

**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 ROUND\***

**INTRODUCTION**

The *Report of Buenos Aires*<sup>2/</sup> and the *Rules of Procedure and Other Provisions*<sup>3/</sup> 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<sup>4/</sup>, 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 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.”

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- \* This Questionnaire includes an Annex I that contains an individualized format for the Republic of Trinidad and Tobago 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](http://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](http://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/ceplll\\_recom\\_en.pdf](http://www.oas.org/juridico/english/ceplll_recom_en.pdf)

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](http://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](mailto: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.

- Auditor General
- Director of Public Prosecutions
- Public Service Commission
- Integrity Commission

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.

By email dated 19<sup>th</sup> April, 2012, the Department of Legal Cooperation, Organization of American States suggested that the following oversight bodies be of focus:

- Auditor General
- Director of Public Prosecutions
- Public Service Commission
- Integrity Commission
- Judicial and Legal Services Commission. (*completed questionnaire outstanding*)

By email dated 1<sup>st</sup> June, 2012, the Department of Legal Cooperation, Organization of American States advised that it was not required that the questions which were not applicable to the oversight bodies be answered unless the

function of the particular body requires that answers be so provided.

- 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.

The Office of Auditor General of Trinidad and Tobago is responsible for the audit of financial statements of Government Ministries/Departments/Statutory Boards and Similar Bodies. Section 116 (2) of the Constitution of the Republic of Trinidad and Tobago refers. The Auditor general is also required to report on any instances of waste and extravagance. Section 9 (2) (c) of the Exchequer and Audit Act, Chapter 69:01 is relevant. Under section 116 (3) of the Constitution, the Auditor General is empowered to audit the accounts of enterprises that are owned or controlled, by or on behalf of the State.

The Auditor general is appointed by the President of the Country in consultation with the Prime Minister and the Leader of the Opposition. (Section 117 (1) of the Constitution refers). Section 116 (6) of the Constitution states that *"In the exercise of his functions under this Constitution, the Auditor General shall not be subject to the direction or control of any other person or authority."*

The Auditor General.

The Office of the Director of Public Prosecutions is fully responsible for all criminal prosecutions in the country. It is headed by the Director of Public Prosecutions.

Office of the Director of Public Prosecutions

- ii. The scope of their functions, indicating whether any exceptions to it exist.

The Auditor general conducts financial audits. Value for Money/Comprehensive/ Performance audits are also conducted under section 9 (2) (c) of the Exchequer and Audit Act.

The Auditor General.

By virtue of section 90 (1) of the Constitution, the Director has the power to institute and undertake criminal proceedings against any person before any court other than military court martial in respect of any offence in law to take over and continue any criminal proceedings that may have been initiated by any other person or authority (e.g. customs, board of inland revenue); to discontinue at any stage before judgment is delivered any such criminal

proceedings instituted by himself or any other person or authority. The post is established by the Constitution and it is almost free from control. The exercise of the powers of the DPP is subject to the responsibility of the Attorney General, which is a political office, for the "administration of legal affairs". This refers not to the conduct of prosecutions but administrative matters, such as staffing.

Office of the Director of Public Prosecutions.

- iii. 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.

Generally the Auditor General is responsible for making decisions affecting the Department. In some instances, Cabinet approval is required, for example, for overseas travel. In this instance, a Note is submitted to Cabinet through the Office of the Prime Minister.

The Staff of the Auditor General's Department are public officers and their appointments and promotions are subject to the Public Service Commission. The Chief Personnel Officer is responsible for setting the terms and conditions of employment.

[http://www.cpo.gov.tt/about\\_us/](http://www.cpo.gov.tt/about_us/)

The Office of Auditor General is a single-person agency.

The Auditor General.

The decisions to prosecute or not to prosecute is made in accordance with the law and whether the prosecution is in the public interest. Constitutionally, the Director may delegate the exercise of his powers to certain specified persons who are usually legal officers employed in the Office of the DPP. Judicial review proceedings can be initiated by the aggrieved who wish to challenge decisions of the DPP in the exercise of his powers.

Office of the Director of Public Prosecutions

- iv. 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.

The senior officers in the Auditor General's Department are selected based on seniority.

For auditing staff, there are two levels of recruitment. The first level is Audit Examiner Assistant I which requires five (5) Ordinary Level passes, including English and Mathematics. The other level of recruitment is Audit Senior which requires a full professional accountancy



qualification. Recruitment is conducted by one of the central agencies, the Service Commissions Department which is also responsible for promotions etc.

For clerical/administrative staff and Human Resource Officers, selection is based on seniority, whether the officer is at the time within the Auditor General's Department or in the wider Public Service.

Senior officers do not serve fixed terms. Officers can work until compulsory retirement at age 60 years or they can leave the Public Service voluntarily at 55 years or they can leave with permission at age 50 years. The retirement age for the Auditor General is 65 years.

Provisions relating to the removal of the Auditor General are contained in the Constitution at section 136 (7) to (11). The removal of public officers would be subject to the Public Service Commission Regulations.

The Auditor General.

