

## **BRIEF DESCRIPTION OF THE LEGAL INSTITUTIONAL SYSTEM OF GUYANA**

The Republic of Guyana achieved full independence from Great Britain on May 26<sup>th</sup> 1966 and became a Republic within the Commonwealth on the 23<sup>rd</sup> February 1970. Guyana has a parliamentary system of Government.

In 1970, the Constitution of Guyana was changed from Monarchical to Republican, with the Head of State no longer being the representative of the Queen.

This Constitution declares that it is the supreme law of Guyana and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency. Thus, Parliament and other organs of the State must act in accordance with the Constitution.

The Constitution is rooted in the separation of powers of the three branches of Government namely the Executive, the Legislature and the Judiciary.

### **THE EXECUTIVE**

The President, who is elected by the electorate, holds office for a term of five years, acts as Head of State, the Supreme Executive Authority and Commander-in-Chief of the Armed Forces.

The President appoints and supervises the Prime Minister and other Ministers.

Cabinet comprises of the President and such other Ministers as the President may appoint to it.

For administrative purposes, Guyana is divided into 10 regions, each headed by a Chairman who presides over a Regional Democratic Council. Local communities are administered by village or city councils.

The Attorney-General is constitutionally responsible for the administration of legal affairs in Guyana.

The Director of Public Prosecutions is constitutionally responsible for instituting and undertaking criminal proceedings against any person before any court in respect of any offence against the laws of Guyana.

### **THE LEGISLATIVE**

The legislative power of Guyana resides in Parliament, which according to the Constitution shall consist of the President and the National Assembly.

The sixty-five (65) member unicameral National Assembly constitutes Guyana's legislative branch. Fifty-three (53) members are directly elected through a system of Proportional Representation, ten (10) members are elected by the Regional Democratic Councils (local legislative bodies for each region) and two (2) members come from the Supreme Congress of the people ( a special national level advisory group). The National Assembly has the power to pass bills and constitutional amendments, which are then sent to the Executive President for approval.

The 1980 Constitution of Guyana provides for the Executive President to appoint the Minority Leader. He must be an elected member of the National Assembly, who, in the President's judgment, is best able to lead the opposition members of the National Assembly.

Parliament is empowered by section 65 of the Constitution of Guyana to make laws for the peace, order and good government of Guyana.

### **THE JUDICIARY**

The Chancellor has overall responsibility for the administration of justice in Guyana. He is appointed by the President, acting after obtaining the agreement of the Leader of the Opposition.

The President who shall act in accordance with the advice of the Judicial Service Commission shall appoint the judges other than the Chancellor and the Chief Justice. The President in conjunction with the Opposition Leader appoints the Chief Justice.

The Judicial Service Commission comprises the Chancellor who shall be the Chairman, the Chief Justice, and the Chairman of the Public Service Commission and such other members as “appointed members” i.e, persons appointed by the President.

The Judiciary comprises a Magistrate’s Court for each of the ten regions and a Supreme Court consisting of a High Court and a Court of Appeal.

Statutory provisions that establish a hierarchy of courts through which the individual under scrutiny may secure enforcement of his civil and political rights supplement constitutional arrangements. The lower courts, known as the magistrate’s court, have jurisdiction in criminal cases and civil suits involving small claims. The High Court has general jurisdiction in both civil and criminal matters.

Appeals from the High Court rulings go to the Court of Appeal.

**CONTENT OF QUESTIONNAIRE**

**CHAPTER ONE**

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

**1. Government hiring systems**

- a. Are there laws and/or measures in your country establishing government hiring systems, indicating their characteristics and principles and list and attach a copy of the related provisions and documents.**

Section A(1) of the Public Service Rules set out the criteria for recruitment, appointment and promotion of persons holding or acting in the Public Service.

Section A (2) of the Rules set out the measures for recruitment and appointment of those public service officials.

According to **Section A (2) (1) of the Public Service Rules 1987:**

“Under Article 201(1) of the Constitution of Co-operative Republic of Guyana, the Public Service Commission has power to make appointments, to public offices and to remove and exercise disciplinary control over persons holding or acting in such offices.

