

GUYANA'S RESPONSE, June 20, 2013

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QUESTIONNAIRE REGARDING THE PROVISION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED FOR REVIEW IN THE FOURTH ROUND AND FOR FOLLOW-UP OF THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND¹*

INTRODUCTION

The *Report of Buenos Aires*^{2/} and the *Rules of Procedure and Other Provisions*^{3/} of the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (hereinafter, as applicable, *Report of Buenos Aires*, *Rules of Procedure*, *Committee*, *Mechanism*, and *Convention*) provide that the Committee shall adopt a questionnaire on the selected provisions to be reviewed in each round.

At its Eighteenth Meeting, held on March 21 to 25, 2011, the Committee agreed on the comprehensive review of “oversight bodies, with a view to implementing modern mechanisms for preventing, detecting, punishing, and eradicating corrupt acts” (Article III, paragraph 9, of the Convention) as the topic for review during the Fourth Round. In addition, in compliance with recommendation 9(a) of the Third Meeting of the Conference of States Parties of the MESICIC^{4/}, it was agreed that in the Fourth Round, “with regard to the follow-up of recommendations, [the Committee will concentrate] exclusively on the follow-up of the recommendations formulated to the States Parties in their corresponding reports of the First Round and which were deemed to require additional attention in the reports of the Second and Third Rounds, including the consideration of any new and relevant information or developments that would allow the Committee to determine the continued validity of the recommendations and measures suggested in the reports of the First Round and, with regard to those deemed still valid, to assess whether the State has given them satisfactory consideration or whether additional attention is required or, when applicable, to restate or reformulate them.”

Furthermore, Article 29 of the *Rules of Procedure* states that the information on the implementation of the recommendations is to be presented by each State Party using the standard format provided by the Committee as an Annex to the Questionnaire. It also establishes that “with respect to the

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- * This Questionnaire includes an Annex I that contains an individualized format for the Co-operative Republic of Guyana to present progress and new information on developments related to the implementation of the recommendations formulated in the country report in the First Round of Review.
2. The Report of Buenos Aires (document AG/RES. 1784 (XXXI-O/01)) is available at: www.oas.org/juridico/english/doc_buenos_aires_en.pdf
 3. The Rules of Procedure and Other Provisions of the Committee of Experts of the MESICIC (document SG/MESICIC/doc.9/04 rev. 4) are available at: www.oas.org/juridico/english/mesicic_rules.pdf
 4. The Recommendations of the Third Meeting of the Conference of States Parties of the MESICIC (document MESICIC/CEP-III/doc.4/10 rev. 1) are available at: www.oas.org/juridico/english/cepIII_recom_en.pdf

implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process,” and that “should it deem it to be appropriate, the State Party may also identify the domestic agencies that have participated in implementing the recommendations, as well as identify specific technical assistance or other needs connected with the implementation of the recommendations.”

Pursuant to the above, this document contains the questions that comprise the questionnaire adopted by the Committee.

The responses given to the questionnaire shall be reviewed in accordance with the methodology adopted by the Committee, which may be consulted on the *Anticorruption Portal of the Americas* at www.oas.org/juridico/english/mesicic_rounds.htm.

In accordance with Article 21 of the *Rules of Procedure*, the State Party shall return its response to the questionnaire through its Permanent Mission to the OAS, in an electronic format, along with the corresponding supporting documents, within the deadline established by the Committee.

To this effect, the OAS General Secretariat’s e-mail address, to which the response to the Questionnaire should be sent and to which queries may be addressed in order to clarify any doubts that may arise, is the following LegalCooperation@oas.org.

SECTION I

QUESTIONS ON IMPLEMENTATION OF THE CONVENTION PROVISION SELECTED FOR REVIEW IN THE FOURTH ROUND

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

- A) **Indicate the oversight bodies in your country that would be relevant for preventing, detecting, punishing, and eradicating corrupt acts, and briefly state the assigned purpose of each.**

Prevention:

Accountant General’s Office -management of public financial expenditure,

Internal Audit Division, MOF and Government agencies – internal oversight⁵

Secretary to the Treasury;

National Procurement and Tender Administration (NPTA) – elaborated on in the report

⁵ An explanation is provided in this report.

Regulatory bodies governed by statute- natural resources, agriculture, health, land, housing, etc

Office of the Commissioner of Information (appointed under the new Access to Information Act 2011)

National Commission on Law and Order-broad-based advisory body to the President comprised of parliamentary political parties, civil society representatives, the DPP and Attorney General's Chambers and Heads of the Disciplined Forces.

4 Parliamentary Sectoral Standing Committees oversight government performance and policy in the areas of Economic Services, Natural Resources, Social Services and Foreign Services.

Detection and investigating:

Audit Office of Guyana (AOG) as provided for in the revised 2003 Guyana Constitution, Audit Act 2003 and the Regulations and other statutes- a public office

Public Accounts Committee as provided for in the Guyana Constitution (Art 223 and Standing Orders of the Guyana Parliament)

4 Parliamentary Sectoral Committees (provided for in the Guyana Constitution and the Standing Orders⁶ of the Guyana Parliament)⁷

Guyana Revenue Authority – a body corporate ⁸

Integrity Commission - ⁹

National Procurement and Tender Administration (NPTA)- a body corporate ¹⁰

Financial Intelligence Unit, provided in the AMLCFT Act 2009 and amendment 2010 and 2010 Regulations

“ipaidabribeguyana” new website launched under the Citizenship Security Programme of the Ministry of Home Affairs

Regulatory bodies of professionals covered by statute- health practitioners, legal

⁶ The 2011 Standing Orders of the Guyana Parliament (rewritten in 2006 and revised in 2011).

⁷ The revised 2003 Guyana Constitution provides under Art 119 B for these 4 Parliamentary Standing Sectoral Committees to enhance and strength oversight of government performance and involve Members of Parliament in scrutinizing government policy and making recommendations..

⁸ Revenue Authority Act 1996 Cap 79:04

⁹ Integrity Commission Act Cap 19:01

¹⁰ Procurement Act 2003 and Regulations

practitioners, accountants and auditors, code of conduct for prosecutors in draft

Punishing and eradication:

Guyana Police Force

Director of Public Prosecutions- governed by the Constitution and statutes – a public office

Guyana Revenue Authority

Judiciary/Magistracy- governed by the Constitution and statutes

Public Service Commission- governed by the Constitution and Rules

Judicial Service Commission- governed by the Constitution and Rules

Police Service Commission- governed by the Constitution and statutes

- B) Then select 4 or 5 of these oversight bodies, bearing in mind their institutional importance and that the functions they are assigned should cover one or more of the objectives of preventing, detecting, punishing, and eradicating corrupt acts that trigger disciplinary; administrative; financial or civil; and criminal responsibility.**

Audit Office of Guyana and the Parliamentary Public Accounts Committee

National Procurement and Tender Administration

Office of the Director of Public Prosecutions

Public Service Commission and the

Judicial Service Commission

C) For each of the oversight bodies selected in the response to question B), to the extent that is possible, address the issues such as those indicated below, attaching copies of the norms or measures on which the answers are based or indicating links to the web pages where they may be consulted:

- i. Their objectives and functions; their autonomy for pursuing them; and when applicable, the exercise of their functions in conjunction or concert with other agencies or authorities; and the mechanisms for resolving any conflicts of jurisdiction that may arise.**

a) Audit Office of Guyana

The Audit Office of Guyana is governed by provisions in the revised 2003 Guyana Constitution in particular Articles 204, 222 A, 223 and 225 (removal) as well as powers conferred on it by the Audit Act 2004 , the Procurement Act 2004 and its regulations and the Fiscal Management and Accountability Act 2004.

The Audit Office is a public office (Article 223 (1)-(7)).

The Auditor General (AG) is appointed by the President on the recommendation of the Public Service Commission (Article 204).

In particular, Art 223 (3) the AG reports directly to the National Assembly and presents his annual reports to the Speaker who shall lay them in the National Assembly. Art 223 (4) the Auditor General “shall not be subject to the direction or control of anyone or authority”.

Art 223 (5) gives the Public Accounts Committee powers to “exercise general supervision over the functioning of the office of the Auditor General in accordance with the Rules, Policies and Procedures Manual for the functioning of the office of the AG as prepared by the AG and approved by the PAC”. Article 223 (6) provides for the AG to submit quarterly reports to the PAC on the functioning of his office and (7) submits Annual Financial and Systems audit report to the PAC. His annual budget is presented and approved by the PAC. The Minister of Finance must provide for this budget as approved under Art 222A11.

Under the Audit Act 2004, the officers and employees of the Auditor Office are not public officers and not on the pensionable public service establishment and are completely independent. The AG hires, appoints and disciplines senior officers with the approval of the PAC. The RPP Manual Volumes 1-IV includes the positions, job description and qualifications, hiring practices including the process of selection of officers and employees of the Audit Office.

S32 of the Audit Act guides on obtaining evidence, S33 on accessing bank accounts and S38 offences in consultation with the DPP and the COP.

The Audit Office of Guyana has an active website www.audit.org.gy where its Mission is posted and annual audit reports to 2011 12and summary of the number of entities audited as of March 6 2012.Its site also encourages citizens to make confidential reports of suspicious transactions through their website.

The Public Accounts Committee

11 In March 2012 , the Minister of Finance by way of an Order removed the Audit Office from the Schedule of the Fiscal Management and Accountability Act to bring the AOG in compliance with Art 222A and Third Schedule of the Constitution.

12 The AOG is presently preparing the 2012 Audit report which is expected to be laid by end September 2013.

The PAC is always chaired by the parliamentary opposition. In this new 10th Parliament the opposition has 5 members and the government 4. The constitutional amendments gave the PAC enhanced and expanded powers with regard to oversight of government expenditure and “general supervision” over the functioning of the AOG.

The Public Accounts Committee (PAC) as provided for in the Constitution and the Standing Orders 82 (1-3) receives the Annual Audit Reports after these have been laid and commences an examination of its findings agency by agency. Accounting officers--Permanent Secretaries of agencies are called up to answer the findings and Regional Executive Officers of the elected Regional democratic Councils for the 10 Administrative Regions. These sessions are open to the public and the media. Reports are carried in the media of these sessions with government and regional agencies.

The PAC on its conclusion of an annual report prepares a report that is tabled and debated and adopted by the National Assembly. The Minister of Finance has 90 days to submit a Treasury Memorandum in accordance with the Standing Orders 82 (3) “ within 90 days of the presentation of the a report of the PAC, the government shall table its Treasury Memorandum as its response thereto”.¹³ The Minister of Finance submits the TM and responds to findings in the PAC report and advises on what action is or has been taken to these findings.

In 2012 the PAC approved the 2013 budget of the AOG for submission to the MOF and has held quarterly reviews of the functioning of the AOG and its AWP. It approved the appointment of senior officers who were acting for several years and advised the AG to advertise for filling vacancies in 2013.

b) Office of the Director of Public Prosecution

The Office of the Director of the Public Prosecution is a public office and is constitutionally provided for in Articles 116, 187 (functions), 199, 203 and 225 “removal from office of certain persons (1)-(6) (the same article includes the Auditor General as one of the persons).

The Director of Public Prosecution (DPP) is appointed by the Judicial Service Commission and must be qualified to be appointed as a Puisne Judge of the High Court (Art 203(3)).

The rest of the staff of the DPP are appointed by the Public Service Commission on fixed term contracts or on the pensionable fixed public service establishment.¹⁴

¹³ At present the PAC is examining the 2010 and 2011 audit reports. The PAC Report on the 2009 Annual report was late due to elections and an 8 month delay in the establishment of the PAC in the new Parliament. It was tabled and adopted in December 2012. The MOF TMs for years 2007 and 2008 have been attached since this new measure was introduced in 2006.

¹⁴ This is the same in the Supreme Court, the Constitution explicitly provides for the appointment of all ijudges, magistrates and all legal officer within the Judicial structure by the Judicial Service Commission (such

Art 187 (4) states that “in the exercise of the powers conferred upon the Director shall not be subject to the direction and control of any other person or authority”.

The Office is included in the Schedule of the Fiscal Management and Accountability Act¹⁵ and the annual budget is approved by the National Assembly as a separate vote under the agency programme head of the Director of Public Prosecution.

In November 2012, the DPP launched its website **www.dpp.gy** which has posted its annual reports for the years 2006-2010 as well as information on the year 2013.¹⁶ This is an important development as these documents were not publicly available before.