Senior officers are usually promoted from within the ranks of the legal officers in the Office of the DPP, although there is nothing to prevent anyone in private practice from applying for a vacancy. The Judicial and Legal Services Commission advertises the vacancies; applications are invited; persons apply and are selected based on qualifications, training, experience, overall suitability. It is a merit-based appointment and while seniority is considered it is the overriding factor. Some legal officers are appointed on the basis of three-year contracts which are usually renewable. The DPP has some involvement, since he interviews shortlisted applicants and must submit remarks on legal officers applying for higher posts. Office holders can be removed for failing to fulfil their functions and misbehaviour in public office, including breaches of the Legal Profession Act.

Office of the Director of Public Prosecutions

- v. 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 to hold such positions; and whether their personnel are subject to a regime of disqualifications and incompatibilities and of responsibility for their actions.<sup>5</sup>

Where the Auditor General is of the view that additional resources are required, an approach is made to the Ministry of Public Administration who would conduct an exercise to determine the resources needed and submit their recommendations. These recommendations would be discussed with the Auditor General and agreement reached. The proposal for the increase

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

would then be submitted to the Cabinet for approval.

Auditing personnel at the initial recruitment level have been selected by a process which involves the advertisement of the post; the sorting of applications based on pre-set criteria; the holding of a written test and interviews.

Auditing personnel at the Audit Senior level are selected based on having attained a full professional qualification and through interviews.

Clerical/Administrative and Human Resources Staff are selected through responses to advertisements by the Public Service Commission and interviews.

Removal of staff would be subject to Public Service Commission Regulations on this matter.

Each position, whether unique to the Auditor General's Department or in the wider Public Service would have certain qualification requirements. Persons would be appointed based on their fulfilling the necessary qualification requirements

The Auditor General.

The non-professional staff is appointed through Service Commission which is responsible for staffing in the public service. The Office of the DPP is not in control of such appointments.

Office of the Director of Public Prosecutions

- vi. 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.

There are Manuals however, these have not been updated for some time.

Staff are exposed to training, both in-house and by providers external to the Department.

The Auditor General.

The Code for Prosecutors which obtains in the UK is an important guide. A special Code for Magistrate's Court prosecutors has been drafted in-house and is in operation. An overall local Code for Prosecutors is being drafted but will resemble the UK code. Every post has a job description. Training is not on a regular basis but in-house training workshops are held and legal officers are nominated to attend overseas conferences and workshops.

Office of the Director of Public Prosecutions

- vii. 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.

**The auditing staff use approved programmes of work to perform their tasks.**

**Other staff are guided by Manuals/Guides produced by the Personnel Department and the Public Service Commission (Director of Personnel Administration) as well as various Circulars, Financial Instructions, Financial Regulations and other documented procedures.**

**Website for the Ministry of Finance is <http://www.extranet.finance.gov.tt>**

**A process is currently in train to provide institutional strengthening for the Auditor General's Department.**

**One of the auditing Divisions uses standard working papers for the conduct of audits.**

**The Auditor General.**

**Every member of the department has a job description. Modern technology and systems to assist in performance of duties are lacking. A re-structuring and re-tooling exercise is under way.**

**Office of the Director of Public Prosecutions.**

- viii. 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 Department has a website --- [www.auditorgeneral.gov.tt](http://www.auditorgeneral.gov.tt)**

**The Auditor General does not interact with the general public.**

**The Auditor General.**

**The Ministry of the Attorney General website ([www.ag.gov.tt](http://www.ag.gov.tt)) briefly states the function of the Office of the DPP. Such public information policies and strategies are lacking.**

**Office of the Director of Public Prosecutions**

- ix. 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.

**Persons would address correspondence to the Auditor General on these matters.**

**The Auditor General.**

**Legal officers are grouped under a senior prosecutor who monitors their progress and responds to specific issues and ultimately reports to the DPP.**

**Office of the Director of Public Prosecutions**

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

**Provision is made in the Estimates of Expenditure for funds to be utilized by the Department for the carrying out of the Department's operations. The Department is subject to the financial regulations and other financial directives for accessing funds and reporting on expenditure.**

**The Auditor General.**

**The budgetary resources are controlled by the Ministry of the Attorney General.**

**Office of the Director of Public Prosecutions**

- xi. 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 Exchequer and Audit Act makes provision for the Auditor General to obtain legal opinions from the Attorney General.**

**The Auditor General.**

**Greater coordination is needed. Multidisciplinary teams incorporating prosecutors, police, customs, board of inland revenue hold regular meetings to discuss investigations and criminal prosecutions.**

**Office of the Director of Public Prosecutions**

- xii. 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,<sup>6/</sup> and the way in which it is made public and how members of the public may access it.

**Ministries/Departments are required to submit annual reports in accordance with section 66D of the Constitution.**

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6. 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.

**The Auditor General.**

Annual reports are submitted and the Chief Justice in his annual address at the opening of the Law Term summarises the achievements and challenges of the criminal justice system. The annual reports with greater details are published electronically ([www.ttlawcourts.org](http://www.ttlawcourts.org)) and include such data as number of indictments filed, matters prosecuted; manner of disposal.

