

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
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SAINT VINCENT AND THE GRENADINES

FINAL REPORT

(Adopted at the September 12, 2014 plenary session)

SUMMARY

This report contains a comprehensive review of the implementation in Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines in 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 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 Saint Vincent and the Grenadines’ 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, comprising Panama and Saint Kitts and Nevis, with the support of the Technical Secretariat. During that visit, the information furnished by Saint Vincent and the Grenadines was clarified and expanded and the opinions of civil society organizations and professional associations on issues of relevance to the review were heard. This provided the Committee with objective and complete information on those topics.

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

The oversight bodies in Saint Vincent and the Grenadines analyzed in this report are: the Office of the Attorney General, the Office of the Director of Public Prosecutions (DPP), the Director of Audit (DOA), and the Service Commissions Department of the Public Service Commissions (SCD).

Some of the recommendations formulated to Saint Vincent and the Grenadines for its consideration in connection with the aforementioned bodies are aimed toward objectives, such as the following:

With respect to the Office of the Attorney General, establish inter-institutional coordination mechanisms to assist and ensure that public agencies abide by their legal obligation of requesting the Office of the Attorney General’s legal advice in a timely and correct fashion, particularly in matters involving acts of corruption; work toward the drafting of legislative bills on transparency and anticorruption, dealing with, for instance, integrity in public service; and develop Office of the Attorney General-led policies and/or campaigns that would allow both public servants and the general population to develop a preventive attitude to ensure transparency and avoid acts of corruption.

As regards the DOA, provide the DOA with the human and financial resources necessary to ensure due compliance with its constitutional and legal duties, chiefly as regards conducting audits and

detecting corrupt acts that trigger responsibility for the persons involved therein; take the steps necessary to ensure that those public agencies subject to the DOA's oversight effectively comply with the recommendations issued in its audit reports; strengthen control mechanisms of the DOA through the effective and timely implementation of the terms of section 22(1) of the Audit Act; and to adopt coordination and cooperation mechanisms to enable the DOA to send the DPP, the Royal Police Force, and/or the Financial Intelligence Unit, as applicable, timely notification of such evidence of corrupt acts that the DOA detects in the audits that it carries out.

With respect to the DPP, take the steps necessary to conclude the effective implementation of the National Prosecution Service in order to strengthen, *inter alia*, the DPP's powers of supervision over procedures carried by police prosecutors; to implement coordination mechanisms between the DPP, the Royal Saint Vincent and the Grenadines Police Force, the Office of the Attorney General, and the Financial Intelligence Unit, in order to establish effective and timely procedures and/or guidelines for exchanges of information and legal advice for the correct presentation before the courts of criminal proceedings related to acts of corruption; and to prepare statistical data on its duties and responsibilities.

Concerning the SCD, consider updating the provisions that govern the SCD, in particular the Civil Service Orders for the Public Service of Saint Vincent and the Grenadines, which were enacted prior to the 1979 Constitution, and bringing them into line with the current standards necessary for the correct, honorable, and due performance of public functions; promote and regulate public reporting of acts of corruption in public service; and establish efficient and effective inter-institutional coordination to encourage and ensure that permanent secretaries, department heads, or other persons with the responsibility of doing so provide the SCD with the timely information it needs to perform its functions of disciplinary control and personnel administration within the public administration.

With regard to follow-up on the recommendations formulated to Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines in its response to the questionnaire and during the on-site visit, a determination was made as to which required additional attention, which should be reframed, and which were no longer valid. A list of those still pending was also prepared, and has been included in Annex 1 of the report.

Some of the recommendations formulated to Saint Vincent and the Grenadines in the First Round that remain pending include: to strengthen provisions on standards of conduct aimed at preventing conflicts of interest, to update systems of control and use of resources within the public administration; to adopt standards to strengthen the systems for registering income, assets, and liabilities and, where appropriate, for making such registrations public, and to Adopt, as soon as possible, the necessary measures for the promulgation and full entry into force of the Freedom of Information Act (Act No. 27) of 2003.

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

**REPORT ON IMPLEMENTATION IN SAINT VINCENT AND THE GRENADINES 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 Saint Vincent and the Grenadines of the provision of the Inter-American Convention against Corruption (hereinafter “the Convention”) selected by the MESICIC Committee of Experts for the Fourth Round. That provisions 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 Saint Vincent and the Grenadines has voluntarily expressed its wish to share in regard to the oversight bodies under review in this Report.

[3] Third, in accordance with the decisions adopted by the Committee of Experts 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 Saint Vincent and the Grenadines in the First Round and that it deemed to require to require additional attention in the reports it adopted for that country in the Second and Third Rounds, which may be consulted at the following web page: <http://www.oas.org/juridico/english/vct.htm>

2. Ratification of the Convention and adherence to the Mechanism

[4] According to the official records of the OAS General Secretariat, Saint Vincent and the Grenadines ratified the Inter-American Convention against Corruption on May 28, 2001, and deposited the respective instrument of ratification on June 5 of that year.

[5] In addition, Saint Vincent and the Grenadines signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2002.

I. SUMMARY OF INFORMATION RECEIVED

1. Response of Saint Vincent and the Grenadines

[6] The Committee wishes to acknowledge the cooperation that it received throughout the review process from Saint Vincent and the Grenadines, in particular, from the Attorney General’s Chambers, which was evidenced, *inter alia*, in the Response to the Questionnaire, in the constant willingness to

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

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, Saint Vincent and the Grenadines sent the provisions and documents it considered pertinent, which are available at: www.oas.org/juridico/english/mesicic4_svg.htm

[7] The Committee notes that the country under review gave its consent for the on-site visit, in accordance with provision 5 of the *Methodology for Conducting On-site Visits*^{2/}. As members of the preliminary review subgroup, the representatives of Panama and Saint Kitts and Nevis conducted the on-site visit from April 22-24, 2014, with the support of the MESICIC Technical Secretariat. The information obtained during that visit is included in the appropriate sections of this report, and the agenda of meetings is attached thereto, in keeping with provision 34 of the above-mentioned *Methodology*.

[8] For its review, the Committee took into account the information provided by Saint Vincent and the Grenadines up to April 24, 2014, as well as that furnished and requested by the Technical Secretariat and the members of the review subgroup, to carry out its functions in keeping with its *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*.
http://www.oas.org/juridico/english/mesicic_docs_en.htm

2. Documents and information received from civil society organizations and/or, *inter alia*, private sector organizations, professional associations, academics, and 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, during the course of the on-site visit conducted in the country under review, information was collected from civil society organizations and professional associations 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 ON THE IMPLEMENTATION BY THE STATE PARTY OF THE CONVENTION PROVISION SELECTED FOR THE FOURTH ROUND

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

[11] Saint Vincent and the Grenadines has a series of oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts, among which the following are highlighted: the Attorney General's Chamber, the Director of Audit, the Office of the Director of Public Prosecutions, and the Service Commissions Department of the Public Service Commissions.

2. Available at: http://www.oas.org/juridico/english/met_onsite.pdf

[12] The following paragraphs offer a brief description of the purposes and functions of the four bodies selected by Saint Vincent and the Grenadines to be reviewed in this report.

[13]– The Office of the Attorney General is a Public Office and is constitutionally provided for by Articles 63 and 80 of the Constitution. The objective of the Office of the Attorney General is to provide high quality, timely and comprehensive legal service to the Government and related satellites as well as to collaborate with the Government to ensure a just and law abiding society with an accessible, fair and efficient system of justice, and to promote respect for rights and freedoms, the law and the Constitution.

[14]– The Director of Audit (DOA) is a Public Office and is constitutionally provided for by Article 75 of the Constitution. The objective of the DOA is to examine the accounts of the Central Government, Local Government and Statutory Undertakings to ensure that funds provided by the Parliament are used for the purposes intended giving due regard to economy, efficiency and effectiveness.

[15]– The Office of the Director of Public Prosecutions (DPP) is a Public Office and is constitutionally provided for by Articles 64 and 81 of the Constitution. The objective of the DPP is to assist in the promotion of the highest standard of Criminal jurisprudence in Saint Vincent and the Grenadines and to effectively represent the Crown in all criminal procedures, whether by way of litigation or otherwise.

[16]– The Service Commissions Department (SCD) is an autonomous department and serves as the secretariat to the Public Service Commissions. It consists of two divisions; the Personnel Division and the Training Division. The Personnel Division's main responsibility is to support and enforce the rules and regulations of the public service as laid out in the Civil Service Orders. The Training Division, on the other hand, is responsible for allocating and providing training opportunities to the public and to persons employed in the public service.

1. OFFICE OF THE ATTORNEY GENERAL

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

[17] The Office of the Attorney General has a set of provisions that make up its legal framework, as well as other measures that refer, *inter alia*, to the following:

[18] The Office of the Attorney General is a Public Office that falls under the Ministry of Legal Affairs and is constitutionally provided for by Article 80 of the Constitution of Saint Vincent and the Grenadines.^{3/} The Office of the Attorney General aims to provide a legal mechanism that will ensure the smooth and efficient running of the Legal system in Saint Vincent and the Grenadines with its goals and objectives being to improve on the quality of the services offered to internal and external clientele; to further enhance the timely and efficient response to requests for legal advice; to continue annually updating the Laws of Saint Vincent and the Grenadines and to ensure that Saint Vincent and the Grenadines is up to date in regional and international treaty participation, by providing the relevant drafts of accession, instruments of ratification and working closely with the Ministry of Affairs, Foreign Trade and Consumer Affairs.

3. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_const.pdf

[19] The Office of the Attorney General also ensures that the Justice System, Registry Department, Companies and Intellectual Property Office as well as Financial Intelligence Unit of Saint Vincent and the Grenadines, function efficiently and effectively not only as individual entities but collectively as a whole. As the Government's principal Legal Advisor, in accordance with Article 63 of the Constitution, the Attorney General is tasked with advising the various Government Departments which do not have their own legal department or team of lawyers to advise in legal matters. Legal advice is usually sought in cases where there are doubts about the legality or constitutional propriety of proposed administrative action or legislation; where there is need for interpretation and application of domestic, regional and international obligations; where the matter that arises presents novel legal issues and where agreements have to be negotiated and supervised between the Government and third parties. In addition, lawyers who work in the Office of the Attorney General represent the Attorney General in court in matters brought against the Government or instituted by the Government.

[20] The Office of the Attorney General is divided into two areas: the Legal Department and the Administrative Staff. The Legal Department is comprised of the Attorney General, Solicitor General, Senior Crown Counsel, Crown Counsels and the Legislative Drafting Department. The Administrative staff setup makes provisions for an Assistant Secretary, a Senior Executive Officer, a Senior Library Assistant and the Clerical team.

[21] One of the main engines in the Office of the Attorney General is the Legislative Drafting Department. This Department operates under the direction of the Attorney General who is instructed by the Prime Minister in his capacity as Prime Minister and Minister of Legal Affairs. The Department is responsible for the provision of the efficient legislative drafting service including related legislative advice for the Government of Saint Vincent and the Grenadines.

[22] An integral part of the Office of the Attorney General staff are the Crown Counsel that work within the Ministry of Legal Affairs. As agents acting on behalf of the Attorney General, Crown Counsel share the Attorney General's independence from partisan political influence but are not themselves independent from the direction of the Attorney General. During the on-site visit, the representatives of the Office of the Attorney General stated that due to the number of cases which occupy the courts in Saint Vincent and the Grenadines on a yearly basis, it would be imprudent and impractical for the Attorney General to become personally involved in each case brought against the Chambers on a regular basis. It has become common practice for the Attorney General to grant broad areas of discretion to her Crown Counsel who advocate on her behalf.

[23] As a representative of the Public Bar, the role of a Crown Counsel requires that their actions be fair; that they be dispassionate and moderate without showing signs of partisanship

[24] In addition to representation, regarding the manner in which advice from the Attorney General which provides for the correct functioning of the public apparatus is adopted, the Attorney General herself stated that they are generally enforced and observed by the ministries and public institutions in question. Specifically, with reference to advice affecting the interests of public officials against whom allegations of misconduct or indiscipline have been made, during the on-site visit, the Attorney General emphasized that disciplinary proceedings against them could be filed with the Public Service Commission^{4/}.

4. Section 77 of the Constitution provides for the establishment of the Public Service Commission for Saint Vincent and the Grenadines. The Commission is an independent body appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

[25] With respect to the manner in which their senior officers are selected, Section 80 (1) of the Constitution makes provision for the appointment of a person to hold or act in the office of Attorney General at any time when it is a public office. Section 63(5) makes provision for the removal of the Attorney General from office at by the Governor General, acting in accordance with the advice of the Judicial and Legal Services Commission.^{5/} It should be noted that section 80(2) states that before tendering advice with respect to the appointment of any person to a hold or act in the office of Attorney-General, the Judicial and Legal Services Commission shall consult with the Prime Minister.

[26] As regards the way in which the human resources needed for the Office of the Attorney General's operations are identified, the Office of the Attorney General has two categories of personnel, (a) legal officers and (b) administrative staff. Regarding the legal officers, under section 83 of the Constitution, the authority to appoint and remove them and to exercise disciplinary control over them vest in the Governor General, acting in accordance with the advice of the Judicial and Legal Services Commission pursuant to the applicable provisions of the Judicial and Legal Service Commission Regulations of 1967.^{6/}

[27] With respect to the administrative staff of the Office of the Attorney General, in accordance with section 78 of the Constitution, the Public Service Commission is responsible for appointments, promotions, transfers and confirmation of appointments, as well as for the removal and exercise of disciplinary control over them pursuant to the applicable provisions of the Public Service Commission Regulations^{7/} and the Civil Service Orders for the Public Service of Saint Vincent and the Grenadines.^{8/}

[28] Regarding the existence of manuals or other documents describing the functions of its staff, during the on-site visit the representatives of the Office of the Attorney General provided, as examples, a number of job descriptions^{9/} for certain legal and administrative positions within the Office of the Attorney General's structure, showing the responsibilities of each. Similarly, regarding training, the Office of the Attorney General's representatives stated that although their budget did not contain an adequate allocation for such undertakings, it was making efforts so that, depending on the topic, its officers could attend training workshops and/or courses, chiefly held in other island states of the region.

[29] Regarding the implementation of institutional strengthening or quality improvement actions, during the on-site visit the Office of the Attorney General's representatives spoke of the launch of the government of Saint Vincent and the Grenadines' 2013-2025 National Economic and Social

5. The Judicial and Legal Services Commission was established by section 18 of the Eastern Caribbean Supreme Court Order No. 223 of 1967. The Eastern Caribbean Supreme Court is the highest judicial tribunal in the country under review, whose jurisdiction covers not only Saint Vincent and the Grenadines, but also five other independent States (Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, and Saint Lucia) and three British Overseas Territories (Anguilla, British Virgin Islands, and Montserrat), since they are not independent states that can become a party to the Convention. The Court came into operation in 1967, replacing the West Indies Associated States Supreme Court and is composed of 19 members presided over by the Chief Justice. Judicial appointments, except that of the Chief Justice, who is appointed by Her Majesty, are made by the Judicial and Legal Services Commission, established pursuant to the aforementioned section 18. The Eastern Caribbean Supreme Court has two divisions: the High Court of Justice and the Court of Appeal. The High Court of Justice has competence in all civil and criminal matters over which the Magistrate's Courts do not have jurisdiction. The court of last resort is the Judicial Committee of Her Majesty's Privy Council in London.

6. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_jud_leg_scr.pdf

7. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_psc_reg.pdf

8. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_civ_soc_ord_pub_serv.pdf

9. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_agc_job_desc.pdf

Development Plan.^{10/} One of the five strategic goals that plan contains is to promote good governance and increase the effectiveness of the public administration, which, they said, requires bolstering participatory democracy, accountability, transparency, and effectiveness and efficiency in the provision of public goods and services through such steps as improving the legal framework governing the public administration, responsibility for which falls to the Office of the Attorney General. During the on-site visit, the Office of the Attorney General's representatives also provided a copy of the agency's 2014-2016 Corporate Plan.^{11/} That document is a part of the budgetary cycle of the State's public agencies and it identifies the areas that, in the Office of the Attorney General's opinion, should be strengthened with the provision of additional resources. In addition, the Office of the Attorney General's representatives reported the launch of a capital project to be carried out over the 2014-2016 period and that will provide the agency with a new headquarters.

[30] Regarding the implementation of modern systems or technologies to facilitate its work, during the on-site visit the Office of the Attorney General's representatives referred to the acquisition of new computer equipment and, in addition, to its ongoing project to digitally scan the laws and other legal instruments in force in the State under review and to publish them on the official web sites of the relevant government agencies. The Office of the Attorney General's representatives also reported on the technical cooperation project underway to modernize the legislation and the technological platform of the official site of the Commerce and Intellectual Property Office (CIPO), available at: www.gov.vc/cipo.

[31] Similarly, regarding the way in which it provides the public with information, the Office of the Attorney General has a section on the official web site of the government of Saint Vincent and the Grenadines (available at www.legal.gov.vc) which contains information such as its objectives, functions, and contact details.

[32] Regarding the way in which its budgetary resources are ensured, the Office of the Attorney General, like all the other departments and agencies that make up the public administration of the State under review, is governed by the applicable provisions of Chapter V of the Constitution and the annual Appropriation Bills for the corresponding fiscal year.

[33] Finally, as regards accountability mechanisms, during the on-site visit the Office of the Attorney General's representatives again spoke of the preparation of its Corporate Plans which, as noted above, must be drafted as part of the budgetary cycle and which informs – in this case, the Minister of Legal Affairs – about the objectives pursued and goals met during the corresponding financial year. It was pointed out that this document is not public; rather, it represents an input for drafting and determining the Office of the Attorney General's budget.

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

[34] The Office of the Attorney General has a set of provisions and/or other measures that are relevant for the purposes of the Convention, some of which were briefly described above in section 1.1 of this report. Nonetheless, the Committee believes it would be appropriate to formulate certain comments in connection therewith:

[35] First, and with regard to the regime of staff responsibilities referred to in the previous section, the Committee notes, based on the information available to it, the difficulty highlighted by the Office

10. See: http://finance.gov.vc/index.php?option=com_content&view=article&id=157&Itemid=193

11. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_agc_corp_plan.pdf

of the Attorney General's representatives during the on-site visit regarding the potential for delay in any disciplinary proceedings that might be brought against its legal officers, given that such procedures must be pursued at the Judicial and Legal Services Commission, headquartered in Saint Lucia.

[36] To avoid this situation – which could lead to a legal officer subject to disciplinary proceedings continuing to receive his pay from the State until such time as his situation was resolved –the Attorney General explained that legal officers are often employed on a contractual basis whereby the contract allows for dismissal for impropriety or poor performance. Nevertheless, the Committee has been unable to determine whether legal officers are selected by means of merit-based competition, if certain requirements have to be met to hold such positions, or whether there are any objective criteria for determining when a legal officer has acted inappropriately or performed poorly.

[37] Accordingly, instead of formulating recommendations, the Committee reiterates its decision contained in the Second Round report on Saint Vincent and the Grenadines^{12/} finding that it would be inappropriate for the Committee to opine on the government hiring systems described in Section 83 of the Constitution given that appointments and the disciplinary regime are the task of the Judicial and Legal Services Commission, a supranational legal body established in accordance with Section 18 of Order No. 1967 of the Eastern Caribbean Supreme Court.

[38] Since the government hiring systems referred to in Article III.5 of the Convention were reviewed during the Second Round, the Committee will not formulate any recommendations regarding the Office of the Attorney General's hiring of administrative employees either; instead, it reiterates the comments made in the report on that round^{13/} regarding the need for the State under review to consider continuing with the task of strengthening the systems and processes used to select the Office of the Attorney General's administrative public servants in accordance with merit and the principles of equality, disclosure, and efficiency enshrined in the Convention.

[39] Second, and regardless of the foregoing, the Committee acknowledges the existence of the job descriptions of the legal and administrative positions presented during the on-site visit. However, it was unable to identify the existence of documented procedures whereby the legal and administrative personnel who make up the staff are to discharge their functions. The Committee therefore believes it would be useful for the State under review to have documents of that kind, bearing in mind the specific nature of the functions performed by its staff. (See recommendation 1.4.1 in Chapter II of this report.)

[40] As regards training, as noted in the previous section, the Office of the Attorney General has a budget item to cover those needs. During the on-site visit, however, this oversight body's representatives said that those resources were insufficient for ensuring the attendance of its officers at training events and courses that, because of their specific subject matter, are generally held abroad. The Committee therefore underscores the importance of training as an optimal way to strengthen the knowledge, skills, and attitudes needed to ensure the proper fulfillment of public duties and, accordingly, it will formulate a recommendation. (See recommendation 1.4.2 in Chapter II of this report.)

12. See: "Preliminary Report on Implementation in Saint Vincent and the Grenadines of the Convention Provisions Selected for Review in the Second Round, and on Follow-up to the Recommendations Formulated to that Country in the First Round," pp. 4 and 5, available at: http://www.oas.org/juridico/english/mesicic_II_inf_vct_en.pdf

13. Ibid., pp. 2 to 5, 10, and 11.

[41] Third, based on the information furnished by the State under review during the on-site visit, the Committee acknowledges the progress made by the Office of the Attorney General with its ongoing project to scan and publish on the web, certain laws and other current legal instruments, together with its recent acquisition of computer equipment. Nevertheless, given the usefulness of technology in facilitating the work performed by oversight bodies, the Committee believes it would be appropriate for the Office of the Attorney General to have computer systems and modern technologies – such as the computer platform recently installed in the CIPO area – which would enable it to perform such functions as creating and maintaining updated databases of its decisions and facilitating and streamlining interinstitutional coordination and cooperation actions for receiving and providing, in a timely fashion, the legal advice for which it is responsible. The Committee will formulate a recommendation in this regard. (See recommendation 1.4.3 in Chapter II of this report.)

[42] In this connection, the Committee also notes the existence of the section for the Office of the Attorney General on the official web site of the government of Saint Vincent and the Grenadines, which provides information about its objectives and functions. However, in order to encourage the participation of society in the public administration, it also believes it would be useful for the State under review to consider including, in that section, information to advise the public about the procedures established for the fulfillment of its responsibilities and to guide them in pursuing formalities with the Office of the Attorney General. (See recommendation 1.4.4 in Chapter II of this report.)

[43] Fourth, although the Office of the Attorney General's representatives stated during the on-site visit that the office had an adequate budget for discharging its duties – with the exception of training, as noted above – they also reported that the position of Solicitor General (the second-highest post in its organizational structure) has been vacant for a considerable time. This was due to various factors, among which the State under review identified the salary stipulated for the position compared to the qualifications, responsibilities, and obligations to be met by the incumbent. As a result, they said, the Attorney General has to some extent assumed the functions and duties of the Solicitor General; in the Committee's view, were this situation to continue, it could affect the Office of the Attorney General's full and proper functioning. The Committee will formulate a recommendation on this point. (See recommendation 1.4.5 in Chapter II of this report.)

[44] Fifth, the Committee notes the authority given to the Office of the Attorney General as the sole agency responsible for providing the central government with legal advice, and that the government's component institutions are legally obliged to request that advice in a timely and correct fashion, particularly in matters involving acts of corruption. However, during the on-site visit, the Office of the Attorney General's representatives said that one difficulty in performing that function was the absence of interinstitutional coordination mechanisms for assisting and ensuring that public agencies meet that obligation and file timely requests for legal advice with the Office of the Attorney General, thus avoiding erroneous interpretations of laws and/or their incorrect enforcement chiefly in matters involving acts of corruption. Accordingly, the Committee will formulate a recommendation. (See recommendation 1.4.6 in Chapter II of this report.)

[45] Finally, as regards accountability mechanisms applicable to the performance of its duties, the Committee notes the information on that issue provided by the State under review during the on-site visit. However, based on that information, the Committee believes it would be useful for the State under review to consider adopting such measures as it deems relevant in order to establish, within the Office of the Attorney General, accountability mechanisms or the presentation of management reports on how it discharges its functions and a way to make them public. (See recommendation 1.4.7 in Chapter II of this report.)

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

[46] The State's response to the questionnaire provides no results regarding how the Office of the Attorney General discharges its functions and responsibilities related to the prevention of acts of corruption, particularly as regards overseeing that public servants perform their duties in accordance with the law. Thus, during the on-site visit, the agency's representatives explained that only the Public Service Commission, the Public Service Board of Appeal, and the law courts have information on proceedings brought against public employees for the commission of acts of corruption or breaches of the law in the line of duty.

[47] That notwithstanding, regarding its duties in the presentation of legislative bills, during the on-site visit the Office of the Attorney General's representatives said that although they had contributed to the drafting of a number of bills, including one for the Public Service Act, the Office of the Attorney General has been unable to continue promoting draft legislation in the area of corruption. The Committee will formulate a recommendation taking this into consideration. (See recommendation 1.4.8 in Chapter II of this report.)

[48] Finally, as regards the Office of the Attorney General's aforementioned authority to oversee that the actions of public servants in discharging their duties are in accordance with the law, the Committee believes that in order to assist it with this function, it would be useful for the State under review to consider implementing policies and/or campaigns that would allow both public servants and the general population to develop a preventive attitude to ensure transparency and avoid acts of corruption. (See recommendation 1.4.9 in Chapter II of this report.)

1.4. Conclusions and recommendations

[49] Based on the comprehensive analysis of the Office of the Attorney General set out in the preceding sections, the Committee offers the following conclusions and recommendations:

[50] Saint Vincent and the Grenadines has considered and adopted measures intended to maintain and strengthen the Office of the Attorney General as an oversight body, as indicated in Chapter I, section 1 of this report.

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

- 1.4.1. Adopt manuals, guides, or other types of documented procedures for the tasks that are to be performed by the Office of the Attorney General's legal and administrative staff. (See section 1.2 of Chapter II of this report.)
- 1.4.2. Provide the Office of the Attorney General with the financial resources necessary to ensure the regular training of its officers in the tasks they perform, bearing in mind the availability of those resources. (See section 1.2 of Chapter II of this report.)
- 1.4.3. Provide the Office of the Attorney General with computer systems and modern technologies, to enable it to perform such functions as creating and maintaining updated databases of its decisions and facilitating and streamlining interinstitutional coordination actions for receiving and providing, in a timely

fashion, the legal advice for which it is responsible. (See section 1.2 of Chapter II of this report.)

- 1.4.4. Update the section dealing with the Office of the Attorney General on the official government web site with information to inform the public about the procedures established for the fulfillment of its duties and to guide them in pursuing formalities with the Office of the Attorney General. (See section 1.2 of Chapter II of this report.)
- 1.4.5. Take the steps it deems necessary for the prompt appointment of a Solicitor General. (See section 1.2 of Chapter II of this report.)
- 1.4.6. Establish inter-institutional coordination mechanisms to assist and ensure that public agencies comply with their legal obligation to request the Office of the Attorney General's legal advice in a timely and correct fashion, particularly in matters involving acts of corruption. (See section 1.2 of Chapter II of this report.)
- 1.4.7. Adopt such measures as it deems relevant in order to establish, within the Office of the Attorney General, accountability mechanisms or the presentation of management reports on the way it discharges its functions and a way to make them public. (See section 1.2 of Chapter II of this report.)
- 1.4.8. Work toward the drafting and adoption of legislative bills on transparency and anticorruption, dealing with, for instance, integrity in public service. (See section 1.3 of Chapter II of this report.)
- 1.4.9. Develop Office of the Attorney General-led policies and/or campaigns that would allow both public servants and the general population to develop a preventive attitude to ensure transparency and avoid acts of corruption. (See section 1.3 of Chapter II of this report.)

2. DIRECTOR OF AUDIT

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

[52] The DOA has a set of provisions that make up the office's legal framework, as well as other measures that refer, *inter alia*, to the following:

[53] The DOA is an independent and public office and is constitutionally provided for by Section 75 of the Constitution of Saint Vincent and the Grenadines. With respect to its objectives and functions, the DOA is required by the Constitution to examine the accounts of the Central Government, Local Government and Statutory Undertakings, to ensure that funds provided by the Parliament are used for the purposes intended, giving due regard to economy, efficiency and effectiveness. It is intended that the DOA reports on the accounts annually, which report forms the basis for the function of the Public Accounts Committee.^{14/}

14. See Section 76 of the Constitution, *supra* note 3.

[54] The Saint Vincent and the Grenadines Audit Act (2005),^{15/} Part III further provides, under section 10, that the DOA is the auditor of the accounts of the Government and as such shall make such examination and inquiries as *she* considers necessary to enable *her* to report as required by this Act. In *her* examination and audit of the accounts of the Government, the DOA may make such checks as *she* considers necessary to enable *her* to form an opinion as to whether a ministry, department or service has used its resources with economy, efficiency and effectiveness. The DOA shall, no later than six months after the end of the financial year, make such examinations and inquiries as *she* considers necessary to enable *her* to audit the accounts of each statutory body for the previous year and report as required by the Audit Act.

[55] Pursuant to section 75(7) of the Constitution, the DOA, in the exercise of *her* functions, is not subject to the direction or control of any person or authority.

[56] Section 75(3) of the Constitution further provides that in carrying out its work, the DOA and any officer authorized by *her* shall have access to all books, records, returns, reports as other documents which in *her* opinion relate to any of the accounts referred to in Section 75(2). Section 19 of the Audit Act, Part IV further expands on the powers of the Auditor General in this respect. For example, in the exercise of its duties, the DOA is at all reasonable times and for any purpose related to carrying out *her* responsibilities entitled to access to the records of, and electronic data processing equipment owned or leased by a ministry, department or other service; a statutory body; a recipient of government money; a government owned or controlled corporation; or any other organization or body. Also, in conducting an examination or audit or carrying out any responsibility under the Audit Act or any other, the DOA may by a notice require any person to attend before the DOA to give evidence under oath or, where permitted by law, on affirmation with respect to any matter related to the examination or audit or other responsibility; and to produce any records respecting the matter referred to in the notice.