As stated on their website “The Office of the Director of Public Prosecutions is part of the Executive of the State and is provided for under Article 116 of the Constitution of Guyana. It is a public office and the functions of the Director of Public Prosecutions according to Article 187 of the Constitution are:

- 1) To institute and undertake criminal proceedings against any person before any court, other than a court - martial, in respect of any offence against the laws of Guyana;
- 2) To take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and;
- 3) To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other person or authority.

The Director is supported by a Deputy Director of Public Prosecution, two Assistant Directors of Public Prosecutions, three Senior State Counsel and ten State Counsel. In addition, there is a support staff of an Administration Officer, two Legal Assistant, an Accountant, an Accounts Clerk, a Confidential Secretary, a Librarian, two Typist Clerks, a Receptionist, an Office Assistant and a Cleaner.

In 2013, the Supreme Court of Judicature (Appeal) (Amendment) Act, No. 9 of 2013, was enacted which amended the Court of Appeal Act and the High Court Act.¹⁷ This Act conferred a right of appeal which never hitherto existed in all civil proceedings which arose out of a criminal cause or matter.

as the DPP, Registrar of the Supreme Court, the Registrar of the Deeds Registry, the Registrar of the Land Registry), and the rest of the administrative staff are appointed by the Public Service Commission.

¹⁵ Copy attached.

¹⁶ Annual reports for years 2006-2010 have been attached.

¹⁷ Copy attached.

It should also be remembered that Guyana's highest and final Court of Appeal is the Caribbean Court of Justice.¹⁸

c) The National Procurement and Tender Administration

The National Procurement and Tender Administration was established in accordance with Section 16 (1) of the Procurement Act 2003 which came into effect in November 2004, with the signing of the Commencement Order by the Minister of Finance.

The mission of NPTA is to facilitate the establishment and implementation of regulatory environment conducive to transparency, economy, efficiency, openness, fairness and accountability in public sector procurement.

The main functions assigned to NPTA under Section 17 of the Procurement Act 2003 are:

- The processing of all procurement above the thresholds laid down for the Ministerial, Regional, Departmental and District Tender Boards, which involve:
 - Bid Openings
 - Nomination of Evaluation Committees
 - Review of Evaluation Reports
 - Preparation of Cabinet Memoranda
 - Issuing Approvals
 - Policy assistance, capacity building and monitoring in the areas of Issuance and dissemination of the Act, Regulations, directives, procedures and standard bidding documents etc.
 - Capacity building and organisation and delivery of training programmes
 - Creation of Management Information Systems (MIS)
 - Introduction of electronic procurement

The NPTA is a corporate body established by statute which is managed by a National Board whose members are appointed by the Minister responsible for Finance. The Board shall comprise of no less than 7 persons, no more than 5 from the public service and no more than 3 from the private sector after consultation with representatives of the private sector. Two members must be fulltime of which the chair must be one. The rest of the members are part-time and the Board meets weekly.

The NPTA has a website www.npta.gy which has recently been upgraded. Manuals, guidelines, and Standard Bidding documents are all posted on the website including tenders and are easily accessible.

The **eprocure** website also posts government and statutory bodies' tenders and vacancies in the

¹⁸ The CCJ was established on April 16, 2005. All CARICOM countries have signed onto the treaty jurisdiction of the court but only 3 countries of the CARICOM have approved and amended their laws as necessary to make it their final Court of Appeal (Guyana, Barbados, Belize).

public sector. Guyana had reported on this at the Third Round Review.

d) Public and Judicial Service Commissions:-

The revised 2003 Guyana Constitution provides under Article 119C for the establishment of a Parliamentary Standing Committee to Appoint Commissions known as the Committee of Appointments (COA).

The COA appoints members of the 4 human rights commissions, and the Judicial, Police and Public Service Commissions. The Standing Orders of the Guyana Parliament SO 84(1-3) provides for the appointment of the COA and its functions.

In the 10th Parliament (Jan 2012- Dec 2017) the opposition parliamentary parties chair as per norm and also have a majority on the COA.

The COA must act in accordance with the relevant Articles of the Constitution with regard to the nomination process of members to these individual entities and act in accordance with Resolution No 61 of 2003 which guides on the parliamentary consensual mechanism for the nomination of members to these bodies.

The COA must attain a majority in the COA prior to tabling their nominees to the National Assembly for members to the 3 Service Commissions and receive a parliamentary majority before signifying to the President to appoint the said members. 19

Article 226 provides for the powers and procedures of Commissions including the Service Commissions.

Article 198 provides for the composition of the Judicial Service Commission. The Chancellor of the Judiciary, the Chief Justice and the Chairperson of the Public Service Commission are automatically appointed as members. The other members include one member who has been a judge appointed by the President after having reached consensus with the Leader of the Opposition, and not more than 2 nominees from the National Assembly who must not be attorneys-at-law in active practice after consultation with bodies representing the attorneys-at-law. The President then appoints and has no discretion to change the nominees nor refuse to appoint..

The chairperson of the JSC is the Chancellor of the Judiciary.

The Chancellor and the Chief Justice are appointed by the President having reached

19 Unlike the service commissions, the 4 human rights commissions require that the National Assembly must give a 2/3 majority to the list of entities that the COA consults and a simple majority to the nominees for the President to appoint.

consensus with the Leader of the Opposition (Article 127).²⁰

Article 128 provides for the appointment of judges by the President acting on the advice of the Judicial Service Commission.

The JSC by way of Article 199 appoints members of the judiciary and legal officers and shall exercise control and address disciplinary matters over these persons. As stated earlier in this report, the JSC appoints the DPP. Article 225 provides for “removal from office of certain persons”.

The removal of a member of the JSC itself is addressed under Article 198 (4) and the prescribed authority is the Prime Minister and the Chancellor respectively.

In 2011, the Rules Committee of the Judicial Service Commission tabled the JSC Rules which were laid in the National Assembly as required.²¹ The Chancellor of the Judiciary under the Legal Practitioners Act 2011 establishes the Legal Practitioners Committee with regard to disciplinary matters. The Rules Committee also approved the High Court Rules which were also laid in 2011.

Similarly, the appointment of the Public Service Commission (PSC) is governed by the Constitution under Article 200 through the same parliamentary consensual mechanism described above. The PSC is comprised of 3 members appointed by the President after meaningful consultation with the Leader of the Opposition and 2 members nominated by the National Assembly after consultation with the representative bodies in the public service and one member nominated by the President in his own discretion.²²

Members are disqualified from being appointed if they are public officers.

The Chairperson and deputy chairperson are elected by the members at the first meeting.

Article 201 provides for appointments “the power to make appointments to public offices and to remove or to exercise disciplinary control over persons holding such offices shall vest with the PSC”. Article 201(7) provides for exceptions (Judicial, Teaching and Police Service Commissions, and the Audit Office of Guyana). Article 202 provides for appeals to the PSC. Article 225 provides for removal from office.

The PSC Rules 1998 and the Table of Offences have been attached for easy reference. The documents provide address the scope of their functions

²⁰ Since this constitutional amendment 2 successive Presidents and 3 Leaders of the Opposition have been unable to reach agreement. The present officers are acting as allowed for under the constitution.

²¹ A copy of the JSC rules is attached as is the Legal Practitioners Act 2011.

²² It should be noted that the Police Service Commission is appointed on the basis of the same parliamentary consensual mechanism under article 201 of the constitution where 4 members nominated by the National Assembly after consulting with representative bodies of the Guyana Police Force, the chairperson of the Public Service Commission and the chairman appointed by the President after consultation with the Leader of the Opposition. The President has no nominee in his own right.

The PSC was appointed on October 22, 2010 and has a 3 year term of office. The COA will be required to nominate members and reach consensus prior to tabling and passage in the National Assembly.

ii. The manner in which they adopt their decisions, indicating whether there are various agencies with jurisdiction to do so and whether they are collegiate or single-person agencies; review remedies that can be brought against the decisions adopted, both internally and with other external agencies or authorities; and the actions needed to implement or enforce those decisions.

Yes, there are review remedies to the decisions taken by each of these agencies named above.

In the case of the AOG the review remedy relates to the agency under review producing evidence/ information to answer the auditor's queries.

The PAC report and recommendations on the Annual Audit reports can be challenged during the debate on the report or by way of a separate motion on the floor of the National Assembly or a non-adoption or an amendment to their report. The Minister of Finance's Treasury Memorandum can correct or respond to their decisions and recommendations.

The DPP's decision can be challenged in a court of law as occurred in 2011 when she brought charges of rape against the sitting Commissioner of Police and the Chief Justice threw out the case for lack of evidence in 2012.

The Judicial Service Commission's decisions can be challenged in a court of law. As recent as June 11, 2013 a Magistrate who was dismissed because she refused to cross the Essequibo River to go to hold the Magistrates Court for that region appealed to the judiciary and she was restored to her position.

The President may decide to not follow the advice of the JSC with regard to an appointment of a Judge but if the reasons for his refusal are reviewed by the JSC and it insists on its nomination then the President must proceed to appoint.

The PSC has several mechanisms for review internally in the PSC as provided for in the constitution and in the PSC rules. The Public Service Appellate Tribunal can be invoked but this has not happened for over 10 years.

The Judicial Review Act 2010 allows for more opportunities for the judicial decisions to be questioned and reviewed.

iii. The manner in which their senior officers are selected, indicating whether they serve fixed terms or are freely appointed and removable, and the agencies authorized to hold them responsible for their actions and deciding on their continued tenure in those positions.

As stated, the Audit Office is a public office and the officers and employees are not on the fixed pensionable public service. They are independent and hired based on open competition and selection processes. The AOG hires through open competition and appointment of senior officers are approved by the PAC

The Auditor General is appointed by the President on the advice of the PSC.

The DPP is appointed by the JSC; both have age limits to their tenure of 60 years of age with a possible extension no later than 65 years of age as provided for in the constitution.

The legal officers in the DPP and prosecutors are appointed by PSC and have a choice to be on the pensionable establishment or on a fixed contract. The staff structure provides for the number of positions, salary scales and qualifications and job descriptions.

The Audit Office is governed by the Audit Act and ancillary regulations, the Rules, Policies and Procedures Manual and INTOSAI and IFAC standards (RPPM VOL 1-IV).

The NPTA is a corporate body governed by statute, the Procurement Act and regulations and several manuals with regards to their staffing which is provided through the Ministry of Finance and therefore these are persons appointed by the PSC²³ who could also chose to be on fixed year contracts or on the fixed pensionable establishment as all other public servants.

The Public Service Commission hires their own staff and the JSC hires staff from within the Supreme Court.

iv. The manner in which the human resources needed for their operations are identified and how their personnel are selected, indicating whether they are freely appointed and removable or whether they are selected by means of merit-based competition; if certain requirements have to be met told hold such positions; and whether their personnel are subject to a regime of disqualifications and incompatibilities and of responsibility for their actions.^{24/}

Each entity described above has an organizational structure and a staff structure that informs on the number of positions, salaries and conditions of service, qualifications, job descriptions and whether filled or not. Changes to the posts and or adding on new posts is done from time but this must be justified by the agency based on work programmes, policy changes, creation

²³ In Guyana members of the public service are appointed by the PSC but they can choose to be either on the fixed pensionable establishment or on fixed year contract gratuity. The Public Service Ministry creates and approved the posts, job descriptions and range of salaries for each post. Any new positions must be justified and base don available financial resources may be approved.

^{24.} If relevant and applicable information was reported in the response to the First or Second Round questionnaires, reference may be made to that information.

of new units, or new programmes. The final deciding factor is always the availability of financial, human and physical resources.

The appointees under the Judicial Service Commission and the Public Service Commission are governed by Rules (both of which have been provided)

The PAC plays a critical role in the appointment of senior staff of the AOG; the AOG rules and the statute allows for the hiring of staff below senior officials without the approval of the PAC. However, the Regulations of the AOG provides for a gazetted establishment of posts within the AOG after approval by the PAC and any changes to the establishment must receive the approval of the PAC and the National Assembly.

v. The existence of manuals or other documents that describe the functions of their personnel, and also indicating whether regular training is given in connection with those functions.

The AOG Rules, Policies and Procedures Manual VO11-IV include these requirements in some detail. These are posted on their website. The Audit Office has benefitted from regular training programmes external to Guyana as well as those offered by the Institute of Chartered Accountants and the Canadian Federation of Audit Offices both in situ and in Canada.

