

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
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GRENADA

FINAL REPORT

(Adopted at the December 12, 2008 plenary session)

**COMMITTEE OF EXPERTS OF THE MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**REPORT ON IMPLEMENTATION IN GRENADA OF THE CONVENTION PROVISIONS
SELECTED FOR REVIEW IN THE SECOND ROUND, AND ON FOLLOW-UP TO THE
RECOMMENDATIONS FORMULATED TO THAT COUNTRY IN THE FIRST ROUND¹**

INTRODUCTION

1. Contents of the Report

This Report presents, first, a review of implementation in Grenada of the provisions of the Inter-American Convention against Corruption selected by the Committee of Experts of the Follow-up Mechanism (MESICIC) for review in the second round: Article III, paragraphs 5 and 8, and Article VI.

Second, the Report will examine follow-up to the recommendations that were formulated to Grenada by the MESICIC Committee of Experts in the first round, which are contained in the Report on that country adopted by the Committee at its Seventh meeting, and published at the following web page: http://www.oas.org/juridico/english/mec_rep_grd.pdf

2. Ratification of the Convention and adherence to the Mechanism

According to the official register of the OAS General Secretariat, Grenada ratified the Inter-American Convention against Corruption on November 15, 2001 and deposited the instrument of ratification on January 16, 2002.

In addition, Grenada signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2002.

I. SUMMARY OF INFORMATION RECEIVED

Response of Grenada

The Committee wishes to acknowledge the cooperation that it received throughout the review process from Grenada, and in particular from the Office of the Attorney General, which was evidenced, *inter alia*, in the Response to the Questionnaire and in the constant willingness to clarify or complete its contents. Together with its Response, Grenada sent the provisions and documents it considered pertinent.

For its review, the Committee took into account the information provided by Grenada up to May 22, 2008, and that requested by the Secretariat, to carry out its functions in keeping with its Rules of Procedure and Other Provisions.

¹ This Report was adopted by the Committee in accordance with the provisions of Article 3(g) and 26 of its Rules of Procedure and Other Provisions, at the plenary session held on December 12, 2008, at its Fourteenth meeting, held at OAS Headquarters, December 8 – 12, 2008.

II. REVIEW OF IMPLEMENTATION BY THE STATE PARTY OF THE CONVENTION PROVISIONS SELECTED FOR THE SECOND ROUND

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

1.1. SYSTEMS OF GOVERNMENT HIRING

1.1.1. Existence of provisions in the legal framework and/or other measures

Grenada has a set of provisions related to the above systems, among which the following provisions related to the principal systems should be noted:

- Constitutional provisions, such as those that establish the Public Service Commission (Article 84), which has the power to appoint persons to hold or act in offices in the public service,² including the power to confirm appointments, and the power to exercise disciplinary control over persons holding or acting in such offices,³ other than those that fall under the Judicial and Legal Service Commission, or offices to which appointments are made by the Governor-General.⁴ Article 84(2) further provides that the Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers to any one or more members of the Commission or, with the consent of the Prime Minister, to any public offices.

- Constitutional provisions such as Article 86, which provides that the Director of Public Prosecutions is appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission.⁵ Similarly, Article 88 applies to the offices of magistrate,

² See Article 111 of the Constitution of Grenada, which provides that ‘public service’ means “subject to the provisions of this section, the service of the Crown in a civil capacity in respect of the government of Grenada,” http://www.oas.org/Juridico/MLA/en/grd/en_grd-int-text-const.pdf

³ Section 85 of the Public Service Commission Regulations provides the following:

“85 (1) The penalties which may be imposed by the Commission on an officer against whom a disciplinary charge has been established are-

a) dismissal; or

b) reduction in rank, that is, removal to another grade with an immediate reduction in salary; or

c) deferment of increment, that is, postponement of the date on which the next increment is due, with corresponding postponements in subsequent years; or

d) stoppage of increment, that is, no payment for a specified period of an increment otherwise due; or

e) fine; or

f) reprimand.”

