the independence of its Director of Audit,⁷⁴ and that it was stated during the on-site visit that the AD expects that, in the review of its Constitution that Grenada proposes to undertake, the AD's legal framework will be adjusted in such a way as to reinforce its independence.⁷⁵

[184] Second, the Committee notes that the Audit Act fails to envisage coordination mechanisms that would allow the Director of Audit to report to the Department of Public Prosecutions, the Police, or the Public Service Commission any actions that it detects in the course of its audits that might constitute acts of corruption giving rise to the criminal or disciplinary liability of their perpetrators, which, in the Committee's view, would facilitate mutual support between the AD and such bodies and make the detection, investigation, and punishment of acts of corruption more effective. The establishment of such mechanisms, when applicable, would also be useful within the Financial Intelligence Unit, as the agency responsible for conducting investigations into fraud and other similar matters. In light of the above, the Committee will make a recommendation to that effect to the country under review (See recommendation .4.4.2 in Chapter II of this report).

[185] Third, the AD explained during the on-site visit that it has no power to make government entities implement its decisions (recommendations), that some do not do so, and that the AD depends in that respect on the Public Accounts Committee (of the House of Representatives).⁷⁶ Furthermore, in the AD's "Annual Report - 2012," reference is made to "a weak accountability cycle, because the observations contained in the audit reports presented to Parliament are not always addressed promptly so as to permit swift corrective actions."⁷⁷ In light of the above, the Committee will make a recommendation in that regard to the country under review (See recommendation 4.4.3 in Chapter II of this report).

[186] Fourth, bearing in mind that, during the on-site visit,⁷⁸ the AD reported that it had problems accessing the files of audited bodies, that the latter sometimes fail to respond to its requests and lack required documentation, and that there is a lack of awareness in the public service of the AD's

⁷⁴ See page 3 of the document "Audit Corporate - Plan 2012 - 2015," http://www.oas.org/juridico/PDFs/mesicic4_grd_audit1.pdf

⁷⁵ See page 25 of the document "Presentation Audit Department (II)," http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

⁷⁶ See page 8 of the document "Presentation Audit Department (II)," http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

⁷⁷ See page 21 of the document "SAI Grenada Annual Report 2012," http://www.oas.org/juridico/PDFs/mesicic4_grd_sai.pdf

⁷⁸ See pages 25, 27 and 29 of the document "Presentation Audit Department (II)," http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

assigned policies and procedures, the Committee will offer the country under review a recommendation in that regard (See Recommendation 4.4.4 in Chapter II of this report).

[187] Fifth, bearing in mind that during the on-site visit⁷⁹ and in the “Corporate Plan 2012 –2015,”⁸⁰ the AD reported that one difficulty it faced in performing its functions was ignorance or limited awareness on the part of the general public of the AD's role and that of the Public Accounts Committee of the House of Representatives, the Committee will offer a recommendation in that regard to the country under review (See Recommendation 4.4.5 in Chapter II of this report).

[188] Sixth, bearing in mind that, during the on-site visit⁸¹ and in its "Corporate Plan 2012 - 2015,"⁸² the AD reported that the Accountant General and the bodies it audits submit their annual accounts late, the Committee will offer a recommendation in that regard to the country under review (See Recommendation 4.4.6 in Chapter II of this report).

[189] Seventh, the Committee notes that, even though section 82(6) of the Constitution stipulates that the Director of Audit must not be subject in the exercise of his functions to the direction or control of any other person or authority, the AD indicated during the on-site visit that the Public Service Commission is empowered to appoint public servants in the AD and exercise disciplinary oversight over them.

[190] In that regard, and bearing in mind that, apart from the Constitutional provision cited above, the AD points out in its “Corporate Plan 2012 - 2015”⁸³ that not being able to select its staff and exercise disciplinary oversight over them constitutes a weakness in its legal framework that limits the independence of the Director of Audit, the Committee will offer the country under review a recommendation (See Recommendation 4.4.7 in Chapter II of this report).

[191] Eighth, bearing in mind what it was told by the AD during the on-site visit,⁸⁴ regarding the difficulties the AD faces in fulfilling its functions, in the sense that it lacks the necessary financial resources, the Committee will offer the country under review a recommendation that it consider adopting appropriate measures to ensure that the AD receives the financial and human resources it needs to perform its functions (See Recommendation 4.4.8 in Chapter II of this report).

[192] With respect to the above, it is worth mentioning that the AD's "Annual Report - 2012" notes *"The lack of sufficient resources to conduct scheduled audits. The Department's mandate was expanded in recent years to include audits of all statutory institutions. The volume of personnel has not increased to cover that demand. In addition, budgetary constraints and smaller cash flows have*

⁷⁹ See page 28 of the document “Presentation Audit Department (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf; and

⁸⁰ See page 3 of the document “Audit Corporate - Plan 2012 –2015,” http://www.oas.org/juridico/PDFs/mesicic4_grd_audit1.pdf

⁸¹ See page 37 of the document “Presentation Audit Department (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf;

⁸² See page 9 of the document “Audit Corporate - Plan 2012 –2015,” http://www.oas.org/juridico/PDFs/mesicic4_grd_audit1.pdf

⁸³ See page 3 of the document “Audit Corporate - Plan 2012 –2015,” http://www.oas.org/juridico/PDFs/mesicic4_grd_audit1.pdf

⁸⁴ See page 26 of the document “Presentation Audit Department (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf;

impaired the Department's ability to perform its functions."⁸⁵ Furthermore, during the on-site visit, the AD reiterated that lack of funding remains a major issue.

[193] Ninth, considering the importance for the institutional strengthening of the AD of its "Corporate Plan 2012 -2015", which sets out, among other things, the challenges it faces, along with its strengths, shortcomings, objectives, and the strategies for attaining them, and bearing in mind that, even though the AD indicated during the on-site visit of progress made with the implementation of that Plan,⁸⁶ it also stated that the implementation was being hampered for lack of funds. The Committee will offer a recommendation to the country under review in that regard. (See Recommendation 4.4.9 in Chapter II of this report).