Due to recent demands, the University of Guyana will be introducing a diploma programme for internal auditors by September 2013.

The NPTA has developed an impressive set of manuals to guide in their work as well as regarding ethical conduct of their staff. (these have been provided and attached). Some of their training initiatives are elaborated on in the section vi below.

Judicial officers including magistrates and prosecutors²⁵ are exposed to training on various aspects of law. In 2010 they attended a regional workshop on proceeds of crime and money laundering. Thus far in 2013 one workshop has been held on confiscation.

There are in-situ training programmes and workshops may be organized by the JSC, the Attorney General and or the Ministry of Home Affairs and supported by UNODC, USAID, UNICEF, UK DFID, with regards to specific initiatives to strengthen the skills and capacities of the Judiciary and the improve administration of justice in Guyana. The GoG/IBD Justice Improvement Project(loan) is being implemented.

vi. The existence of documented procedures for performing their tasks, or of manuals or guides dealing with those duties; institutional strengthening or quality improvement actions implemented; and the implementation of systems or modern technologies to facilitate their work.

a) The Audit Office Manuals are available on their website but are also listed herein:-

²⁵ Prosecutors in Guyana are drawn from the legal profession or Police officers who have been trained as prosecutors with the law degree and the latter are appointed as Police by the Police Service Commission on secondment to the Office of the DPP.

RRPM Volumes 1- IV which include AO 6.2 Code of Ethics and Auditing Standards from INTOSAI; 6.3 Accounting Standards now adopted in Guyana pages 51-81; 8.2 Conflict of Interest Code applicable to all staff page 54- 5926 and pg 61-68 Oath of Professional Conduct.

b) NPTA manuals also available on their website:-

-National Tender Board Operations Manual February 2009

-Guyana National Tender Board Procedure Manual

-Standard Evaluation Criteria Handbook for Prequalification and Bidding (procurement of goods, works and services except consultancy services) May 2009

-Guyana Public Procurement Guide May 2009 (Guyana legal and policy framework for Public Procurement)

- Guyana Procurement Planning Manual Sept 2010

- Standard Bidding Documents (a) consultancy/firm evaluation criteria; (b) consultancy individual evaluation criteria; (c) procurement of other services.

Since many of the evaluators for the various Tender Boards come from various agencies, ministries and regional administrations, they have to be trained to use these manuals and to act in accordance with the Procurement Act and Regulations.

In 2012 and 2013 a shift in approach was taken by the MOF/NPTA to bring in and train or familiarize the contractors with the Procurement Act, Regulations, financial rules, and tendering processes etc.:

A joint programme of the Ministry of Finance and the NPTA in 2012 and 2013 successfully exposed evaluators and contractors to the rules and procedures of the Procurement Act and regulations.

26 This is underlined as the Committee was of the view that the conflict of interest provision was particular only to the AG. The Manual speaks to this issue and has developed mechanism to address this concern. The RPP Manual was only completed and approved in 2006 after the First Round Review.

EVALUATORS' WORKSHOP AND PROCUREMENT SYMPOSIUM

2012 - 2013

Item	2012		2013	
	Evaluators' Workshop	Procurement Symposium	Evaluators' Workshop	Procurement Symposium
1. Date held	August 2	August 2	May 30	May 30
2. Duration	9:00 to 13:30	9:00 to 13:30	8:30 to 12:20	13:00 to 16:00
3. Objectives	See note below	See note below	See note below	See note below
4. Agenda				
5. No. of Contractors who participated		442		135
6. No. of Evaluators who participated	135		213	

NB: 1. The objective of the Evaluators' Workshop was to provide the necessary impetus for efficient and effective public procurement thus ensuring that all government investments produce value for money.

2. The objective of the Procurement Symposium was to provide a forum for comprehensive information sharing with all stakeholders as it relates to public procurement, its laws, regulations, procedures, and opportunities in order to encourage greater levels of fairness, transparency and accountability in the public procurement process.

3. No public procurement symposium was held in 2011.

The Institute of Internal Auditors Guyana Branch and the Institute of Chartered Accountants have also held seminars annually. The University Of Guyana as stated earlier will be introducing a diploma programme in internal audit and consideration is being given based on financing to re-introduce the Bachelor of Accounting degree. 27

c) Training of PAC members and Parliament staff is on-going: with the help of the Commonwealth Parliamentary Association, the GoG/IDB Parliament component, the UNDP, CIDA and the Millennium, Challenge Account several training programmes have been held annually to strengthen the skills and capacity of the Clerks and staff of the Committees Division of the Parliament Office and members of the PAC during the 8th (specifically in 2006) and 9th Parliament (2006- 2011).

During the 10th parliament, there has been one training programme in 2012 for the PAC

27 The accountants and auditors in Guyana traditionally write the ACCA through distance learning.

members in-situ; in 2013, 4 PAC MPs and a Clerk visited Ottawa as guests of the GOPAC Canada and the House of Commons, and, 2 PAC members will be attending a CPA training programme in London on June 22- 28, 2013.

c) The Public Service Ministry manages the training of public servants at the Training Division where programmes are held to introduce new members of the public service to rules and conditions of service as well as specialised training for various levels of staff in administration, record keeping, eg exposure to accounting procedures.

vii. The manner in which the general public is provided with information about their objectives and functions, is informed of the procedures established for the performance of their functions, and is given guidance about how to carry out proceedings before them.

The NPTA focuses on the tender and procurement process²⁸; the bids for a tender are publicly opened at which the bidders and the media are invited. The bids are opened in public view and the amounts of the bids are read out. At the Regional Tender Boards a similar public opening takes place with witnesses.

The websites of the AOG, the NPTA, the DPP, mentioned earlier on and the Integrity Commission (www.integritycommission.gov.gy) and www.eprocure.gov.gy keep the public informed. Other sites such as the Guyana Revenue Authority (www.gra.gov.gy) allow for access to information, forms, status of customs declarations and access thru facebook.

The AOG, the NPTA and the GRA websites provide for person to make reports or complaints.

The website of the Official Gazette (www.officialgazette.gov.gy) has recently been launched after the enactment of the Official Gazette Act 2012 (copy attached) which provided for access to electronically posted notices, orders, court matters etc. as published in the printed Official Gazette. This initiative has been welcomed as few people previously had access to the hard copy versions except lawyers, public officials and local government authorities who had a direct interest in these publications.

Cabinet continues to publicly on a weekly basis announce the awards that it gave its “no objection” to in keeping with Procurement Act as well as any other Cabinet decisions.

As soon as the Office of the Commissioner of Information is established citizens with have another avenue to access information that is not publicly available..

²⁸ The Procurement Act was amended in 2010 to allow for the use of the electronic media to post tenders. Tenders are therefore advertised in the written media and on the NPTA and eprocure websites.

viii. The mechanisms for internal control and for dealing with claims, complaints, or allegations related to the pursuit of their objectives and to the performance of their personnel.

Complaints can be made to and an appeal lodged with the JSC and the Legal Practitioners Committee under the Legal Practitioners Act

Complaints can be made to the PSC and procedures are outlined.

Complaints mechanism to the NPTA as provided for in the Procurement Act and to AOG according to the statute, regulations and RPPM.

All regulatory bodies' statutes include sections with regards to officials' performance and ethical and professional behaviour and sanctions and penalties.

ix. The manner in which the budgetary resources needed for their operations are ensured.

The AOG as provided for in the Constitution Art 222 A Third Schedule (by Order of the MOF the Schedule of the Fiscal Management and Accountability Act in 2012 was amended to remove the AOG and thus bringing it in compliance with Article 222A).

Its annual budget proposal and work programme are presented to the PAC in July/August annually and approved and submitted to the Minister of Finance (MOF) to allocate said funds in the new budget cycle. The AOG reports quarterly to the PAC on its annual work programme and expenditure. It is important to reiterate that the constitutional amendments removed the AOG from reporting to the MOF and instead reports directly to the National Assembly through the Speaker.

The NPTA as a corporate body compiles its budget which is listed separately under "Budgets of Statutory Bodies" in the annual budget documents..

The Judiciary and DPP are allocated funds as provided for under the FMAA and are listed under their own separate agency heads of the Supreme Court, the Magistracy and the DPP.

The Public Service and Police Service compile their own separate budgets but are listed in the budget under one agency head as they share the same building and in some cases staff.

x. As appropriate, the coordination mechanisms for harmonizing their functions with those of other oversight agencies or public authorities and for securing the support of other authorities and the public for full compliance with their duties.

The Audit Office and the PAC collaborate as do the Secretary for the Treasury, the Accountant General, the Internal Audit Division Ministry of Finance and the Audit Office with the objective of improving accountability and transparency and the efficient delivery of goods and services.

The PSM and the PSC collaborate with regards to their mandates.

xi. Accountability mechanisms applicable to the performance of their duties; the way in which the information needed for that is gathered and processed; and the information issued for that purpose,^{29/} and the way in which it is made public and how members of the public may access it.

The websites of the DPP, the AOG, the NPTA and eprocure for instance provide updated information that would be helpful to the public and media.

Annual Audit Reports tabled in the National Assembly are public and also posted on the AOG website as well as special audits such as performance audits and Value for Money Audits..

Annual Reports and audited reports of statutory bodies are tabled in the National Assembly and are public records. There has been a significant improvement in the timely submission of annual reports of statutory and budgetary bodies to the Parliament in the 9th and 10th Parliaments.³⁰ The majority of the budget agencies and statutory bodies will be up to date by the end of this year. These reports are important and can be effectively scrutinized in the 4 parliamentary sectoral committees with regard to government performance and policy as well as civil society, the media and the interested public.³¹

Annually all (multilateral and bilateral) loan agreements are tabled by the Minister of Finance at the end of each calendar year and in 2013 for the first time bilateral grant agreements were also tabled.

Questions with and without Notice to Ministers are effectively used in the National Assembly by the Members of Parliament (including government backbenchers) to raise issues and to represent matters of national concern or specific interests to their constituents. Over 300 such questions were posed in the last Parliament and all were answered. In the new Parliament over 70 questions with notice have been posed and about 30 questions without Notice, Ministers must answer within a specified time and can only decline if it is a matter of public safety and security.

Ministers frequently use “Statement by Ministers” in the National Assembly to respond to an urgent matter or to announce a new policy or programmes.

C) For each of the oversight bodies selected in the response to question B), summarize the results obtained in the performance of their duties, providing the relevant information available to your country^{32/} and making reference, to the extent that is possible, to issues such as the following:

i. If the oversight body in question is tasked with the prevention of corrupt acts, list

29. If the information relevant to this paragraph is contained in a document, please provide copies of it or indicate the internet address where it may be accessed. If it is in several reports or if they are issued periodically, please provide copies of those issued over the past five years, or indicate the internet address where they may be accessed.

30 Lists can be provided to show the improvement in the level of submissions by budgetary and statutory bodies.

31 Unlike the PAC where only Accounting Officers and their technical support staff appear to answer queries from the members of the PAC, the sectoral committees summon Ministers before them to answer questions regarding

32. If possible, covering the past five years.

the actions taken in the past five years to prevent those acts, such as: campaigns to publicize their consequences; probity programs or awareness-raising on the duty of respecting and protecting public property and general interests; production of manuals or guides to orient public servants and private citizens regarding ethical behavior in their dealings with the State; alerts about corruption risks in specific areas of the State's operations and proposals for preventing them; attention to inquiries, issuing of opinions, or advisory actions or preventive auditing related to the State's actions; attention paid to corruption prevention studies in the areas of their jurisdiction and to related suggestions made by civil society.

The AOG Annual Audit Reports expose the weaknesses and short comings in the accounting systems and point to areas of abuses and questionable transactions with recommendations on what action to be taken. The AOG is called in to carry out special audits by Ministries, agencies and regional administrative bodies.

Each agency and Accounting Officer is required to go through the Audit Reports and to prepare a response to the findings and to produce a plan on what measures they will take, have taken or need assistance in order to correct the weaknesses.

The 2010 and 2011 Audit Reports illustrate an improvement in the reduction in overpayment of salaries and benefits and overpayment of contractors in these 2 years in contrast to the pre-2008 years. Greater efforts have been made to recover these overpayments for the previous years and return these funds to the Consolidated Fund. Challenges still remain in some of the large but sparsely populated regions who may not have adequate technical staff particularly in areas of stores and stock keeping. The PSC plays a role here in timely filling vacancies in these regions.

NPTA has been unable thus far to create a list of contractors that have underperformed and or are guilty of shoddy work, long delays and extensions or incomplete work.