**MAGISTERIAL MATTERS**

Cases ongoing as at 2007 - 41

YEAR	MATTERS RECEIVED	MATTERS DECIDED	COMMITTED	DISMISSED/ DISCHARGED	OTHER
2007	13	12	5	7	
2008	8	14	9	4	1 (Found Guilty & fined)
2009	9	12	5	6	1 (Convicted & Suspended sentence)
2010	15	4	2	1	(Matter appealed)
2011	10	6	4	1 (Not guilty)	1 (Pleaded Guilty & Bonded

**HIGH COURT**

YEAR	MATTERS RECEIVED	MATTERS DECIDED	DECISION
2007	2	1	Not Guilty
2008	2	1	Guilty
2009	7	1	Guilty
2010	4	-	Discontinued (accused deceased)
2011	-	-	-

**Office of the Director of Public Prosecutions.**

D) 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<sup>7/</sup> 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 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.
- 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.
- 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.
- 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.

**With respect to Section D, the Office of the Auditor General is not "tasked" with preventing corruption. The audit should be conducted in such a way that if there is corruption it would come to light.**

**The Auditor General.**

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7. If possible, covering the past five years.

- E) 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.
- F) 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).

## **SECTION II**<sup>8/</sup>

### **FOLLOW-UP OF PROGRESS AND NEW INFORMATION AND DEVELOPMENTS RELATED TO THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE COUNTRY REPORT FOR THE FIRST ROUND OF REVIEW**

In accordance with the terms of Article 29 of the *Rules of Procedure*, and bearing in mind the decision of the Committee at its Eighteenth Meeting, made in compliance with recommendation 9(a) of the Third Meeting of the Conference of States Parties of the MESICIC, the document contained in Annex I of this questionnaire is adopted as the standard format for the countries to report progress and new information and developments related to the implementation of the recommendations formulated and measures suggested by the Committee for implementation in their First-Round reports, together with those that the Committee identified as requiring additional attention in their Second and Third Round reports.

Based on the standard form referred to above, the Technical Secretariat will send to each country an individualized format which clearly identifies those recommendations and measures, in advance not less than three months to the date on which to the country is to respond to the questionnaire, in accordance with the provisions of section VI of the methodology adopted by the Committee for the Fourth Round.

## **SECTION III**

### **INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE**

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8. Section II of this questionnaire, regarding the follow-up of the recommendations formulated in the First Round, is not applicable to those countries that had not joined the MESICIC at the time that Round took place; however, pursuant to Article 28 of the *Rules of Procedure*, those countries must reply to the questions set out in Sections I and II of the questionnaire adopted by the Committee for that round, except as regards their oversight bodies subject to review during the Fourth Round. That questionnaire is published at: [www.oas.org/juridico/english/questionnaire.doc](http://www.oas.org/juridico/english/questionnaire.doc) and the Technical Secretariat will complete it with questions on the topics addressed in Section XII of the methodology for the Fourth Round and send it to those countries at least three months in advance of the date on which they are to submit their responses to the Questionnaire in accordance with the schedule adopted for the Fourth Round.

Please provide the following information:

(a) State Party: **Trinidad and Tobago**  
(b) The official to be consulted regarding the responses to the questionnaire is:  
( ) Mr./Mrs.: **Mrs. Sharman Ottley**  
Title/position: **Auditor General**  
Agency/office: **Auditor General's Department**  
Address: **Levels 2-4, Tower C, Port of Spain International Waterfront Centre, 1 Wrightson Road, Port of Spain, Trinidad, Trinidad and Tobago, West Indies.**  
E-mail: **sottley@auditorgeneral.gov.tt**  
Tel.: **(868) 625-6585 Ext. 2063**  
Fax: **None available.**

#### **INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE**

Please provide the following information:

(a) State Party: **Trinidad and Tobago**  
(b) The official to be consulted regarding the responses to the questionnaire is:  
( ) Mr./Mrs.: **Ms. Kathy Ann Waterman Latchoo**  
Title/position: **Deputy Director of Public Prosecutions**  
Agency/office: **Office of the Director of Public Prosecutions**  
Address: **Winsure Building, Richmond Street, Port of Spain, Trinidad, Trinidad and Tobago, West Indies.**  
E-mail: **klatchoo@dpp.gov.tt**  
Tel.: **(868) 625-9748 Ext. 1306**  
Fax: **(868) 625-6341.**

#### **INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE**

Please provide the following information:

(a) State Party: **Trinidad and Tobago**  
(b) The official to be consulted regarding the responses to the questionnaire is:  
( ) Mr./Mrs.: **Ms. Lisa Phillips**  
Title/position: **Deputy Registrar**  
Agency/office: **Integrity Commission**  
Address: **4<sup>th</sup> Floor, UTC Financial Centre Levels , 82 Independence Square, Port of Spain, Trinidad, Trinidad and Tobago, West Indies.**  
E-mail: **lphillips@integritycommission.org.tt**  
Tel.: **(868) 623-8305 Ext.288**  
Fax: **(868) 627-4646**

**INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE**

Please provide the following information:

(a) State Party: **Trinidad and Tobago**

(b) The official to be consulted regarding the responses to the questionnaire is:

( ) Mr./Mrs.: **Mrs. Gloria Edwards-Joseph**

Title/position: **Director, Personnel Administration**

Agency/office: **Service Commissions department**

Address: **Cipriani Plaza, 52-58 Woodford Street, Port of Spain, Trinidad, Trinidad and Tobago, West Indies.**

E-mail: **Edwards-JosephG@gov.tt**

Tel.: **(868) 623-2991-6 Ext. 108/207**

Fax: **(868) 623-5972**

## **ANNEX I**

### **STANDARD FORMAT FOR THE REPUBLIC OF TRINIDAD AND TOBAGO TO PRESENT INFORMATION ON PROGRESS AND NEW INFORMATION AND DEVELOPMENTS<sup>9/</sup> 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.<sup>10/</sup> 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 laws and regulatory systems related to conflicts of interest.*

#### **Measure a):**

*Strengthen the measures related to conflicts of interest with respect to members of the judiciary, as well as those who perform judicial functions, subject to its constitution and the fundamental principles of its legal system, taking into account the following:*

- i. Consider the usefulness of defining in a code of conduct for judicial officers what actions or omissions would constitute 'misbehaviour'.*
- ii. Review relevant provisions with an aim towards removing any conflicts that cause the provisions of the Integrity in Public Life Act not to be applied to judges.*

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9. 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.

10. These reports are available at: [www.oas.org/juridico/english/mesicic\\_II\\_rep\\_tto.pdf](http://www.oas.org/juridico/english/mesicic_II_rep_tto.pdf) and [www.oas.org/juridico/english/mesicic\\_III\\_inf\\_tto.pdf](http://www.oas.org/juridico/english/mesicic_III_inf_tto.pdf).



- iii. *Create specific codes of conduct for judicial officers that would promote measures to create, maintain, and strengthen standards of conduct for the correct, honorable, and proper fulfillment of public functions, in addition to mechanisms to enforce these standards of conduct.*

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

- A) Please briefly describe the specific actions<sup>11/</sup> 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 Integrity Commission is currently reviewing this matter.**

**The Integrity Commission**

- 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:

**The amendments to the legislation relate to the constitution and require a special majority in Parliament.**

**The Integrity Commission.**

- 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

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11. 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.

site in question: \_\_\_\_\_  
\_\_\_\_\_

Measure b):

*Create a mechanism that would allow the Service Commissions to hold administrative hearings and dismiss public servants based on a finding of involvement in corrupt activity independent of whether proceedings are taken against the public servant in any Court.*

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

- A) Please briefly describe the specific actions<sup>12/</sup> 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: \_\_\_\_\_  
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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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**The Code of Conduct (Civil Service Regulations) and the Public Service Commission Regulations  
Chapter VIII provide for disciplinary action to be taken against public servants. Dismissal is a penalty**

12. 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.

provided for in Regulation 110 of the Public Service Commission Regulations.  
(copies of Code of Conduct and Regulations to be attached on receipt)

Public Service Commission

Measure c):

*Review and amend Service Commission regulations as appropriate to ensure that investigative and disciplinary processes will not entail lengthy delays.*

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

- A) Please briefly describe the specific actions<sup>13/</sup> 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: \_\_\_\_\_

**Regulation 90 (5) of the Public Service Commission Regulations provides for the Investigating Officer to complete and submit the Investigating Officer's report no later than thirty (30) days.**

13. 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.

Regulation 90(5) states:

The investigating Officer shall, with all possible dispatch but not later than thirty days from the date of his appointment, forward to the Commission, for the information of the Commission, the original statements and all relevant documents, together with his own report on the particular act.

The Public Service Commission Regulations are currently being amended to allow for case management to be introduced to the disciplinary tribunals to prevent delays in hearing and completion of matters.

A draft amendment has already been done to allow for tribunals to make minor amendments to disciplinary charges. This will reduce delay because the matters will not have to go back to the Commission for amendment.

Public Service Commission

Measure d):

*Strengthen the provisions within the Integrity in Public Life Act taking into account the following:*

- i. Set up a system to ensure that the Integrity Commission has enough resources to perform its functions.*
- ii. Undertake a review of existing regulations and amend them where appropriate to ensure that the Integrity Commission has a system to train, inform and respond to requests for advice and consultation by public servants, in compliance with its mandate.*
- iii. Ensure that the competent oversight agencies have a system to see that public servants comply with the provisions of the Code of Conduct in the Integrity in Public Life Act, including having public servants sign a written agreement to abide by the Code of Conduct in the Integrity in Public Life Act.*
- iv. Enact specific measures, where appropriate, to ensure that conflicts of interest that may arise in all branches of government are covered.*

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

- A) Please briefly describe the specific actions<sup>14/</sup> 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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14. 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.

Currently the Integrity Commission has adequate financial resources to perform its mandated functions efficiently and effectively. It is however currently constrained regarding its human resource and accommodation. In this regard it intends to hire a human resource consultant to advise on an appropriate structure for the Commission.

The Commission has conducted several training seminars in the recent past for persons in public life. It intends to conduct a public education program in the future targeting public servants or persons exercising public function regarding the code of conduct. It commenced in April 2012 the conduct of systems audits of public bodies as mandated by the Integrity in Public Life Act, Chapter 22:01.