According to **Section A (2) (2) of the Public Service Rules 1987:**

“Article 201(2) of the abovementioned Constitution provides for the Public Service Commission to delegate any of its powers by directions in writing, subject to such conditions as it thinks fit, to any one or more members of the Commission or , with the consent of the Prime Minister, to any Public Servant, or in relation to any office on the staff of the Clerk of the National Assembly, to the Clerk. The Secretary, Public Service Commission will from time to time indicate to Permanent Secretaries/ Heads of Departments/Regional Executive Officers the positions in respect of which appointments can be made by them under delegated authority.

According to **Section (A) (2) (3) of the Public Service Rules 1987:**

“Where any power of the Public Service Commission is exercised under Article 201 (2), any person in respect of whom the power was exercised (including a person who has failed to obtain an appointment) may appeal to the Commission

from the decision of the person exercising the power and the decision of the Commission on such appeal shall be final, unless otherwise determined by the Public Service Appellate Tribunal.”

According to Section A (4):

“Under Article 209 of the abovementioned Constitution, the power to appoint persons as teachers and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Teaching Service Commission.”

According to **Section A (5) of the Public Service Rules 1987**:

“Subject to the provisions of Article 211 (1) of the abovementioned Constitution, the power to make appointments to offices in the Police Force of or above the rank of inspector, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the police Service Commission.”

**b. In relation to question a), state the objective results obtained, including any available statistical data.**

There is no available statistical data on the results obtained.

- 2. Government systems for procurement of goods and services**
- a. Are there laws and/or measures in your country establishing government systems for procurement of goods and services? If so, briefly describe the main systems, indicating their characteristics and principles and list and attach a copy of the related provisions and documents.**

The main law establishing government systems for procurement of goods and services is the **Procurement Act of 2003 (Act# 8 of 2003)** which provides for the regulation of the procurement of goods and services and the execution of works to promote competition among suppliers or contractors and to promote fairness and transparency in the procurement process.

According to Section 11(1) of the Act, the procuring entity shall publish notice of procurement contract awards within seven days of awarding such contracts.

According to Section 25(1) Public Tendering is mandatory. For such tendering an invitation to tender or to pre-qualify as applicable, is mandatory.

The procedure for open tendering is set out in Part V of the Act, section 30 (1)(2) states:

“A procuring entity shall solicit tenders by causing an invitation to tender to be published in newspapers of wide circulation and posted in public places. The invitation to tender or to pre-qualify, as applicable, shall contain a brief description of the goods or construction to be procured and shall state the deadline for submission and where the solicitation documents and additional information regarding the tender may be obtained.”

Section 30(2) states:

“The invitation to tender or invitation to pre-qualify shall be published in at least a newspaper of wide circulation or in at least one journal of wide international circulation dedicated to publishing international tendering whenever foreign tenderers are expected to be interested in the contract. Contracts in which only national tenders are expected to be interested in may be advertised only nationally, pursuant to subsection (1).

In relation to the selection criteria for contractors, Section 5 (1) of the **Procurement Act of 2003** sets out the qualifications of suppliers and contractors, it states:

“Every Supplier or contractor wanting to participate in procurement proceedings must qualify by meeting such of the following criteria as the procuring entity considers appropriate-

- i. That it possesses or has access to the technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience, and reputation, and the personnel, to perform the contract;
- ii. That it has legal capacity to enter into contract;
- iii. That it is not insolvent, in receivership, bankrupt or being wound up, its affairs are not being administered by a court or a judicial officer, its business activities have not been suspended, and it is not the subject of legal proceedings for any of the foregoing;
- iv. That it has fulfilled its obligations to pay taxes and social security contributions to pay taxes and social security contributions of its employees;
- v. That it has not, and its directors or officers have not, been convicted of any criminal offence related to its professional conduct or the making of false statements or misrepresentations as its qualifications to enter into a procurement contract within a period of ten years preceding the commencement of the procurement proceedings, or has not been otherwise disqualified pursuant to administrative suspension or debarment proceedings in this or other jurisdiction over the last three years.
- vi. That its past performance substantiated by documentary evidence would commend it for serious consideration for the award of the contract.