[194] Tenth, bearing in mind that, during the on-site visit,⁸⁷ the AD pointed out the need for technical cooperation to train its staff to detect acts of corruption and to develop and implement strategies and procedures on how to get interested parties to get involved and report corrupt practices, the Committee will offer the country under review a recommendation that it consider taking appropriate steps to ask international organizations or other countries to provide the technical cooperation that the AD needs in this regard. (See Recommendation 4.4.10 in Chapter II of this report).

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

[195] In its reply to the questionnaire,⁸⁸ the country under review provided the following information on outcomes in respect of the Audit Department (AD):

[196] *“Assessed internal controls in government ministries and departments and made recommendations to management to improve those controls. In 2012 for example there were twenty four audit inspections for the year and in 2012 there were twenty two surprise surveys.”*

[197] During the on-site visit,⁸⁹ the Audit Department provided the following data on its outcomes:

[198] - “Number of Audit Inspections - three year period: - Audit inspections: sixty-three (63); - Cash offices (30); - Surprise inspections (57).”

[199] - “Number of Audits: - 2011: 9 inspections & 20 surprise surveys; - 2012: 24 inspections & 22 surprise surveys; 2013: 30 inspections & 15 surprise surveys.”

[200] - “Summarized Recommendations: •Adjustments to accounting records; •Preparation and monitoring of bank reconciliations; •Segregation of duties; •Cash policies; •Identify Accounting standards; •Operations manuals; •Compliance with relevant laws and regulations; •Proper monitoring mechanisms; •Actions in relation to misuse of funds; •Appropriate collection mechanisms; •Need for

⁸⁵ See page 21 of the document “SAI Grenada Annual Report 2012,” http://www.oas.org/juridico/PDFs/mesicic4_grd_sai.pdf

⁸⁶ See pages 30 – 38 of the document “Audit Corporate - Plan 2012 –2015,” http://www.oas.org/juridico/PDFs/mesicic4_grd_audit1.pdf

⁸⁷ See page 41 of the document “Presentation Audit Department (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

⁸⁸ Grenada's reply to the questionnaire, p. 20.

⁸⁹ See pages 18 – 24 of the document “Presentation Audit Department (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

Appropriate Accounting systems; •Maintenance of proper records; •Reporting losses; •Persons to be held accountable for illegal actions.”

[201] - “Results of Work: •3 cases being investigated by the Financial Intelligence Unit; •Collections of outstanding revenues due to audit checks (Schools); •Adjustments to Accounting records; •Some Ministries have established documented policies and guidelines for operations.”

[202] - “Cases mainly reported on alleged fraud not on corruption.”

[203] - “Insufficient documentation to support investigation”

[204] First, with respect to the above information, the Committee notes that while it demonstrates that the AD has conducted audits and made recommendations pursuant to its functions, it does not clearly indicate whether, as a result of said audits, any actions were detected that might constitute acts of corruption. For that reason, the Committee will offer a recommendation to the country under review in that regard. (See Recommendation 4.4.11 in Chapter II of this report).

[205] Second, the Committee notes that, although the AD provided a summary of its recommendations, no information is available on the extent to which their recommendations were actually followed. For that reason, the Committee considers that it would be useful if the AD had a monitoring system to see how much attention is being paid to its recommendations, with a view to identifying challenges and recommending, where applicable, corrective measures. (See Recommendation 4.4.12 in Chapter II of this report).

[206] Third, the Committee deems it useful, in keeping with Recommendation 4.4.2 in Chapter II of this report, for the AD to have a system for monitoring those actions detected in the course of audits that might constitute acts of corruption which were subsequently reported by the AD to the competent bodies for investigation and appropriate action. Such a system would enable the AD to know how those reports are processed and what their outcomes are, and thereby enable it to publicize them, when appropriate, so that citizens can appreciate the fact that its work can help detect corruption and give them a better basis for evaluating the AD's performance. The Committee will make a recommendation in that regard to the country under review (see recommendation 3.4.13 in Chapter II of this report).

[207] Fourth, the Committee believes it useful for the country under review to consider preparing information on repayments to the State ordered and actually credited to the public coffers, in order to identify challenges in the collection processes of such repayments and, if appropriate, to adopt corrective measures. (see recommendation 3.4.14 in Chapter II of this report).

4.4. Conclusions and recommendations

[208] Based on the comprehensive review of the Audit Department (AD) in the foregoing sections, the Committee formulates the following conclusions and recommendations:

[209] Grenada has considered and adopted measures intended to maintain and strengthen the Audit Department (AD) as an oversight body, as indicated in section 4 of Chapter II of this report.

[210] In light of the comments made in that Section, the Committee suggests that the country under review consider the following recommendations:

- 4.4.1 Adopt pertinent measures to ensure that the Director of Audit can send the reports written by the Audit Department pursuant to the functions assigned to the Director under section 82(2) of the Constitution simultaneously to the Minister of Finance and the House of Representatives (See Section 4.2 in Chapter II of this report).
- 4.4.2 Adopt appropriate measures to enable the Audit Department to have, where applicable, the coordination mechanisms required for reporting to the Royal Grenada Police Force, the Department of Public Prosecutions, or the Public Service Commission the acts it detects in the course of its audits that might constitute acts of corruption giving rise to the criminal or disciplinary liability of their perpetrators, thus facilitating mutual support for needed actions; this also applies to the Financial Intelligence Unit, as the agency responsible for conducting investigations into fraud and other similar matters (See Section 4.2 in Chapter II of this report).
- 4.4.3 Consider adopting the necessary measures to ensure effective compliance with the recommendations of the Audit Department. (See Section 4.2 in Chapter II of this report).
- 4.4.4 Adopt appropriate records creation/retention measures to ensure that bodies subject to an audit by the Audit Department have appropriate files and the documentation needed for the Audit Department to perform a thorough audit; develop procedures to help ensure that those bodies reply in a timely manner to the requests made by the Audit Department and abide by its policies and procedures; create effective sanctions for those individuals and bodies who do not comply; and prepare instruction manuals and conduct campaigns to raise public servants' awareness of their obligations in these matters. (See Section 4.2 in Chapter II of this report).
- 4.4.5 Conduct citizen awareness campaigns on the importance of the functions performed by the Audit Department and the Public Accounts Committee of the House of Representatives and, in particular, on the impact they have on protecting public property, and disseminate, through the media and the Government's website information on their activities and on the outcomes of their work. (See Section 4.2 in Chapter II of this report).
- 4.4.6 Adopt appropriate measures to ensure that the Accountant General and bodies subject to an audit by the Audit Department provide the Audit Department with their annual reports within established deadlines, and establish penalties for those who fail to do so. (See Section 4.2 in Chapter II of this report).
- 4.4.7 Adopt appropriate measures to ensure that the Director of Audit can select staff of the Audit Department, following in this regard the recommendations put to the country under review in section 1.1 of Chapter III of the Second Round report, in relation to its systems for hiring public servants, and that the Director can exercise disciplinary oversight over said staff in keeping with an established set of rules covering duties, prohibitions, misdemeanors, and penalties. (See Section 4.2 in Chapter II of this report).
- 4.4.8 Adopt, within available resources, appropriate measures to ensure that the Audit Department has the financial and human resources it needs to perform its functions (See section 4.2 in Chapter II of this report).