[57] Regarding the way in which the principal authorities are appointed, Section 82 of the Constitution provides that the DOA shall be appointed by the Governor General, acting in accordance with the advice of the Public Service Commission, which shall consult with the Prime Minister. This Section further provides that the DOA shall vacate his office when he attains the prescribed age (55 years), and may be removed by the Governor General 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.

[58] Regarding the way in which the human resources needed for the office to function are determined and how they are selected, appointed, and removed, the requirements for holding those positions, and the regime of disqualifications, incompatibilities, and responsibility for their actions, the DOA's personnel is subject to the general regime for the State's civil servants provided primarily by Sections 77 and 78 of the Constitution, and to the applicable provisions of the Public Service Commission Regulations and of the Civil Service Orders of Saint Vincent and the Grenadines, which have already been referred to in section 1.1 of this report, dealing with the administrative personnel of the Office of the Attorney General.

[59] Regarding the existence of manuals or other documents describing the functions of its officers, during the on-site visit the DOA's representatives stated that there were job descriptions, which are currently being revised and updated with the support of the Public Sector Reform Unit of the Ministry

15. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_aud_act.pdf

of Reconciliation, the Public Service, Labour, Information, and Ecclesiastical Affairs. Training, according to DOA representatives, was limited and insufficient for the needs of its personnel; for this reason, they have sought support from regional and international bodies and international oversight bodies, such as the International Organization of Supreme Audit Institutions (INTOSAI) and the Caribbean Organization of Supreme Audit Institutions (CAROSAI).

[60] Regarding the existence of documented procedures for performing their tasks, or of manuals or guides dealing with those duties, during the on-site visit the DOA's representatives stated that in addition to having a procedures manual, the office's audits are also carried out in accordance with the INTOSAI's international auditing standards for external public oversight, other generally accepted auditing rules and methods, and any other local laws and regulations. Irrespective of the foregoing, the DOA's representatives also noted that work was underway on the production of a new procedural guidebook intended to increase its functional efficiency.

[61] Regarding the institutional strengthening or quality improvement actions that have been implemented, the DOA's representatives stated that as part of the five-year strategic plan currently underway, the DOA's headquarters has recently been relocated to a new facility with additional space for discharging its organizational duties in suitable working conditions. In addition, regarding the implementation of systems or modern technologies to facilitate its work, the DOA's representatives reported they were developing a series of IT projects that would provide them with databases of the financial information the office receives, processes, and analyzes, together with the requests that the DOA serves on public agencies in the pursuit of the office's duties.

[62] Similarly, the DOA's representatives also spoke of the legislative amendments related to the management of the State's financial resources, assets, and procurement procedures. These include the new Finance Administration Act and a new draft of the Auditing Act, which would strengthen the DOA's independence and bring it into line with other oversight bodies belonging to the INTOSAI. They also spoke briefly about the assistance received in 2004 from the Eastern Caribbean Economic Management Programme (ECEMP).

[63] Regarding how it provides the public with information about its objectives and functions, the DOA has a section on the official web page of the Government of Saint Vincent and the Grenadines, which is available at www.audit.gov.vc. This web site contains certain information such as its objectives, functions, contact points, and the legislative framework for its duties.

[64] Regarding mechanisms for internal control and dealing with claims, complaints, or allegations related to the pursuit of its objectives and to the performance of its personnel, during the on-site visit it was stated that the DOA does not have an internal auditing unit. Nevertheless, as regards external control, Section 22(1) of the Audit Act provides that *"Each year an auditor entitled by law to practise accounting in Saint Vincent and the Grenadines who is appointed by the Minister, with the approval by resolution of the House of Assembly, shall examine and audit the accounts of Audit Office and prepare a report."*

[65] Regarding the way in which the budgetary resources needed for its operations are ensured, as indicated with respect to Office of the Attorney General in section 1.1 of Chapter II of this report, the DOA is also subject to the terms of Chapter V of the Constitution and the annual Appropriation Bills for the corresponding fiscal year. The office is also subject to Section 27 of the Audit Act, which provides: "... (2) *The Director of Audit shall, not later than six months before the beginning of each*

financial year, submit to the committee^{16/} in respect of the financial year estimates of the sums of money that will be required to be provided by the Legislature to defray the expenses of the Audit Office in that financial year. (3) The Committee shall without delay review estimates submitted pursuant to subsection (2) and, on the completion of the review; the chairman of the Committee shall transmit the estimates to the Minister for inclusion in the annual estimates.”

[66] Regarding coordination mechanisms with other oversight bodies or state institutions, during the on-site visit the DOA’s representatives spoke of the ties that exist between the DOA and the office of the Accountant General (the chief government accounting officer) for access to the financial information produced by that office, which assists with the full performance of the DOA’s functions.

[67] Finally, as regards accountability mechanisms applicable to the performance of its duties, during the on-site visit the DOA also spoke of the preparation of its Corporate Plan which, as noted above in connection with the Office of the Attorney General, must be prepared as part of the budgetary cycle.

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

[68] The DOA has a set of provisions and/or other measures that are relevant for the purposes of the Convention, some of which were briefly described above in section 2.1 of this report. Nonetheless, the Committee believes it would be appropriate to formulate certain comments in connection therewith:

[69] First, as indicated in the previous section, by constitutional mandate, the DOA is the body responsible for ensuring that the funds allocated by Parliament are used for the purposes for which they were budgeted and it must audit, at least once a year, the State’s public accounts and those of all government officials and authorities, through what are known as performance audits.

[70] In addition, based on the information available to it, the Committee notes that following the entry into force in 2005 of the current Audit Act, the scope of the DOA’s jurisdiction was expanded significantly in order to improve accountability in the use of public funds and to strengthen its mandate; thus, in addition to performance audits, the agency now carries out other kinds of financial and management audits, known as “value for money audits.”

[71] During the on-site visit, however, the DOA’s representatives pointed out that the human and financial resources it currently has are insufficient for fully discharging the duties assigned to it by law and the Constitution. As an example of this, the DOA representatives themselves said that because of this shortfall, the office has been unable to increase the number of audits it would like to carry out each year or to audit large-scale public investments, such as the new Argyle International Airport, where no audit of the allocated resources has been conducted since construction began in 2008, taking into account that to conduct audits of this nature requires technical resources, for instance, quantity surveyors, engineers, etc., and the necessary training which the DOA does not possess.

[72] Bearing in mind these issues and the importance of the functions and powers of the DOA in detecting the commission of corrupt acts, the Committee will formulate a recommendation for the State under review to assign this oversight body the resources necessary for its adequate and effective

16. “Committee” means the committee appointed by the House of Assembly for the purposes of section 27 of the Audit Act.

compliance with its legal and constitutional duties. (See recommendation 2.4.1 in Chapter II of this report.)

[73] The Committee believes that this situation could be related to the fact that during the on-site visit, the DOA's representatives also stated that Section 27 of the Audit Act has not been effectively enforced (transcribed in the previous section, this provision deals with Parliament's appointment of a "committee" to examine the DOA's budgetary needs on an annual basis and to promptly convey them to the minister responsible for finance for their inclusion in the estimated expenditure for the corresponding year).

[74] Second, the Committee notes the absence of mechanisms for ensuring compliance with the recommendations issued by the DOA in its audit reports. Thus, during the on-site visit, this oversight body's representatives indicated that its recommendations are not in and of themselves binding on the ministries and other public agencies subject to its oversight, but that in addition, they noted, the Public Accounts Committee referred to in Section 76 of the Constitution has not been established in the terms provided for in that section. It should be noted that during the on-site visit the representatives of the DOA spoke to the fact that they have noted that some of their recommendations made to departments which they audited were not followed and this sometimes resulted in the same issues recurring in the department. Accordingly, given the importance of the DOA's work in both detecting acts of corruption and ensuring the conservation and proper use of public resources, the Committee suggests that the State under review consider adopting the measures it deems necessary to ensure that those public agencies subject to the DOA's oversight effectively comply with the recommendations issued in its audit reports. (See recommendation 2.4.2 in Chapter II of this report.)

[75] Third, and in connection with the regime for determining and selecting its human resources described in the previous section, based on the information available to it and the details obtained during the on-site visit, the Committee was unable to identify the existence of minimum requirements in terms of professional studies and experience demanded of those aspiring to positions within the DOA, chiefly those of auditors and/or accounting specialists. The Committee notes that the general hiring regime for public servants in the State under review, including the staff of the DOA, was analyzed in detail in the Second Round report;^{17/} for that reason, it will offer no recommendations on this point but will instead reiterate the recommendation made in that report regarding the need for Saint Vincent and the Grenadines to consider adopting clearly defined rules and criteria to ensure access to public service – in this case, within the DOA – by means of systems based on the principles of disclosure, equity, and efficiency referred to in the Convention.

[76] Notwithstanding the foregoing, the Committee will formulate a recommendation for the State under review to take the steps necessary to conclude the process of reviewing and updating the DOA's post descriptions, and to prepare a new procedural guide in order to increase the efficiency with which it discharges its functions. (See recommendation 2.4.3 in Chapter II of this report.)

[77] Fourth, as regards training, the Committee acknowledges the DOA's efforts to secure the support of organizations such as INTOSAI and CAROSAI in providing its personnel with the technical training they need to properly discharge their duties and responsibilities. However, as noted in the previous section, during the on-site visit, DOA representatives indicated that, notwithstanding the support they receive from those bodies, personnel training was limited and inadequate. Accordingly, the Committee will formulate a recommendation for the State under review to ensure

17. See *supra* note 13.

that the DOA's personnel, chiefly those with auditing and accounting responsibilities, are able to receive regular training, in particular for the detection of corrupt acts. (See recommendation 2.4.4 in Chapter II of this report.)

[78] Similarly, based on the information to which it had access and that it gathered during the on-site visit, the Committee acknowledges the DOA's efforts to equip itself with an IT and technological platform to assure increased efficiency, effectiveness, and dispatch in the auditing activities it carries out. The Committee again underscores the usefulness of technology as a tool for developing modern mechanisms for preventing and detecting acts of corruption, as required by paragraph 9 of Article III of the Convention. It therefore believes it would be useful for the State under review to consider intensifying its efforts to strengthen the DOA's technological platform, through the development and promotion of IT projects, in order to facilitate, *inter alia*, its work in preventing and detecting corrupt acts. (See recommendation 2.4.5 in Chapter II of this report.)

[79] Fifth, regarding control mechanisms, although during the on-site visit, DOA representatives noted that the office did not have an internal auditing unit, they also indicated that Section 22(1) of the Audit Act, which provides for the annual appointment of an external auditor to examine and audit the DOA's account, has not been implemented. Accordingly, and in order to promote transparency and probity in the DOA's use of public resources, the Committee will formulate a recommendation for the State to take the steps necessary to strengthen control mechanisms of this oversight body. (See recommendation 2.4.6 in Chapter II of this report.)

[80] Sixth, although – as noted in the previous section – the DOA maintains ties of coordination and cooperation with the office of the Accountant General in order to access the financial information that office produces, the Committee was unable, based on the information available to it and on the information it gathered during the on-site visit, to determine the existence of coordination and cooperation mechanisms that would allow the DOA to send the DPP, the Royal Police Force, and/or the Financial Intelligence Unit, as applicable, timely notification of such evidence of corrupt acts that the DOA detects in the audits that it carries out. This would assist the achievement of the Convention's purposes, particularly as regards the obligation of reporting corrupt acts and of developing modern mechanisms to prevent and detect such practices, as provided for in paragraphs 1 and 9 of Article III, respectively. (See recommendation 2.4.7 in Chapter II of this report.)

[81] Finally, as regards the accountability mechanisms applicable to the performance of its duties, the Committee takes note of the information provided during the on-site visit. Based on that information, however, the Committee believes it would be useful for the State under review to consider adopting such measures as it deems appropriate to establish, within the DOA, accountability mechanisms or the presentation of management reports on the pursuit of its duties and the way to make them public. (See recommendation 2.4.8 in Chapter II of this report.)

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

[82] In its reply to the questionnaire, the State under review provided no information on the DOA's results in the exercise of its powers and responsibilities, chiefly those related to the detection of corrupt acts; in addition, during the on-site visit, that oversight body's representatives stated that they had no statistical data related to how it discharges its duties, and so no comprehensive appraisal of it can be offered. The Committee will therefore formulate the relevant recommendations. (See recommendations 2.4.9 and 2.4.10 in Chapter II of this report.)

[83] In addition, although the DOA's representatives stated during the on-site visit that annual audit plans did exist, the Committee was unable to examine their content or scope. Accordingly, and in the interests of transparency and accountability within both the DOA and the agencies it oversees, the Committee will formulate a recommendation for the State under review to consider publishing those plans on the DOA's web site, so that the public can learn about the work being carried out by this body and the areas that it is responsible for overseeing. (See recommendation 2.4.11 in Chapter II of this report.)

[84] Similarly, the Committee was unable to identify the way in which the DOA publishes and makes publicly accessible the auditing reports that it is required, under the Constitution and by law, to present annually to Parliament. Therefore, reaffirming the importance of strengthening transparency and accountability in the handling of public resources in the State under review, the Committee will formulate a recommendation for those reports to be also published on the DOA's web site. (See recommendation 2.4.12 in Chapter II of this report.)

[85] Finally, bearing in mind that the DOA's mission is to promote accountability, transparency, and improvements within government departments and entities, and to ensure that the funds allocated by Parliament are used for their intended purposes, the Committee believes it would also be useful for Saint Vincent and the Grenadines to consider developing probity campaigns and/or awareness-raising programs about the duty of respecting and protecting public assets, aimed at the public servants of the State under review and at society in general. (See recommendation 2.4.13 in Chapter II of this report.)

2.4. Conclusions and recommendations

[86] Based on the comprehensive analysis of the DOA offered in the preceding sections, the Committee offers the following conclusions and recommendations:

[87] Saint Vincent and the Grenadines has considered and adopted measures intended to maintain and strengthen the DOA as an oversight body, as indicated in Chapter I, section 2 of this report.

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

- 2.4.1. Provide the DOA with the human and financial resources necessary to ensure its due compliance with its constitutional and legal duties, chiefly as regards conducting audits and detecting corrupt acts that trigger responsibility for the persons involved therein, bearing in mind the availability of resources. (See section 2.2 of Chapter II of this report.)
- 2.4.2. Establish mechanisms to ensure that those public agencies subject to the DOA's oversight effectively comply with the recommendations issued in its audit reports. (See section 2.2 of Chapter II of this report.)
- 2.4.3. Conclude the process of reviewing and updating the DOA's post descriptions, and prepare a new procedural guide in order to increase the efficiency with which it discharges its functions. (See section 2.2 of Chapter II of this report.)
- 2.4.4. Take the steps necessary to ensure that the DOA's personnel, chiefly those with auditing and accounting responsibilities, are able to receive regular training to

strengthen their capacity, knowledge, and skills for detecting corrupt acts. (See section 2.2 of Chapter II of this report.)