Public Service Commission Regulations, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

⁴ See Article 85 where it states that the Governor-General, acting in accordance with the advice of the Public Service Commission, has the power to make appointments to the offices of Secretary to the Cabinet, permanent secretary, head of a department of government and deputy head of a department of a government, Article 87 that provides that the Director of Audit is appointed by the Governor-General, acting in accordance with the advice of the Public Service Commission, and Article 89 that provides that power to appoint and remove a person to the office of Chief of Police vests in the Governor-General, acting in accordance with the advice of the Public Service Commission, Constitution of Grenada, *supra* note 2.

⁵ The Judicial and Legal Services Commission was established under section 18 of the Eastern Caribbean Supreme Court Order No. 223 of 1967. The Eastern Caribbean Supreme Court is the highest judicial tribunal in the country under review, whose jurisdiction covers not only Grenada, but also five other independent States (Antigua and Barbuda, Dominica, Saint Christopher and Nevis, Saint Lucia and Saint Vincent and the Grenadines) and three British Overseas Territories (Anguilla, British Virgin Islands, and Montserrat), since they are not independent states that can become a party to the Convention. The Court came into operation in 1967, replacing the West Indies Associated States Supreme Court and is composed of 19 members presided over by the Chief Justice. Judicial appointments, except that of the Chief Justice, who is appointed by

registrar of the High Court and any other public office in the department of the Attorney-General, including the public office of the Attorney-General, or the department of the Director of Public Prosecutions for appointment to which persons are required to be qualified to practice as a barrister or a solicitor in Grenada. This Article provides that the power to appoint persons to hold or act to such offices, including the power to confirm appointments, 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 Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission.

- Statutory provisions, such as the Public Service Commission Regulations,⁶ which provide that the Commission shall supervise the selection of persons for admission to public offices⁷ (Regulation 13). The Commission shall also exercise supervision over and approve all schemes for appointments by examination to any public office by examination and overall other methods of recruitment, including the appointment and the procedure of Boards for the selection of candidate (Regulation 14). The Regulations also provide that Boards may, from time to time, appoint one or more Selection Boards to assist in the selection of candidates for appointment to public offices (Regulation 15). On consideration of any report by these Boards, the Commission may summon for interview any of the candidates recommended by the Board.⁸ Moreover, the Regulations provide that as soon as it is known that a vacancy will occur, the Permanent Secretary or Head of Department shall communicate to the Chief Personnel Officer in writing and make a recommendation regarding the filling of the vacancy (Regulation 16). The Chief Personnel Officer may then send from time to time, to the Permanent Secretary or Head of Department a statement of existing vacancies, requesting early recommendations for appointing a person to hold the office. These Regulations also provide that once it is the best interest of the public service that the services of a person not already in the service be acquired, the Commission may authorize the advertisement of such vacancy by publication in the Gazette or in such other manner as the Commission may direct (Regulation 17). The Chief Personnel Officer may also, from time to time, give notices of vacancies which exist in the public service through circular memorandums. The Regulation further provide that any public officer may apply to appointment to any advertised vacant office, but the failure to apply for any such vacancy shall not prejudice the consideration of the claims of all eligible officers.⁹ In addition, the Regulations state that where in the opinion of the Commission it is possible so to do and it is in the best interest of the public service, the Commission may direct that any appointment to any vacant office shall be made from within the public service by competition (Regulation 18). These same Regulations also provide sanctions to any person who tries to directly or indirectly or through another person influences or attempts to influence a decision of the Commission or of the Chairman or any member.¹⁰

Her Majesty, are made by the Judicial and Legal Services Commission, established pursuant to the aforementioned section 18. The Eastern Caribbean Supreme Court has two divisions: the High Court of Justice and the Court of Appeal. The High Court of Justice has competence in all civil and criminal matters over which the Magistrate's Courts do not have jurisdiction. The court of last resort is the Judicial Committee of Her Majesty's Privy Council in London.

⁶ Public Service Commission Regulations, *supra* note 3.