- 4.4.9 Adopt appropriate measures to implement the Audit Department's Corporate Plan 2012-2015, including timely provision of the resources needed for that purpose. (See section 4.2 in Chapter II of this report).
- 4.4.10 Take appropriate steps to request from international organizations and other countries the technical cooperation required by the Audit Department to train its staff to detect corrupt practices and to help develop and implement strategies and procedures on how to get interested parties involved and to report corrupt practices. (See section 4.2 in Chapter II of this report).
- 4.4.11 Compile and publish statistics that clearly show whether, as a result of the audits performed, deeds have been detected that might constitute acts of corruption, with a view to identifying challenges and recommending corrective measures. (See section 4.3 in Chapter II of this report).
- 4.4.12 Adopt a monitoring system that enables the Audit Department to see how much each audited body is complying with its recommendations, with a view to identifying challenges and, where applicable, recommending corrective measures. (See section 4.3 in Chapter II of this report).
- 4.4.13 Adopt a system for monitoring acts detected during audits by the Audit Department that might constitute acts of corruption which have been referred to the competent authorities for investigation and appropriate action, that will enable the Audit Department to see how its findings are being processed and the outcomes thereof, as well as to publicize that information when appropriate, so that citizens can appreciate that the work of the Audit Department can help detect corruption and give them a better basis for evaluating the performance of the Audit Department. (See section 4.3 in Chapter II of this report).
- 4.4.14 Prepare information on repayments to the State ordered and actually credited to the public coffers, in order to identify challenges in the collection processes of such repayments and, if appropriate, to adopt corrective measures. (See section 4.3 in Chapter II of this report).

III. BEST PRACTICES

[211] In keeping with 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, references is made to the best practices identified by the country under review, which it has expressed its wish to share with the other member States of the MESICIC, as it could be beneficial to them:

[212] **1. With respect to the Integrity Commission (IC):**

[213] - "In 2012 the Commission focused on specific target groups to share information on its operations including; Permanent Secretaries, Senior Public Officers and Statutory Bodies."

[214] - "In 2013 and 2014 the Commission shared information with the general public through its Integrity in Public Life-Sharing with the Public Series (newspapers and television) and the television programme Beyond the Headlines."

[215] - “The Commission plans to continue with its public engagement activities.”⁹⁰

[216] **2. With respect to the Public Service Commission (PSC):**

[217] - “Open consultation with the Unions (the Public Workers Union (PWU) and the Grenada Union of Teachers (GUT) should be maintained. This has facilitated the disciplinary process where teachers are involved.”⁹¹

[218] - “In 2012, the Public Service Commission took the decision to change and modernise the method of circulating papers and to do so electronically, in the interest of efficiency, effectiveness and reduction in cost. It is hoped that this would be effected in the life of the new Commission.”⁹²

[219] **3. With respect to the Department for Public Prosecutions (DPP):**

[220] - “Formerly DPP's decisions/functions in prosecuting was guided by the United Kingdom's Code for Crown Prosecution Service. On January 7, 2013 Grenada adopted a Code for Prosecutors. This Code governs, inter alia, best practices in all aspects of prosecuting, Ethics, Bail, Young offenders, Victims, Witnesses, the Media & Police Investigations.”⁹³

[221] **4. With respect to the Audit Department (AD):**

[222] - “Annual Report on Performance

[223] - Quality Assurance function in small SAIs

[224] - Management of working papers.”⁹⁴

IV. FOLLOW-UP ON PROGRESS AND NEW AND RELEVANT INFORMATION AND DEVELOPMENTS WITH REGARD TO THE IMPLEMENTATION OF RECOMMENDATIONS SUGGESTED IN THE COUNTRY REPORT IN THE FIRST ROUND OF REVIEW⁹⁵

[225] The Committee will refer below to the progress, information, and new developments made by Grenada in relation to the recommendations and measures suggested by the Committee for implementation in the Report of the First Round, and with respect to which the Committee deemed that additional attention was required in the Reports from the Second and Third Rounds,⁹⁶ and shall, as appropriate, 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, restate or reformulate

⁹⁰ See page 7 of the document entitled: “Presentation Integrity Commission (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pres2.pdf

⁹¹ See page 9 of the document entitled “Presentation,” http://www.oas.org/juridico/PDFs/mesicic4_grd_pres2.pdf

⁹² See page 10 of the document entitled “Presentation PSC,” http://www.oas.org/juridico/PDFs/mesicic4_grd_pres2.pdf

⁹³ See page 18 of the document entitled “Presentation DPP,” http://www.oas.org/juridico/PDFs/mesicic4_grd_dpp.pdf

⁹⁴ See page 40 of the document entitled “Presentation Audit Department (II),” http://www.oas.org/juridico/PDFs/mesicic4_grd_pad2.pdf

⁹⁵ The list of recommendations that still require additional attention following this analysis, have been included as Annex 1 to this Report.

⁹⁶ Available at: <http://www.oas.org/juridico/english/grd.htm>

them pursuant to section VI of the *Methodology* adopted by the Committee for the Fourth Round of Review.

