

TRINIDAD AND TOBAGO'S PROGRESS REPORT 2009

Prepared in accordance with Rule 31 of the Rules of Procedure of the MESICIC

SECTION 1 – PROGRESS IN THE IMPLEMENTATION OF THE RECOMMENDATIONS

FIRST ROUND REVIEW

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE

RECOMMENDATION:

1.1 The Committee suggests that the Republic of Trinidad and Tobago consider strengthening the implementation of laws and regulatory systems related to conflicts of interest.

ADOPTED 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:
 - 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.

Steps Taken:

By High Court Action 1735 of 2005 the Integrity Commission asked the Court to rule as to the applicability of the reporting requirements of the Integrity in Public Life Act 2000 to Judges and Magistrates.

On the 15th October 2007 the Court ruled that to require Judges to report to the Integrity Commission would constitute a breach of their terms and conditions and as such they should not be required to report. The Court further ruled that Judges and Magistrates in Trinidad and Tobago were not subject to the Integrity in Public Life Act 2000.

ADOPTED 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.

Steps Taken:

The passage of the Police Service Amendment Act of 2006, The Constitution Amendment Act of 2006 and the Police Service Regulations 2006 together with further amendments in 2007 of this package of legislation removed the power of discipline of police officers from the Police Service Commission to the Commissioner of Police for all ranks under the rank of Deputy Commissioner of Police. The power of discipline over the Commissioner of Police and the Deputy Commissioners of Police remained with the Police Service Commission. It is hoped that this new development will result in a more efficient disciplinary process with fewer delays. At this time statistical information is not available on this matter.

ADOPTED MEASURE:

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

Steps Taken:

The Justice Protection Act 2000 was proclaimed on the 4th April 2007. The Act establishes an Authority for the administration of the protection of witnesses. Additionally laws relating to the making of threats and to assault continue to be enforced by the police. Prior to its proclamation the programme functioned informally. With the proclamation of the Act a formal witness protection structure has now been put in place.

RECOMMENDATION:

1.3 The Committee suggests that the Republic of Trinidad and Tobago 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. In implementing this recommendation the Republic of Trinidad and Tobago could consider the following measures:

Adopted measure:

- b. Assess the relevance of offering greater protection to civil servants who report acts of corruption, especially in cases where their superiors are involved in the acts being reported.

Steps Taken:

The Integrity in Public Life (Amendment) Act 2009 is currently before the Parliament of Trinidad and Tobago and seeks, among other things, to protect employees of the State, public or private bodies from unjust repercussions owing to their action in good faith under the Act. Debate on the amendments is yet to be completed.

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS

RECOMMENDATIONS:

- a. **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 resources necessary to carry out their functions; and establish mechanisms for co-ordinating their activities, as appropriate, and for their continuous evaluation and monitoring. In carrying out this recommendation, the following could be taken into account:**

ADOPTED MEASURE:

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

STEPS TAKEN:

Programmes have been implemented for the extensive training of Permanent Secretaries and Heads of Department with respect to the carrying out of their functions within the Public Service.

Permanent Secretaries have also been give greater disciplinary powers in respect of public servants (Particulars will be supplied to the Secretariat).

SECOND ROUND REVIEW

4. Systems for protecting public servants and private citizens who in good faith report acts of corruption

RECOMMENDATION:

Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who in good faith report acts of corruption including protection of their identities, in accordance with its Constitution and the basic principles its domestic legal system.

Adopted measures:

- i. Protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings;
- ii. Measures to protect not only the physical integrity of whistleblowers and their families, but also to provide protection in the workplace, especially when the person is a public official and acts of corruption involve his superior or co-workers;
- iv Mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

Steps Taken:

The proclamation of the Justice Protection Act on the 4th April 2007 and the establishment of the Justice Protection Authority with adequate funding and responsibility for the protection of all witnesses considered at risk, including whistleblowers. Additionally, the Integrity in Public Life (Amendment) Act 2009 currently before the Parliament seeks among other things to protect employees of the State, public or private bodies from unjust repercussions owing to their action in good faith under the Act. Under the consideration of Cabinet is the establishment of Witness Care Protection Agencies as part of criminal justice reform. Laws relating to the reporting of threats continue to be enforced by the appropriate authority, the Police.