⁷ The Regulations provide that "public office" means: "(a) any office in the public service to which section 84 of the Constitution applies; and (b) subject to section 90(1) of the Constitution, the office of Chief of Police; (c) any office to which section 90(2) of the Constitution applies," Regulation 2, *ibid*.

⁸ Regulation 15(2). The Composition of these Boards and the form in which reports are to be submitted shall be in the discretion of the Board, *ibid*.

⁹ Regulation 17(3).

¹⁰ Regulation 11.

- Statutory provisions such as the Ombudsman Act,¹¹ which states in its preamble that the Act provides for the “appointment of an Ombudsman with power to investigate the administrative actions¹² taken by or on behalf of the Government and other authorities.” Section 20 of the Act provides that the functions of the Ombudsman is to, among other things: (a) investigate any administrative action from a public authority¹³ for the purpose of deciding of evidence of a mal-administration¹⁴ or whether any person or body of persons has sustained injustice, injury or abuse as a result of any action taken by a public authority, officer or member of such public authority; and (b) make recommendations regarding an administrative action and ways of improving administrative practices and procedures.

- Statutory provisions such as the West Indies Associate States Supreme Court (Grenada) Act, whereby the High Court may, on an application for judicial review, grant relief to any person whose interests were adversely affected by a decision made by a public body, public authority or a person acting in the exercise of a public duty.¹⁵

- Administrative provisions such as the Staff Orders,¹⁶ which is applicable to all public officers.¹⁷ These Staff Orders provide that the Ministry of Finance is responsible for the rules that set out the educational or professional qualifications and other requirements for appointment to permanent posts and may be amended or revised in consultations with the appropriate Staff Association. These are the standard minimum requirements for a particular post and the rules are available upon application to the Chief Personnel Officer.¹⁸

¹¹ Ombudsman Act, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

¹² ‘Administrative action,’ as defined under section 2 of the Act, means “any action taken by our on behalf of an authority in the exercise of its administrative functions and includes ---

- (a) a decision or an act;
- (b) a failure to make a decision or do an act, including a failure to provide reasons for a decision;
- (c) a recommendation;
- (d) any action taken because of a recommendation; or
- (e) a failure to make a recommendation.”

¹³ ‘Public authority,’ under the Act, means:

- “(a) a corporation established by an Act of Parliament for the purpose of providing a public function and subsidiary company thereof registered pursuant to the provisions of the Companies Act;
- (b) a Department or Ministry of the Government;
- (c) any body, board, commission, committee or other similar body providing a public function.”

¹⁴ ‘Mal administration’, under the Act, means “inefficient, bad or improper administration and, without derogation from the generality of the foregoing, includes –

- (a) unreasonable delay in dealing with the subject matter of an investigation;
- (b) abuse of power, including any discretionary power; or
- (c) administrative action that was ----
 - (i) contrary to law;
 - (ii) unfair, oppressive, discriminatory or based on procedures that are unfair, oppressive or discriminatory;
 - (iii) based on wholly or partly on a mistake of law or fact or irrelevant grounds;
 - (iv) related to the application of arbitrary or unreasonable procedures; or
 - (v) negligent.”

¹⁵ See sections 24 and 25 as well as the letter of clarification presented by the Attorney General of Grenada dated July 29, 2008, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

¹⁶ Staff Orders, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

¹⁷ Staff Order 4, *ibid.*

¹⁸ Staff Order 9.

1.1.2. Adequacy of the legal framework and/or other measures

With respect to the constitutional and legal provisions that refer to the systems of government hiring that the Committee has examined, based on the information available to it, they constitute a set of measures relevant to promoting the purposes of the Convention.

Notwithstanding, the Committee considers it appropriate to make a number of observations on the advisability of developing and complementing certain legal provisions that refer to those systems.