The problem does not lie with the NPTA per say but with the technical staff in the agencies where there may be poor designs and or who sign off on the work being completed satisfactorily when that is found later to have not been so. This is also an issue that has attracted the attention not only of the AOG but the PAC. This has resulted in a 3 day training programme with the Accounting Officers and technical staff in the 10 Administrative Regions in May 2013 and has been raised at the quarterly meeting of the Permanent Secretaries with the Head of the Presidential Secretariat, in the presence of the Secretary to the Treasury and the Accountant General.

However, the MOF thru the NPTA has been more aggressive in retrieving valuable funds for poor performance and incomplete works through resort to the insurance bonds and liquidation liabilities. Please find attached document "Liquidated Damages" which provides an indication of efforts to recuperate critical funds for the treasury.

One of the important measures that has taken place in the last

five years has been the focus on INTERNAL AUDIT as a preventive and early detection measure:

Section 11 and 29 of the Fiscal Management and Accountability Act (FMAA) of 2003 provide for the establishment of the Internal Audit Function in Budget Agencies.

Section 11 of the Act stipulates that each Head of a budget agency shall manage the affairs of that agency in such a manner that promotes the proper use of the public resources for which that head of a budget agency is responsible and in particular shall implement appropriate processes and procedures to prevent the incidence of fraud, embezzlement or misappropriation of public moneys for which the Head of a budget agency is responsible and **maintain an effective internal audit capability within the budget agency.**

Section 29 stipulates that the Head of a budget agency shall ensure that an **adequate system of internal control and audit is established and maintained** within the budget agency to properly manage appropriation allotments and to ensure that the allotment limits are not exceeded.

The establishment of the Internal Audit function is a key aspect of good governance and which will enable accountability and transparency in public institutions by checking on the adequacy and reliability of accounting and managerial control systems within the Ministries/Departments and Regions and to make recommendations for improvement.

The work of the Internal Audit Department is conducted in accordance with the relevant laws, regulations, and financial circulars and in a manner that is consistent with best practices in compliant with the International Professional Practice Framework for Internal Auditing.

MINISTRY /DEPT/AGENCIES	NO. OF INTERNAL AUDITORS
Ministry of Finance	14
Ministry of Education	3
Guyana Elections Commission GECOM	3
Ministry of Public Works	1
Guyana Revenue Authority (GRA)	19

Ministry of Natural Resources	1
Georgetown Public Hospital (GPHC)	7
Ministry of Local Government	4
Ministry of Health (Global Fund project)	2
Total	54

In addition to the above, there are 27 Field Auditors and Stock Verifiers in several Ministries and Regions who perform some internal audit functions in relation to stores, inventory and other activities as requested by the Permanent Secretary and Regional Executive Officers. Further, there are also Internal Auditors in subvention Agencies and statutory bodies.

In relation to the audit function at the Georgetown Public Hospital Corporation and the Guyana Revenue Authority, Audit Committees have been established and functioning

INTERNAL AUDIT DEPARTMENT AT THE MINISTRY OF FINANCE

The structure for the Internal Audit Department at the Ministry of Finance was approved in 2011 and is intended to audit all Ministries and Department and Regions. The aim is to gradually increase the staffing for Internal Audit Department to have greater audit coverage of the budget agencies.

An Audit Committee has also been established with oversight responsibilities for the work of the Internal Audit Department.

The work of the Internal Auditors will encompass the following, but not limited to:-

1. Identifying and assessing potential risks to the Ministry's operations;
2. Reviewing established systems of internal controls, policies, and procedures to determine if they are adequate and to ensure that the budget agencies are in compliance with laws, regulations, established procedures, circulars and guidelines and where appropriate make recommendations.
3. Assessing the reliability and security of financial records and other management information and the systems and operations that produce this information.
4. Reviewing and ascertaining the extent to which government assets are accounted for and safeguarded.
5. Appraising the use of resources with regard to economy, efficiency and effectiveness.
6. Following up on recommendations made to ensure that effective remedial action is taken.

7. Carrying out special assignments, appraisals, and investigations as requested by the Audit Committee or the Minister of Finance.

This has helped to enhance the capacity of the control mechanisms and to have early detection of abuse, acts of corruption, and or poor accounting systems in violation of the rules through this preventative approach. As a result corrective action can be implemented to rectify or halt such practices prior to the AOG annual examinations. This approach not only enhances accountability and transparency but also strengthen enhances public financial management and value for money.

The new website “I paid a bribe Guyana “(www.ipaidabribe.gy) launched in May 2013 is a new initiative under the Citizen Security Programme of the Ministry of Home Affairs, described later in this report. This website has attracted much attention and is described further on.

- ii. If the oversight body in question is tasked with detecting corrupt acts that trigger disciplinary; administrative; financial or civil; or criminal responsibility for persons involved therein, indicate, as appropriate, the total number of investigations begun in each of the past five years and indicate how many remain ongoing; how many have been suspended for whatever reason; how many have been shelved due to statute of limitations; how many have been shelved 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 body in order for such a decision to be taken.**

The PSC Report July 7, 2007- July 6, 2010, (copy attached) page 9-10 shows that 141 person were dismissed in the period between 2007 and 2010 for a variety of reason including fraudulent acts. However, the data as provided does not allow for the disaggregation of the dismissals based on fraudulent acts versus those dismissed for unauthorised absence or dereliction of duty. This Report also refers to matters before the courts, page 19-20, and the status of these cases.

- iii. If the oversight body in question is tasked with punishing corrupt acts that trigger disciplinary; administrative, financial or civil; or criminal responsibility for persons involved therein, indicate the total number of cases investigated that were ready for a decision to be adopted in each of the past five years; the number of decisions adopted in connection with them; the number of those decisions in which responsibilities were established 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 involving the extinction of the punishment or responsibility because of the triggering of the statute of limitations.**

The DPP Annual Reports (2006-2010) chronicle the number of files received from various agencies including the police as required by statute, reviewed and returned with advice. These reports also include the number of cases by month and year before the courts and their status in the judiciary.(attached)

In another section, cases brought by the Guyana Revenue Authority are referred to and copies of summaries attached.

iv. If the oversight body in question is tasked with punishing corrupt acts that trigger civil or financial responsibility for persons involved therein, indicate the monetary sanctions imposed, or of the amounts ordered paid to the State, that have entered the public treasury in each of the past five years

Although Guyana Revenue Authority has not been listed as one of the 4 oversight bodies, with the creation of its own Legal division and advice from the DPP, it has been more aggressive in pursuing those who are in breach of the relevant statutes.

The court cases for April 2013 of the Guyana Revenue Authority (Attached) and the document labeled "Judgment in favour of the GRA" (attached) indicates the level of monetary losses involved.

Due to the shortage of time to document and collate 5 years of court records (not digitalised as yet) we can only able to produce for the Committee cases which are recent (As per DPP Annual reports and GRA cases)

However, one of the big corruption cases known as the 2009 Fidelity/Customs scandal involving defrauding the treasury of over \$70 M GY illustrates the challenges faced in these cases. This is also referred to in another section.

D) For each of the oversight bodies selected in the response to question B), briefly report on difficulties encountered in preventing, detecting, and punishing corrupt acts of relevance in consideration of their functions and, if applicable, identify specific technical cooperation needs.

AOG has been able to fill over 80% of its staffing requirements in 2012.³³ However, the size of the country and access to all 10 Administrative Regions and the small population pose may challenges to complete the annual audit reports on time as well as carry out special audits. Most particularly when on the ground verification of physical works is done in the far

³³ Its organization structure with posts and numbers were approved in 2007 and upgraded in 2011. Of 217 members of staff needed it has filled 178.

reaches of the country.

The NPTA, the DPP, and the PSC face similar challenges.

Despite on-going efforts to improve and modernize the administration of justice, the timeliness of court decisions still pose challenges and a strain on limited resources. There are still long delays at the level of the magistracy and moreso in civil matters than cases before the High Court and Appeal Court.

The introduction of information based technology and the decision to introduce an e-governance programme which is now in implementation stage will link the entire government, agencies and services throughout the country and will enhance reporting and access to information in a more timely manner.

The establishment of IFMAS and TRIPS referred to in the Third Round Review to allow for greater delivery of goods and services and control mechanisms have also strengthened monitoring and better controls with public financial management. It has helped to reduce opportunities for bribery which occurred due to long delays. The IFMAS has contributed to a reduction in overpayment of salaries in the public service.

However the new challenge is to protect these new data information management systems from being compromised and or hacked into.

An important development for future strengthening has been finalized recently and that is the PEFA (Public Expenditure Financial Administration) Agreed Action Plan 2013-2017(attached) which shows what the focus will be on the Internal Audit Division, the NPTA, the Office of the Budget, the Accountant General, the Audit Office of Guyana and the Guyana Revenue Authority over the next 4 years. This plan has been approved by the GOG/EU and other donor partners contributing to the Public Financial Management (PFM) and will contribute to more controls and strengthening of the target agencies to ensure greater accountability and transparency.

E) If so desired, report on no more than one best practice developed in connection with the duties of each of the oversight bodies selected in the response to question B) that you wish to share with the other MESICIC member countries, using, to the extent deemed appropriate, the suggested standard form offered as a guideline for presenting that information and attached to this questionnaire (Annex II).

Guyana has submitted a best practice in Annex 11 . The Audit Office of Guyana with the linkage with the Public Accounts Committee has been chosen.

***** this response was compiled in collaboration with the relevant agencies named herein.**

ANNEX I

STANDARD FORMAT FOR THE CO-OPERATIVE REPUBLIC OF GUYANA TO PRESENT INFORMATION ON PROGRESS AND NEW INFORMATION AND DEVELOPMENTS^{35/} RELATED TO THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE COUNTRY REPORT IN THE FIRST ROUND OF REVIEW

Following the same structure as the First Round country report, the Secretariat shall transcribe each of the recommendations formulated for the country in question during the round that the Committee deemed to require additional attention in the Second and Third Round reports.^{36/} Then, it will ask the country to provide information in connection with the corresponding recommendation and with the corresponding measures suggested by the Committee for implementation, and, if any, with the alternative measures adopted by the country to that end, as follows:

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:

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

Measure a):

Formulate specific standards, when appropriate, to limit the actions of public servants in specific situations, in accordance with the functions and activities of each institutions and the specific nature and importance of the different offices, and mechanisms for enforcing them.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{37/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for

35. In accordance with the provisions of section VI of the methodology for the Fourth Round, it is understood that new information and developments relate to new provisions and/or measures adopted in regard to the topic addressed by the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into consideration by the Committee when those recommendations or measures were formulated, that could have an impact on their validity or that could lead to their restatement or reformulation. In the event that information of this kind was furnished in the progress reports referred to in Article 31 of the Committee's Rules of Procedure, reference may be made thereto.

36. These reports are available at: http://www.oas.org/juridico/english/mesicic_II_inf_guy_en.pdf and http://www.oas.org/juridico/english/mesicic3_guy_rep.pdf.

37. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _

- i) The AOG Rules, Policy and Procedures Manual Vol 1-IV were developed and approved by the PAC in 2006 after Guyana had reported to the first round. Specifically Section 6.3 “Accounting Standards now adopted in Guyana pages” 51-81 , Section 8.2 Conflict of Interest Code applicable to all staff pages 54-59 and Oath of Professional Conduct to be taken by all staff including the AOG, page 61-68. These are in keeping with the standards set by the INTOSAI and IFAC (see **www.audit.org.gy**)
- ii) The NPTA has developed a number of manuals and guideline (2006-2009) that speak to the issue of ethics and integrity including conflict of interest. The National Tender Board Procedure Manual page 10 refers to the independence of the Tender Boards, page 11 Declaration of conflict of interests; the Guyana Procurement Planning Manual Sept 2010 page 29 importance of ethics in procurement “accepting directly or indirectly any gift, money or any other form of value from any persons who is doing or seeking to do business with the department you represent may constitute a bribe” (see **www.npta.gov.gy**)
- iii) The Public Service Rules 1998 38include the Table of Offences with special reference to Nos. 29(gifts), 30 (bribery), 31, 32, 35, 37 and 38 and actions that must be taken.
. Rule 16 prohibits anyone giving false information to the Commission or trying to influence the Commission. Rule No.96 particularly addresses members of the Commission itself and its officials that “no member or official of the Commission shall accept gifts or reward from any member of the public for service rendered or to be rendered in the course of their official duties”. Copy attached.³⁹
- iv) The JSC Rules 2010- Part 111, section 6 with regards to conduct of officers of the Judicial Service (attached).