[226] The Committee will also take note in this section of the report of the difficulties in implementing the aforementioned recommendations and the measures to which the country under review has drawn attention, as well as of its technical cooperation needs 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 to prevent conflicts of interest and mechanisms to enforce them

Recommendation:

Consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all persons performing public functions.

Measure a) suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

- Establish and then implement standards of conduct for those persons that perform public functions that currently do not fall under the purview of any controls, including adequate sanctions and enforcement mechanisms for violations of those standards.

[227] With respect to the aforementioned measure, in its response, the country under review presents information that differs from that reviewed by the Committee in the reports for the Second and Third Round of review. In this regard, the Committee notes, as a step that contributes to progress in the implementation of the measure, the following:⁹⁷

[228] “The Integrity in Public Life Act 24 of 2014 governs the operation of the Integrity Commission which provides for a code of conduct for persons in public life S.40.”

[229] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure a) of the recommendation in Section 1.1 of Chapter IV of this report as well as the need for it to continue to give attention thereto, bearing in mind that, although section 40 of the Integrity in Public Life Act (of September 2013) provides that “a person in public life shall observe the Code of Conduct as specified in the Sixth Schedule,” that Code is still not established and, for that reason, the Committee cannot tell whether the provisions it may contain will address the considerations in the aforementioned measure.⁹⁸ (See measure a) of section 1.1 of Annex I to this report).

Measure c) suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

⁹⁷ Grenada's Reply to the Questionnaire, pg. 24, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

⁹⁸ The State under review reported the existence of a Code of Conduct; however, a copy of it was not furnished and hence it could not be reviewed by the Committee. Should it be presented by the State under review, it will be taken into account for the analysis, in subsequent rounds, of those recommendations in this report that address it.

- *Establish suitable restrictions for persons who leave public service, such as prohibitions on participation as a representative of a private interest in on-going, 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.*

[230] With respect to the aforementioned measure, in its response,⁹⁹ the country under review reports that certain contracts may contain a restricting clause as a condition of the contract, and it does not provide information that differs from that which was reviewed by the Committee in the reports for the Second and Third Round review. Given the foregoing, the Committee takes note of the need for the country under review to give additional attention to implementation thereto. (See measure b) of section 1.1 of Annex I to this report).

1.2. Standards of conduct to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions and enforcement mechanisms

Recommendation suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Consider strengthening control systems within the public administration by developing enforceable written standards applicable to all persons performing public functions to create a duty to conserve and properly use the resources (including government paid for services) entrusted to them in the performance of their functions.

[231] With respect to the aforementioned recommendation, in its response, the country under review presents information that differs from that reviewed by the Committee in the reports for the Second and Third Round of review. In this regard, the Committee notes, as steps that contribute to progress in the implementation of the measure, the following:¹⁰⁰

[232] - “Policy on the use of cellular phones written (works).”

[233] - “Waste reduction unit and waste reduction committee established by government.”

[234] The Committee takes note of the steps taken by the country under review to advance in its implementation of the recommendation contained in section 1.2 of Chapter IV of this report as well as the need for it to continue to give attention thereto, bearing in mind that the above steps address only aspects thereof. (See the sole recommendation in section 1.2 of Annex I to this report).

1.3. Standards of conduct and mechanisms concerning measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

Recommendation suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Consider developing and strengthening mechanisms that require all public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they

⁹⁹ Grenada's Reply to the Questionnaire, page 24, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

¹⁰⁰ Grenada's Reply to the Questionnaire, page 25, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

are aware, complemented by the necessary measures that protect them, in particular when these acts involve a manager or supervisor.

[235] With respect to the aforementioned recommendation, in its response, the country under review presents information that differs from that reviewed by the Committee in the reports for the Second and Third Round of review. In this regard, the Committee notes, as a step that contribute to progress in the implementation of the measure, the following:¹⁰¹

[236] - “The provisions of S 41 of The Integrity in Public Life Act deals with this matter.”

[237] The Committee takes note of the steps taken by the country under review to advance in its implementation of the recommendation contained in section 1.3 of Chapter IV of this report, as well as the need for it to continue to give attention thereto, bearing in mind that, although section 41 of The Integrity in Public Life Act establishes that anyone who has reasonable grounds to believe that a public servant has violated a provision of the Code of Conduct referred to in section 40 of said Act may file a complaint in writing with the Integrity Commission (IC). That provision, however, does not establish a duty to report for any public servant -- the subject of the first part of the aforementioned Recommendation. Rather it merely provides an option open to whoever wishes to file a complaint. Furthermore, the country under review did not provide any information in its response that addresses the second part of the recommendation-- protection for public servants who denounce acts of corruption (See the sole recommendation in section 1.2 of Annex I to this report).

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

Recommendation:

Consider adopting an integrated system for registering income, assets, and liabilities.

Measure c) suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Consider making the reports public, where appropriate

[238] With respect to the aforementioned measure, in its response, the country under review does not present information. However, bearing in mind that section 39 of the Integrity in Public Life Act provides for the confidential nature of statements of assets and interests, the Committee takes note of the need for the country under review to give additional attention to implementation thereto, in the sense of giving consideration to the possibility of publicizing those statements under appropriate circumstances. (See the sole measure in the recommendation in section 2 of Annex I to this report).

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

Recommendation suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

¹⁰¹ Grenada's Reply to the Questionnaire, page 27, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

Consider strengthening the functions of, and where appropriate, create oversight bodies that 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.

[239] With respect to the aforementioned recommendation,¹⁰² the country under review presents information and new developments, concerning reconstitution of the Integrity Commission as envisioned in the Integrity in Public Life Act, 2013. However, bearing in mind that Chapter II of this report conducted an updated and detailed report on the oversight bodies identified by the country under review pursuant to the terms of Article III.9 of the Convention, including the aforementioned Commission, the Committee believes that this recommendation is currently only relevant as regards the protection of whistleblowers (Convention, Article III, paragraphs 1 and 2) and civil society participation (Convention, Article III, paragraph 12); accordingly, it proposes rewording it as follows:

[240] *“Consider strengthening the functions of, and where appropriate, create oversight bodies that enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2 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.”* (See the sole recommendation in section 3 of Annex I to this report).