As stated in Section 1.1.1., the Constitution provides that the Public Service Commission has the power to appoint persons to hold or act in offices in the public service that fall under its purview. The Regulations for Public Service Commission further provide that method of entry shall be made on the basis of an examination and a possible interview. However, the legislation does not make it explicitly clear that selection into the Public Service is based on merit. The legislation scheme in place does not state that the candidate that is best qualified for the job is to be selected on the basis of the examination and interview, when carried out. In an effort to promote the openness, equity and efficiency of the government hiring system, the Committee believes that consideration should be given by Grenada to state explicitly in the relevant legislation or regulations that selection is made on merit, based on the written competitive examinations and interviews. In this regard, the Committee will formulate a recommendation (see Recommendation 1.1(a) in Section 1 of Chapter III of this Report).

In addition, the Committee notes an insufficiency of provisions that develop the different stages of the procedure for personnel selections and appointments. In the Committee's view, this insufficiency could adversely affect the objectivity, effectiveness, and transparency of the system for hiring public servants and therefore highlights the importance that the country under review considers developing, through the relevant legal and administrative procedures, the various stages that comprise the process for the selection and appointment of public officers. In this regard, the Committee will formulate a recommendation (see Recommendation 1.1(b) in Section 1 of Chapter III of this Report)

The Committee also notes that there are provisions for the advertising of positions in the Public Service. Regulation 15 of the Public Service Commission Regulations state that when the Commission considers that there is no suitable candidate already in a particular service available for the filling of any vacancy or that having regard to those qualifications, experience and merit, and it would be advantageous and in the best interest of the particular service that the services of a person not already in that service be secured, the Commission may authorize the advertisement of such vacancy. The Committee notes that the language in this provision is discretionary rather than obligatory, which does not guarantee that these vacancies, when they arise in these circumstances, are available to the general public. Moreover, the legislation appears to be silent on the content and form of these advertisements as well as the timeframe for their publication. As well, the vacancies appear to receive limited publication and, as such, candidates may not become aware of them as they arise. In this regard, the Committee will formulate a recommendation (see Recommendation 1.1(c) in Section 1 of Chapter III of this Report).

With respect to the existence of other challenge mechanisms to clarify, modify or revoke substantive actions in government hiring processes in the country under review, the Committee notes that the Ombudsman Act provides such a mechanism. Nevertheless, the Ombudsman Act is unclear as to the extent of the powers to make recommendations regarding an administrative action and ways of

improving administrative practices and procedures. The Ombudsman does have the power to investigate an appointment process, however, it is not certain that it has the power to revoke an appointment or take other corrective measures if an appointment process was not conducted on the basis of merit or in the event of an error, omission, or improper conduct in the selection process. In this regard, the Committee will formulate a recommendation (see Recommendation 1.1(d) in Section 1 of Chapter III of this Report).

The Committee also notes that the Ombudsman has the power to make appointments and employ for the purposes of the Ombudsman Act, such officers and agents as may be considered necessary to assist the Ombudsman in the performance of his or her duties.¹⁹ The remuneration and the terms and conditions of appointment are to be approved by the House of Representatives. The Committee did not find any other reference as to how the appointment process is to be conducted. The Committee believes that in the interests of ensuring the openness, equity and efficiency of the hiring process by the Ombudsman, and in promoting a high degree of integrity, transparency and accountability, the country under review could consider the adoption of administrative measures that ensures access through merit, provide clearly defined criteria on the advertisement of hiring opportunities, as well as control mechanisms that allow for preventive or corrective measures against irregular selection processes. In this regard, the Committee will formulate a recommendation (see Recommendation 1.1(e) in Chapter III of this Report).

The Committee also considers it advisable that the country under review implement training programs for those responsible for managing the selection and staffing processes, as well as training and induction programs for those persons recently hired into public service. In this regard, the Committee will formulate a recommendation (see General Recommendation 4.1 in Chapter III of this Report).

Finally, it is inappropriate for the Committee to make some comments on the system for government hiring within the judiciary of the country under review, since the appointment of those officials is the responsibility of the Judicial and Legal Service Commission, a supranational body created under section 18 of Order No. 1967 of the Eastern Caribbean Supreme Court, the jurisdiction of which covers, in addition to Grenada, five additional independent states (Antigua and Barbuda, Dominica, , Saint Christopher and Nevis, Saint Lucia and Saint Vincent and the Grenadines) and three British Overseas Territories (Anguilla, British Virgin Islands, and Montserrat).