Legal Practitioners Act 2010 and the Code of Conduct speak to conflict of interest and the threat of suspension or debarment from practicing law
- .v) The Cabinet Code of Conduct is in draft pending final approval. This is a guideline to Cabinet Members and Advisers with regard to conduct, abuse and corruption.
- vi) Guyana reiterates its position at para 124 pg 21 in the Final report in the 111 Round Review with regards to the legislative instruments being adequate. The Procurement Act and Regulations and the Fiscal Management and Accountability Act 2003 with special attention to S 49 (3) which states that “(the Minister or the official)’s liability

38 These Rules were signed into effect on Jan 18, 1999 by the then President Janet Jagan and is also known as the Janet Jagan Rules.i

39 The Committee will note that in the scanned versions of the PSC Rules some words have been garbled.

is not terminated or avoided upon that person ceasing to be a Minister or an official". S85 addresses offences and penalties. In the FMAA there is no time restriction.

- vii) Members of Parliament are guided by the Standing Orders that they must not have a pecuniary interest in any matter before the House. Were this to be uncovered, this would be a matter that could be taken to the Committee of Privilege of the National Assembly by any Member of Parliament and which could lead to suspension or other forms of discipline as the National Assembly sees fit.⁴⁰
- viii) New statutes re regulatory bodies from 2009 identify professional ethical behavior and penalties for breaches and offences (Forest Act, Lands and Surveys Commission Act, Customs Act, Deeds and Commercial Registries Act 2013, Guyana Revenue Authority, etc)

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _

Efforts to strengthen the Integrity Commission and to amend the ICA to allow for (a) an expansion and updating of the list of public officers in the Schedule who are required to report, (b) strengthening the investigative and enforcement capabilities, and (c) including public declarations, are in progress.

The draft Cabinet Code of Conduct is believed to be an important measure that will signal once published the importance of the fight against corruption at the highest level.

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

⁴⁰ It should be noted that Guyana has a hybrid republican-westminster parliamentary system with a proportional representation electoral system at the national and regional levels. The Rights to Recall legislation was enacted in 2009 and requires that the parliamentary political party indicates that it has lost confidence in their elected representative and advises the Speaker to declare the seat vacant.

* Please provide copies of them or indicate the internet address where they may be accessed.

Guyana is challenged by its small population, a relatively sizeable country and shortage of certain specialized skills.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**
-

Measure b):

Develop a system of admission to and retention in public service, incorporating measures that allow the resolution of cases in which private interests conflict with the public interest, including the strengthening of the bodies that regulate this area, and consider preventive mechanisms to ensure that no appointments are made which are contrary to the rules in force on incompatibility.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{41/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

Guyana wishes to inform the Committee that during the First and Second Round Reviews no PSC Rules were provided and in fact during the Third Round Guyana's Response to the Questionnaire referred to the PSC 1998 Rules. Those Rules should have been submitted but regrettably it appears as if it was not.

Guyana has now submitted in 3 attachments the 1998 PSC Rules and the Table of Offences for the Committee's perusal.

Guyana's emphasis has been more on implementation and monitoring of the policies and procedures which already exist and to ensure that the oversight bodies have adequate resources and skills to effectively carry out their mandates than on developing new standards as proposed in (b) above.

41. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

It should be noted that the issue of conflict of interest occupied some attention of the AOG and the PAC in 2012 and reference was sought to the Accounting Standards of the INTOSAI for guidance. The AOG has adopted the INTOSAI and these are captured in the RPP Manual and referred to earlier on.

In a country with 780,000 people it is not always easy to address the issue of conflict of interest, especially in remote or distant part of the country where there are large extended families.

Mechanisms that have been used by the NPTA for instance relates to declarations of potential conflict of interest and non-participation in the process of evaluating or awarding tenders.

There is a principle which is also policy that no elected official is allowed to take part in the tendering process. In the regional administrations an elected official as a councilor may also be a contractor and bid for work in that region however he is not allowed to be a part of the evaluation nor the selection process of the tenders and must withdraw himself if he on the Regional Tender Board. The same principle applies at the local government level with the elected officials in the Neighbourhood Democratic Councils and Municipal Councils.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

A number of Manuals of the NPTA and the JSC Rules were instituted after the First Round Review and some even during the 111 Round. Although the AOG Manual was completed in 2006 it was not accessible in that year.

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

* Please provide copies of them or indicate the internet address where they may be accessed.

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure c):

Strengthen the relevant bodies, in order to improve their ability to ensure compliance with the requisites defined for the office and seek to ensure that no appointments are made in the public service that are contrary to the rules in force on ineligibility and incompatibility.

The PSC Report (2007- 2010) which has been provided will inform the Committee on the efforts the Commission has made to adhere to their mandate.

The Committee's attention is drawn to PSC Rules Chapter 111 Appointments, Promotions and Transfers; Chapter IV Staff Appraisal; Chapter V11 Discipline General and VIII Conduct.

Efforts are on going with available resources- human, financial and physical.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{42/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Focus has been on building capacity in these agencies, strengthening staff and the skills complement as well as digitalizing operations for internal use and where possible through the creation of websites.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the

42. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Public Service Ministry and the PSC collaborate with the ministries and agencies with regard to filling their staffing needs based on available resources. Both the PSC and the PSM hold workshops for public officers in various agencies to address their particular needs.

The JSC from 2010 has been more active in appointing magistrates which have made an impact on the backlog of cases in the magistracy. The Appeal Court⁴³ and the High Court have reduced their backlogs. Matters of a constitutional nature are given priority in the High Court. The High Court Rules 2011 were also laid in the National Assembly.

Measure d):

Develop, when necessary, other mechanisms to identify or detect any causes that might occur in the course of the exercise of public functions and that might give rise to conflicts of interest, such as officials declaring their private interests.

With respect to the foregoing measure, provide the following information:

* Please provide copies of them or indicate the internet address where they may be accessed.

43 MESICIC is reminded that Guyana as a member of the CARICOM is one of 4 countries that have amended their laws to provide for the Caribbean Court of Justice based in Trinidad as its final Court of Appeal.

- A) Please briefly describe the specific actions^{44/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

The NPTA governed by the Procurement Act and Regulations and supported by its Manuals clearly advice of how public officers including members of NPTA, Ministerial and regional tender boards and evaluators should address conflict of interest by declaration publicly or in writing and non-participation in the processes of evaluation, selection and awarding. To not do so is an offence.

The Audit Office governed by the Audit Act, the Institute of Chartered Accountants, Institute of Internal Auditors Guyana Branch have addressed this issue by way of a declaration and non- participation in the process in its RPPM

JSC Rules 2010 also addresses this in the rules and code of conduct in a similar manner.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:**
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- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:**
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- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**
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44. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

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Measure e):

Develop, when necessary, provisions that restrict the participation of former public officials in situations that involve taking undue advantage of that condition, for a reasonable period of time.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{45/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

Due to the population size and the paucity of certain specialized skills available in the society, and more particularly in even less densely populated areas of the country, coupled with the economic imperatives of individuals to survive, this recommendation poses some daunting challenges.

The oversight bodies in such circumstances will have to be vigilante to ensure that former public officials do not abuse or use to undue advantage (information, position and contacts they had in their previous employment). Creative mechanisms will have to be devised to reduce the opportunities for undue advantage and or abuse in such situations where due to a skills need a former public official has to hired-- such as not letting them work in the same agency they did before, or posting to a different part of the country.

The Committee should note that many senior technical public officers on reaching the age of 55 and retire or who resign, apply for consultancies with the international developmental agencies based in the country. They then return to work on projects designed by the government agencies.

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____**

45. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

See A.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure f):

Consider strengthening the rules in force governing sanctions, incorporating other types of administrative sanctions other than those already envisaged, such as suspension, the relinquishment of the private interests in conflict, nullity of any decisions by a person in such a position; and withdrawal from official involvement in the matter.

These rules are in place in the AOG, the NPTA, the PSC and the DPP.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{46/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or

46. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

reformulation:

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:**

The Integrity Commission launched its own website in 2012 and increased the compliment of staff. Members of the Commission have been appointed from the 3 official religions (Hindu, Muslim and Christian).

However the greatest challenge has been the appointment of the chairman as governed by Section 3 of the Integrity Commission Act who shall be appointed after consultation between the President and the Leader of the Opposition⁴⁷. Successive Leaders of the Opposition have not given their consent to the persons nominated by two successive Presidents. Recent efforts in 2012 and 2013 by the President have failed.

This has severely impacted on the Commission being able to fully and effectively carry out its mandate. Cabinet members and Government MPs are mandated to do so by law and by policy of the executive. The Cabinet Secretary reminds Cabinet members in advance of the deadline of June 30 th.

Noteworthy is that the Members of Parliament of the parliamentary opposition parties (since the enactment of the ICA) during the 8th, 9th and 10th Parliament have not make declarations to the ICA.

Other post holders on the Schedule 1 are found to be in default but without a properly constituted Commission with a chairperson, the staff of the Commission can only collect declarations, record and question or ask for additional information, and remind delinquent public officers of non-compliance but they have no powers to investigate or to take any form of action as provided for in the law

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**
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⁴⁷ The Chairman of the IC shall be qualified to be appointed as a Puisne Judge.

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:

Perform an analysis on the enforcement and the efficiency of the standards of conduct for the conservation and proper use of the public resources as well as of the mechanisms that exist in Guyana to ensure compliance with these standards as instruments for the prevention of corruption. As a result of this review, the country under review could consider the adoption of measures to promote, facilitate, consolidate or ensure the application of these instruments for that end.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{48/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

i) The Government has submitted in attachments the report the GOG's Public Expenditure Financial Assessment Action Plan 2013-2017 which has been agreed with the EU. As stated earlier this Action Plan includes the Accountant General's Dept, the Internal Audit Division of the MOF, the Office of the Budget, the NPTA, the GRA and the Audit Office. The plan is for a five year period 2013-2017 and gives definitive GOG commitments along with clear means of verification for assessments which will be done by EU the first of which is slated for September 2013.

The Government did conduct a Public Expenditure Financial Assessment in 2012⁴⁹ which is under review.

The EU will use this Action Plan as the basis for assessing progress made. This will be done every 6 months starting in Sept 2013. The Minister of Finance will meet four times a year with development partners contributing to PFM initiatives as part of Office of the Budget commitments in the plan under the indicator of donor coordination in area of PFM.

48. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

49 The first was done in 2007.

- ii) Parliament Office website is being redesigned, however, the PAC reports for the year 2009 tabled in Dec 2012 is attached. The Treasury Memoranda for PAC reports 2007 and 2008 and 2009 are also attached. The PAC is now examining AG reports for years 2010 and 2011.

As stated earlier Standing Orders SO 82 (3) states that “within 90 days of the presentation of a report from the Public Accounts Committee, the government shall table its Treasury Memorandum as its response thereto.”

This is distinct from the Mid-Year Financial Report which the Minister of Finance must table in accordance with the Fiscal Management and Accountability Act . These Mid-year reports for the period 2006-2009 were examined by the Parliamentary Sectoral Committee on Economic Services and a report was tabled and adopted by the National Assembly in 2010.

- iii) The Audit Office introduced performance audits and Value for Money audits in 2009 and has done 3 value for money audits in the last 4 years, two of which have been posted on their website. The third one is on the NPTA and the draft is pending.

Recognising that this is a new area for auditors in Guyana and the Audit Office in particular there have been several training programmes both in and outside of the country for the staff of the AOG

- .iii) The 2010 and 2011 Annual Audit reports show some improvement by ministries and agencies with regard to reducing overpayment of salaries and contracts and more strenuous efforts to recoup these monies owed to the treasury. These are 2 of 6 main areas of weaknesses pointed out in the AOG reports..
- iv) The Accountant General’s Department has been the focus of some improvement in staffing and technology available to their officers working with Ministries and the 10 Administrative Regions.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If

* Please provide copies of them or indicate the internet address where they may be accessed.

deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

- 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:

Consider strengthening the existing mechanisms that require public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware to the appropriate authorities.

Measure a):

Establish measures and systems that require all public servants to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware, and facilitate compliance with this obligation through whatever measures are considered appropriate.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{50/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

Public officers are not discouraged from reporting acts of corruption in the performance of their functions and if there is no action by the relevant sectoral

50. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

ministries or agencies they can also report under confidential cover to higher levels of government.

