

PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS FOR THE FIRST AND SECOND ROUND OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION 2010;

A. FIRST ROUND OF REVIEW

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.

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.

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.

2 Systems for Registering Income, Assets and liabilities (Article III, paragraph 4 of the convention).

Recommendation 1.1-

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

- a. Establish and then implement standards of conduct for those persons that perform public functions that currently do not fall under the purview of any controls, including adequate sanctions and enforcement mechanisms for violations of those standards.*
- b. Establish a standard for addressing the conflicts that can occur between individual specific government matters in which those persons that perform public functions would normally be expected to act as a part of their responsibilities and an official's or family member's financial interests or his outside activities or negotiations for future private employment arrangements. Such a standard could include refusal, request by the person that perform public functions*

- for permission to continue to act, request by the official for a transfer of duties (if appropriate), or direction by an appropriate authority for divestiture/ resignation when the conflict is pervasive.*
- c. Establish suitable restrictions for persons who leave public service, such as prohibitions on participation as a representative of a private interest in ongoing, specific matters in which they had participated in an official capacity, or for a reasonable time, restrictions on dealing with former government body in which they served.*

Recommendation 1.2

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

Recommendation 1.3

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

Recommendation 2

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

- a. Require by law or regulation those in high level political and civil servant positions (and others identified as holding high risk positions) to file such reports upon entry into government service, thereafter on an annual basis, and when leaving government service.*
- b. Review the filed reports for potential conflicts of interest and other possible violations of law or regulation.*
- c. Consider making the reports public, where appropriate.*

ADOPTED MEASURES: There is a continued effort to strengthen mechanisms to govern the behavior of persons in public life and to deal with conflict issues.

- Recently there has been the establishment of the Integrity in Public Life Commission with the appointment of a Chairman and other members of the Commission, with the required qualifications and qualities pursuant to the **Integrity in Public Life Act No.14 of 2007**. (An Act to establish an Integrity Commission in order to ensure integrity in public life, to obtain declaration of the assets, liabilities, income and interest in relation to property of persons in public life, to give effect to the provisions of the Inter- American Convention Against Corruption).

Section 4(2) and (3) provides for the persons who shall be appointed to the Commission and the qualities required;

4(2) The Commission shall consist of the following persons appointed by the Governor- General as follows;

- (a) a Chairperson, who shall be a retired Judge or an attorney-at-law of at least fifteen years standing;*
- (b) a certified or chartered accountant;*
- (c) an attorney-at-law of at least seven years standing;*
- (d) one person, on the recommendation of eth Prime Minister;*
- (e) one person, on the recommendation of the Leader of the Opposition;*
and
- (f) two persons after consultations by the Governor- General with faith based organizations.*

3) A person appointed to the Commission shall be a person of high integrity, capable of exercising competence, diligence, sound judgment, confidentiality and impartiality in fulfilling his or her duties.

- Further, for the purpose of public servants reporting acts of corruption in the performance of their public functions, there is current revision of the Money Laundering and Financial Intelligence Unit Legislation. The proposal is to have the various pieces of legislation consolidated (Money Laundering (Prevention) Act 18/1999, Proceed of Crime Act 27/1992 and the Financial Intelligence Unit Act 1/2003) to put in place a Proceeds of Crime Code to be enacted into law by June 2010.

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.

5. Assistance and Cooperation (Article XIV)

7 General Recommendations

Recommendation 1.2

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

Recommendation 5.1.1

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

Recommendation 7.1

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

ADOPTED MEASURES: There is a proposal for the Legislative Drafting Unit in the Ministry of Legal Affairs, in the 2010 work plan, to draft a Public Service Bill. This Bill will seek to reform the Public Service. Once instructions are given by the relevant Ministry or Department, the Bill can be drafted, followed by consultations with the relevant stakeholders, and then tabled before Parliament to be enacted into Law.

As recent as September 21st- 24th 2009, there was a training program hosted by the Department of Public Administration under the Prime Minister's office, to allow for the training of newly recruited public servants in the Public Service [**Public Service Orientation for new entrants**]. This program was hosted to ensure that recruits are aware of

their duties and responsibilities. Different Ministries and Departments also made presentations to the recruits on their various responsibilities and functions.

4. MECHANISMS TO PROMOTE THE PARTICIPATION BY CIVIL SOCIETY AND NON GOVERNMENTAL ORGANISATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)

4.4.1 Mechanisms to encourage participation in public administration

Recommendation 4.1

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

Recommendation 4.4

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

Measures suggested by the Committee

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

Recommendation 4.5

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

Measures suggested by The Committee:

- a. Design and implement specific programs to publicize the mechanisms for encouraging participation in the follow up of public administration.*

b. Promote methods, where appropriate, to allow, facilitate, and assist civil society and nongovernmental organizations in the follow up of public administration in order to address corruption.

ADOPTED MEASURES:

The Ombudsman Act 2007 makes provision for persons to make complaints in cases where they are injured or abused as a result of action taken by a public authority. As mentioned in Grenada's last report there has been the appointment of an Ombudsman, which would assist in encouraging the participation of civil society in public policy.

Recently, Grenada has set up an office to accommodate the Ombudsman and his officers, to carry out their required duties and functions.

B. SECOND ROUND OF REVIEW

SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1 Systems of Government Hiring

Recommendation

Establish and maintain and strengthen the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

ADOPTED MEASURES: Since specific mention was made with regard to the strengthening of the office of the Ombudsman (Recommendation 1.1 (f), 1.1 (g)) Grenada has continued in its efforts to give attention to the implementation of these recommendations by recently appointing an Ombudsman and setting up an office as mentioned above.

4.1 General Recommendations

Design and implement when appropriate training programs for public servants responsible for implementing the systems, standards, measures and mechanisms considered in this Report for the purpose of guaranteeing that they are adequately understood, managed and implemented.

ADOPTED MEASURES: As mentioned above, there is a proposal to reform the Public Service Rules in 2010 with the enactment of new Public Service Bill. During September 2009, there was a training program held for newly recruited workers in the Public Service **[Public Service Orientation for new entrants]**.

GOVERNMENT SYSTEMS FOR THE PROCUREMENT OF GOODS AND SERVICES

Recommendation; Continue strengthening systems for the procurement of goods and services by the government.

Develop and implement electronic procurement systems, so that the acquisition of good sand services may be carried out through those means.

ADOPTED MEASURES: Grenada has continued in its efforts to maintain and strengthen the systems for government procurement of goods and services. Currently there is a movement to reform the **Public Procurement and Contract Administration Act No.25 of 2007**. Two consultants have been hired to ensure that this reform is a success as well as to enlighten the relevant stakeholders and government officials on the purpose of the reform process.

Several workshops are being held in Grenada to allow Government Ministries and Departments to be aware of the reform process. On the 8th March, 2010 there was the Launch of the Field Mission for the preparation of a strategy paper and road map to public procurement reform in Grenada where several discussions and presentation were made in an effort for the consultants to give an explanation of the reform process, introduce the mission members as well as outline the purpose of the mission. Several other workshops of this nature will follow during the course of 2010.

With regard to developing and implementing electronic procurement systems, there is currently a proposal in the 2010 work plan of the Legislative Drafting Unit in the Ministry of Legal Affairs, to bring into force the **Electronic Transaction Act**. Once this draft is approved in 2010, it will cover areas such as posting notices, contract award notices and the like. An electronic environment would encourage transparency and prevention of corruption in procurement.