1.1.3. Results of the legal framework and/or other measures

With respect to results, the Committee notes that Grenada in its Response did not provide any information.

In addition to highlighting the importance of replying in full to the questions on results in the Questionnaire, the Committee does not have information that might enable it to make a comprehensive evaluation of the results of this topic. In this regard, it will formulate a recommendation to the Public Service Commission (see Recommendation 4.2 in Chapter III of this Report).

¹⁹ Ombudsman Act, section 14(1), *supra* note 11.

1.2. GOVERNMENT SYSTEMS FOR THE PROCUREMENT OF GOODS AND SERVICES

1.2.1. Existence of provisions in the legal framework and/or other measures

Grenada has a set of provisions related to the above-mentioned systems, among which the following should be noted:

- The Public Procurement and Contract Administration Act,²⁰ which provides the legal framework for the procurement of goods, works and services in Grenada, as well as the functions that pertain to the procurement of goods, works and services including the description of requirements and invitation of sources, preparation, selection and award of procurement contracts and the phases of contract administration. The following provisions of the Act should be noted:

- Section 4, which provides that the purposes of the Act is to simplify, clarify and modernize procurement by the Government; provide for increased public confidence in procurement procedures; ensure fair and equitable treatment of all persons who deal with the procurement system; provide increased economy in procurement activities and maximize to the fullest extent practicable the purchasing value of the money of the Government; and to provide safeguards for the maintenance of a procurement system of quality, integrity and transparency;
- Section 7, which provides that a person shall not divide a procurement with the intention of avoiding the monetary thresholds established by the Minister responsible for Finance;
- Section 10, which provides that procurement of professional services by a health or legal professional; the acquisition of a work of art or object of historical or cultural interest; and the supply of electricity, telecommunications, water or other similar services by a supplier that has a monopoly on the supply of those services are exempted from the methods of procurement contemplated under Part VI of the Act;
- Section 11, which provides that the Minister may, in the interest of national security, wholly or in part exempt any procurement from the methods of procurement contemplated under Part VI of the Act;
- Section 12, which provides that the procurement of goods and services with a government other than the Government of Grenada; a statutory body or public authority inside or outside Grenada; or any regional organization in the Caribbean is exempt from the methods of procurement contemplated under Part VI of the Act;
- Section 13, which requires the maintenance of a register for procurements referred to under Sections 10, 11 and 12 of the Act;
- Section 14, which establishes the Public Procurement Authority (PPA);

²⁰ Public Procurement and Contract Administration Act,
http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

- Section 15, which establishes the Public Procurement Board, the governing body of the PPA;
- Section 24, which provides that the object of the PPA is to regulate and monitor public procurement in Grenada and to advise the Government on issues related to public procurement. For example, the PPA is responsible for the implementation of policies and standards on public procurement and to ensure compliance by all parties to the procurement contracts; assess the operation of the public procurement process and submit proposals for improvement; ensure capacity building and human resource development for public procurement, including training programs and professional development; issue standard forms of contracts and standard bidding documents for mandatory use by all procuring departments; publish a quarterly Public Procurement Bulletin that contain information on public procurement, including proposed procurement notice, notices of invitation to bid and contract award information; publish in the Bulletin or the Gazette a database of suppliers, contractors and consultants and records of process to assist in the work of procuring entities; investigate and suspend from procurement proceedings suppliers and contractors who have neglected their obligations under a procurement contract or provided false information with respect to qualifications or official inducements; and maintain and issue, on a regular basis to all procuring departments, a list of suspended suppliers and contractors;
- Section 28, which provides that a Department Procurement Committee (DPC) may be established by the Permanent Secretary of a department, after consultation with the Public Procurement Board. The Board may delegate to the DPC procurements for the purposes of the Department;
- Section 30, which provides that public procurements are to be undertaken by means of advertised open bid proceedings, to which equal access shall be provided to all eligible and qualified bidders. If a procuring department does not use an advertised open bidding, it shall note in the record of the procurement proceedings the grounds for the choice of the procurement method;
- Section 31, which provides that the open bidding process may include prequalification stage or apply a post qualification procedure prior to the award of the contract. In addition, the open bid may be carried out in a single stage or two-stage method, only in the following cases: a) when it is not feasible to define fully the technical or contractual aspects of the procurement to elicit competitive bids; and b) when, because of the complexity of the procurement, the procuring department wishes to consider various technical and contractual solutions and to discuss with bidders about the relative merits of those solutions before deciding on a final technical or contractual specification;²¹
- Section 32, which provides that procuring departments may employ national competitive procedures when it is decided that only domestic suppliers or contractors are likely to be interested in submitting bids. This section also provides that at least two weeks shall be allowed for submission of bids in order to allow sufficient time for the invitation to reach candidates and to enable them to prepare and submit the bids in the manner as may be prescribed;