**The Integrity Commission**

- 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 e):

*Incorporate into the Civil Service Regulations and the Civil Service (Amendment) Regulations, as appropriate, provisions dealing specifically with the detection and/or prevention of conflicts of interest.*

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

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



- A) Please briefly describe the specific actions<sup>15/</sup> 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 f):

*Review and amend where appropriate existing regulations to ensure that the disciplinary process of the Police Service Commission is efficient and effective, and ensure that the Commission has resources to operate accordingly.*

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

- A) Please briefly describe the specific actions<sup>16/</sup> 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

15. 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.

16. 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.

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 g):

*Encourage the updating of a more comprehensive version of the proposed Code of Ethics for Parliamentarians including Ministers than the one previously in force, incorporating into the new version provisions similar to those contained in the Code of Conduct in the Integrity in Public Life Act, and enforcement provisions.*

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

- A) Please briefly describe the specific actions<sup>17/</sup> 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: \_\_\_\_\_

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

17. 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 h):

*Establish as a mandatory Committee of the Parliament the Standing Ethics Committee of the Houses of Parliament, and ensure that the Code of Ethics be contained in the Rules of the House of Parliament and the Senate.*

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

- A) Please briefly describe the specific actions<sup>18/</sup> 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

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

18. 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.

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 i):

*Consider including in appropriate legislation provisions to protect whistleblowers who report acts of corruption from threats and acts of retaliation.*

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

- A) Please briefly describe the specific actions<sup>19/</sup> 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 Commission intends in the future to act as an advocate for the strengthening of whistleblower legislation through the conduct of necessary research and the submission of a Note to Cabinet on the subject.**

**The Integrity Commission.**

- 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

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19. 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.

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 j):

*Subject to compatibility with the constitutional right of the individual to freedom of work, incorporate into the legal system relevant and appropriate restrictions for those who leave public sector employment, within a reasonable period of time after leaving their position, regarding activities that could involve them taking undue advantage of their status as a former public servant.*

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

- A) Please briefly describe the specific actions<sup>20/</sup> 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: \_\_\_\_\_

20. 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: \_\_\_\_\_

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

**RECOMMENDATION:**

*Consider strengthening the system of control of public resources.*

**Measure a):**

*Conduct an analysis of the use and effectiveness of standards of conduct for ensuring the conservation and proper use of public resources and of the mechanisms existing in the Republic of Trinidad and Tobago to enforce these standards, as instruments for preventing corruption. As an outcome of said analysis, consider the adoption of measures to promote, facilitate, and consolidate or ensure the effectiveness of these instruments for this purpose.*

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

- A) Please briefly describe the specific actions<sup>21/</sup> 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 Integrity Commission has not taken any action in this regard.**

**The Integrity Commission.**

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21. 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: \_\_\_\_\_

**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 creating measures requiring public officials to report to the appropriate authorities acts of corruption in the performance of public functions of which they are aware.*

**Measure a):**

*Incorporate into existing legislation a requirement that all public servants must report acts of corruption of which they become aware during the course of their public functions, and make the corresponding Commission responsible for training.*

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

- A) Please briefly describe the specific actions<sup>22/</sup> that have been carried out to implement the above recommendation, or the above measure suggested by the Committee for

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

22. 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:

**This matter is currently engaging the attention of the Commission.**

**The Integrity Commission.**

- 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: \_\_\_\_\_

**This should be included in the employer's service regulations as it does not relate to the constitutional functions of the Public Service Commission.**

**121 of the Constitution states:**

**121. (1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers shall vest in the Public Service Commission.**

**Once the Code is expanded to create new offences relating to corruption then the Commission can proceed to prefer charge etc, with respect to these offences. The training should therefore be conducted by the Personnel Department.**

**Public Service Commission**

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

Measure b):

The Committee took note of the satisfactory consideration of this measure and therefore the country under review is not required to provide information.

Measure c):

*Review the results of the investigations carried out by the Commissions of Enquiry in order to analyze the effectiveness of any legislation already in place.*

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

- A) Please briefly describe the specific actions<sup>23/</sup> 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: \_\_\_\_\_

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23. 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.

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

### RECOMMENDATION:

*Consider strengthening systems for the disclosure of income, assets and liabilities.*

### Measure a):

*Amend the Integrity in Public Life Act at 41(2) so that approval of its form of declaration and regulations will be subject only to a negative resolution of Parliament, or to no resolution at all.*

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

- A) Please briefly describe the specific actions<sup>24/</sup> 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:

**This matter is currently engaging the attention of the Commission.**

**The Integrity Commission.**

- 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

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24. 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.

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

Measure b):

*Give more enforcement powers to the Integrity Commission so that it can impose penalties directly on a person in public life who is in violation of sections 11, 13 or 14, of the Integrity in Public Life Act.*

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

- A) Please briefly describe the specific actions<sup>25/</sup> 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:

**This matter is currently engaging the attention of the Commission.**

**The Integrity Commission.**

- 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: \_\_\_\_\_

25. 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.



Measure c):

*Review the possibility of making public the proceedings of a tribunal under 16(2) of the Integrity in Public Life Act.*

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

- A) Please briefly describe the specific actions<sup>26/</sup> 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:

**This matter is currently engaging the attention of the Commission.**

**The Integrity Commission.**

- 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):

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26. 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.