- 2.4.5. Strengthen the DOA's technological platform, through the development and promotion of IT projects, in order to facilitate, *inter alia*, its work in detecting corrupt acts. (See section 2.2 of Chapter II of this report.)
- 2.4.6. Strengthen control mechanisms of the DOA through the effective and timely implementation of the terms of section 22(1) of the Audit Act. (See section 2.2 of Chapter II of this report.)
- 2.4.7. Adopt coordination and cooperation mechanisms to enable the DOA to send the DPP, the Royal Police Force, and/or the Financial Intelligence Unit, as applicable, timely notification of such evidence of corrupt acts that the DOA detects in the audits that it carries out. (See section 2.2 of Chapter II of this report.)
- 2.4.8. Adopt such measures as it deems appropriate to establish, within the DOA, accountability mechanisms or the presentation of management reports on its pursuit of its duties and the way to make them public. (See section 2.2 of Chapter II of this report.)
- 2.4.9. Prepare statistical data on the outcomes of carrying out of its duties of detecting corrupt acts that trigger administrative and civil responsibility and the presumption of criminal responsibility, through the different types of audits that the DOA conducts, in order to determine, in addition to the number of audits completed, how many remain ongoing, how many have been suspended for whatever reason, and how many have been referred to the competent authority for such a decision to be adopted, in order to identify challenges and, if applicable, adopt corrective measures. (See section 2.3 of Chapter II of this report.)
- 2.4.10. 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 2.3 of Chapter II of this report.)
- 2.4.11. Adopt the relevant measures to allow the public to consult and learn about, through the Government's official web site, the annual auditing plans and/or programs carried out by the DOA. (See section 2.3 of Chapter II of this report.)
- 2.4.12. Adopt the relevant measures to allow the public to consult and learn about, through the Government's official web site, the annual audit reports that it is required, under the Constitution and by law, to present annually to Parliament. (See section 2.3 of Chapter II of this report.)
- 2.4.13. Develop, within the DOA, probity campaigns and/or awareness-raising programs about the duty of respecting and protecting public assets, aimed at the public servants of the State under review and at society in general. (See section 2.3 of Chapter II of this report.)

3. OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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

[89] The DPP has a set of provisions that make up its legal framework, as well as other measures that refer, *inter alia*, to the following:

[90] The DPP is an autonomous, independent and public office and is constitutionally provided for by Sections 64 and 81 of the Constitution of Saint Vincent and the Grenadines to assist in the promotion of the highest standard of Criminal jurisprudence and to effectively represent the Crown in all criminal procedures, whether by way of litigation or otherwise.

[91] With respect to its objectives and functions, Section 64.2 of the Constitution establishes that the DPP shall have power in any case in which he or she considers it desirable so to do to institute and undertake criminal proceedings against any person before any court of law (other than a court-martial) in respect of any offence alleged to have been committed by that person; to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

[92] According to Section 64.4 of the Constitution, the powers of taking over and continuing or discontinuing any criminal proceedings that may have been instituted by any other person or authority are vested in the DPP to the exclusion of any other person or authority. Section 64.5 further provides that criminal proceedings include any appeal from any determination of any court in criminal proceedings or a case, while Section 64.3 states that the powers of the DPP may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

[93] With respect to its independence, Section 64.6 of the Constitution states that in the exercise of the powers vested in him by Sections 64.2 and 42 of the Constitution, the DPP shall not be subject to the direction or control of any other person or authority.

[94] Regarding the way in which the DPP's decisions are adopted, during the on-site visit the office's representatives provided a copy of the Code for Prosecutors of Saint Vincent and the Grenadines,^{18/} Chapter 6 of which sets out the decision-making process, principally as regards the initiation of criminal proceedings.

[95] As for the manner in which the DPP is selected, Section 81.1 of the Constitution provides that the DPP is appointed by the Governor General, acting in accordance with the advice of the Judicial and Legal Service Commission. Section 81.3 of the Constitution provides that a person shall not be qualified to be appointed to hold the office of DPP unless he holds one of specified qualifications and has held one or other of those qualifications for a total period of not less than five years. Subject to the provisions of Sections 81.5 and 81.10 the DPP shall vacate his office when he attains 55 years, however, the Judicial Service Commission may permit that he continue in office until a later age, not exceeding 65 years. Sections 81.6 and 81.7 further provide that the DPP may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause whatsoever) or for misbehavior. The details of the removal procedures are established in Sections 81.8 and 81.9 of the Constitution.

18. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_cod_pros.pdf

[96] As regards the way in which the human resources needed for the DPP office's operations are identified, as in the Office of the Attorney General, the office of the DPP has two categories of personnel, (a) legal officers (prosecutors) and (b) administrative staff. Regarding the legal officers, under section 83 of the Constitution their appointment, exercise of disciplinary control and removal shall vest in the Governor General, acting in accordance with the advice of the Judicial and Legal Services Commission pursuant to the applicable provisions of the Judicial and Legal Service Commission Regulations.

[97] With respect to the administrative staff of the office of the DPP, in accordance with section 78 of the Constitution, the Public Service Commission is responsible for appointments, promotions, transfers and confirmation of appointments, as well as for the removal and exercise of disciplinary control over them pursuant to the applicable provisions of the Public Service Commission Regulations and the Civil Service Orders for the Public Service.

[98] As regards training, during the on-site visit the DPP's representatives indicated that because of the insufficient resources assigned to this item in its budget, the DPP does not have permanent and/or regular training programs for its staff. Nevertheless, through the offers it receives annually from other states and international agencies, the office's personnel has been able to receive some forms of training, chiefly related to the prosecution of drug trafficking offenses and other manifestations of transnational organized crime.

[99] As regards the existence of documented procedures for performing its tasks, or of manuals or guides dealing with those duties, during the on-site visit the DPP's representatives provided a printed copy of the Manual of Guidance for Preparation of Case Files,^{19/} which also refers to the Code for Prosecutors of Saint Vincent and the Grenadines referred to above, together with the documents "Points to Prove" (P2P),^{20/} the "Witness Charter,"^{21/} and the Guide to Investigation and Prosecution of Serious Organised Crime.^{22/}

[100] Regarding the implementation of modern systems or technologies to assist it in discharging its duties, during the on-site visit, DPP representatives stated that although they used the established electronic systems for swifter exchanges of information with the Eastern Caribbean Supreme Court, they were at present developing IT projects to facilitate the electronic archiving of case files and their stages in the proceedings, and to exchange information among the different players that make up the criminal justice system in the State under review.

[101] Regarding the way in which the public are provided with information about its objectives and functions, are apprised of the procedures established for the performance of its functions, and are given guidance about how to pursue formalities with the office, the Committee notes the existence of a section for the DPP on the official web site of the Government of Saint Vincent and the Grenadines,^{23/} which contains limited information about its objectives and points of contact. Nevertheless, during the on-site visit the DPP's representatives reported the recent launch of two

19. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_man_guid_prep_case_file.pdf

20. This document should be referred to by all law enforcement agencies to understand the evidence required to satisfy the evidential stage of the Code for Prosecutions.

21. This document sets out the basic standards of care of witnesses.

22. This four-part compendium is designated to assist both law enforcement agency officers and Prosecutors on procedure and the law. The first part provides legal guidance on common issues that may arise investigating and prosecuting drug and human trafficking, cybercrime and money laundering. The second part provides guidance on restraint orders, the third on confiscation and the fourth on civil recovery.

23. See: <http://goo.gl/Ho1VSu>

important documents with a bearing on those issues. The first of these is the National Prosecution Service of Saint Vincent and the Grenadines Media Protocol,^{24/} the purpose of which is “...to provide guiding principles for an open and accountable investigation and prosecution process, by ensuring the media have access to relevant material at the earliest appropriate opportunity.” The second is the Social Media Identification Policy,^{25/} which serves “... to outline the proper procedure for the Police and Prosecution when a witness identifies a suspect through Social Media.”

[102] In addition, the DPP’s representatives also spoke of the work underway for the launch, in the near future, of an official web site for the National Prosecution Service of Saint Vincent and the Grenadines. In addition, they said they participated in radio and television programs when the office felt there was a need to clarify processes and to inform the public about them. The DPP’s representatives also spoke about the execution, in conjunction with the police, of the “No Witness No Justice” program, which targets young students and seeks to provide them with information and practical advice about the justice system and the critical role played by witnesses in criminal proceedings.

[103] Regarding its internal control mechanisms, during the on-site visit, DPP representatives indicated that it was an autonomous agency with its own accounting mechanisms, but that it did not have an internal auditing unit. In addition, as regards any claims, complaints, or allegations that might be filed in connection with the actions of its legal personnel, in addition to the disciplinary proceedings that may be brought before the Public Service Commission and the Judicial and Legal Services Commission, the DPP’s representatives spoke about the procedure provided by the Bar Association of Saint Vincent and the Grenadines for violations of the Code of Ethics adopted pursuant to Section 18 of the Legal Profession Act.

[104] Regarding the way in which the budgetary resources necessary for it to function are assured, as indicated in sections 1.1 and 2.1 of Chapter II of this report as regards the Office of the Attorney General and the DOA, the DPP is also governed by the terms of Chapter V of the Constitution and the corresponding annual appropriation bills.

[105] Finally, as regards accountability mechanisms applicable to the performance of its duties, during the on-site visit the DPP’s representatives stated that they had no such mechanisms but that the closest equivalent was the preparation of its Corporate Plans which, as noted above in connection with the Office of the Attorney General and the DOA, have to be drawn up as part of each budgetary cycle.

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

[106] The DPP has a set of provisions and/or other measures that are relevant for the purposes of the Convention, some of which were briefly described above in section 3.1 of this report. Nonetheless, the Committee believes it would be appropriate to formulate certain comments in connection therewith:

[107] First, during the on-site visit, DPP representatives spoke of the efforts underway in the State under review to fully implement the National Prosecution Service, as has been done in other Eastern Caribbean states. One of the main goals sought with the launch of this service, they said, would be to bring under the DPP’s “umbrella” those procedures currently carried out by police prosecutors: those

24. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_natl_prosec_serv_med_prot.pdf

25. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_soc_med_id_pol.pdf

prosecutors operate under the aegis of the Royal Saint Vincent and the Grenadines Police Force and, consequently, the DPP cannot ensure effective oversight of the work they carry out or provide them with the leadership, guidance, and assistance necessary for the prosecution of cases.

[108] The Committee believes that the implementation of the National Prosecution Service would be a positive step for the State under review in increasing the efficiency and effectiveness of its criminal prosecution procedures, particularly those involving acts of corruption, and it will formulate a recommendation on that point. (See recommendation 3.4.1 in Chapter II of this report.)

[109] Second, as regards the way in which the human resources needed for its operations are identified and how its personnel is selected, during the on-site visit and without prejudice to the regime describe in the previous section, the DPP's representatives stated that one of the main mechanisms for filling legal vacancy positions that arise is an internship program that has been implemented in recent years and through the Supportive Educative and Training (SET) programme which is a recent initiative of the State which focuses on the development of youth and preparing persons for their next step in their academic journey; however, the Committee was unable to identify the existence of criteria or objective requirements for admission to that programme.

[110] Notwithstanding the foregoing, the Committee reserves the right to formulate recommendations based on its decision contained in the report on Saint Vincent and the Grenadines adopted in the framework of the Second Round^{26/} considering that it is inappropriate to opine on the government hiring systems described in Section 83 of the Constitution on the grounds that those appointments are the task of the Judicial and Legal Services Commission of the Eastern Caribbean Supreme Court. However, to the extent that is appropriate, it reiterates its comments contained in that report regarding the importance of the State under review, based on merit and on the principles of equality, disclosure, and efficiency enshrined in the Convention, to consider continuing with the task of strengthening its systems and processes for the selection of public officials and, in this case, those employed by the DPP.

[111] Third, although during the on-site visit the DPP's representatives provided a copy of the Code for Prosecutors of Saint Vincent and the Grenadines referred to in the previous section, it does not itself constitute a manual or set of instructions describing the functions of the DPP's prosecutors in accordance with the terms of section 2.2 of this document. Accordingly, and bearing in mind the difficulty identified by the DPP's representatives during the on-site visit, when they stated their need for instruments, manuals, and/or guides for directing prosecutors in dealing with criminal proceedings arising from the commission of corrupt acts, the Committee will formulate a recommendation. (See recommendation 3.4.2 in Chapter II of this report.)

[112] Related to this is the fact that during the on-site visit, the DPP's representatives also highlighted their prosecutors' need for appropriate training for the correct and effective prosecution of acts of corruption and, accordingly, the Committee will formulate a recommendation. (See recommendation 3.4.3 in Chapter II of this report.)

[113] Fourth, although the Committee took note of the different electronic systems used by the DPP for swift exchanges of information, chiefly with the Eastern Caribbean Supreme Court, it believes it would be useful for the State under review to consider redoubling its efforts to equip this oversight body with technological tools that will enable it to discharge its constitutional and legal obligations with increased efficiency and effectiveness, particularly as regards the prosecution of corrupt acts that

26. See *supra* note 13.

trigger criminal responsibility; accordingly, it will formulate a recommendation on that point. (See recommendation 3.4.4 in Chapter II of this report.)

[114] Together with this, based on the information gathered during the on-site visit, the Committee also takes note of the DPP's ongoing efforts to launch what it described as the official web site of the National Prosecution Service. Recognizing the benefits that the internet offers to keep the public informed about the work of government institutions and to facilitate the consultation and accessibility of information of public interest, the Committee will formulate a recommendation for State under review to consider taking the steps that it deems necessary to establish and keep this web site updated. This website could contain, *inter alia*, information about the DPP's objectives and functions, its legal framework, and the procedures for discharging its duties. (See recommendation 3.4.5 in Chapter II of this report.)

[115] Fifth, regarding the budgetary resources necessary for it to function, during the on-site visit the DPP's representatives expressed their acceptance of the financial resources annually assigned to the agency in the State's budget, and of its number of professional employees, which has increased as a result of the incorporation into the DPP of police prosecutors under an administrative agreement signed between the DPP and the Royal Saint Vincent and the Grenadines Police Force as part of the implementation of the National Prosecution System referred to in the preceding paragraphs. Irrespective of the foregoing, the agency's representatives also indicated the need not only for additional administrative personnel, but also for the competent body's timely filling of vacancies of that kind when they arise, in order to prevent delays that could affect the correct functioning of the DPP. The Committee will make a recommendation on this point. (See recommendation 3.4.6 in Chapter II of this report.)

[116] Sixth, although the DPP's representatives stated that they maintained permanent coordination with the Royal Saint Vincent and the Grenadines Police Force, chiefly as regards police investigations into suspected punishable acts for their later prosecution before the courts, the Committee believes it would be useful for the State under review to consider strengthening that relationship through effective coordination mechanisms between the actors involved in the investigation and prosecution of corrupt acts that trigger criminal responsibility, including the DPP, the Royal Saint Vincent and the Grenadines Police Force, the Office of the Attorney General, the Financial Intelligence Unit, and others, in order to establish effective and timely procedures and/or guidelines for exchanges of information and legal advice for the correct presentation before the courts of criminal proceedings related to acts of corruption. The Committee will make a recommendation on this point. (See recommendation 3.4.7 in Chapter II of this report.)