The AOG, the NPTA, and the GRA websites allow for persons to report such acts of corruption and this would include public officers who may not feel confident in reporting within their agency. The AOG website encourages people to report under confidential cover.

The launching of the new website under the Citizen Security Programme of the Ministry of Home Affairs on May 24, 2013 has generated much interest.

The website title includes “ipaidabribe Guyana – uncover the market cost of corruption” People can report whether they were Asked for a bribe? Didn’t bribe? Were not asked for a bribe? Victimized? Angry?” On a daily basis a report is posted on the number of reports received, the agencies are named and even specific locations are given (eg police stations). As of June 18, 2013 over 2700 reports were made with the Ministry of Home Affairs (mainly police) and Ministry of Public Works receiving the most reports. The persons are not required to give their name, email address etc and receive a computer generated number. The site is now offering awards for information and explains how it will be done.

This innovation is a reverse of the recommendation in that the onus is on the public to have confidence to report and to make the officials who have felt they could get away with impunity are under surveillance and could be exposed.

In addition, although there have been detection and investigation of acts of corruption at ministries and agencies, three recent cases show the challenges that the country faces.

The first case was the discovery through an informant that approx \$ 33 M GY had been embezzled from one of the regional hospitals in 2013 (the actual investigation reveals that figure is approx \$ 43 M GY) during the investigation the persons who were suspected of being involved all escaped from Guyana. They were charged in absentia. At this stage the Government has sought assistance from neighbouring countries under the Convention on Mutual Assistance on Criminal Matters.

The second case refers to a fraud in the Pension Scheme (public servants) of the Ministry of Finance which was uncovered with help of public officers of over \$ 20 M GY. This case did lead to persons being charged but a number of persons cannot be found and one of the accused, since the case has not been called up, continues to go to work and intimidate the staff.

The third case is known as the Fidelity/Customs scandal. Following information received a special audit was conducted by the Audit Office of Guyana in 2009. The Customs Officers implicated in the Fidelity matter were charged with Conspiracy to Commit a Felony to wit knowingly concerned with the Fraudulent evasion of import duties of customs. Sixteen (16) persons were charged on 2009-04-28, and the matter was discharged on 2011-05-31 by the Magistrate for insufficient evidence.

The issue is not that public officers are not reporting but the weakness lies in the alacrity with which the investigations are conducted and the time lag between when the charges are laid and the matter is commenced in the court and completed in a timely manner. See PSC Report which illustrates this as does the cases brought by the GRA.

Here is a table to illustrate the point:-

**CORRUPT TRANSACTION OFFENCES INVOLVING PUBLIC OFFICERS FOR
THE PERIOD 2008-2012**

YEARS	CHARGES	CONVICTION	CASES PENDING
2008	17	-	17
2009	11	-	11
2010	8	1	7
2011	24	-	24
2012	34	2	32
TOTAL	94	3	91

NOTE:

All of the persons charged are police ranks except for the year 2012, out of the 34 charges two were Guyana Power and Light employees, a state agency.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

* Please provide copies of them or indicate the internet address where they may be accessed.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**

Measure b):

Adopt and implement protection measures for public servants to encourage them to report acts of corruption in good faith.

Declarations by the government and the President that it will not tolerate corruption and strident statements by the Minister of Home Affairs with regards to corrupt police are beginning to have an effect as more members of staff are prepared to expose these acts and these have lead to more investigations and charges being brought.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{51/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:**

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If**

51. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**

Measure c):

Review the application of the provision contained in section 28(3) of the Integrity Commission Act, in order to ensure that it does not become an impediment to, or inhibit, discourage, or intimidate public officials from reporting acts of corruption in the performance of public functions of which they are aware.

The Government is of the opinion that this has not so far proven to be an impediment. However, this continues to be under consideration by the government.

The media, whilst exposing abuse and corruption, has been at pains to interpret every action as such even when provided with facts to the contrary. The media has not been giving the right to reply nor covering responses to their allegations.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{52/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____
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- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____
- _____

52. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure d):

Implement adequate measures, including training for public servants on how to report acts of corruption, and the requisites for reporting them, and on protection mechanisms for those who report such cases in good faith.

This report has included efforts to train evaluators and contractors on the financial rules and procurement standards and laws in 2012 and 2013 through workshops and symposium.

The Accountant General's programmes focuses on adherence to financial rules and regulations to prevent abuse and acts of corruption.

In respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{53/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____
_____**
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or**

53. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

reformulation: _____

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

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

RECOMMENDATION:

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

Measure a):

Maximize the use of systems to study the contents of the declarations of income, assets and liabilities, and to adopt suitable measures to detect and prevent conflicts of interest and cases of illicit enrichment, using modern technologies, whenever possible, to expedite their presentation and improve systems, analysis or investigation of cases.

The Guyana Revenue Authority under the Revenue Authority Act No 13 of 1996 54Cap: 79:04 (attached) (gra.gov.gy) has used new technology and automation of services such as Licenses, income tax and customs declarations. The GRA holds weekly tv educational broadcast programmes with several television and radio stations that reach different areas of the country. Several of them are call in programmes. The website advertises a hotline which is available during working and non-working hours.

54 The GRA is a body corporate and is managed by a Board of Directors which appoints the Commissioner General. The GRA manages both Inland Revenue and Customs and Excise Depts and is the singular collection agency.

The GRA has shown an increasing capacity to garner monies due to the state as is reported publicly in the budget and Mid-year reports.

The Integrity Commission is a body corporate under the ICA.

The Integrity Commission receives declarations of assets from the post holders on Schedule 1 of the ICA. It tracks those who are not submitting and reminds these officers to bring themselves into compliance. There is a linkage between the GRA and the ICA in terms of verifying declaration of income. As bank accounts have to be declared in the annual report and their contents the ICA can make inquiries to the commercial banking sector to verify the declarations.

The draft amendments to the ICA include strengthening the investigative capabilities of the IC and to provide for a system of public declarations of assets.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{55/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

This has been explained earlier with regard to the appointment of the chairperson by the President and the Leader of the Opposition.

55. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure b):

Consider the possibility of making adjustments or legal reforms to the power granted by the Integrity Commission Act to the Commission or the President, whichever is applicable, in order to impose the appropriate administrative sanctions without the authorization of another organ or official.

This recommendation is unclear and seems to have ignored the fact that the ICA provides for the IC to have powers of a Commission under the Commission of Inquiry Act.(attached) This means that the IC has s powers of a tribunal and can so convene and hold hearings which would be held in private as the Act clearly states in sections 10 (2), 21(4).

Section 41 specifically addresses possession of unaccounted property or pecuniary resources. Section 32(4) allows for a public officer to apply to the IC where there is uncertainty with regard to gifts etc and seek its opinion which he must comply with as provided for in the ICA.

Sections 22 addresses offences and provides for summary conviction and imprisonment.

Section 25 provides for offences in addition to those in the Criminal Law (Offences) Act and the Summary Jurisdiction (Offences) Act.

However S 23 advises that prior to instituting prosecution the IC should have the written consent of the Office of the Director of Public Prosecutions. Section 31 includes the DPP after an investigation and instituting prosecution.

The main impediment to the proper functioning of the IC under the existing ICA in Guyana is a political one described earlier.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{56/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information

56. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

on those actions can be obtained, clearly indicating the information of the web site in question: _____

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

Measure c):

Consider adjustments or legal reform of the existing system of sanctions, including other conducts, such as the late presentation of declarations or other types of sanctions.

The ICA already includes provisions to address late submissions including false declarations and penalties. Section 13 provides for submission of declarations by June 30th annually. S 17, 18, 19 and 22 address the issue of late submissions of declarations in keeping with S13 and non-responsiveness to the Commission and perjury (false declarations) Section 22.

S 16 provides for public officers putting their assets in a blind trust.

* Please provide copies of them or indicate the internet address where they may be accessed.

The draft amendments to the ICA being developed relates to the areas of strengthening the investigative capacity of the IC not reforms with regards to this recommendation as the ICA adequately addresses these issues..

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{57/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure d):

57. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

Review the possibility of extending the five-year term established in section 23 (b) of the Integrity Commission Act as a limit for instituting legal proceedings in respect of such unlawful acts committed by an official who no longer performs public functions.

S 23 (b) is relevant to offences identified in Section 22. This section refers to and is applicable to all post holders listed in the Schedule. Whilst Section 23(b) states that “ after 5 years from the date when the person in respect of whose declaration the alleged offence was committed, ceased to be in a person in public life”.

Section 21 (3) refers to members of the Commission and 5 years after they are no longer Commissioners.

The Committee should take into consideration that there are no statutes of limitation on criminal offences as described under the Criminal Law (Offences) Act Cap 8:01 (attached) and other relevant statutes.

Title 13, Fraud, Fraudulent conversion, fraud relating to companies, Falsification of Accounts; Title 17, Forgery and Similar Offences, Title 22 S 333-338 includes the President, Cabinet Members etc of the Criminal Law (Offences) and there are no statutes of limitation or time restrictions. Perjury (false declaration) also has no limit either.

Therefore were someone to have demitted office and the 5 year limit had elapsed under the ICA there is nothing to prevent the investigation being carried nor charges being laid beyond that period.

The Committee may wish to note that Guyana’s Limitation Act Cap 7:02 does not address limitations for criminal offences.

Guyana therefore sees no need for further extension under the ICA as proposed in this recommendation.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{58/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**
- _____
- _____

58. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure (d)

Consider the advisability of granting to a body or official other than the President the administration, verification and application of the system for declaring assets and liabilities in respect of members of the Integrity Commission.

Since the ICA was enacted there have been 4 Presidents. The President submits his declarations to the IC and the IC members to him.

In principle, however, the President would have an interest in his appointees being in compliance with the ICA, most especially Cabinet Members which includes Presidential advisors and Permanent Secretaries.

A draft Cabinet Code of Conduct is also under consideration which will further enhance the zero tolerance policy at the highest political forum and compliance with the constitution and laws in particular the ICA. It has been agreed that this document will be publicly available so that the public is aware of the code that Cabinet members are being held to.

* Please provide copies of them or indicate the internet address where they may be accessed.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{59/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

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C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure f):

Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate, in accordance with the fundamental principles of the domestic legal system.

59. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

As stated earlier, the issue of declarations being made public is under consideration in the draft amendments to the ICA..

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{60/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

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D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

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

60. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

RECOMMENDATION:

Consider strengthening or creating oversight bodies to enforce compliance with the provisions of Chapter III, paragraphs 1, 2, 4 and 11 of the Convention, providing them with the resources needed to carry out their functions in full and establishing the mechanisms necessary for the institutional coordination of their actions and their periodic evaluation and follow-up.

Following the revised 2003 Constitution, new laws with regards to oversight bodies have made good faith efforts to be in compliance. The early part of this response has gone into some depth with regards to the functioning of the selected oversight bodies. The major challenge is to ensure that these oversight bodies implement their mandate effectively and efficiently in accordance with the relevant statutes.

Earlier in the report Guyana has provided information with regards to reporting mechanisms being improved by oversight bodies, staffing and budgetary allocation including the use of new technology and websites.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{61/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____
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- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

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D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

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 the need for Guyana to reassess and strengthen its general approach for encouraging the participation of civil society and non governmental organizations in efforts to prevent corruption.

The Committee is asked to refer to the power point presentation on Guyana in June 2011 to the Conference on Civil Society Participation in the fight against corruption.(attached) .Since then there have been a few new developments on this issue :-

-the establishment of a NGO, Transparency Institute of Guyana (not affiliated to TI) which has held meetings with the Private Sector Commission and public fora.

-The Georgetown Chamber of Commerce introduced a Code of Conduct for its members.

-Series of 4 TV debates on corruption in 2012 with regards to major infrastructural projects which included members of the opposition political parties. Each session allowed for the public to text their questions and comments to the panel while the debate was going on.

-New website “ipaidabribeguyana” launched on May 24, 2013

-Media coverage of allegations of corruption has been heightened.

-Call in tv and radio programmes on police, Revenue Authority, various ministries and agencies that provide services

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{62/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

4.2. Mechanisms for access to information

RECOMMENDATION:

Consider preparing and approving legal provisions supporting access to information.

62. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

The Access to Information Act (ATI Act) (copy attached) was passed in Sept 2011 in National Assembly and the commencement order was issued in May 2013. The Commissioner of Information was appointed in May 2013.