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 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

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

[241] With respect to the aforementioned recommendation, in its response, the country under review presents the following information that differs from that reviewed by the Committee in the reports for the Second and Third Round of review:¹⁰³

[242] - “There is no established mechanism for engaging civil society. However, this matter and the establishment of a web site will be given consideration during the upcoming year.”

[243] During the *on-site* visit, the country under review reiterated that no such mechanisms exist, but that work was currently under way on the aforementioned web site, along with a review of the Political Constitution, in the course of which a number of social groups and sectors were being consulted.

¹⁰² Grenada's Reply to the Questionnaire, pages 30 and 31, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

¹⁰³ Grenada's Reply to the Questionnaire, page 27, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

[244] Bearing in mind that mechanism for engaging civil society in efforts to prevent corruption are not in place, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation in Section 4.1 of Chapter IV of this report (See the sole recommendation in section 4.1 of Annex I to this report).

[245] It is to be noted, regarding the above, that during the on-site visit, the civil society organization "Inter Agency Group of Development Organizations" (IAGDO), which was invited to participate, also pointed to the non-existence of such mechanisms and to the lack of a "connect" between the Government and civil society organizations regarding approaches to public affairs, and in particular, regarding Convention-related issues.

4.2. Mechanisms for access to information

Recommendation:

Establish an enforceable system to assure access to government information.

Measures suggested by the Committee that require additional attention within the framework of the Second and Third Rounds:

- a) Establish clear written standards as to the types of information that will be provided under the system*
- b) Establish standards recognizing the right of all persons to obtain information or copies of documents concerning official actions, except where exempt by law, which are in the possession, or under the control of public institutions.*
- c) Establish a requirement that all government entities, to the extent practicable, publicize their procedures, results and other relevant information through the use of such communication methods as publications, dissemination centres, mass media and Internet web sites.*
- d) Establish mechanisms to enforce compliance with the measures adopted.*

[246] In its response, the country under review does not present information regarding the aforementioned recommendation and its measures, other than noting that mechanisms are not in place.¹⁰⁴

[247] During the on-site visit, the country under review reiterated that the aforementioned mechanisms do not exist.

[248] Bearing in mind the non-existence of mechanisms to ensure access to government information, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation in section 4.2 of Chapter IV of this report and to the measures proposed therein, and posits, in addition, the possibility of taking into account, for its implementation, the "Legislative Guidelines" prepared by the Technical Secretariat of the MESICIC regarding basic aspects of civil society participation. Section 1 of those Guidelines, which are posted on the Anti-corruption Portal of the Americas,¹⁰⁵ deals with consultation access

¹⁰⁴ Grenada's Reply to the Questionnaire, page 33, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

¹⁰⁵ Available at: http://www.oas.org/juridico/english/gl_access_info.doc

to government information mechanisms. (See measures a) to d) in the recommendation in section 4.2 of Annex I to this report).

[249] It is to be noted, regarding the above, that during the on-site visit, the civil society organization “Inter Agency Group of Development Organizations” (IAGDO), which was invited to participate, pointed out that it is very difficult to access government information and explained that providing this information is left to the discretion of each Ministry and that no information is disseminated about government activities. That organization stressed the need to have mechanisms for accessing government information as it is an onerous process to become familiar with government regulations through the Official Gazette, as there is a cost for purchasing it. It also pointed out how useful it would be to post government information on the Internet, at the same time as expanding public access to that medium. It is worth adding that the private sector representatives invited to attend shared that assessment.

4.3. Mechanisms for consultation

Recommendation:

Establish consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals.

Measures suggested by the Committee that require additional attention within the framework of the Second and Third Rounds:

- a) *Include in the mechanism clear systems for government consideration of those opinions and proposals that will help prevent corruption*
- b) *Implement a program to assist in receiving such opinions and proposals and to help publicize the consultation program, which includes and utilizes, to the extent possible, electronic means for announcing opportunities to consult, accepting responses to those announcements, and publicizing the availability of the opportunities.*

[250] In its response, the country under review does not present information on the foregoing recommendation and its measures. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation in section 4.3 of Chapter IV of this report and to the measures proposed therein, and posits, in addition, the possibility of taking into account, for its implementation, the "Legislative Guidelines" prepared by the Technical Secretariat of the MESICIC regarding basic aspects of civil society participation. Section 2 of those Guidelines, which are posted on the Anti-corruption Portal of the Americas,¹⁰⁶ deals with consultation mechanisms. (See measures a) and b) in the recommendation in section 4.3 of Annex I to this report).

4.4. Mechanisms to encourage participation in public administration

Recommendation:

Develop standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy.

¹⁰⁶ Available at: http://www.oas.org/juridico/english/gl_public_admin.doc

Measure a) suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Include in the mechanism a clear system for considering the advice and recommendations made by civil society, nongovernmental organizations and individual citizens.

[251] With respect to the aforementioned recommendation, in its response, the country under review presents the following information that differs from that reviewed by the Committee in the reports for the Second and Third Round of review. In this regard, the Committee notes, as steps that contribute to progress in the implementation of the measure, the following:¹⁰⁷

[252] - “Weekly cabinet briefings.”

[253] - “Social Partners Protocol.”

[254] During the on-site visit, the country under review pointed out that the above allows for an exchange of views on a range of topics and that the "Social Partners Protocol" brings the Government together with representatives of different social groups and the private sector to discuss matters of national interest. Subsequent to that visit, the country under review produced a document on the "Social Partners Committee"¹⁰⁸ and the final draft of the agreement that will provide guidelines for those partners' work and relations (“Social Compact”).¹⁰⁹

[255] The Committee takes note of the steps taken by the country under review to advance in its implementation of measure a) of the recommendation contained in section 4.4 of Chapter IV of this report, as well as the need for it to continue to give attention thereto, given that those steps refer to opportunities for participation which, although they allow for an exchange of views among different social groups and the private sector on various matters of national interest, are not specifically geared to dealing with issues relating to the purpose of Article III.11 of the Convention to encourage civil society participation in efforts to prevent corruption. The Committee observes that although the document on the "Social Partners Committee" presented by the country under review claims that it will be regarded as one of the most important mechanisms for generating economic growth and employment and that activities have been carried out in line with that purpose in mind, there has been no discussion of issues related to the aforementioned purpose of the Convention, such as access to government information and transparency in public administration. (See measure a) of section 4.4 of Annex I to this report).