[117] Finally, regarding accountability mechanisms applicable to the performance of its duties, the Committee takes note of the information gathered during the on-site visit. However, based on that information, the Committee believes it would be useful for the State under review to consider adopting such measures as it deems appropriate to establish, within the DPP, accountability mechanisms or the presentation of management reports on how it discharges its duties and the way to make those public. (See recommendation 3.4.8 in Chapter II of this report.)

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

[118] In its reply to the questionnaire, the State under review provided no information on the DPP's results in the exercise of its powers and responsibilities, chiefly those related to the prosecution of acts of corruption that trigger criminal responsibility. This is because, as indicated by the oversight

body's representatives during the on-site visit, they have no statistical data on the performance of its duties and powers. Based on the foregoing, the Committee cannot offer a comprehensive appraisal of the results in this area and, as a result, will formulate the relevant recommendations. (See recommendations 3.4.9 and 3.4.10 in Chapter II of this report.)

3.4. Conclusions and recommendations

[119]Based on the comprehensive analysis of the DPP offered in the preceding sections, the Committee offers the following conclusions and recommendations:

[120]Saint Vincent and the Grenadines has considered and adopted measures intended to maintain and strengthen the DPP as an oversight body, as indicated in Chapter I, section 3 of this report.

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

- 3.4.1. Take the steps necessary to conclude the effective implementation of National Prosecution Service in order to strengthen, *inter alia*, the DPP's powers of supervision over procedures carried by police prosecutors. (See section 3.2 of Chapter II of this report.)
- 3.4.2. Develop instruments, manuals, and/or guides for directing prosecutors in effectively and correctly initiating and pursuing criminal proceedings for the commission of corrupt acts. (See section 3.2 of Chapter II of this report.)
- 3.4.3. Provide the DPP with the financial resources necessary to ensure the regular training of prosecutors, in order to strengthen their knowledge and skills in the correct and effective prosecution of acts of corruption, bearing in mind the availability of resources. (See section 3.2 of Chapter II of this report.)
- 3.4.4. Develop and implement the technological tools necessary for the DPP to discharge its constitutional and legal obligations with greater efficiency and effectiveness, particularly as regards the prosecution of corrupt acts that trigger criminal responsibility. (See section 3.2 of Chapter II of this report.)
- 3.4.5. Take the steps necessary to establish and keep updated the web site of the National Prosecution Service, which could contain, *inter alia*, information about the DPP's objectives and functions, its legal framework, and the procedures for discharging its duties. (See section 3.2 of Chapter II of this report.)
- 3.4.6. Provide the DPP with the administrative personnel necessary for it to discharge its functions correctly, chiefly as regards the prosecution of corruption crimes, bearing in mind the availability of resources. (See section 3.2 of Chapter II of this report.)
- 3.4.7. Implement coordination mechanisms between the DPP, the Royal Saint Vincent and the Grenadines Police Force, the Office of the Attorney General, and the Financial Intelligence Unit, in order to establish effective and timely procedures and/or guidelines for exchanges of information and legal advice for the correct

presentation before the courts of criminal proceedings related to acts of corruption. (See section 3.2 of Chapter II of this report.)

- 3.4.8. Adopt such measures as are deemed appropriate to establish, within the DPP, accountability mechanisms or the presentation of management reports on how it discharges its duties and the way to make those public. (See section 3.2 of Chapter II of this report.)
- 3.4.9. Prepare and publish statistical data on the prosecutions carried out by the DPP into the acts of corruption defined in the Criminal Code and in the Convention, to indicate how many remain ongoing, how many have been discontinued for whatever reason, how many are pending without a decision being reached on the merits in the case under investigation, how many are at a stage that allows a decision to be reached on the merits of the case under investigation, and how many have been referred to the competent authority for such a decision to be adopted, in order to identify challenges and recommend any necessary corrective measures. (See section 3.3 of Chapter II of this report.)
- 3.4.10. Prepare and publish statistical data regarding the investigations referred to the DPP and conducted by competent authorities 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 for whatever reason; how many have been closed because the statutory time limit has expired; how many have been archived without a decision adopted on the merits of the case under investigation; how many are in a position where a decision on the merits of the case under investigation could be adopted; and how many have been referred to the competent authority to adopt such a decision, with a view to identifying challenges and recommending corrective actions, where applicable. (See Section 3.3 in Chapter II of this report).
- 3.4.11. Prepare and publish statistical data on the judicial proceedings initiated in connection with the acts of corruption defined in the Criminal Code and in the Convention, to indicate how many remain ongoing, have been suspended, have been shelved because of statutory limitations, have been shelved without a decision being reached on the merits in the case under investigation, are ready for a decision to be adopted, or are already covered by decision on the merits and whether that decision was an acquittal or a conviction, in order to identify challenges and recommend any necessary corrective measures. (See section 3.3 of Chapter II of this report.)
- 3.4.12. Adopt a mechanism for monitoring the cases of corruption that the Office of the Director of Public Prosecutions forwards to the courts, so that it can find out how they are being processed and the outcomes thereof, and publicize them accordingly, thereby enabling citizens to assess its efforts to prosecute acts of corruption and have additional elements to evaluate its performance. (See Section 3.3 in Chapter II of this report).

4. SERVICE COMMISSIONS DEPARTMENT

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

[122]The SCD has a set of provisions that make up its legal framework, as well as other measures that refer, *inter alia*, to the following:

[123]The PSC is created by Section 77 of the Constitution of Saint Vincent and the Grenadines and, pursuant to Section 78.1 of the Constitution, has the power to appoint persons to public positions, to remove them from those positions, and to exercise disciplinary control over them, with the exception of the positions identified in Section 78.3 thereof.^{27/}

[124]Accordingly, based on the information gathered during the on-site visit, the SCD is an autonomous unit that serves as the PSC's secretariat and provides it with the technical and administrative support necessary for it to discharge its constitutional and legal powers in the recruitment, selection, and employment of public officials and in the disciplinary control thereof.

[125]Regarding its objectives, during the on-site visit, SCD representatives identified several, including the following: to facilitate the recruitment, selection, placement and retention of quality workers; to make optimum use of the knowledge and skills of all who demonstrate the potential for excellence; to develop appropriate programmes for officers who do not meet required standards; to implement and enforce the various Civil Service Orders, Public Service Regulations and Statutes governing the management of the Public Service; to enhance the responsiveness and the quality of service provided by the SCD; to enhance human resources throughout the State through the development and delivery of quality programmes; to undertake training needs assessment to adequately plan and deliver quality training programmes; to provide guidance counseling to public officers and to citizens seeking to pursue university studies; to identify and source funds for training programmes; and to identify resource personnel to facilitate/deliver quality training programmes.

[126]To achieve these goals, the SCD comprises two divisions: the Personnel Division and the Training Division. The former is charged with the responsibility to support and enforce the rules and regulations of the public service as laid out in the Civil Service Orders. The Training Division, on the other hand, is responsible for allocating and providing training opportunities to the public.

[127]As for its decisions, chiefly those related to appointments, promotions, and transfers of public officials, the SCD, in its area of competence, issues recommendations to the PSC, which then, in accordance with the applicable provisions of both the Constitution and the Public Service Commission Regulations, examines them and, if applicable, adopts them. The PSC's decisions are strictly binding but appeals against them may be lodged with the Public Service Board of Appeal in accordance with Section 86 of the Constitution and other applicable provisions of the PSC Regulations.

[128]The Chief Personnel Officer is the head of the SCD and is appointed by the Governor General subject to the approval of the Cabinet. His functions and responsibilities are set down in various provisions of both the PSC Regulations and the Civil Service Orders of the State under review.

27. Section 78.3 of the Constitution of Saint Vincent and the Grenadines: "The provisions of this section shall not apply in relation to the following offices, that is to say: (a) any office to which section 79 of this Constitution applies; (b) the office of Attorney General; (c) the office of Director of Public Prosecutions; (d) the office of Director of Audit; (e) any office to which section 83 of this Constitution applies; or (f) any office in the Police Force."

[129]As regards the way in which the human resources necessary for its operations are determined, appointed, and removed, the requirements for access to those positions, and the regime of disqualifications, incompatibilities, and responsibilities for actions, including those of the Directors of the Personnel and Training Divisions, employees of the SCD are subject to the general regime for civil servants of the State under review as set forth in Sections 77 and 78 of the Constitution, and in the applicable provisions of the PSC Regulations and Civil Service Orders referred to above.

[130]As regards the existence of manuals or other documents describing the functions of its employees, during the on-site visit the SCD's representatives stated that the Public Sector Reform Unit is working on updating the job descriptions of positions within both the SCD and other agencies of the public administration.

[131]Similarly, the SCD's representatives spoke of the efforts underway to equip the agency in the near future with modern technological systems to assist it in discharging its duties, chiefly regarding the management of the human resources employed by the State.

[132]Regarding the way in which the public is provided with information about its objectives and functions, the SCD has a section on the official web site of the government of Saint Vincent and the Grenadines – available at www.psc.gov.vc – which provides details on such matters as its objectives, functions, and contact points. It also has a link for publishing vacancies in the civil service, and, in the training section, information on education scholarships offered to the citizens of Saint Vincent and the Grenadines by various foreign universities, states, and international organizations, including the OAS.

[133]As regards internal control mechanisms, during the on-site visit, SCD representatives described the ones they use and which are controlled by the Ministry of Finance in connection with public procurement operations and the use of material resources. In addition, regarding the attention given to claims, complaints, or allegations related to the performance of its personnel and of the public administration as whole, the representatives also said that the Chief Personnel Officer was empowered to receive such filings and to have the PSC process them, pursuant to the terms set out in its Regulations. They noted, however, that only complaints presented by public officials are subject to the regulations: the processing of complaints lodged by the public, because they are not regulated, is not a legal requirement.

[134]Regarding the way in which the budgetary resources necessary for its operations are ensured, as stated in sections 1.1, 2.1, and 3.1 of Chapter II of this report in connection with the Office of the Attorney General, the DOA, and the DPP, as an autonomous department the SCD is also governed by the terms of Chapter V of the Constitution and the annual Appropriations Bills of the corresponding fiscal year.

[135]Finally, regarding accountability mechanisms related to the performance of its functions, during the on-site visit, SCD representatives stated that officially, they did not at present submit any kind of report on its administrative work to the PSC, as its superior body; the closest to such a mechanism, they said, was the preparation of the Corporate Plans already referred to in connection with the other agencies examined in this report.

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

[136]The SCD has a set of provisions and/or other measures that are relevant for the purposes of the Convention, some of which were briefly described above in section 4.1 of this report. Nonetheless,

the Committee believes it would be appropriate to formulate certain comments in connection therewith:

[137]First, as regards the legal framework governing the SCD's actions, which is primarily contained in the Civil Service Orders and in the PSC Regulations, both of which were referred to in the previous section, the Committee believes, in connection with the former, that it would be useful for the State under review to consider updating them and bringing them into line with the current standards necessary for the correct, honorable, and due performance of public duties, bearing in mind that those Orders predate the Constitution itself and contain provisions that do not apply to the present circumstances. The Committee believes this would assist in attaining the objective contained in Article III, paragraph 9, of the Convention, whereby the SCD, as an oversight body, could develop *modern* mechanisms for preventing, detecting, punishing, and eradicating corrupt acts. The Committee will formulate a recommendation on this point. (See recommendation 4.4.1 in Chapter II of this report.)

[138]Second, during the on-site visit, SCD representatives spoke about some of the concerns that the other oversight bodies interviewed expressed as regards various aspects related to the selection and provision of personnel by the PSC. The SCD's representatives explained the procedures and practices used to fill vacancies in various departments of the national government: *inter alia*, they stated that once the Ministry of Finance releases the vacancy at the request of the office involved, as a general rule the vacancy is filled by the civil servant recommended by the Permanent Secretary of the office, unit, or ministry in which the vacancy arose. However, they also said that if the Permanent Secretary so decides, he may also recommend that the vacancy be announced publicly; that notwithstanding, no clear provisions were identified requiring grounds to be given for a Permanent Secretary's recommendation or regarding the obligation of publishing a vacancy.

[139]Since those issues were analyzed in detail in the Second Round report,^{28/} the Committee will not offer recommendations on this point; instead, it reiterates the recommendations made in that report regarding the need for the State under review to consider strengthening its government hiring systems through the adoption of appropriate legal and administrative procedures and clearly defined criteria for the publication of vacancies or opportunities for entry into public service that would guarantee access to positions in the public sector through systems based on the principles of disclosure, equity, and efficiency enshrined in the Convention.

[140]Third, based on the information gathered during the on-site visit and while acknowledging the efforts of the Public Sector Reform Unit to update job descriptions for the SCD's staff and personnel of other agencies of the central government, the Committee notes the inadequacy – and, in some cases, the nonexistence – of documents or other means for objectively identifying the minimum requirements for holding a position in the public administration, including professional postings in the service of the agencies examined in this report. Accordingly, the Committee again reserves the right to formulate recommendations on the systems for the hiring of public officials, given that they were addressed in an earlier Round, but it notes the importance of the State under review adopting the measures necessary to secure that documentation, bearing in mind that demanding such minimum requirements to some extent provides the State and the public with the certainty that the holders of public positions have sufficient experience and academic qualifications for doing so.

28. See *supra* note 13.

[141]Fourth, as noted in the previous section, in addition to supporting the PSC in all matters related to the selection, promotion, transfer, and management of human resources in the public administration, the SCD's second most important function is to provide training projects, programs, and opportunities for both the civil servants of Saint Vincent and the Grenadines and members of the public interested in continuing their studies. However, during the on-site visit, SCD representatives also pointed out that the human and financial resources they have for fully discharging those functions were inadequate. As an example of this, the SCD's representatives said that because of that shortfall, they have been unable to launch the National Training Committee provided for in the national government's Development Plan, or to satisfy the training needs and requests of other agencies of the State, as can be seen in the analyses of the other oversight bodies contained in this report. Consequently, the Committee will formulate a recommendation. (See recommendation 4.4.2 in Chapter II of this report.)

[142]Notwithstanding the foregoing, the Committee also takes note of the training activities about which the SCD's representatives spoke during the on-site visit. In this regard, the Committee believes it would be useful for the State under review to consider complementing those activities with the inclusion of courses and/or modules on ethics, probity, and transparency; accordingly, it will formulate a recommendation on that point. (See recommendation 4.4.3 in Chapter II of this report.)

[143]Fifth, as regards the existence of documented procedures for performing its tasks, or of manuals or guides dealing with those duties, during the on-site visit, SCD representatives stated that work was currently underway on preparing documents of that kind, given the importance, specificity, and sensitivity of the tasks discharged by its personnel. The Committee will formulate a recommendation on this point. (See recommendation 4.4.4 in Chapter II of this report.)