²¹ Section 52 sets out the procedure for the two-stage bidding.

- Section 33, which provides that the procuring department shall employ international competitive bidding procedures when the estimated contract amount is higher than the value threshold. This section provides that: an invitation to bid and bidding documents shall be English; the invitation shall be placed in at least two newspapers with adequate circulation to attract foreign competition; four weeks be allowed for submission of bids in order to allow sufficient time for the invitation to reach candidates and enable them to prepare and submit the tenders;
- Section 34, which allows for restricted bidding when the goods, works or services are only available from a limited number of bidders²² or when the time and cost of considering a large number of bids is disproportionate to the estimated value of the procurement;²³
- Section 36, which provides that requests for proposals for services is the method for the procurement of consultant services;
- Section 37, which provides that request for quotations method may be used for the procurement of goods and works when: a) the procurement is for readily available commercially standard goods;²⁴ b) when the estimated value of the procurement of small works does not exceed the prescribed amount; and c) when the estimated value of the procurement of services does not exceed the prescribed amount.²⁵
- Section 39, which states that public procurement may be carried out through sole-source procurement method when: a) only one supplier has the exclusive right to realize manufacture of the goods, provide the service or carry out the works and no suitable alternative is available; b) for additional deliveries of goods by the original supplier; c) additional works, which were not included in the initial contract have, through unforeseen circumstances, become necessary and the separation of the additional works or services from the initial contract would be difficult for technical or economic reasons; and d) when the services require that a particular consultant be selected due to his unique qualifications or when it is indispensable to continue with the same consultant;²⁶
- Section 41, which provides that a procurement may be made as an emergency procurement when Cabinet determines that an immediate action is required to prevent irreparable injury to public good due to an emergency situation;²⁷
- Section 42, which provides that an invitation to bid or prequalify shall be published in the Gazette and, when feasible and in the case of international competitive bidding, in selected international media listed in the guidance provided by the regulations. A procuring department may limit participation on the basis of nationality and shall include in the record

²² Section 35 further provides that when restricted bidding is used for this case, all known suppliers capable of supplying the goods, works or services shall be invited to bid.

²³ Similarly, section 35 provides that when restricted bidding is used for this case, the procuring department shall solicit bids from a minimum of five bidders, if possible.

²⁴ These commercially standard goods are not to be specially manufactured to the particular specifications of the procuring department and the estimated value does not exceed the prescribed amount.

²⁵ Section 38 provides the basic procedures for request for quotations.

²⁶ Section 40 provides the basic procedure for sole-source procurement.

²⁷ Section 41(2) defines 'emergency situation' as "a state of affair wherein because of unforeseen intervention of nature or any other event likely to cause an immediate threat to life, limb or property, an immediate action is required.

of the procurement proceedings a statement of the grounds and circumstance on which it relied. In addition, an international bid shall be held when the estimated value of procurement exceeds prescribed thresholds or when there is no response to a national bidding proceeding.²⁸ Moreover, the section provides that an invitation to bid or prequalify shall include the following information: a) the identity and address of the procuring department; b) the nature and time-frame of the procurement, including the place of delivery of goods or services and the location of any works; c) the manner of obtaining and the price of the bidding documents or prequalification documents, if applicable; d) the place and deadline for submission of bids or of applications to prequalify; and e) such other matters as may be prescribed in the regulations and standard forms issued by the PPA;