[256] It is to be noted, regarding the above, that, during the on-site visit, the civil society organization “Inter Agency Group of Development Organizations” (IAGDO), which was invited to participate, acknowledged that the “Social Partners Protocol” may be a useful forum for civil society participation and an opportunity to hear its views, but that so far that forum has not addressed topics related to the Convention and there had been no in-depth involvement in the issues it is responsible for.

Measure b) suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

¹⁰⁷ Grenada's Reply to the Questionnaire, page 25, http://www.oas.org/juridico/PDFs/mesicic4_grd_resp.pdf

¹⁰⁸ Document entitled “Short briefing on social Partners,” posted at:

http://www.oas.org/juridico/english/mesicic4_grd.htm

¹⁰⁹ Document entitled “Final Draft Social Compact”, posted at:

http://www.oas.org/juridico/english/mesicic4_grd.htm

Implement a program that publicizes in a wide fashion, including electronic means, opportunities to participate in policy discussions and in advisory bodies.

[257] In its response, the country under review did not provide information on measure (b) of the recommendation in section 4.4 of Chapter IV of this report, the Committee reiterates the need for the country under review to give additional attention to implementation of the measure, as it also noted in relation to measure a) of the same recommendation, and posits, in addition, the possibility of taking into account, for the implementation of this recommendation and its measures, the "Legislative Guidelines" prepared by the Technical Secretariat of the MESICIC regarding basic aspects of civil society participation. Section 3 of those Guidelines, which are available on the Anti-corruption Portal of the Americas, deals with mechanisms for participation in public administration.¹¹⁰ (See measures a) and b) in the recommendation in section 4.4 of Annex I to this report).

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

Recommendation:

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

Measures suggested by the Committee that require additional attention within the framework of the Second and Third Rounds:

- a) *Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.*
- b) *Promote methods, where appropriate, to allow, facilitate, and assist civil society and nongovernmental organizations in the follow up of public administration, in order to address corruption.*

[258] In its response, the country under review does not present information with respect to the foregoing recommendation and its measures. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation in section 4.5 of Chapter IV of this report and the measures contained therein and posits, in addition, the possibility of taking into account, for its implementation, the "Legislative Guidelines" prepared by the Technical Secretariat of the MESICIC regarding basic aspects of civil society participation. Section 4 of those Guidelines, which are available on the Anti-corruption Portal of the Americas, deals with mechanisms to encourage participation in the monitoring of public administration.¹¹¹ (See measures a) and b) in the recommendation in section 4.5 of Annex I to this report).

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

5.1. Mutual assistance

¹¹⁰ Available at: http://www.oas.org/juridico/english/gl_follow_public_admin.doc

¹¹¹ Available at: http://www.oas.org/juridico/spanish/gl_consulta.doc

Recommendation 5.1.1 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Design and implement a comprehensive information and training program for appropriate government authorities and officials, to ensure that they are familiar with and able to apply mutual assistance provisions regarding investigation or prosecution of acts of corruption contained in the Convention and treaties signed by Grenada with a number of countries.

[259] In its response, the country under review does not present information on the aforementioned recommendation. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation (see recommendation 5.1.1 in Section 5.1 of Annex I to this report).

Recommendation 5.1.2 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Design and implement an information program that enables the authorities of Grenada to keep permanent track of mutual assistance requests in relation to acts of corruption, in particular those provided for in the Convention.

[260] In its reply to the questionnaire, the country under review does not present information on the aforementioned recommendation. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation (see recommendation 5.1.2 in Section 5.1 of Annex I to this report).

5.2. Mutual technical cooperation

Recommendation 5.2.1 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Identify specific areas in which Grenada considers it needs technical cooperation from other States Parties to strengthen its capacities to prevent, detect, investigate and punish acts of corruption. Grenada should also identify and ascribe priority to requests for mutual technical cooperation.

[261] In its response, the country under review does not present information on the aforementioned recommendation. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation (see recommendation 5.2.1 in Section 5.2 of Annex I to this report).

Recommendation 5.2.2 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

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

[262] In its response, the country under review does not present information on the aforementioned recommendation. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation (see recommendation 5.2.2 in Section 5.2 of Annex I to this report).

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.1 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Notify the OAS General Secretariat formally of the designation of the central authority, pursuant to the prescribed formalities.

[263] In its response, the country under review does not present information on the aforementioned recommendation. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation (see recommendation 6.1 in Section 6 of Annex I to this report).

Recommendation 6.2 suggested by the Committee that requires additional attention within the framework of the Second and Third Rounds:

Implement a mechanism for channelling requests for cooperation on mutual legal assistance, as provided under the Convention.

[264] In its response, the country under review does not present information on the aforementioned recommendation. Therefore, the Committee reiterates the need for the country under review to give additional attention to implementation of the recommendation (see recommendation 6.2 in Section 6 of Annex I to this report).

7. GENERAL RECOMMENDATIONS

Recommendations suggested by the Committee that require additional attention within the framework of the Second and Third Rounds:

- 7.1 *Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this Report, in order to ensure that they are thoroughly understood and properly applied.*
- 7.2 *Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this Report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, Grenada could take into account the list of broader indicators applicable to the inter-American system that were available for selection, as necessary, by Grenada, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. Grenada could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.*
- 7.3 *Implement the recommendations contained in this Report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.*

[265] In its response, the country under review does not present information on the aforementioned recommendations. Accordingly, the Committee reiterates the need for the country under review to give additional attention to implementation of these recommendations. (See Recommendations 7.1, 7.2, and 7.3 in Section 7 of Annex I of this report).

ANNEX I

OUTSTANDING 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 intended to prevent conflicts of interest and enforcement mechanisms

Recommendation:

Consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all persons performing public functions.