Measure a):

Develop and regulate the processes through which requests are received in order to respond to them on a timely basis, for appeals in cases where requests are denied, and establish sanctions in the event of failure to comply with the obligation to furnish public information.

The ATI Act provides for all of these concerns in this recommendation.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^{63/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

63. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**

Measure b):

Consider the creation or adoption of systems to ensure that the public has access, when appropriate, to information on public government organizations and their financial and program planning activities, specifically including oversight bodies responsible for matters covered by this report.

The ATI Act provides for the implementation of this recommendation.

The oversight bodies chosen in this report – the AOG, the NPTA and the DPP, have established and functioning websites. In addition, new websites- eprocure and IC, GRA, and ministries such as Ministry of Finance, Attorney General and Minister of Legal Affairs contribute additional access.

Once the redesign and upgrading of the Guyana Parliament website is completed, access to all records tabled and debated and resolved in the National Assembly will be available to the public. The digitalization of the Parliament records commenced in 2008 and has moved from current date to incrementally adding on previous years. The objective is to digitalise all records from the early 1900s.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^{64/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the**

64. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

4.3. Mechanisms for consultation

RECOMMENDATION 4.3.1:

Develop standards and procedures capable of supporting consultation mechanisms to encourage civil society organizations and citizens to provide opinions and proposals to be taken into account.

Although there is no specific statute on consultation mechanisms with civil society, Article 13 of the Constitution calls for “ providing increasing opportunities for the participation of citizens, and their organizations the management and decision-making processes of the state , with particular emphasis on those areas of decision-making that directly affect their well-being”.

Government policy dictates that no new legislation can be brought to Cabinet without having been subjected to a consultative process with the relevant stakeholders; so too any policy change by the cabinet is normally sent to a consultative process before the final decision is taken.

* Please provide copies of them or indicate the internet address where they may be accessed.

Complex and or controversial bills are sent to parliamentary special select committees where the public may be invited to submit their views and proposed changes.

In the 9th Parliament, 16 bills were treated in this manner. The Access to information Bill was sent to a Parliamentary Special Select Committee in 2011 and received submissions from the public, both written and oral presentations before the committee. So too were the Anti-Money Laundering and Countering the Financing of Terrorism Bill and the Money Transfer Licensing Bill in 2009.

In the 10th Parliament, 8 bills are before special select committees, most recent of these is the Anti-Money laundering and Countering the Financing of Terrorism (Amendment) Bill to bring Guyana into compliance with the CFATF/FATF obligations. The public has been invited to make submissions on this bill and persons will be called before the committee on July 3.2013.

Matters sent to a Special Select Committee need not be a bill but a matter such as the UN HRC recommendations to Guyana on the abolition of corporal punishment, the abolition of the death penalty and the decriminalization of consensual adult same sex relations and discrimination against LGBTs is presently before such as committee and the public has submitted and is being invited to present before the committee.

There are no formal standards, however, there are measures and mechanism to provide for consultation as a feature of decision-making enshrined in the constitution and a power-sharing model. Terms such as “meaningful consultation” is specifically defined.

However, the present model which has been evolving since 2003 has provided important lessons and ensured that government must listen to people’s views and be more responsive to their issues. Community meetings across the country with Ministers, for example, expose the levels of inefficiencies, allegations of corruption, shoddy work, questionable transactions and poor performance of officials. This form of non-legislative means is more populist in character but has provided Guyana with a useful watchdog mechanism that is invaluable to government functioning, protecting scarce resources and exposing acts of corruption. Residents in these communities are vocal and vent their frustrations but also propose some new approaches and anticipate that there will be results.

Legislation governing agencies and statutory bodies and the appointment of their Boards require that there is some representation of national stakeholders from civil society depending on the Board. The Broadcasting Board has a nominee from the Leader of the Opposition and one from civil society, the NPTA Board as described earlier has representatives of the private sector.

If one totaled the lists of civil society bodies who were consulted in the appointment of the 4 Human rights commissions and the three Service Commissions, this would probably included over 300 csos.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{65/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

RECOMMENDATION 4.3.2:

Design and implement programs to publicize consultation mechanisms, and when appropriate, provide civil society, nongovernmental organizations and public officials and employees with the training and instruments necessary for effective implementation of those mechanisms.

See rec 4.3.1.

65. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

The implementation of the ATI Act will call for training of the staff in various government agencies as well as public awareness programmes.

Through exposure to a broad sphere of consultations and communication, public officials are more comfortable with this approach to policy making and problem solving described in the section above. Training is also on-going.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{66/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

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D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

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* Please provide copies of them or indicate the internet address where they may be accessed.

4.4. Mechanisms to encourage participation in public administration

RECOMMENDATION:

The Committee considered it useful to formulate recommendations 4.3.1 and 4.3.2 of this section with respect to the mechanisms to encourage participation in the public administration.

This is an on-going process with new initiatives and innovations being tried to improve and build trust and confidence in the legislative, judicial and executive branches of government.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{67/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical

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cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

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

RECOMMENDATION:

The Committee considered it useful to formulate recommendations 4.3.1 and 4.3.2 of this section with respect to the mechanisms for the follow-up of the public administration.

As stated in 4.3.1. after these consultative fora- call in programmes, community and or national and regional public consultations, reports are generated which are referred to sectoral Ministries and agencies for examination and resolution as well as Cabinet for final decision, when necessary.

More recently the practice of returning to the communities where issues have been raised to report on what action has or has not been taken and why not. This provides a circle of dialogue and accountability.

As Guyana has ratified both the UN Convention against Corruption and the Inter-American Convention Against Corruption, the Governance Unit in the Office of the President which coordinates state party reports and monitors adherence and compliance with its international treaty obligations with special focus on human rights and corruption, conventions with regard to security, is moving from an adhoc coordination of state party reports to these conventions to a more formal coordination mechanism.

This will be a standing inter-agency headed by the Presidential Advisor on Governance and which will comprise of representatives/designated focal points from the following agencies:-

Ministry of Finance
Ministry of Legal Affairs
Ministry of Foreign Affairs
Ministry of Home Affairs
Audit Office of Guyana
Office of the Director of Public Prosecution
NPTA
Financial Intelligence Unit
Guyana Revenue Authority
Bankers' Association of Guyana
Public Service Commission

The terms of reference of this inter-agency team is to (a) assist in preparing the State Party Reports and Progress Reports ; (b) responding to recommendations through taking the issues through the decision-making process and (c) tracking progress of Guyana viz these 2 conventions.

With regards to (a) it will meet as required in the preparatory stage of the reports and it will meet twice a year to respond to recommendations and to monitor progress in terms of implementation of the recommendations.

As needs be representatives may be invited to specific meetings from the private sector, the Institute of Chartered Accountants and Institute of Internal Auditors or any other civil society body. This body will be convened in July in anticipation of preparations for Guyana's first report to the UNCAC and in preparation for the on-site visit of the MESICIC in the last quarter of 2013 and Guyana's IV Round review in 2014.

The Committee may also wish to note that Guyana's Expert on the MESICIC is also the focal point on the UNCAC to allow for synergies between the 2 conventions.

Guyana will benefit from a national drafting workshop in September 2013 to assist and guide it on its preparations for its first review before the UNCAC in 2014 with technical support from the UNODC based in Panama.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{68/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:** _____
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68. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

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- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**

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

Recommendation 5.1:

Ensure that both the mutual assistance treaties signed and the Convention are applied in specific cases of corruption.

Guyana reported in the Third Round Review of the MESICIC that Guyana ratified the Inter-American Convention on Mutual Assistance in Criminal Matters, the UN Convention on Corruption and the CARICOM Cooperation Treaty on Matters of Mutual Criminal Matters. The latter was enacted into domestic legislation.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{69/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

Requests for assistance in criminal matters are governed in Guyana by the Mutual Assistance in Criminal Matters Act No. 38 of 2009 which was assented to by the President of Guyana on 9th June 2010.

The enactment of the Mutual Assistance in Criminal Matters Act gives effect to the Harare Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth and to provide for mutual assistance in criminal matters between Guyana and countries that have a treaty with Guyana concerning such assistance.

69. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

The Mutual Assistance in Criminal Matters Act allows the transmission of requests to and from the Central Authority of Guyana and:

- the Central Authority of a Commonwealth country (designated as such under Article 47 (3) of the 1980 Constitution of the Co-operative Republic of Guyana);
- the Central Authority of a country that is a party to the United Nations Convention against Illicit Traffic in Narcotic drugs and Psychotropic Substances 1988 (section 38 (1) (b) of the Mutual Assistance in Criminal Matters Act); or
- the Central Authority of any country that has a bilateral or multilateral treaty with Guyana in respect of mutual assistance in criminal matters (section 38 (1) (a) of the Mutual Assistance in Criminal Matters Act) e.g. Inter-American Convention on Mutual Assistance in Criminal Matters.

Section 3 of the Mutual Assistance in Criminal Matters Act 2009 designates the Minister of Home Affairs as the Central Authority for Guyana, tasked with receiving and transmitting requests for mutual legal assistance in criminal matters. Requests can be received and transmitted in the following matters:

- Obtaining evidence;
- Locating or identifying persons;
- Locating or identifying things;
- Obtaining thing by search and seizure;
- Arranging attendance of person;
- Transferring prisoner;
- Serving documents;

Assistance is provided or sought in these instances on the basis of the existence of a criminal matter whether it is an investigation or criminal proceedings in respect of an offence committed or suspected to have been committed against the laws of the country in question.

Assistance can also be received or transmitted in the following areas:

- Tracing property;
- Registering/enforcing a forfeiture, pecuniary penalty or restraining order;
- Obtaining a restraining order

These cases involve a connection with a serious offence which is defined in section 2 (1) as an offence which is punishable by death or a sentence of imprisonment of twelve (12) months or more; relates to taxation; or the proceeds of the offence are or are likely to be worth not less than equivalent of one million dollars (\$1,000,000 GY) or such other amount as may be prescribed.

The requests for assistance made to the office of the Minister of Home Affairs, as mandated by the Schedule to the Mutual Assistance in Criminal Matters Act 2009, should generally include the following:

- be in English or include an English translation of the original documents;
- the purpose of the request, the assistance requested and the agency initiating the request;
- a copy of the text of the relevant laws;
- where the request relates to person, provide the name, nationality and address of that person, if available;
- the period in which the request should be complied with;
- for the purposes of a criminal investigation: when the investigation commenced and the nature of the investigation;
- for the purposes of criminal proceedings: details of the proceedings, the offence concerned, a summary of the known facts, the identity of the person to whom the proceedings relate, when the proceedings were instituted, stage reached in the proceedings, and the competent authority conducting or supervising the proceedings;
- the procedure which should be followed when obtaining evidence, if necessary;
- copy of any orders which should be enforced or applied for by the authorities in Guyana; and
- contain any other available information that may assist in carrying out the request.

Although requests have to be made in writing, an oral request for assistance could be transmitted to the office of the Minister of Home Affairs in urgent cases by virtue of section 22 (2) of the Mutual Assistance in Criminal Matters Act. However, such an oral request has to be confirmed in writing within seven (7) days or such other period as the Minister of Home Affairs may allow.

The following are some instances where a request for assistance must be refused by the Minister of Home Affairs under section 23 (2) of the Mutual Assistance in Criminal Matters Act 2009, because the request:

- involves an offence of a political character;
- is believed to have been made for the purposes of prosecuting or punishing a person on account of the person's race, sex, religion, nationality, place of origin or political opinions;
- the execution of which, would be contrary to the constitution of Guyana or would require steps to be taken that cannot be lawfully taken;
- would prejudice the national security or international relations of Guyana; or

- relates to an offence in respect of which the person has already been convicted or acquitted by a court or tribunal in Guyana.

When a request for assistance is sent to the Ministry of Home Affairs, a preliminary assessment is undertaken to determine whether the request complies with the Mutual Assistance in Criminal Matters Act 2009 and other relevant legislation.

If the preliminary assessment reveals that the request for assistance can be accepted, the letter of request is then forwarded to the relevant agency for execution. At this time, a letter of acknowledgement is dispatched to the Central Authority for the requesting country indicating that efforts are being made to fulfill the request.

Depending on the nature of the request, the executing agency will respond to indicate whether efforts have been made to provide the assistance requested. Upon receipt of the response, the information is forwarded to the Central Authority for the requesting country. The length of this process depends upon the information submitted by the requesting country and the particular request for assistance.