- Section 43, which provides that unless provided otherwise in the regulations, a procuring department shall use the prescribed bidding document. The bidding document is to be provided to all potential bidders and shall inform the bidders the following, among others: a) nature and timeframe of the procurement, including technical specifications and contractual terms of the procurement; b) bidder qualification requirements; c) information as to site visits and pre-bid conferences; d) instructions for preparation and submission of bids, including deadline for submission and the time and place of bid openings; e) the criteria and method for evaluation of bids and selection of successful bidder;²⁹ f) the preference, if any, for domestic goods and contractors as outlined in the regulations; g) the required validity period of bids; h) notice of conflict of interest restrictions and anti-fraud and corruption rules; and i) manner in which bidders may obtain review of actions, omissions and decisions of the procuring entity.
- Section 44 which provides that a bid shall be submitted in writing, duly signed and in a sealed envelope. Any bids received after the deadline for submission of bids shall be returned unopened;
- Section 46, which provides that bids shall be opened at the time and place indicated in the bidding documents and the time of bid opening shall coincide with the deadline for submission of bids. The section also states that from the opening of the bid and until a preliminary decision is made, a bidder shall not make unsolicited communication to the procuring department or try in anyway to influence the examination and evaluation of bids;
- Section 47, which provides that bids shall be evaluated in accordance with the criteria and methodology stated in the bidding documents;
- Section 50, which provides that the contract shall be awarded to the bidder having submitted the lowest evaluated and substantially responsive bid that meets only those evaluation criteria as specified in the bidding documents;

²⁸ This section further states that in the case of international bids, the publication of the invitation to submit bids, or to apply for prequalification and the bidding and contract documents are to be made in English.

²⁹ This section further provides that when considering evaluation criteria, the procuring entity shall consider only the following: a) the bid price; b) cost of operating, maintaining and repairing the goods, or works, the time of delivery of the goods, completion of works or provision of services, the functional characteristics of the goods or works, the terms of payment and of guarantees in respect of the goods, works or services; and c) the effect that acceptance of a bid would have on the environment, the extent of local content, the transfer of technology and the development of managerial, scientific and operational skills.

- Section 52, which sets out the procedure for two-stage bidding, as set out in Section 31 of the Act. In this procedure, the bidding documents in the first stage are to call upon bidders to submit initial bids without a bid price and may solicit initial proposals relating to the technical, quality or other characteristics of the goods, works or services as well as the contractual terms and conditions of the proposed contract and, where relevant, the professional and technical competence and qualification of bidders. The procuring department may then enter into discussions with the bidders with a view to understanding the proposals or indicate changes required to make them acceptable. Minutes of these discussions are to form part of the procurement records;
- Section 57, which provides that small procurements may be carried out in accordance with the small procurement procedures as may be prescribed;
- Section 58, which provides that a potential or actual bidder who claims to have suffered or likely to suffer a loss or injury due to a breach of a duty imposed on a procuring entity may seek review at any stage of procurement proceedings;
- Section 59, which provides that prior to entry into force a contract, an application for review shall be made in writing to the Board. If the Board does not issue a written decision within five working days after submission of the complaint, or the complainant is not satisfied with the decision of the Permanent Secretary, the complainant is entitled to submit a complaint to the Procurement Review Tribunal;
- Section 60, which sets out the procedure for the establishment of the Procurement Review Tribunal. An application for review may be made in the following circumstances: a) an appeal by the complaining bidder against a decision by a procurement department; b) where the Board fails to render a decision within five working days after submission of the complaint; and c) where the contract has already entered into force, an application for review will only be entertained if it is submitted to the Tribunal within ten working days of entry into force or when the bidder submitting it became aware of the circumstances giving rise to the complaint or when that bidder should have become aware of those circumstances, whichever is earlier;³⁰
- Section 61, which provides for the appointment of a contract coordinator to represent the interests of the Government for every contract exceeding the limit prescribed by regulation;³¹ Further under section 62, the contract coordinator is responsible for keeping records of dealings with the contractor as well as keeping the minutes of all meetings with the contractor detailing matters discussed and decisions made.
- Section 65, which provides that the Board may for cause suspend a person for not more than 6 months or debar a person for not more than 3 years for submitting a tender, proposal or