Measures suggested by the Committee:

- a) Establish and then implement standards of conduct for those persons that perform public functions that currently do not fall under the purview of any controls, including adequate sanctions and enforcement mechanisms for violations of those standards.
- b) Establish suitable restrictions for persons who leave public service, such as prohibitions on participation as a representative of a private interest in on-going, 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 to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions and enforcement mechanisms

Recommendation:

Consider strengthening control systems within the public administration by developing enforceable written standards applicable to all persons performing public functions to create a duty to conserve and properly use the resources (including government paid for services) entrusted to them in the performance of their functions.

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

Recommendation:

Consider developing and strengthening mechanisms that require all public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware, complemented by the necessary measures that protect them, in particular when these acts involve a manager or supervisor.

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

Recommendation:

Consider adopting an integrated system for registering income, assets, and liabilities.

Measure suggested by the Committee:

Consider making the reports public, where appropriate

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

Recommendation:

Consider strengthening the functions of, and where appropriate, create oversight bodies that enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2 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.

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:

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

4.2. Mechanisms for access to information

Recommendation:

Establish an enforceable system to assure access to government information.

Measures suggested by the Committee:

- a) Establish clear written standards as to the types of information that will be provided under the system
- b) Establish standards recognizing the right of all persons to obtain information or copies of documents concerning official actions, except where exempt by law, which are in the possession, or under the control of public institutions.
- c) Establish a requirement that all government entities, to the extent practicable, publicize their procedures, results and other relevant information through the use of such communication methods as publications, dissemination centres, mass media and Internet web sites.
- d) Establish mechanisms to enforce compliance with the measures adopted.

4.3. Consultation mechanisms

Recommendation:

Establish consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals.

Measures suggested by the Committee:

- a) Include in the mechanism clear systems for government consideration of those opinions and proposals that will help prevent corruption
- b) Implement a program to assist in receiving such opinions and proposals and to help publicize the consultation program, which includes and utilizes, to the extent possible, electronic means for announcing opportunities to consult, accepting responses to those announcements, and publicizing the availability of the opportunities

4.4. Mechanisms to encourage participation in public administrationRecommendation:

Develop standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy.

Measures suggested by the Committee:

- a) Include in the mechanism a clear system for considering the advice and recommendations made by civil society, nongovernmental organizations and individual citizens.
- b) Implement a program that publicizes in a wide fashion, including electronic means, opportunities to participate in policy discussions and in advisory bodies.

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

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

Measures suggested by the Committee:

- a) Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.
- b) Promote methods, where appropriate, to allow, facilitate, and assist civil society and nongovernmental organizations in the follow up of public administration, in order to address corruption.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)**5.1. Mutual assistance**Recommendation 5.1.1:

Design and implement a comprehensive information and training program for appropriate government authorities and officials, to ensure that they are familiar with and able to apply mutual assistance provisions regarding investigation or prosecution of acts of corruption contained in the Convention and treaties signed by Grenada with a number of countries.

Recommendation 5.1.2:

Design and implement an information program that enables the authorities of Grenada to keep permanent track of mutual assistance requests in relation to acts of corruption, in particular those provided for in the Convention.

5.2. Mutual technical cooperationRecommendation 5.2.1:

Identify specific areas in which Grenada considers it needs technical cooperation from other States Parties to strengthen its capacities to prevent, detect, investigate and punish acts of corruption. Grenada should also identify and ascribe priority to requests for mutual technical cooperation.

Recommendation 5.2.2:

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

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)Recommendation 6.1:

Notify the OAS General Secretariat formally of the designation of the central authority, pursuant to the prescribed formalities.

Recommendation 6.2:

Implement a mechanism for channelling requests for cooperation on mutual legal assistance, as provided under the Convention.

7. GENERAL RECOMMENDATIONSRecommendation 7.1:

Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures, and mechanisms included in this Report, in order to ensure that they are thoroughly understood and properly applied.

Recommendation 7.2:

Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this Report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, Grenada could take into account the list of broader indicators applicable to the inter-American system that were available for selection, as necessary, by Grenada, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. Grenada could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

Recommendation 7.3:

Implement the recommendations contained in this Report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

ANNEX II

AGENDA OF THE ON-SITE VISIT TO GRENADA ^{112/}

Monday, April 21, 2014	
10:00 a.m.- 11:00 a.m. "Grenada Blue Horizons Garden Resort"(GBHGR)	Coordination meeting of representatives of the state under review, the members states of the subgroup, and the Technical Secretariat.
5:30 p.m. – 6:30 p.m. (GBHGR)	Coordination meeting between the representatives of the Member States of the Subgroup and the Technical Secretariat.
Tuesday, April 22, 2014	
8:30 a.m. – 12:00 p.m. (GBHGR)	Meeting with civil society organizations and/or, inter alia, private sector organizations, professional organizations, academics or researchers.
	<p><u>Topics:</u></p> <p><u>1): Oversight bodies:</u></p> <ul style="list-style-type: none"> • Oversight bodies from a civil society perspective • Oversight bodies from a private sector perspective <p><u>2) Follow-up to Recommendations from the First Round:</u></p> <ul style="list-style-type: none"> • Mechanisms for participation by civil society <p>Access to public information</p>
	<p><u>Participants:</u></p> <p><i>Inter Agency Group of Development Organizations (IAGDO)</i></p> <ul style="list-style-type: none"> - Sandra Ferguson, Chair IAGDO - Judy Williams <p><i>Private Sector (Chamber of Commerce)</i></p> <ul style="list-style-type: none"> - Mavis McBurnie, Republic Bank Grenada - Fabian R. Charles, G4S Secure Solutions
12:30 p.m. – 2:00 p.m.	Lunch

¹¹² . This agenda was agreed upon pursuant to provisions 13 and 14 of the Methodology for Conducting On-Site Visits, posted at: www.oas.org/juridico/spanish/met_insitu.pdf