If the Minister of Home Affairs receives or transmits any request for assistance in respect of a specific case of corruption, the legal mechanism under the Mutual Assistance in Criminal Matters Act 2009 would be employed as outlined above.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please

* Please provide copies of them or indicate the internet address where they may be accessed.

also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Recommendation 5.2:

Promote the adoption and effective application of the Mutual Assistance in Criminal Matters Bill.

Efforts are on going to ensure that the Mutual Assistance in Criminal Matters Act is being effectively utilized for the purposes of fighting crime and apprehending persons accused of acts of corruption.

The Office of the Minister of Home Affairs has transmitted requests for assistance to Central Authorities under the Mutual Assistance in Criminal Matters Act 2009 in respect of Guyanese citizens accused under section 191 of the Criminal Law (Offences) Act, Cap 8:01 in respect of embezzlement by a clerk or servant as follows:

- Trinidad and Tobago (2010)- locating the accused in requested country for the purpose of prosecution in Guyana;
- Suriname and Bolivarian Republic of Venezuela (2011)- ditto; and
- United States of America (2011) - ditto.

These requests have not led to the institution of charges against the individuals as they have not been located.

No country has sought assistance from Guyana under the auspices of the Inter-American Convention against Corruption.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{70/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information**

70. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

on those actions can be obtained, clearly indicating the information of the web site in question:

Please see response to Recommendation 5.1.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Recommendation 5.3:

Determine and prioritize specific areas where technical cooperation by other States party might be useful in strengthening their capacities for preventing, detecting, investigating and punishing acts of corruption.

Guyana as part of CARICOM has been receiving technical assistance under the US Caribbean Basin Security Initiative. The UNODC also assists. The GoG/IDB Citizen Security Programme (loan agreement) has contributed to improvements in citizen security.

* Please provide copies of them or indicate the internet address where they may be accessed.

Guyana also benefits from assistance from bi-lateral cooperation agreements and multilateral developmental partners.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{71/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Recommendation 6.1:

71. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

Appoint the Central Authority provided for in Article XVIII of the Convention for the purposes of international assistance and cooperation foreseen therein, either through approval of the provisions in this area found in the Mutual Assistance in Criminal Matters Bill referred to in the response to the questionnaire, or by taking the appropriate administrative decisions.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{72/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _

The Minister of Home Affairs has been designated as the Central Authority for Guyana pursuant to section 3(1) of the Mutual Assistance in Criminal Matters Act 2009 which would extend to the transmission and receipt of requests for assistance envisaged under the Convention.

—

- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and _____

72. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Recommendation 6.2:

Formally notify the General Secretariat of the OAS the appointment of the central authority, pursuant to the prescribed formalities.

The General Secretariat of the Organisation of American States has been notified of the designation of the Minister of Home Affairs as the Central Authority for Guyana for the purposes of the Inter-American Convention on Mutual Assistance in Criminal Matters on October 23, 2009.

The General Secretary of the Organization of the American States has been notified of the designation of the Minister of Foreign Affairs as the Central Authority for Guyana for the purposes of international assistance and cooperation, pursuant to Article XV111 of the Inter-American Convention Against Corruption on June 10, 2011

On April 11, 2011, Guyana deposited instruments reflecting its withdrawal of the reservation to the ICAC. This was posted on the Anti-corruption Bulletin of the OAS on May 2, 2011.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{73/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or

73. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

reformulation: _____

- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:**
- _____
- _____

- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:**
- _____
- _____

Recommendation 6.3:

Ensure that once the authority has been appointed it has the resources it needs to adequately fulfill its functions.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{74/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:**

The Office of the Minister of Home Affairs is adequately staffed and equipped to function as the Central Authority under the Mutual Assistance in Criminal Matters Act 2009.

The Office of the Minister of Foreign Affairs is adequately staffed and receives additional support from the Governance Unit of the Office of the President, the Minister of Home Affairs and the Secretary to the Cabinet.

74. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation:

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

7. GENERAL RECOMMENDATIONS

Recommendation 7.1:

Design and implement, as appropriate, training programs for public officials responsible for applying the systems, standards, measures and mechanisms considered in this report, to guarantee that they are properly understood, handled and applied.

With the introduction of the manuals that have been provided in this report and which are available on the relevant websites, these have all been accompanied by training programmes in the relevant agencies to ensure that the users properly understand, handle and apply these manuals. This is on-going.

* Please provide copies of them or indicate the internet address where they may be accessed.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions^{75/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____
- B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____
- C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____
- D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question: _____

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, Guyana 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 website. The State under review could also take into account any

75. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

At the completion of each round, the report is circulated to the Cabinet members and to the Heads of the relevant agencies to familiarize with the recommendations and to encourage where possible amendments, changes as a follow-up. These issues are brought on to the agenda of the Cabinet sub-Committee on Governance, External and Parliamentary Affairs in order to move these issues to the various stages of decision-making.

In preparation of this response to the questionnaire of the IV Review Round, the relevant agencies (the Auditor General, the NPTA, the MOF, the MOHA, the DPP, the Attorney General, the Police , the Public Service Commission) have contributed to the contents of this document.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{76/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating

76. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

the information of the web site in question:

Recommendation 7.3:

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

The information in this report indicated what efforts have been made.

With respect to the foregoing recommendation, provide the following information:

A) Please briefly describe the specific actions^{77/} that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for implementation, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question: _____

B) If applicable, indicate the new information and developments related to the subject matter of the above recommendation or corresponding measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,* or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation or measure was formulated,* indicating whether they are deemed to have an impact on the validity of that recommendation or measure or whether they could lead to its restatement or reformulation: _____

C) Please briefly indicate the possible difficulties seen in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question: _____

D) If deemed appropriate, please indicate which internal agencies or other organizations have participated in the implementation of the foregoing recommendation or corresponding measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating

77. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the internet address where they may be accessed.

* Please provide copies of them or indicate the internet address where they may be accessed.

the information of the web site in question:

Recommendation 7.4:

Optimize the general statistical records of the oversight bodies so as to allow objective review of the results of the legal framework and other measures that are adopted.

This is on-going as indicated in the Third Round Review para 201 with improved connectivity and the computerization of the government management information systems. The e-governance project in train now will provide greater capabilities and more timely access to data and provision of statistics in a more timely manner.

List of websites:-

www.finance.gov.gy_

www.gra.gov.gy

www.legalaffairs.gov.gy-new

www.audit.org.gy

www.npta.gov.gy- updated 2012

www.integritycommission.gov.gy- new

www.dpp.gy-new

www.eprocure.gov.gy

www.officialgazette.gov.gy-new

ipaidabribe.gy-new

ANNEX II

STANDARD FORMAT SUGGESTED AS A GUIDELINE FOR PRESENTATION OF INFORMATION ON BEST PRACTICES^{78/}

1. The name of the institution that is implementing the best practice:

Audit Office of Guyana

Title: The name of the best practice or the action it entails and the topic it covers (i.e., prevention of conflicts of interests):

- 2.

Protecting the independence of the Auditor General and the Audit office- the appointment of the Auditor General by the President on the recommendation of the Public Service Commission⁷⁹ with tenure until he/she reaches the age of 60 with a possible extension to 65 years of age; separation of the AOG and AG from reporting to the MOF and instead reporting to the National Assembly directly and the Public Accounts Committee. Concomitantly with this enhancing the role of the PAC with constitutional provisions of “general supervision of the AOG” without interfering with the independence of the AG and the AOG. The Audit Office is a public office and the staff are not public servants nor public officers. They are completely independent.

3. Best practice description: A short description and summary of the best practice should be provided and explanation and as to why it should be considered a best practice:

- 4.

The changes described in # 2 differ from a number of developing countries but these changes enhance the independence and integrity of the Audit Office.

(a) his appointment is based on the recommendation of the PSC as constitutionally provide;

(b) the AOG is governed by the Audit Act and is a public office

(c) the AG does not report to the Minister of Finance but to the National Assembly;

78. The questions set out on this form are intended to guide the States regarding the information they may furnish on best practices, if they so wish, and to be responded as deemed appropriate.

79 The pSC is appointed by the President after a parliamentary standing committee of appointments provides him/her with 4 names which he must appoint and the 3 other members after agreement with the Leader of the Opposition and one appointee in the President’s discretion. The members elect the Chair and deputy chair. Their tenure is for 3 years.

- (d) the AG and staff are not public officers and are not on the pensionable public service establishment;
 - (e) the budget for the AOG is presented and approved by the PAC and the PAC so informs the Minister of Finance and it is submitted to him who shall include and submit as a part of the annual national budget.
 - (f) in the annual Budget documents the AOG is listed under “Budgets of Statutory Bodies” and separately listed in accordance with article 222A ;
 - (g) the PAC cannot interfere in the functioning of the AOG nor can any other person control or give it direction as provided for in the constitution;
 - (h)the PAC approves the Rules, Policies and Procedures Manual of the AOG and the organizational structure and staffing component; this was gazetted by a regulation to the Audit Act on the approval of the PAC and by a resolution on the National Assembly (noteworthy the AOG hires its own engineers to assist with the audits and therefore is completely independent from the engineers in the government sector)
 - (i) the PAC approves the AOG appointments of senior officers; lower levels of staff and employees are hired by the AOG in accordance with the RPPM;
 - (j) tenure of the AOG is secure regardless of who is in government;
 - (k) the AG can be called into do special or forensic audits but he can on his own initiate and carry out a special or any other audit in his own right without invitation;
 - (l) he can obtain evidence as provided in statute and if he wishes to prosecute he can proceed after receiving the advice of the Director of Public Prosecutions and the Commissioner of Police.
 - (m) the Auditor General and Audit Office do not require approval of Cabinet to travel on official business nor to attend external training programmes;
 - (n) on a quarterly basis the AG goes before the PAC and reports on progress and expenditure with regard to the annual work programme and indicates if he is having any challenges in carrying out his mandate.
-
-

5. Reasons/Importance: Reasons for the development of the best practice should be given. A description should be made of the situation in place before the adoption of the best practice and identification of the problem or problems it is to address:

As a part of the constitutional reform process between the 1999-2003 the broad-based Parliamentary Constitutional Reform Commission (CRC) recommended that Guyana should strive to make constitutional post holders independent so to improve

accountability and transparency and to build trust and confidence among the citizenry and in these bodies.

Approach: What was the proposed design and methodology for applying the best practice? What was considered in its design and methodology? Were other countries experience taken into account:

Guyana examined many other models and adapted this model to its reality.

6. Implementation: How is the best practice being implemented?

As described in No. 3 above _____

7. Challenges: What are the challenges in implementing the best practice? Were civil society organizations involved in its implementation?

Yes during the constitutional reform period the CRC travelled throughout the country meeting communities, civil society bodies and took their opinions and recommendations into consideration. In fact the CRC was comprised of members of the parliamentary political parties, representatives of the Christian, Hindu and Muslim religions, labour, business, women, youth and indigenous peoples. The CRC was based at the Parliament Office with a full secretariat and experts.

It should be noted that between 1981 and 1992 there were no audited accounts tabled in the National Assembly due to the lack of power of the AOG to table the audit in his own right but only with the approval of the Minister responsible for finance. Those 10 years of unaccounted expenditure had to be eventually written of in the late 1990s. The country did not want a repeat of this experience. They wanted the Auditor General and the AOG to be constitutionally enshrined and independent.

8. Outcome: What is the end result or expected end result of implementing the best practice? Have benefits and/or success stories been identified? Have they addressed the problems originally identified as necessitating a best practice to be implemented? What has its impact on civil society been? _____

The impact has been positive as people are assured that the AOG can do its work without interference.

Follow-Up: Who or what groups will monitor the practice's implementation? How will its implementation be monitored? Will there be progress reports?

The PAC is the body tasked with the general supervision of the AOG.

The PEFA Action Plan 2013-2017 referred to earlier on in the report will also be monitoring the implementation of the plan by the identified agencies including the AOG.

9. Lessons: What are some lessons in implementing the Best Practice? _____

This model of best practice is approximately 8 years and it is working satisfactorily in auditing, identifying the weakness and gaps in the public financial management and submitting annual reports on time to the National Assembly.

10. Documentation: Where to find more information on the Best Practice (i.e., internet links) _____

There has been no write up on the AOG as a best practice in any formal document or study. The Audit Office has a website which has been referred to earlier on. _____

11. Contact: Who to contact to receive further information.

The Auditor General
deodat.sharma@audit.org.gy