*Ensure that provisions have been made by the Service Commissions to receive declarations of interests from Commission members.*

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

- A) Please briefly describe the specific actions<sup>27/</sup> 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: \_\_\_\_\_

**I think this statement is erroneous and should state that: "*the Integrity Commission to receive declarations of interest from Commission members. The Commission should not receive declaration from its own Commission Members*".**

**Public Service Commission**

Measure e):

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27. 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 provisions on declarations of interest to ensure that all public employees in appropriate positions are required to file declarations, including members of the Diplomatic Service and Advisers to the Government.*

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

- A) Please briefly describe the specific actions<sup>28/</sup> 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:

**This matter is currently engaging the attention of the Commission.**

**The Integrity Commission.**

- 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 f):

*Regulate the conditions, procedures and other aspects related to publicizing the declarations of income, assets, and liabilities, and registrable interests, as appropriate.*

28. 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.

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

- A) Please briefly describe the specific actions<sup>29/</sup> 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:

**This matter is currently engaging the attention of the Commission.**

**The Integrity Commission.**

- 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 g):

*Utilize the declarations of income, assets and liabilities and registrable interests in order to detect and prevent conflicts of interests and illicit enrichment.*

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29. 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.

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

- A) Please briefly describe the specific actions<sup>30/</sup> 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 declaration of income, assets and liabilities is scrutinized and analyzed (annual increase in net worth is compared to annual declared income) in order to detect illicit enrichment.**

**The Integrity Commission.**

- 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 h):

*Create mechanisms, or implement those that already exist, such as mass media campaigns, information in educational establishments and public institutions, aimed at citizens in general and those who are interested in performing public functions, that help ensure broad knowledge about the purpose and scope of the provisions regarding the registration of income, assets, and liabilities and the public registry of interests.*

30. 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.

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

- A) Please briefly describe the specific actions<sup>31/</sup> 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 Commission has taken recent steps to expand media coverage of its activities and will enhance this activity.**

**The Integrity Commission.**

- 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 i):

*Ensure that a public register of interests has been established in accordance with the Integrity in Public Life Act, section 14.*

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

31. 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.



- A) Please briefly describe the specific actions<sup>32/</sup> 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:

**A manual Register of Interest is currently available to the public. The Commission is currently in the process of preparing a computerized Register.**

**The Integrity Commission.**

- 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: \_\_\_\_\_

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

#### RECOMMENDATION:

*Strengthen oversight bodies in their functions related to enforcement of Articles 1, 2, 4 and 11 of the Convention, in order to ensure that such control is effective; give them greater support and the*

32. 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.

*resources necessary to carry out their functions; and establish mechanisms for coordinating their activities, as appropriate, and for their continuous evaluation and monitoring.*

Measure i):

*Clarify the role of the Permanent Secretary or Head of Department under the Civil Service (Amendment) Regulations.*

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

- A) Please briefly describe the specific actions<sup>33/</sup> 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: \_\_\_\_\_

**This relates to the Civil Service Regulations so it is a matter for Personnel Department.**

**Public Service Commission**

33. 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.

Measure ii):

*Amend the Public Service Commission Regulations to specifically provide that Permanent Secretaries and Heads of Department must report acts of misconduct that are not minor in nature to the Public Service Commission.*

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

- A) Please briefly describe the specific actions<sup>34/</sup> 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: \_\_\_\_\_

**The Public Service Commission Regulations at Regulation 90 already provides that Permanent Secretaries and Heads of Department must report acts of misconduct that are not minor in nature to the Public Service Commission.**

**Regulation 90(l) states:**

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34. 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.

90 (I) Where a report or allegation of indiscipline or misconduct is received other than a report or allegation of indiscipline or misconduct to which regulation 85 applies, the Permanent Secretary or Head of Department shall report the matter to the Director for the information of the Commission and concurrently warn the officer in writing of the allegation of indiscipline or misconduct and shall forthwith refer the matter to an investigating officer appointed by him.

(Regulation 85 relates to minor acts)

Public Service Commission

Measure iii):

*Have all oversight agencies keep and systematize statistical information for the purpose of performing an objective evaluation of the results of the legal framework and other measures.*

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

- A) Please briefly describe the specific actions<sup>35/</sup> 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:

**At this time, no statistical information for the purpose of performing an objective evaluation of the results of the legal framework and other measures is maintained by the Auditor General's Department.**

The Auditor General.

**The Commission maintains certain statistical data on declarants and investigations.**

The Integrity Commission.

- 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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35. 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: \_\_\_\_\_

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

##### **4.1. General participation mechanisms**

The Committee did not formulate a recommendation in this section.

##### **4.2. Mechanisms for access to information**

###### **RECOMMENDATION:**

*Strengthen the mechanisms for ensuring public access to information.*

###### **Measure a):**

*Include under the reach of the Freedom of Information Act, reports of Commissions of Enquiry issued by the President once they have completed their investigations, and public authorities or functions of public authorities designated by the President, after review by the House of Representatives.*

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

- A) Please briefly describe the specific actions<sup>36/</sup> 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

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36. 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.