**b. In relation to question a), state the objective results obtained, including any available statistical data (e.g. percentage of contracts awarded through public tender; sanctions imposed on contractors.**

There has been outstanding results obtained in the number of contracts awarded through public tender in Guyana in the year 2006, for example, in the area of Agriculture there have been six (6) public tender contracts awarded;

Tourism one (1) public tender contract awarded

Health six (6) public tender contracts have been awarded

Guyana water incorporated two (2) public tender contracts have been awarded

Housing and Water thirty two (32) public tender contracts have been awarded

Linden Economic Advancement Program two (2) public tender contracts have been awarded

Local Government five (5) public tender contracts have been awarded

Ministry of Finance one (1) public tender contract awarded

Office of the Prime Minister one (1) public tender contract awarded

Public Works and Communication twenty one (21) public tender contracts have been awarded

Tourism one (1) public tender contract awarded

There is no available data on any sanctions which may have been imposed on contractors, however for further detailed information on the award of public tenders in Guyana, information is provided on the web site of the National Tender Board in Guyana, see [www.ntpaguyana.org](http://www.ntpaguyana.org).

**c. If no such laws and /or measures exist, briefly indicate how your state has considered the applicability of measures within your**

## CHAPTER TWO

### SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH, REPORT ACTS OF CORRUPTION(ARTICLE III(8) OF THE CONVENTION)

a. **Are there laws and/or measures in your country establishing systems for protecting public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities? If so briefly describe them and list and attach a copy of the related provisions and documents.**

They are no measures and/or laws establishing systems for protecting public servants and private citizens who, in good faith report acts of corruption, including protection of their identities.

Moreover, public servants are not required under any standards of conduct to report acts of corruption to public office to appropriate authorities. However, in Guyana, there is the **Integrity Commission Act # 20 of (1997)**, provides for the establishment of an Integrity Commission and makes provisions for the purpose of securing the integrity of persons in public life.

**The Integrity Commission Act # 20 (1997)** makes it voluntary rather than obligatory for any member of the public, not just public officials to report acts of corruption.

Section 28 of the Integrity Commission Act makes provision for member of the public to lodge complaints with the Integrity Commission.

It provides in **Section 28(1) of the Integrity Commission Act #20 of 1997** that:

(1) Any person who has reasonable grounds to believe that any person in public life is guilty of breach of any provision of the code of conduct may make a complaint in writing to the Commission stating:-

- (a) particulars of breach;
- (b) particulars as far as they are known, of the person against whom the complaint is made;

(c) the nature of the evidence that the complaint proposes to produce in respect of the complaint.

(d) such other particulars as may be prescribed by regulations by the Minister.

(2) A complaint to the Commission under this section may be presented in person, or may be sent by registered post to the Chairman.

(3) A person who makes a complaint which is frivolous, mischievous or spiteful shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty-five thousand dollars and two months imprisonment and the nature of the complaint for which the person is convicted shall be published in a daily newspaper at the expense of such person.

**Section 30** of the said Act requires the Integrity Commission, upon complaint of any member of public, to consider and investigate into any alleged breaches of the act or allegations of corrupt or dishonest conduct.

There is no formal statutory mechanism specifically encouraging participation by private citizens and public servants.

**c. In relation to question a), state the objective results obtained, including any statistical data.**

There is no available statistical data on the results obtained.

## CHAPTER THREE

### ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

#### 1. Criminalization of acts of corruption provided for in Article VI(1) of the Convention.

a. Does your country criminalize the acts of corruption provided for in Article VI(1) of the Convention transcribed in this chapter of the questionnaire? If so, briefly describe the laws and/or measures regarding them, indicating to which of the particular aforesaid acts of corruption they refer, including sanctions, and attach a copy of them.

The Criminal Law (Offences) Act Cap 8:01 seeks to criminalize the acts of corruption provided for in Article VI (1) of the Convention.