[144]Sixth, the Committee acknowledges the efforts that the SCD is making to secure, in the near future, modern technology systems to facilitate its work, chiefly as regards the management of the human resources employed by the State. In connection with this and bearing in mind the usefulness of technology in facilitating the work of oversight bodies, it will formulate a recommendation for the State under review to consider taking the steps necessary to equip the SCD with modern computer systems that would enable it, for example, to create and keep updated databases on its selection, promotion, and transfer processes and on its training programs, together with personnel and salary databases. (See recommendation 4.4.5 in Chapter II of this report.)

[145]Seventh, regarding the absence of mechanisms and/or procedures to enable and regulate the public's presentation of claims, complaints, or allegations in connection with the performance of public officials, the Committee believes it would be useful for the State under review to consider taking the steps necessary to encourage and regulate the reporting, by the public, of acts of corruption in public service of which they are aware. In addition, toward that end, the Committee believes it would be useful for the State under review to consider the guidelines set down in the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses, available from the Anticorruption Portal of the Americas.^{29/} This would assist in attaining the purposes of the Convention, particularly those related to the obligation of reporting corrupt acts and of developing modern mechanisms for preventing and detecting such practices, as contained, respectively, in paragraphs 1 and 9 of Article III. The Committee will formulate a recommendation on this point. (See recommendation 4.4.6 in Chapter II of this report.)

29. Available at: http://www.oas.org/juridico/english/law_reporting.htm

[146] Eighth, in light of the difficulty highlighted by SCD representatives during the on-site visit regarding the recurring delays by some permanent secretaries and department heads in providing the SCD, in a timely fashion, with the information it needs to perform its duties in the areas of disciplinary control and personnel administration, the Committee will formulate a recommendation for the State under review. (See recommendation 4.4.7 in Chapter II of this report.)

[147] Finally, regarding accountability mechanisms related to the performance of its functions, the Committee takes note of the information gathered during the on-site visit. However, on the basis thereof, the Committee believes it would be useful for the State under review to consider adopting such measures as it deems appropriate to establish, within the SCD, accountability mechanisms or the presentation of management reports on the performance of its functions and the way to make those reports public. (See recommendation 4.4.8 in Chapter II of this report.)

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

[148] In its reply to the questionnaire, the State under review provided no information on the SCD's results in discharging its powers and responsibilities, chiefly those related to the disciplinary control of public servants. Consequently, during the on-site visit, the SCD's representatives indicated that they had no statistical data on the performance of those functions. The Committee therefore cannot offer a comprehensive appraisal of the results in this area. Fand, accordingly, it will formulate a recommendation. (See recommendation 4.4.9 in Chapter II of this report.)

[149] In addition, as regards its powers related to training, although SCD representatives stated during the on-site visit, that annual training programs for public servants did exist, the Committee was unable to explore their contents, scope, or results. Accordingly, and in the interests of transparency and accountability, the Committee will formulate a recommendation for the State under review to consider publishing those programs on the SCD web site, so that the public can learn about the office's work in pursuit of its training duties. (See recommendation 4.4.10 in Chapter II of this report.)

[150] Finally, and given that the vision of the SCD is "*...to transform the public service into a dynamic, efficient, principled organization capable of delivering quality service,*" the Committee believes it would also be useful for Saint Vincent and the Grenadines to consider developing campaigns and/or programs to guide both its public servants and the public regarding ethical behavior in their dealings with the State, in order to attain this goal. (See recommendation 4.4.11 in Chapter II of this report.)

4.4. Conclusions and recommendations

[151] Based on the comprehensive analysis of the SCD offered in the preceding sections, the Committee offers the following conclusions and recommendations:

[152] Saint Vincent and the Grenadines has considered and adopted measures intended to maintain and strengthen the SCD as an oversight body, as indicated in Chapter I, section of this report.

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

- 4.4.1. Consider updating the provisions that govern the SCD, in particular the Civil Service Orders for the Public Service of Saint Vincent and the Grenadines, which were enacted prior to the 1979 Constitution, and bringing them into line with the current standards necessary for the correct, honorable, and due performance of public functions. (See section 4.2 of Chapter II of this report.)
- 4.4.2. Provide the SCD with the human and financial resources necessary for due compliance with its functions, chiefly those related to the design, implementation, and provision of training for public servants to duly discharge their duties, bearing in mind the availability of resources. (See section 4.2 of Chapter II of this report.)
- 4.4.3. Take the appropriate steps to supplement the training programs given by the SCD with courses on ethics, probity, transparency, and deontological standards governing public officials. (See section 4.2 of Chapter II of this report.)
- 4.4.4. Prepare documented procedures, manuals, or guidelines to facilitate and increase the efficiency and dispatch of the tasks performed by the SCD's personnel, in light of the importance, specificity, and sensitivity of those functions. (See section 4.2 of Chapter II of this report.)
- 4.4.5. Provide the SCD with computer systems and modern technological tools for the effective and efficient management and for promoting the training of the public administration's human resources. (See section 4.2 of Chapter II of this report.)
- 4.4.6. Establish mechanisms to promote and regulate public reporting of acts of corruption in public service, bearing in mind the guidelines set down in the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses. (See section 4.2 of Chapter II of this report.)
- 4.4.7. Establish efficient and effective inter-institutional coordination to encourage and ensure that permanent secretaries, department heads, or other persons with the responsibility of doing so provide the SCD with the timely information it needs to perform its functions of disciplinary control and personnel administration within the public administration. (See section 4.2 of Chapter II of this report.)
- 4.4.8. Adopt the measures deemed appropriate to establish, within the SCD, accountability mechanisms or the presentation of management reports on the performance of its functions and the way to make those reports public. (See section 4.2 of Chapter II of this report.)
- 4.4.9. Prepare and publish statistical data on the disciplinary proceedings brought before the PSC in accordance with the applicable provisions of the Constitution, the PSC Regulations, and Civil Service Orders, including, *inter alia*, the total number of cases investigated, the number of decisions adopted in connection with them, the number of those decisions in which responsibilities were found or penalties were imposed, the number of those decisions in which no responsibilities were found or acquittals were given, and the number of those decisions ruling on the triggering of statutory limitations for the sanction or the extinction of responsibility through a failure to adopt a decision within the established deadlines, in order to identify

challenges and, if applicable, adopt corrective measures. (See section 4.3 of Chapter II of this report.)

4.4.10. Adopt the relevant measures to allow public servants and the general public to consult, by means of the Government's official web site, the SCD's annual training plans and/or programs and the results thereof. (See section 4.3 of Chapter II of this report.)

4.4.11. Develop campaigns and/or programs to orient public servants and private citizens regarding ethical behavior in their dealings with the State. (See section 4.3 of Chapter II of this report.)

III. BEST PRACTICES

[154]The country under review did not identify any best practices that it wishes to share with the other member countries of the MESICIC, pursuant to section V of the *Methodology* for the review of the Implementation of the provision of the Convention selected in the Fourth Round and the Format for country reports adopted by the Committee for that round. Nevertheless, during the on-site visit the State under review identified, as a good practice adopted by the SCD, the use of free software, such as Skype, to facilitate timely and personalized interactions with students who require advice and assistance in connection with the scholarships made available through the SCD.

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 REVIEW^{30/}

[155]The Committee will refer below to the progress, information, and new developments made by Saint Vincent and the Grenadines 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 framework of the Second and Third Rounds,^{31/} 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 them pursuant to section VI of the *Methodology* adopted by the Committee for the Fourth Round of Review.

[156]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.

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

31. Available at: <http://www.oas.org/juridico/english/vct.htm>

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

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

Recommendation:

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

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

- a) Strengthen, complement and update the standards governing the conduct of public servants in general, including those provisions designed to prevent conflicts of interest, without prejudice to systems intended for specific sectors, whose particular nature might require specialized treatment.*
- b) Create or strengthen mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service*
- c) Create and implement mechanisms to determine, in concrete cases, if a person who performs public functions is in a situation of conflict of interests, and, at the same time, adopt measures necessary to protect public interests, such as dissociation from the exercise of their functions, withdrawal from official involvement in the matter, relinquishment of the private interests in conflict, or nullity of any decisions adopted by a person in such a position*
- d) Establish suitable restrictions for persons leaving public service, such as a prohibition preventing their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office, or with institutions with which they might have been recently connected in the performance of their official duties.*

[157] In its reply to the questionnaire,^{32/} the State under review submitted no information additional to that already analyzed by the Committee in the Second and Third Round reports.

[158] Nevertheless, during the on-site visit, Saint Vincent and the Grenadines was asked about the current status of the Integrity in Public Life Draft Bill^{33/} and of the Prevention of Corruption Draft Bill^{34/} (both from 2005), which could address, among other matters, the issues referred to in suggested measures (a) to (d).

[159] The representatives of the State under review reported that those bills were still undergoing consultations in order for the measures suggested by the Committee to be duly addressed in them. However, they also reported that the representatives of the Office of the Attorney General, as the

32. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 8 to 15, available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_resp.pdf

33. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_int_publ_life_bill.pdf

34. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_prev_corr_bill.pdf

body responsible for promoting laws, have to date received no further comments on them, even though both bills remain an integral part of the legislative agenda.

[160] Nevertheless, to deal with the issues referred to in the measures suggested by the Committee, the State under review also reported that it is implementing, *inter alia*, provisions that in some way serve to prevent conflicts of interest. These are chiefly contained in the Constitution, the House of Assembly (Privileges, Immunities and Powers) Act, the Criminal Code, and the Police Act and Regulations. No new or other provisions and/or measures related to the matters addressed by either the recommendation or the suggested measures have been adopted.

[161] In addition, among the difficulties with the adoption of the two bills identified during the on-site visit, the State under review indicated that the government had had to give a higher priority to other laws of a financial nature to address the economic crises and natural disasters that Saint Vincent and the Grenadines has unfortunately had to face in recent years.

[162] Regardless of the foregoing, the Committee is concerned at the almost decade-long delay in the consideration and ultimate adoption of legislative initiatives of this kind, which are of relevance to the correct, honorable, and due performance of public functions. Consequently, the Committee reiterates the need for the State under review to pay additional attention to the implementation of measures (a) to (d) of the recommendation in section 1.1 of Chapter IV of this report; in addition, it further suggests the possibility of the State taking into account, for the purposes of its implementation, the “Legislative Guide” on basic elements in conflicts of interest prepared by the MESICIC Technical Secretariat, which is available on the Anticorruption Portal of the Americas.³⁵ (See measures (a) to (d) of section 1.1 in Annex I to this Report.)

[163] It should also be noted that during the on-site visit, the civil society organizations and professional associations that were invited to participate agreed on the vital importance of the prompt adoption of regulations such as those contained in the bills in question; they also expressed their concern at the considerable delays in their presentation to and ultimate adoption by Parliament.

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:

Strengthening and updating systems of control and use of resources within the public administration, by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them in the performance of their functions

[164] In its reply to the questionnaire,^{36/} the State under review submitted no information additional to that already analyzed by the Committee in the Second and Third Round reports.

[165] In addition to the considerations expressed regarding the implementation of measures (a) to (d) of the recommendation in section 1.1 above, which are deemed to be related to this recommendation,

35. Available at: http://www.oas.org/juridico/english/gl_conflict_int.doc

36. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 15 to 17, *supra* note 32.

in its reply the State under review stated that one of the difficulties observed in the implementation processes was that “...*potential difficulties may be experienced in attempting to break the culture of abuse [misuse] of office resources for personal use that is typical in the Public Service.*”

[166] Accordingly, the Committee reiterates the need for Saint Vincent and the Grenadines to pay additional attention to the implementation of the recommendation in section 1.2 of Chapter IV of this report; in addition, it suggests the possibility of the State taking into account, for the purposes of its implementation, the “Legislative Guide” prepared by the MESICIC Technical Secretariat on basic elements in the conservation and proper use of resources assigned to public officials in the performance of their duties, which is available on the Anticorruption Portal of the Americas.^{37/} (See 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:

Developing and strengthening mechanisms requiring public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

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

- a) *Establish further mechanisms and systems that require public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.*
- b) *Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.*

[167] In its reply to the questionnaire,^{38/} the State under review submitted no information additional to that already analyzed by the Committee in the Second and Third Round reports.

[168] In addition to the considerations expressed regarding the implementation of the recommendations in sections 1.1 and 1.2 above, which are deemed to be related to this recommendation and suggested measures, in its reply the State under review said that one of the difficulties observed in the implementation processes was that “...*Officers may be hesitant to report acts of corruption due to fear of being adversely affected if this is done.*”

[169] Notwithstanding the foregoing, during the on-site visit the representatives of the State under review spoke of the protection that the Constitution provides for the job stability of public servants, which could be considered an incentive for reporting acts of corruption in public service without fear of reprisals. They also indicated that the Office of the Attorney General was working, as a major component of its legislative agenda, on preparing the Public Service Bill, which would address issues

37. Available at: http://www.oas.org/juridico/english/gl_use_resources.doc

38. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 18 to 20, *supra* note 32.

such as those contained in measures (a) and (b) of the recommendation transcribed above, together with other matters.

[170] Accordingly, the Committee reiterates the need for Saint Vincent and the Grenadines to pay additional attention to the implementation of the recommendation in section 1.2 of Chapter IV of this report; in addition, it suggests the possibility of the State taking into account, for the purposes of its implementation, the “Legislative Guide” prepared by the MESICIC Technical Secretariat on basic elements on a system requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware, which is available on the Anticorruption Portal of the Americas.^{39/} (See measures (a) and (b) of section 1.3 in Annex I to this report.)

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

Recommendation:

Adopting standards to strengthen the systems for registering income, assets, and liabilities and, where appropriate, for making such registrations public.

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

Implement specific standards, taking into account the existing legal initiative, including reasonable time limits and circumstances for periodic filing of up-to-date disclosures of income, assets, and liabilities by persons who perform public functions in certain posts as specified by law, including sanctions for those that do not comply with the requirement to furnish such declarations. These systems for registering income, assets and liabilities by persons who perform public functions would constitute an instrument for preventing and detecting conflicts of interest and illicit acts or activities.

[171] In its reply to the questionnaire,^{40/} the State under review presented information and new developments that could assist with the implementation of the above measure.

[172] Similarly, during the on-site visit, the representatives of the State under review spoke of the adoption of new legal provisions governing the collection of taxes that could serve to strengthen fiscal auditing controls. However, since these are specific provisions establishing systems for registering incomes, assets, and liabilities and for regulating, when applicable, their disclosure, the State’s representatives reiterated the considerations expressed in connection with the current state of the Integrity in Public Life Draft Bill which would, *inter alia*, also regulate those systems.

[173] Consequently, the Committee reiterates the need for the State under review to pay additional attention to the implementation of measure (a) of the recommendation in section 2 of Chapter IV of this report. In addition, for that same purpose, the Committee believes it would be useful for the State under review to consider the criteria established in the Model Law on the Declaration of Interests, Income, Assets, and Liabilities of Persons Performing Public Functions, which is available on the

39. Available at: http://www.oas.org/juridico/english/gl_report_acts_corr.doc .

40. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 20 and 21, *supra* note 32.