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 b):

*Establish objective criteria that the President may take into account in exempting from the scope of the Freedom of Information Act certain documents of public authorities and Commissions of Enquiry.*

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

- A) Please briefly describe the specific actions<sup>37/</sup> 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

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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.

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



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 reviewing the scope of the exemption on Cabinet documents.*

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

- A) Please briefly describe the specific actions<sup>38/</sup> 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: \_\_\_\_\_

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38. 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: \_\_\_\_\_

#### 4.3. Mechanisms for consultation

##### RECOMMENDATION:

*Supplement existing consultative mechanisms, establishing, as appropriate, procedures that will offer greater opportunities to hold public consultations before designing public policies and approving legal provisions.*

##### Measure a):

*Consider encouraging the House of Representatives to include in their Standing Orders, pending legislation as one of the matters into which the Joint Select Committees may seek input from civil society organizations.*

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

- A) Please briefly describe the specific actions<sup>39/</sup> 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

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

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 b):

*Adopt standards that provide for the possibility of having members of civil society and nongovernmental organizations become part of advisory councils or committees responsible for advising on the use of public resources.*

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

A) Please briefly describe the specific actions<sup>40/</sup> 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: \_\_\_\_\_

40. 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: \_\_\_\_\_

#### **4.4. Mechanisms to encourage participation in public administration**

##### RECOMMENDATION:

*Strengthen and continue to implement mechanisms that encourage civil society and nongovernmental organizations to participate in public administration.*

##### Measure a):

*Continue to make comments from the media available to any area of government which may stand to benefit from them.*

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

- A) Please briefly describe the specific actions<sup>41/</sup> 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

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.

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

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 b):

*Develop and promote mechanisms and laws to encourage participation in public administration, and consider the advisability of creating new mechanisms to make it possible to monitor public administration for the purposes of the Convention.*

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

- A) Please briefly describe the specific actions<sup>42/</sup> 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

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.

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

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):

*Make the response of the Opinion Leaders Group available to the public.*

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

- A) Please briefly describe the specific actions<sup>43/</sup> 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

43. 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.



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):

*Examine the advisability of an increase in the number of town meetings by holding them at regularly scheduled times and allow civil society to convene such meetings.*

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

- A) Please briefly describe the specific actions<sup>44/</sup> 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: \_\_\_\_\_

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.

Measure e):

*Modify existing libel law in order to ensure that it cannot be used to silence public reporting on corruption and integrity issues.*

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

- A) Please briefly describe the specific actions<sup>45/</sup> 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 department of the Director of Public Prosecutions has been contacted by the Vienna-based International Press Institute for meeting in June 2012 to discuss reform of libel laws and media freedom.**

**Office of the Director of Public Prosecutions.**

- 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:

**A Defamation Bill was drafted in 2001 and died. The difficulty: is there sufficient public and political support to give the subject the necessary profile to generate reform?**

**Office of the Director of Public Prosecutions.**

- 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

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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.

site in question: \_\_\_\_\_  
\_\_\_\_\_

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

##### **RECOMMENDATION:**

*Strengthen and continue implementing mechanisms that encourage civil society and nongovernmental organizations to participate in the follow-up of public administration.*

##### **Measure a):**

*Adopt the measures necessary to ensure that new rules and standards on participation in the follow-up of public administration can be monitored and, as appropriate, enforced through the application of sanctions.*

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

- A) Please briefly describe the specific actions<sup>46/</sup> 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: \_\_\_\_\_  
\_\_\_\_\_
- 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

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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.

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):

*Design and implement programs that publicize participatory mechanisms concerning the monitoring of public administration and, where appropriate, that train and provide the necessary tools to civil-society and nongovernmental organizations in order to use such mechanisms.*

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

- A) Please briefly describe the specific actions<sup>47/</sup> 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: \_\_\_\_\_

47. 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.

Measure c):

*Adopt methods that allow civil society and nongovernmental organizations to assist in the development of new participation mechanisms in the follow-up of public administration.*

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

- A) Please briefly describe the specific actions<sup>48/</sup> 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):

*Review whether the fine for knowingly and mischievously making a false complaint to the Integrity Commission is an impediment to civil society participation.*

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.

\* 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<sup>49/</sup> 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 Commission has not reviewed this matter but may do so in the future.**

**The Integrity Commission.**

- 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: \_\_\_\_\_

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

Recommendation 5(a):

49. 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.



*Determine and prioritize specific areas in which the Republic of Trinidad and Tobago considers that it needs the technical cooperation of other state parties to strengthen its capacity to prevent, direct, investigate and punish acts of corruption.*

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

- A) Please briefly describe the specific actions<sup>50/</sup> 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:

**Meetings/training workshops (OAS) on effective use of Proceeds of Crime Act Chap. 11:27, have been held, with specific focus on Persons of Interest, highly placed officials in various areas of life.**

**Office of the Director of Public Prosecutions.**

- 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:

**Two weeks of training in August 2012 being planned.**

**Office of the Director of Public Prosecutions.**

- 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 U.S. experience, for example, is far ahead of the local experience. We are still at the infancy stage. Unable to immediately implement the ideas and techniques.**

**Office of the Director of Public Prosecutions.**

- 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

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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.