As it relates to Part i, Section 337 (2) (a) of the Criminal Law Offences Act Cap 8:01 states;

“ If any person being an agent, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the enactment of this section done or forborne to do, any act in relation to his principal’s affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal’s affairs or business; he shall be guilty to a misdemeanour and liable on conviction on indictment to a fine of six thousand dollars and to imprisonment for two years, or, where the matter or transaction in relation to which the offence was committed was a contract with the State, or any government department or public body, or sub-contract to execute any work comprised in such a contract, to imprisonment for seven years”

As it relates to Part ii, Section 337 (2) (b) of the abovementioned act provides;

“If any person corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or for forbearing to do, or for having after the enactment of this section done or forborne to do, any act in relation to his principal’s affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal’s affairs or business;

he shall be guilty to a misdemeanour and liable on conviction on indictment to a fine of six thousand dollars and to imprisonment for two years, or, where the matter or transaction in relation to which the offence was committed was a contract with the State, or any government department or public body, or sub-contract to execute any work comprised in such a contract, to imprisonment for seven years”

Further, according to Section 337 (3) **of the Criminal Law Offences Act Cap 8:01** states:

“Where in any proceedings under this section it is proved that any money, gift, or other consideration, has been paid or given to or received by a person in the employment of the state or any government department or public body, the money, gift or consideration shall be deemed to have been paid or given and received corruptly as the inducement or reward mentioned in this section unless the contrary is proved.”

As it relates to Part iii, **Section 333 of the Criminal Law Offences Act Cap 8:01** states:

“ Everyone who, being or expecting to be a public servant, accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, whether pecuniary or other person, any gratification whatever, whether pecuniary or otherwise, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the legislative or executive government of Guyana or with any public servant as a public servant, shall be guilty of a misdemeanour and liable to imprisonment for three years.”

Section 334 of the Act also states;

“ Everyone who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, whether pecuniary or otherwise, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or, in

the exercise of his official functions, to show favour or disfavour to any person or to render any service or disservice to any person with the National Assembly, or the executive government of Guyana, or with any public servant, as a public servant, shall be guilty of a misdemeanour and liable to imprisonment for three years.”

As it relates to Part iv **Section 197 (1)(b) of the Criminal Law Offences Act Cap 8:01** states:

“Whosoever having, either solely or jointly with any person, received any property for or on account of any other person, fraudulently converts the property or any part thereof or any proceeds thereof to his own use or benefit, or that of any other person, shall be guilty of a misdemeanour and be liable to imprisonment for seven years.”

As it relates to Part v, **Part 1 Title 3 (Abetment and Conspiracy) of the Criminal Law Offences Act Cap 8:01 Sections 24- 34**, provides for the Criminalization of acts of persons who participated as Accessory before the fact, accessory after the fact, accessories generally, and anyone who conspires to commit a felony, to be liable to imprisonment.

**b.)**

**Briefly state the objective results that have been obtained in enforcing the above provisions, and provide the pertinent information available in your country on which those results are based, such as judicial proceedings undertaken and their outcome, referring as far as possible, to the last five years.**

To date there have been no judicial proceedings undertaken in the last five years in relation to the above provisions.

- 2. Application of the Convention to acts of corruption not described therein, in accordance with Article VI(2)**
  - a. Has your state entered into any agreement with other states Parties to apply the Convention to any act of corruption not described therein, in accordance with Article VI(2)? If so, briefly describe the respective agreements or conventions and attach a copy of the related documents.**

Guyana has not yet become a party to the United Nations Convention Against Corruption. However recognizing that this would be a very useful tool in the fight against corruption, the Government of Guyana is preparing to accede to the Convention. Guyana remains committed to the prevention and eradication of corruption.

**SECTION III**

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

**(a) State Party:** \_\_\_\_\_ **GUYANA** \_\_\_\_\_

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

**Ms. Alicia Lowenfield**

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**ANNEX****RECOMMENDATIONS****I.****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**

In light of the comments made in that section, the Committee recommends that the State under review consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all public officials and employees, so as to permit the practical and effective application of a public ethics system.

**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.**

In light of the comments made in that section, the Committee recommends that the State under review consider strengthening systems of control and use of resources within the public administration by developing enforceable standards applicable to all public officials and employees that make it a duty to conserve and make proper use of the resources entrusted to them in the performance of their functions.