Anticorruption Portal of the Americas.^{41/} Accordingly, it rephrases the measure in question as follows:

[174] – Consider adopting specific provisions, bearing in mind the criteria set out in the Model Law on the Declaration of Interests, Income, Assets, and Liabilities of Persons Performing Public Functions, that include reasonable deadlines and circumstances for requiring the regular and updated filing of statements of income, assets, and liabilities by persons performing public functions in the positions established by law, and that also include a regime of sanctions for those who fail to meet the obligation of presenting those statements and the conditions, procedures, and other matters related to the disclosure thereof, when applicable, in accordance with the legal system in force. (See the sole measure in section 2 of Annex I to this report.)

[175] It should also be noted that during the on-site visit, the civil society organizations and professional associations that were invited to participate also agreed that it would be useful and necessary for the State under review to consider promptly adopting systems of this kind to strengthen and increase the efficiency of the detection of possible illicit activities committed by public servants.

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

Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate, in accordance with the laws in force.

[176] In its reply to the questionnaire,^{42/} the State under review presented no information in connection with the above measure. However, given that the issues it addresses are contained in the suggested reformulation of measure (a) of this section's recommendation, the Committee proposes that it be eliminated on the grounds of redundancy.

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:

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 to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

[177] In its reply to the questionnaire,^{43/} the State under review presented information and new developments relating to the implementation of the above recommendation. However, since Chapter II, section 3, of this report offers an updated and detailed analysis of the oversight bodies identified by the State under review under Article III, paragraph 9, of the Convention, the Committee endorses the remarks made in that section and consequently believes that this recommendation is redundant.

41. Available at: http://www.oas.org/juridico/english/law_declaration.htm

42. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, p. 22, *supra* note 32.

43. Ibid, pp. 22 to 24.

[178] Notwithstanding the foregoing, based on the information available to it and on the contributions received from the civil society organizations and professional associations that were invited to participate during the on-site visit, the Committee notes that the Integrity in Public Life Bill referred to above provides for the establishment of an Integrity Commission in the State, which, if legally created, would have a range of functions including receiving, verifying, and filing the statements referred to in the bill; this could be considered progress with the pursuit of the Convention's purposes, with the Commission considered an oversight body pursuant to the terms of Article III, paragraphs 4 and 9, of the Convention.

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:

Establish a body with specific competence in the efforts destined to prevent corruption that includes civil society and nongovernmental organizations, taking into account the existing legal initiative (Civil Society Organizations Draft Bill).

[179] In its reply to the questionnaire,^{44/} the State under review presented information which it considers to be related to the implementation of the foregoing recommendation.

[180] Nevertheless, during the on-site visit, Saint Vincent and the Grenadines was asked about the current status of the bill for the Civil Society Organizations Act^{45/} of 2005 referred to in that recommendation.

[181] The representatives of the State under review indicated that in spite of the absence of subsequent developments following the preparation of the draft bill, the State remains eager to make progress with the implementation of mechanisms to promote the participation of civil society and nongovernmental organizations in accordance with Article III, paragraph 11, of the Convention and, accordingly, the Office of the Attorney General would be returning to the consideration of the bill through the actions necessary to pursue its adoption and enactment.

[182] Similarly, the civil society organizations and professional associations that were invited to participate during the on-site visit expressed their satisfaction at the existence of this legislative initiative, of which some of them were previously unaware; they also agreed that it was important for the State under review to redouble its efforts to introduce modern regulations to facilitate, promote, and uphold their right to participate in preventing and combating corruption.

[183] In light of the foregoing, the Committee believes it should reformulate the recommendation contained in section 4.1 of Chapter IV of this Report in the following terms, in order to focus on the issues highlighted:

44. Ibid, pp. 24 and 25.

45. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_civ_soc_org_act_05.pdf

[184] – Consider adopting specific regulations in order to establish, strengthen, and/or improve, as applicable, the mechanisms for participation by civil society and nongovernmental organizations in efforts to prevent corruption. (See sole recommendation in section 4.1 of Annex I to this Report.)

4.2. Mechanisms for access to information

Recommendation:

Strengthen the mechanisms to ensure access to information

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

- a) *Adopt, as soon as possible, the necessary measures for the promulgation and full entry into force of the Freedom of Information Act (Act No. 27) of 2003.*
- b) *Establish mechanisms to enforce obligations of public authorities under the Freedom of Information Act (Act No. 27) of 2003, including a system of penalties for public servants who breach those obligations.*
- c) *Consider the establishment of administrative procedures by which decisions of public authorities made under the Freedom of Information Act (Act No. 27) of 2003 may be appealed*
- d) *Implement training and awareness-raising programs on mechanisms for access to public information, in order to facilitate their comprehension by public servants and members of the public, as well as to improve the use of the technology available for that purpose.*

[185] In its reply to the questionnaire,^{46/} the State under review submitted no information additional to that already analyzed by the Committee in the Second and Third Round reports.

[186] During the on-site visit, Saint Vincent and the Grenadines was asked about the current status of the Freedom of Information Act^{47/} that was passed in 2003 but was pending entry into force because, to date, it has not been officially enacted pursuant to the terms of section 2 thereof.

[187] The representatives of the State under review indicated that although the Freedom of Information Act had not been enacted, the promotion of access to government information was a state policy and, accordingly, it had been taking such steps as encouraging the use of the media – in particular, the internet – to disseminate government information; the State was also a participant in discussions about the HIPCAR^{48/} and EGRIP^{49/} Projects, which, from the information made available to the Committee, is of assistance to the State under review in the process of enacting the legislation in question.

[188] Nevertheless, the Committee is concerned at the more than 10 years it has taken the State under review to adopt the measures necessary to enact this legislation and bring it into full effect, and it notes that neither the causes nor circumstances behind this considerable delay have been identified.

46. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 25 to 30, *supra* note 32.

47. Available at: http://www.oas.org/juridico/PDFs/mesicic4_svg_fre_info_act_03.pdf

48. See: <http://goo.gl/EPfjFu>

49. See: <http://goo.gl/D0HYw0>

[189] Accordingly, the Committee reiterates its comments and conclusions set out in the First Round report^{50/} in connection with this topic, and it urges Saint Vincent and the Grenadines to pay additional attention to the implementation of the recommendation in section 4.2 of Chapter IV of this report, and to suggested measures (a) to (d). (See measures (a) to (d) of the recommendation in section 4.2 in Annex I to this Report.)

[190] It should be noted that during the on-site visit, the civil society organizations and professional associations that were invited to participate expressed their concern at this delay, together with their legitimate interest in having, as soon as possible, a current and binding regime that would effectively and efficiently ensure access to information held by the public authorities.

4.3. Mechanisms for consultation

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

4.3.1. Create consultation mechanisms to enable civil society and nongovernmental organizations to generate opinions and proposals to be taken into account in preventing, detecting, investigating, and punishing corruption.

4.3.2. Design and implement programs to publicize consultation mechanisms and, as appropriate, provide training and instruments necessary for effective implementation of those mechanisms.

[191] In its reply to the questionnaire,^{51/} the State under review presented no information in connection with these recommendations.

[192] During the on-site visit, the representatives of the State under review said that although there were some informal mechanisms for consultations with certain sectors of society civil within the Office of the Attorney General, the Royal Police Force, the Financial Intelligence Unit, and the Financial Services Authority, they did not deal with issues related to the prevention and combat of corruption.

[193] Accordingly, the Committee reiterates the need for Saint Vincent and the Grenadines to pay additional attention to the implementation of recommendations 4.3.1 and 4.3.2 in section 4.3 of Chapter IV of this report; in addition, it suggests the possibility of taking into account, for the purposes of its implementation, the “Legislative Guide” prepared by the MESICIC Technical Secretariat on basic elements for civil society participation, which is available on the Anticorruption Portal of the Americas,^{52/} section 2 of which deals with consultation mechanisms. (See recommendations 4.3.1 and 4.3.2 in section 4.3 of Annex I to this Report.)

50. See: “Report on Implementation in Saint Vincent and the Grenadines of the Convention Provisions Selected for Review in the Second Round, and on Follow-up to the Recommendations Formulated to that Country in the First Round,” pp. 14 to 16, 23, and 24, *supra* note 12.

51. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 30 to 32, *supra* note 32.

52. Available at: http://www.oas.org/juridico/english/gl_consultation.doc

4.4. Mechanisms to encourage participation in public administration

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

- 4.4.1. *Develop -taking into account its system of laws- standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy and decision making processes as part of the efforts to prevent corruption.*
- 4.4.2. *Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms.*

[194] In its reply to the questionnaire,^{53/} the State under review presented no information in connection with these recommendations.

[195] During the on-site visit, the representatives of the State under review reiterated the remarks offered in connection with the implementation of the recommendations referred to in section 4.3 above: namely, that although they also have informal mechanisms – in this case, to encourage participation in the public administration by civil society organizations and nongovernmental organizations – those do not have anything to do with the processes of adopting public policies and decisions for preventing corruption, as indicated by the first recommendation.

[196] Accordingly, the Committee reiterates the need for Saint Vincent and the Grenadines to pay additional attention to the implementation of recommendations 4.4.1 and 4.4.2 in section 4.4 of Chapter IV of this report; in addition, it again suggests the possibility of taking into account, for the purposes of its implementation, the “Legislative Guide” prepared by the MESICIC Technical Secretariat on basic elements in civil society participation, which is available on the Anticorruption Portal of the Americas,^{54/} section 3 of which deals with mechanisms for encouraging participation in the public administration. (See recommendations 4.4.1 and 4.4.2 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 participation by civil society and nongovernmental organizations in the follow-up of public administration and to generate opinions and proposals to be taken into account in preventing, detecting, investigating, and punishing corruption.

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

- a) *Promote, where appropriate, methods to allow, facilitate and assist civil society and nongovernmental organizations to engage in activities in the follow-up of public administration and prevention of corruption.*

53. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 32 to 34, *supra* note 32.

54. Available at: http://www.oas.org/juridico/english/gl_consultation.doc

- b) *Design and implement specific programs to disseminate mechanisms to encourage participation in follow-up on public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms.*

[197] In its reply to the questionnaire,^{55/} the State under review provided the following information in connection with measure (a):

[198] *“The media is used by Government in highlighting and discussing policies where public views are expressed.... Public [Government] views are expressed over the many radio stations, television stations and weekly newspapers. There are wide consultations on Bills before passage. Further all Bills drafted in Saint Vincent and the Grenadines are published in the newspapers and available at the Ministry of Legal Affairs for public viewing before passage of the Bill.”*

[199] In addition, during the on-site visit, the representatives of the State under review spoke of the initiatives underway within the Public Sector Reform Unit to implement mechanisms such as those suggested in the recommendation transcribed above.

[200] In light of the foregoing, the Committee reiterates the need for Saint Vincent and the Grenadines to pay additional attention to the implementation of measures (a) and (b) in the recommendation contained in section 4.5 of Chapter IV of this report; in addition, it again suggests the possibility of taking into account, for the purposes of its implementation, the “Legislative Guide” prepared by the MESICIC Technical Secretariat on basic elements in civil society participation, which is available on the Anticorruption Portal of the Americas,^{56/} section 4 of which deals with participation mechanisms for following up on the public administration. (See measures (a) and (b) of 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

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 other treaties signed by Saint Vincent and the Grenadines.

[201] In its reply to the questionnaire,^{57/} the State under review presented the following information as steps that contribute to progress with the implementation of the foregoing recommendation:

[202] *“The Financial Intelligence Unit, in exercising its awareness raising functions, has conducted systematic training for financial institutions. Most of this training is conducted firm by firm, with typical programs involving two hour structured sessions covering key elements of an effective training programme. Follow-up training has been conducted where requested or where the FIU has detected weakness. FIU training is supplemented by follow-up instructions and periodic newsletters.”*

55. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 34 to 36, *supra* note 32.

56. Available at: http://www.oas.org/juridico/english/gl_consultation.doc

57. See: Response of Saint Vincent and the Grenadines to the Fourth Round Questionnaire, pp. 36 and 37, *supra* note 32.

[203] The Committee notes the steps taken by the State undergoing review in pursuing the implementation of recommendation 5.1.1 of section 5.1 of Chapter IV of this report, seen in the actions described above; it also notes the need for the State under review to continue paying attention thereto, bearing in mind that the above information and that gathered during the on-site visit does not indicate that those efforts are targeted at the authorities and other competent officials in order for them to be aware of and apply the mutual assistance provisions in the investigation and/or prosecution of acts of corruption. (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 Saint Vincent and the Grenadines to keep permanent track of mutual assistance requests in relation to acts of corruption, in particular those provided for in the Convention.

[204] In its reply to the questionnaire,^{58/} the State under review presented no information in connection with the foregoing recommendation.

[205] Accordingly, the Committee reiterates the need for the State under review to pay additional attention to the implementation of recommendation 5.1.2 in section 5.1 of Chapter IV of this report, bearing in mind that on the basis of the previous information and that gathered during the on-site visit, it identifies an inadequacy of specific actions for this purpose. (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 Saint Vincent and the Grenadines considers it needs technical cooperation from other States Parties to strengthen its capacities to prevent, detect, investigate and punish acts of corruption. The State under review should also identify and ascribe priority to requests for mutual technical cooperation.

[206] In its reply to the questionnaire,^{59/} the State under review presented no information in connection with the foregoing recommendation.

[207] Nevertheless, based on the information available to it and the information gathered during the on-site visit, the Committee sees that Saint Vincent and the Grenadines has been a beneficiary of various technical cooperation projects sponsored by international organizations, cooperation agencies, banks, other States Party to the Convention, and/or third states, intended to strengthen its capacities in such areas as infrastructure, prevention of natural disasters, security, and others.

[208] However, this information does not indicate whether those cooperation initiatives have strengthened the capacity of Saint Vincent and the Grenadines to prevent, detect, investigate, and punish corrupt acts, in addition bearing in mind that in its reply, the State under review also failed

58. Ibid, pp. 37 and 38.

59. Ibid, pp. 38 and 39.

identify any specific technical cooperation needs of any of the oversight bodies pursuant to the terms of section I, subsection E, of the Fourth Round Questionnaire.

[209] In light of the foregoing, the Committee reiterates the need for the State under review to pay additional attention to the implementation of recommendation 5.2.1 in section 5.2 of Chapter IV of this report. (See recommendation 5.1.2 in section 5.1 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.

[210] In its reply to the questionnaire,^{60/} the State under review presented no information in connection with the foregoing recommendation.

[211] However, during the on-site visit, the representatives of the State under review spoke of the ongoing technical cooperation exchange efforts of the Financial Intelligence Unit within its sphere of competence. However, there is no indication as to whether those efforts addressed effective ways and means of preventing, detecting, investigating, and punishing acts of corruption, as stated in the recommendation.

[212] Accordingly, the Committee reiterates the need for the State under review to pay additional attention to the implementation of recommendation 5.2.2 in section 5.2 of Chapter IV of this report. (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:

Designate, in accordance with the prescribed procedures, the central authority or authorities for the purposes of international assistance and cooperation provided in the Convention.