2:00 p.m. – 5:30 p.m. (GBHGR)	Audit Department (AD)
	<p><u>Panel 1:</u></p> <ul style="list-style-type: none"> • Brief presentation on its purpose, functions, and structure. • Scope of spheres of competence and inter-institutional coordination mechanisms. • Adoption of decisions. • Appointment of its personnel and training. • In-house rules for the performance of its duties. • Dissemination of its objectives, functions, and activities. • Internal control mechanisms.
	<p><u>Panel 2:</u></p> <ul style="list-style-type: none"> • Results in relation to the performance of its duties. • Difficulties meeting its obligations. • “Corporate Plan 2012-2015” • Information on best practices and technical cooperation needs. <p><u>Participants:</u></p> <ul style="list-style-type: none"> - Isha Ibrahim, Director of Audit (Acting) - Philbert Charles, Deputy Director of Audit - Gary Walters, Senior Auditor
5:30 p.m. – 6:00 p.m. (GBHGR)	Informal meeting^{113/} between the representatives of the Member States of the Subgroup and the Technical Secretariat.
Wednesday, April, 23	
8:30 a.m. – 12:00 p.m. (GBHGR)	Director of Public Prosecutions (DPP)
	<p><u>Panel 3:</u></p> <ul style="list-style-type: none"> • Brief presentation on its purpose, functions, and structure. • Scope of spheres of competence and inter-institutional coordination mechanisms. • Adoption of decisions.

¹¹³ . The second paragraph of 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"> • Appointment of its personnel and training. • In-house rules for the performance of its duties. • Dissemination of its objectives, functions, and activities. • Internal control mechanisms.
	<p><u>Panel 4:</u></p> <ul style="list-style-type: none"> • Accountability mechanisms. • Results in relation to the performance of its duties. • Difficulties meeting its obligations. • Information on best practices and technical cooperation needs. <p><u>Participant:</u> -Howard Pinnock, Senior Crown Counsel</p>
12:30 p.m. – 2:00 p.m.	Lunch
2:00 p.m. – 5:30 p.m. (GBHGR)	Integrity Commission (IC)
	<p><u>Panel 5:</u></p> <ul style="list-style-type: none"> • Brief presentation on its purpose, functions, and structure. • Scope of spheres of competence and inter-institutional coordination mechanisms. • Appointment of its personnel and training. • In-house rules for the performance of its duties. • Dissemination of its objectives, functions, and activities. • Internal control mechanisms.
	<p><u>Panel 6:</u></p> <ul style="list-style-type: none"> • Accountability mechanisms. • Results in relation to the performance of its duties. • Difficulties meeting its obligations. • Information on best practices and technical cooperation needs. <p><u>Participants:</u> - Justice Monica Joseph, Chairman - Anande Trotman Joseph, Deputy Chairman - Bertie Hill, Member - Robert Robinson, Member</p>

	<ul style="list-style-type: none"> - Daniella Williams Mitchell, Member - Oforiwa Augustine, Member - Eunice Sandy David, Facilitator/Office Manager
5:30 p.m. – 6:00 p.m. (GBHGR)	Informal meeting between the representatives of the Member States of the Subgroup and the Technical Secretariat.
Thursday, April, 24	
8:30 a.m. – 12:00 p.m. (GBHGR)	Public Service Commission (PSC)
	<p><u>Panel 7:</u></p> <ul style="list-style-type: none"> • Brief presentation on its purpose, functions, and structure. • Scope of spheres of competence and inter-institutional coordination mechanisms. • Adoption of decisions. • Appointment of its personnel and training. • In-house rules for the performance of its duties. • Dissemination of its objectives, functions, and activities. • Internal control mechanisms.
	<p><u>Panel 8:</u></p> <ul style="list-style-type: none"> • Accountability mechanisms. • Results in relation to the performance of its duties. • Difficulties meeting its obligations. • Information on best practices and technical cooperation needs. <p><u>Participants:</u></p> <ul style="list-style-type: none"> - Barbara Charles, Chief Personnel Officer - Michele Moses, Senior Administrative Officer - Tishanna Felix, Administrative Officer - Marcier Frederick, Administrative Secretary
12:00 p.m. – 13:00 p.m. (GBHGR)	Follow-up to Recommendations from the First Round
	<p><u>Panel 9:</u></p> <ul style="list-style-type: none"> • Rules for the prevention of conflicts of interest. • Rules for safeguarding public funds. • Mechanisms to encourage participation by civil society and

	<p>nongovernmental organizations in efforts to prevent corruption.</p> <ul style="list-style-type: none"> • Assistance and cooperation. • Central authorities • General recommendations
	<p><u>Participant - Ministry of Legal Affairs:</u></p> <p>- Robert Branch, Senior Legal Counsel</p> <p><u>Participants (CSP):</u></p> <p>- Barbara Charles, Chief Personnel Officer</p> <p>- Michele Moses, Senior Administrative Officer</p> <p>- Tishanna Felix, Administrative Officer</p> <p>- Marcier Frederick, Administrative Secretary</p>
13:00 p.m.– 13:30 p.m. (GBHGR)	Informal meeting between the representatives of the Member States of the Subgroup and the Technical Secretariat.
13:30 p.m. – 13:30 p.m. (GBHGR)	Final meeting¹¹⁴/ between the representatives of the State under review, the Member States of the Subgroup, and the Technical Secretariat.

**CONTACT AUTHORITY FROM THE COUNTRY UNDER REVIEW FOR
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:

GRENADA

Robert Branch

Lead Expert to the Committee of Experts of the MESICIC
Senior Legal Counsel in the Attorney's General's Chambers
Ministry of Legal Affairs

MEMBER STATES OF THE PRELIMINARY REVIEW SUBGROUP:

COLOMBIA

¹¹⁴ . 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.”

Mónica Rueda

Alternate Expert on the Committee of Experts of the MESICIC
Advisor to the Secretariat of Transparency of the Presidency of Colombia

UNITED STATES

Jane Ley

Alternate Expert on the Committee of Experts of the MESICIC
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Kevin Driscoll

Trial Attorney of the Criminal Division's Public Integrity Section - US Department of Justice

TECHNICAL SECRETARIAT OF THE MESICIC

Enrique Martínez

Principal Legal Officer, Department of Legal Cooperation
OAS Secretariat for Legal Affairs