**1.3. 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.**

In light of the comments made in that section, the Committee suggests that the State under review consider strengthening the existing mechanisms that require public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware to the appropriate authorities.

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

In the light of the comments made in that section, the Committee recommends that the State under review consider strengthening the systems for declaring income, assets and liabilities.

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

Taking into account the considerations stated in that section, the Committee suggests that the State under review consider strengthening and, where appropriate, creating oversight bodies to enforce compliance with the provisions of Chapter III, paragraphs 1, 2, 4 and 11 of the Convention, providing them with the resources needed to carry out their functions in full and establishing the mechanisms necessary for the institutional coordination of their actions and their periodic evaluation and follow up.

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

In light of the comments made in that section, the Committee suggests that Guyana consider the following recommendation:

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

The Committee did not formulate recommendations in this section

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

Implement legal provisions supporting access to information. To comply with this recommendation, Guyana could take the following measures into account:

- a. Develop and regulate the processes through which requests are received in order to respond to them on a timely basis, for appeals in cases where requests are denied, and establish sanctions in the event of failure to comply with the obligation to furnish information
- b. Strengthen systems to ensure that the public has access, when appropriate, to information on governmental organizations and their financial and program planning activities, particularly in respect of oversight bodies responsible for matters covered by this report.

#### **4.3. Mechanisms for consultation**

- 4.3.1. Develop standards and procedures capable of supporting consultation mechanisms to encourage civil society organizations and citizens to provide opinions and proposals to be taken into account in preventing, investigating and punishing corruption.
- 4.3.2. Design and implement programs to disseminate consultation mechanisms, and when appropriate, provide civil society, non-governmental organizations and public officials and employees with the training and instruments necessary for effective implementation of those mechanisms.

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

- 4.4.1. Develop standards and procedures supporting mechanisms to encourage participation in public management by civil society organizations and

citizens, in generating opinions and proposals to be taken into account in preventing, investigating and punishing corruption.

- 4.4.2. Design and implement programs to disseminate mechanisms to encourage participation in public management and, as appropriate, to provide civil society, non-governmental organizations and public officials and employees with the training and instruments necessary for effective implementation of those mechanisms.

#### **4.5. Participation mechanisms for the follow-up of public administration**

- 4.5.1. Develop standards and procedures supporting mechanisms to encourage participation in public management by civil society organizations and citizens, in generating opinions and proposals to be taken into account in preventing, investigating and punishing corruption.
- 4.5.2. Design and implement programs to disseminate mechanisms to encourage participation in public management and, as appropriate, to provide civil society, non-governmental organizations and public officials and employees with the training and instruments necessary for effective implementation of those mechanisms.

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

In light of the comments made in that section, the Committee suggests that Guyana consider the following recommendations:

- 5.1 Ensure that both the mutual assistance treaties signed and the Convention are applied in specific cases of corruption.
- 5.2 Promote even further, when applicable, the effective application of the Mutual Assistance in Criminal Matters Bill.

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

## **6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)**

Guyana has not complied with the provisions of Article XVIII of the Convention regarding the appointment of the central authority for the purposes of international assistance and cooperation under the Convention. IN light of the comments made in that section, the Committee suggests that Guyana consider the following recommendations:

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

6.2 Communicate to the General Secretariat of the OAS the appointment of the central authority, pursuant to the prescribed formalities.

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

## **7. GENERAL RECOMMENDATIONS**

Taking into account the comments made throughout this report, the Committee suggests that Guyana consider the following recommendations:

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

7.3 Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, Guyana could take into account the list of broader indicators applicable to the inter-American system that were available for selection, as necessary, by the State under review, and which have been published by the Technical Secretariat of the Committee on the OAS Internet website.