[213] In its reply to the questionnaire,^{61/} the State under review provided the following information in connection with the above recommendation, which leads the Committee to conclude that it has been satisfactorily considered:

[214] *“The Director of Public Prosecutions (DPP) is the Central authority for requests for mutual assistance in St. Vincent and the Grenadines and the designated authority under the Mutual Assistance (in Criminal Matters) Act 1993. Requests are also channeled through the Attorney General.”*

[215] The Committee takes note of the satisfactory consideration by the State under review of recommendation 6.1, contained in Chapter IV, section 6, of this report.

60. Ibid, pp. 39 and 40.

61. Ibid, pp. 40 and 41.

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

Notify the OAS General Secretariat, in accordance with the prescribed formalities, of the designation of the central authority or authorities mentioned in the foregoing point.

[216] In its reply to the questionnaire,^{62/} the State under review presented no information in connection with the foregoing recommendation. However, during the on-site visit, it reported that the notification referred to therein would be made shortly. Nevertheless, the Committee reiterates the need for the State under review to give additional attention to it. (See sole recommendation in section 6 of Annex I to this Report.)

7. GENERAL RECOMMENDATIONS

Recommendations suggested by the Committee that requires 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 their proper acquaintance, management, and application.*
- 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, Saint Vincent and the Grenadines could take into account the list of broader indicators applicable to the inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. The State under review 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.*

[217] In its reply to the questionnaire,^{63/} the State under review presented no information in connection with the foregoing recommendations. However, during the on-site visit, it reported that the competent authorities were giving them due consideration for their subsequent effective implementation. Nevertheless, the Committee reiterates the need for the State under review to pay additional attention to them. (See recommendations 7.1, 7.2, and 7.3 in section 7 of Annex I to this Report.)

62. Ibid, pp. 41 and 42.

63. Ibid, pp. 42 to 45.

ANNEX I

PENDING AND RE-FRAMED RECOMMENDATIONS FROM THE FIRST ROUND

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

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

Recommendation:

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

Suggested measures:

- a) Strengthen, complement and update the standards governing the conduct of public servants in general, including those provisions designed to prevent conflicts of interest, without prejudice to systems intended for specific sectors, whose particular nature might require specialized treatment.
- b) Create or strengthen mechanisms to ensure that no appointments are made in breach of the rules in force on ineligibility and incompatibility in public service
- c) Create and implement mechanisms to determine, in concrete cases, if a person who performs public functions is in a situation of conflict of interests, and, at the same time, adopt measures necessary to protect public interests, such as dissociation from the exercise of their functions, withdrawal from official involvement in the matter, relinquishment of the private interests in conflict, or nullity of any decisions adopted by a person in such a position
- d) Establish suitable restrictions for persons leaving public service, such as a prohibition preventing their involvement for a reasonable period in any official matters in which they might have engaged by virtue of their office, or with institutions with which they might have been recently connected in the performance of their official duties.

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

Recommendation:

Strengthening and updating systems of control and use of resources within the public administration, by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them in the performance of their functions.

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

Recommendation:

Developing and strengthening mechanisms requiring public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.

Suggested measures:

- a) Establish further mechanisms and systems that require public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware.
- b) Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.

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

Recommendation:

Consider adopting specific provisions, bearing in mind the criteria set out in the Model Law on the Declaration of Interests, Income, Assets, and Liabilities of Persons Performing Public Functions, that include reasonable deadlines and circumstances for requiring the regular and updated filing of statements of income, assets, and liabilities by persons performing public functions in the positions established by law, and that also include a regime of sanctions for those who fail to meet the obligation of presenting those statements and the conditions, procedures, and other matters related to the disclosure thereof, when applicable, in accordance with the legal system in force

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

The Committee takes note that the recommendation formulated in this section that required additional attention is no longer valid.

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 adopting specific regulations in order to establish, strengthen, and/or improve, as applicable, the mechanisms for participation by civil society and nongovernmental organizations in efforts to prevent corruption.

4.2. Mechanisms for access to information

Recommendation:

Strengthen the mechanisms to ensure access to information

Measures suggested:

- a) Adopt, as soon as possible, the necessary measures for the promulgation and full entry into force of the Freedom of Information Act (Act No. 27) of 2003.
- b) Establish mechanisms to enforce obligations of public authorities under the Freedom of Information Act (Act No. 27) of 2003, including a system of penalties for public servants who breach those obligations.
- c) Consider the establishment of administrative procedures by which decisions of public authorities made under the Freedom of Information Act (Act No. 27) of 2003 may be appealed
- d) Implement training and awareness-raising programs on mechanisms for access to public information, in order to facilitate their comprehension by public servants and members of the public, as well as to improve the use of the technology available for that purpose.

4.3. Mechanisms for consultation

Recommendation 4.3.1:

Create consultation mechanisms to enable civil society and nongovernmental organizations to generate opinions and proposals to be taken into account in preventing, detecting, investigating, and punishing corruption.

Recommendation 4.3.2:

Design and implement programs to publicize consultation mechanisms and, as appropriate, provide training and instruments necessary for effective implementation of those mechanisms.

4.4. Mechanisms to encourage participation in public administration

Recommendation 4.4.1:

Develop -taking into account its system of laws- standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public policy and decision making processes as part of the efforts to prevent corruption.

Recommendation 4.4.2:

Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms

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

Recommendation:

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

Measures suggested:

- a) Promote, where appropriate, methods to allow, facilitate and assist civil society and nongovernmental organizations to engage in activities in the follow-up of public administration and prevention of corruption.
- b) Design and implement specific programs to disseminate mechanisms to encourage participation in follow-up on public administration and, as appropriate, provide the necessary training and tools for the effective implementation of those mechanisms.

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 other treaties signed by Saint Vincent and the Grenadines.

Recommendation 5.1.2:

Design and implement an information program that enables the authorities of Saint Vincent and the Grenadines 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 cooperation

Recommendation 5.2.1:

Identify specific areas in which Saint Vincent and the Grenadines considers it needs technical cooperation from other States Parties to strengthen its capacities to prevent, detect, investigate and punish acts of corruption. The State under review 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:

Notify the OAS General Secretariat, in accordance with the prescribed formalities, of the designation of the central authority or authorities.

7. GENERAL RECOMMENDATIONS

Recommendation 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 their proper acquaintance, management, and application.

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, Saint Vincent and the Grenadines could take into account the list of broader indicators applicable to the inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. The State under review could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

Recommendation 7.2.:

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 SAINT VINCENT AND THE GRENADINES

<u>First day: Tuesday, April 22, 2014</u>	
08:30 hrs. – 09:30 hrs. <i>Grenadine House Hotel</i>	Coordination meeting between the representatives of the member states of the subgroup and the Technical Secretariat.
09:30 hrs. – 10:30 hrs. <i>Grenadine House Hotel</i>	Coordination meeting between the representatives of the country under review, the member states of the subgroup and the Technical Secretariat.
10:45 hrs. – 13:00 hrs. <i>Grenadine House Hotel</i>	Meeting with civil society organizations and/or, <i>inter alia</i>, private sector organizations, professional organizations, academics or researchers.
	<p><u>Topics:</u></p> <ul style="list-style-type: none"> • Cooperation between the public sector and oversight bodies in efforts aimed at preventing and combating corruption. • Follow-up to Recommendations from the First Round. <p><u>Participants:</u></p> <p>- SVG Chamber of Industry and Commerce Ms. Christine DaSilva, President Mr. Andrew Woodroof</p> <p>- The Bar Association of SVG Ms. Patina Knights Ms. LaTeisha Sandy</p> <p>- SVG Chamber Chamber of Agriculture & Nutrition Mr. Lennox Lampkin Mrs. Joylin Lampkin</p> <p>- National Council of Women Mrs. Anesta Rodney, President Mrs. Brenda Oliver, Assistant Secretary</p>
13:00 hrs. – 14:00 hrs.	Lunch

14:00 hrs. – 17:30 hrs. <i>Grenadine House Hotel</i>	Attorney General's Chambers
14:00 hrs. – 16:00 hrs.	<p><u>Panel 1:</u></p> <ul style="list-style-type: none"> • Brief presentation on the institution's objectives, functions and structure. • Rules governing spheres of competence and inter-institutional coordination mechanisms. • Adoption of decisions. • Legal and administrative human resources regime and training activities. • In-house rules regarding fulfillment of responsibilities and institutional strengthening. • Dissemination of its objectives and functions. <p><u>Participants:</u> Hon. Judith S. Jones Morgan, CMG- Attorney General Ms. Cerepha Harper, Crown Counsel I Ms. Jeneille Lewis, Administrative Officer/ Legal Assistant Mr. J-Lany Williams Ms. Diana Paris, Typist</p>
16:00 hrs. – 17:30 hrs.	<p><u>Panel 2:</u></p> <ul style="list-style-type: none"> • Internal control and accountability mechanisms • Budgetary regime • Results in relation to the fulfillment of its responsibilities and the dissemination of those findings • Difficulties with fulfilling obligations and needs for technical cooperation • Information regarding best practices <p><u>Participants:</u> Hon. Judith S. Jones Morgan, CMG- Attorney General Ms. Cerepha Harper, Crown Counsel I Ms. Jeneille Lewis, Administrative Officer/ Legal Assistant Ms. Diana Paris, Typist</p>
17:30 hrs. – 18:00 hrs. <i>Grenadine House Hotel</i>	Informal meeting between the representatives of the member states of the subgroup and the Technical Secretariat.

<u>Second day: Wednesday, April 23, 2014</u>	
8:30 hrs. – 12:30 hrs. <i>Grenadine House Hotel</i>	Director of Public Prosecutions
08:30 hrs. – 10:30 hrs.	<u>Panel 3:</u> <ul style="list-style-type: none">• Brief presentation on the institution's objectives, functions and structure.• Rules governing spheres of competence and inter-institutional coordination mechanisms.• Adoption of decisions.• Legal and administrative human resources regime and training activities.• In-house rules regarding fulfillment of responsibilities and institutional strengthening.• Dissemination of its objectives and functions.
	<u>Participants:</u> Mr. Colin Williams, Director of Public Prosecutions Mr. Colin John, Assistant Director of Public Prosecutions
10:30 hrs. – 12:30 hrs.	<u>Panel 4:</u> <ul style="list-style-type: none">• Internal control and accountability mechanisms• Budgetary regime• Results in relation to the fulfillment of its responsibilities and the dissemination of those findings• Difficulties with fulfilling obligations and needs for technical cooperation• Information regarding best practices
	<u>Participants:</u> Mr. Colin Williams, Director of Public Prosecutions Mr. Colin John, Assistant Director of Public Prosecutions
12:30 hrs. – 14:00 hrs.	Lunch

14:00 hrs. – 17:30 hrs. <i>Grenadine House Hotel</i>	Director of Audit
14:00 hrs. – 16:00 hrs.	<p><u>Panel 5:</u></p> <ul style="list-style-type: none"> • Brief presentation on the institution's objectives, functions and structure. • Rules governing spheres of competence and inter-institutional coordination mechanisms. • Adoption of decisions. • Legal and administrative human resources regime and training activities. • In-house rules regarding fulfillment of responsibilities and institutional strengthening. • Dissemination of its objectives and functions. <p><u>Participants:</u> Ms. Dahlia Sealey, Director of Audit Ms. Joan Brown, Deputy Director of Audit</p>
16:00 hrs. – 17:30 hrs.	<p><u>Panel 6:</u></p> <ul style="list-style-type: none"> • Internal control and accountability mechanisms • Budgetary regime • Results in relation to the fulfillment of its responsibilities and the dissemination of those findings • Difficulties with fulfilling obligations and needs for technical cooperation • Information regarding best practices <p><u>Participants:</u> Ms. Dahlia Sealey, Director of Audit Ms. Joan Brown, Deputy Director of Audit</p>
17:30 hrs. – 18:00 hrs. <i>Grenadine House Hotel</i>	Informal meeting between the representatives of the member states of the subgroup and the Technical Secretariat.

Third day: Thursday, April 24, 2014	
8:30 hrs. – 12:30 hrs. <i>Grenadine House Hotel</i>	Service Commissions Department
08:30 hrs. – 10:30 hrs.	<p><u>Panel 7:</u></p> <ul style="list-style-type: none"> • Brief presentation on the institution's objectives, functions and structure. • Rules governing spheres of competence and inter-institutional coordination mechanisms. • Adoption of decisions. • Legal and administrative human resources regime and training activities. • In-house rules regarding fulfillment of responsibilities and institutional strengthening. • Dissemination of its objectives and functions. <p>Participants: Mrs. Corinne Gonsalves, Chief Personnel Officer, Services Commissions Department Mr. Myccle Burke, Director of Training</p>
10:30 hrs. – 12:30 hrs.	<p><u>Panel 8:</u></p> <ul style="list-style-type: none"> • Internal control and accountability mechanisms • Budgetary regime • Results in relation to the fulfillment of its responsibilities and the dissemination of those findings • Difficulties with fulfilling obligations and needs for technical cooperation • Information regarding best practices <p>Participants: Mrs. Corinne Gonsalves, Chief Personnel Officer, Services Commissions Department. Mr. Myccle Burke, Director of Training.</p>
12:30 hrs. – 14:00 hrs.	Lunch

14:00 hrs. – 17:00 hrs. <i>Grenadine House Hotel</i>	Follow-up to Recommendations from the First Round
	<p><u>Panel 9:</u></p> <ul style="list-style-type: none"> • Standards of conduct and mechanisms to enforce compliance • Systems for declaring income, assets, and liabilities • Mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption • Assistance and cooperation • Central authorities • General recommendations
	<p><u>Participants:</u></p> <p>Hon. Judith S. Jones Morgan, CMG- Attorney General Ms. Cerepha Harper, Crown Counsel I Ms. Jeneille Lewis, Administrative Officer/ Legal Assistant Mr. J-Lany Williams Ms. Diana Paris, Typist</p>
17:00 hrs. – 17:30 hrs. <i>Grenadine House Hotel</i>	Informal meeting between the representatives of the member states of the subgroup and the Technical Secretariat.
17:30 hrs. – 18:00 hrs. <i>Grenadine House Hotel</i>	Final meeting between the representatives of the country 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:

SAINT VINCENT AND THE GRENADINES

Hon. Judith Jones-Morgan

Lead Expert to the Committee of Experts of the MESICIC
Attorney General

Jeneille Lewis

Legal Assistant and Administrative Officer
Attorney General's Chambers

MEMBER STATES OF THE PRELIMINARY REVIEW SUBGROUP:

PANAMA

Antonio Lam

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Chief of the International Technical Cooperation Office of the National Council of Transparency
against Corruption

SAINT KITTS AND NEVIS

Simone Bullen-Thompson

Alternate Expert to the Committee of Experts of the MESICIC
Solicitor General

TECHNICAL SECRETARIAT OF THE MESICIC:

Rodrigo Cortés

Legal Officer of the Department of Legal Cooperation
OAS Secretariat for Legal Affairs