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

site in question: \_\_\_\_\_  
\_\_\_\_\_

Recommendation 5(b):

*Continue efforts to exchange technical cooperation with other State Parties on the most effective methods and means for preventing, detecting, investigating and punishing acts of corruption through the use of the OAS Convention against Corruption.*

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

- A) Please briefly describe the specific actions<sup>51/</sup> 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:

**This experience is similar to 5 (b).**

**Office of the Director of Public Prosecutions.**

- 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:

**Implementing the U.S. ideas and taking pattern from their experience is somewhat frustrating because of the different levels of readiness.**

**Office of the Director of Public Prosecutions.**

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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.

- 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:

*Inform the General Secretariat of the OAS of the designation of the central authority or authorities for purposes of the international assistance and cooperation provided for in the Convention.*

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

- A) Please briefly describe the specific actions<sup>52/</sup> 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

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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.

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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 servants in charge of applying the systems, standards, measures and mechanisms considered in this report, with the objective of guaranteeing adequate knowledge, handling and implementation of the above.*

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

- A) Please briefly describe the specific actions<sup>53/</sup> 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

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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.

site in question: \_\_\_\_\_  
\_\_\_\_\_

**Recommendation 7.2:**

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

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

- A) Please briefly describe the specific actions<sup>54/</sup> 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: \_\_\_\_\_  
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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: \_\_\_\_\_  
\_\_\_\_\_

54. 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 7.3:

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

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

- A) Please briefly describe the specific actions<sup>55/</sup> 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 7.4:

*Systematize statistical records generated by the competent oversight agencies in order to make it possible to conduct an objective analysis of the results of the legal framework and other measures adopted.*

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.



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

- A) Please briefly describe the specific actions<sup>56/</sup> 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:

**Department is in the process of restructuring; persons will be recruited whose sole responsibility is to collate and analyze data; information technology resources will be improved.**

**Office of the Director of Public Prosecutions.**

- 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:

**Cabinet Note has been prepared for restructuring. Department has submitted its proposals and recommendations. Ministry held a Strategic Vision retreat in February 2012 with follow-up meetings which include focus on technology.**

**Office of the Director of Public Prosecutions.**

- 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:

**Success largely depends on whether adequate resources would be provided. Competition for limited resources in slow economy.**

**Office of the Director of Public Prosecutions.**

- 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.

## ANNEX II

### **STANDARD FORMAT SUGGESTED AS A GUIDELINE FOR PRESENTATION OF INFORMATION ON BEST PRACTICES<sup>57/</sup>**

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

**Office of the Director of Public Prosecutions.**

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

**Co-ordination among state agencies/holistic investigations: police customs, board of inland revenue, financial investigation unit, prosecution services. Topic: Investigation and prosecuting money laundering.**

**Office of the Director of Public Prosecutions**

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:

**Various agencies such as the Customs department and Board of Inland revenue can lay their own charges but investigations should be holistic and embrace police, prosecution services, other stakeholders. Charging practice should be with a view to selecting the charge that best reflects the seriousness of the offence; that best practice indicates a reasonable prospect of obtaining a conviction.**

**Office of the Director of Public Prosecutions**

4. 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:

**Traditionally, there has been too fragmented an approach. Individual departments conduct own investigation and lay charges. But such may not be wide ranging enough to capture all offenders, particularly highly placed officials. Offences pertaining to Value Added Tax, for example, are summary offences and such charges would not reflect the gravity of the situation when the facts may indicate a wider money-laundering operation. Also, when drug-trafficking "mules" or couriers are held at the Airport, both Customs and police can charge but there is often disagreement about who should actually charge or prosecute the offence. The wider picture, which may involve corruption and persons of interest, may be lost.**

**Office of the Director of Public Prosecutions**

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57. 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.

5. 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:

Committees and sub-committees comprising various stakeholders, including the Office of the DPP, Customs, Board of Inland revenue, Financial Intelligence Unit (FIU) and police have been established, cases discussed. Best approach designed. The Financial Investigation/Proceeds of Crime (POCA) committee has had technical advice from the American experience.

Office of the Director of Public Prosecutions

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

Committee formed involving representatives from various stakeholders where they discuss ongoing cases, investigations, prosecutions. More discussion between Customs and Police and DPP with a view to resolving charging practices.

Office of the Director of Public Prosecutions

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

Changing attitudes and outlook, from independence to co-operation; agencies traditionally have been more independent and concentrated on their own investigations. Heavy workload of each agency means it is a challenge to keep on top of it all.

Office of the Director of Public Prosecutions

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?

Some cases have been identified which may be suitable for prosecution under Proceeds of Crime Act. Expected end result is better use of POCA, more prosecutions, and better detection since investigators in all departments will be viewing problem more holistically.

Office of the Director of Public Prosecutions

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

**There will be progress reports from inter-disciplinary teams.**

**Office of the Director of Public Prosecutions**

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

**Early consultation, cooperation necessary to design best investigative strategy. Change management coaching necessary.**

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11. Documentation: Where to find more information on the Best Practice (i.e., internet links) \_\_\_\_\_

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

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