**A. Please mention the measure or measures suggested by the committee, or the alternative measure or measures, that have been adopted to implement the above recommendation; and briefly describe the concrete steps that have been taken in connection with the measures adopted. As appropriate, please indicate the internet website where information in greater detail may be obtained on the measures adopted and steps taken to implement the foregoing recommendation, precisely identifying the information in reference on that site:**

As it relates to the **Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms**, the Committee suggested the following measures to implement the foregoing recommendations:

- a.) Formulate specific standards to limit the actions of public servants in specific situations, in accordance with the functions and activities of each institutions and the specific nature and importance of the different offices, and mechanisms for enforcing them.
- b.) Develop a system of access to public administration, establishing general requisites on entry to prevent access thereto by people whose private interests conflicts with the public interest, and considering preventive mechanisms to guarantee that no appointments are made which are contrary to the rules in force on incompatibility.
- c.) Establish a control body to ascertain whether or not a person complies with the requisites defined for the office and guarantee that no appointments are made in the public administration that are contrary to the rules in force on ineligibility and incompatibility.
- d.) Develop other mechanisms to identify or detect any causes that might occur in the course of the exercise of public functions and that give rise to conflicts of interest.
- e.) Develop, when necessary, provisions that restrict the participation of former public officials in situations that involve taking undue advantage of that condition, for a reasonable period of time.
- f.) Consider strengthening the rules in force governing sanctions, ensuring their dissuasive nature and considering the possibility of including

sanctions other than those already envisaged, such as the relinquishment of the private interests in conflict, nullity of any decisions by a person in such a position; and withdrawal from official involvement in the matter.

**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**

To comply with the above recommendation, the Committee suggested that Guyana to take the following measures into account:

- a) Establish measures and systems that require public servants to report to appropriate authorities, acts of corruption in the performance of public functions of which they are aware.
- b) Facilitate compliance with this obligation through whatever measures are considered appropriate.
- c) Adopt and implement protection measures for public servants who report acts of corruption in good faith, so as to provide them with assurances against any threats or reprisals that they might incur as a result of performing their duty in that regard.
- d) Review the provision contained in section 28(3) of the Integrity Commission Act in order to ensure that this does not become an impediment or reason for discouraging, inhibiting or intimidation public officials from reporting acts of corruption in the performance of public functions of which they are aware.

**8. SYSTEMS FOR DECLARING INCOME, ASSETS AND LIABILITIES  
(ARTICLE III, PARAGRAPH 4 OF THE CONVENTION)**

To comply with this recommendation, the Committee suggested that Guyana take the following measures into account:

- a.) Maximise the use of systems to study the contents of the declarations of income, assets and liabilities, and to adopt suitable measures to detect and prevent

conflicts of interest and cases illicit enrichment, using modern technologies, whenever possible, to expedite their presentation and improve systems, analysis or investigation of cases.

- b.) Strengthen the power granted by the Integrity Commission Act to the Commission or the President, whichever is applicable, in order to impose the appropriate administrative sanctions without the consent of another organ or official.
- c.) Strengthen the existing system of sanctions, including other conduct, such as the late presentation of declaration, implementing sufficiently dissuasive measures, particularly through the periodic review of the amount of fines.
- d.) Review the possibility of extending the five year term established in section 23(b) of the Integrity Commission Act, as a limit to bring legal action against officials who no longer perform public functions and have infringed the current system of sanctions.
- e.) Consider the advisability of granting to a body or official other than the President the administration, verification and application of the system for declaring assets and liabilities in respect of member of the Integrity Commission.
- f.) Regulate the conditions, procedures and other relevant aspects as regards making disclosures of income, assets, and liabilities public, as appropriate in accordance with the fundamental principles of the domestic legal system.

To date, there have been no concrete steps taken to implement the above measures suggested by the Committee. Further, there is no Internet website where information in detail may be obtained on the abovementioned measures.

**B. Briefly mention any difficulties observed in the process of implementing the above recommendation. If you consider it appropriate, please also mention the Internet web site where information in greater detail may be obtained in that regard, precisely identifying the information in reference on that site:**

To date, there is no available data on any difficulties that have been observed in the process of implementing the above recommendation.

**C. If appropriate, please mention which domestic agencies have participated in implementing the recommendations and identify concrete technical assistance and other needs that you may have in connection with the implementation of the above recommendation. Furthermore, as appropriate, also mention the Internet web site that describes in greater detail the aspects mentioned herein, precisely identifying the information in reference on that site:**

N/A