³⁰ This section further states that the remedies available are the following: a) prohibiting the procuring department from acting or deciding in an unauthorized manner or from following incorrect procedure; b) annulling in whole or in part any unauthorized act or decision of a procuring entity, other than any act or decision bringing the contract into force; and c) reversing a decision by the Board or substituting its own decision, other than any decision bringing the contract into force.

³¹ Section 63 further provides that the contract coordinator shall not permit any work to commence under a construction contract before a formal agreement has been executed and section 64 provides that that contract coordinator shall issue a written report of any breach of contract to the Permanent Secretary who shall forward it to the Board.

quotation or making an offer for a sole source or emergency procurement or from entering into a contract in relation to any of them. The following are the reasons a person may be suspended or debarred: a) conviction for an offence involving obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract; b) conviction for an offence involving dishonesty, obstruction of justice or a lack of honesty or business integrity; c) conviction for an offence involving corruption; d) engaging in anti-competitive practices, whether or not they involve collusion and whether or not an offence under law; e) deliberate neglect or failure without good cause to perform a contract of so serious a nature as to justify suspension or debarment; and f) unethical conduct. The section further provides that no contract shall be awarded to a person when he is suspended or debarred.

- Section 66, which provides the offences relating to procurement. Any person, who breaches the provisions of the Act, and where no penalty has been provided for the offence, is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year, or both. The following are offences under the Act: a) entering or attempting to enter into a collusive agreement; b) directly or indirectly influencing or attempting to influence in any manner the procurement prices; c) altering any procurement document; d) making a request for classification in a manner not permitted under the Act; e) any relevant offence under the Prevention of Corruption Act.

- As aforementioned in Section 1.1.1, statutory provisions such as the Ombudsman Act, whereby the Ombudsman has the power to investigate administrative actions taken by or on behalf of the Government and other authorities.”.

- As aforementioned in Section 1.1.1, statutory provisions such as the West Indies Associate States Supreme Court (Grenada) Act, whereby the High Court may, on an application for judicial review, grant relief to any person whose interests were adversely affected by a decision made by a public body, public authority or a person acting in the exercise of a public duty.

1.2.2. Adequacy of the legal framework and/or other measures

With respect to the legal provisions governing public procurement systems, the Committee notes that, on the basis of the information available to it, they constitute a set of measures that are relevant for promoting the purposes of the Convention.

The Committee nevertheless deems it appropriate to express some comments about certain provisions relating to the systems that the country under review could consider supplementing, developing or adapting the legal framework now in force, in light of the following:

The Committee would like to highlight that the Public Procurement and Contract Administration Act has recently come into force and represents a major step in assuring openness, equity and efficiency in the government system for the procurement of goods and services.³² The Committee acknowledges the comprehensive scope of the Act and commends Grenada on this important piece of legislation. However, though the Act has come into force, understandably, it appears that the regulations have yet to be enacted. Section 74 of the Act provides a non-exclusive list of matters on which the Minister

³² See the Letter of Clarification from the Attorney General of Grenada stating that the Act came into force by Notice on July 1, 2008, *supra* note 15.

responsible for Finance may make regulations upon. These include important areas such as prescribing the amount of procurements for which the Board has sole responsibility; prescribing the amount that may be made in accordance with small procurement procedures; prescribing the amount of the procurement in relation to the list of pre-qualified small suppliers; and establishing qualifications and prequalification guidelines with respect to bidding, among others. Another issue the regulations may address is establishing the value thresholds for national competitive bidding and international competitive bidding, as cited under sections 32(2) and 33(1), respectively. As such, the Committee believes it advisable that Grenada consider issuing these regulations in order to properly implement the Public Procurement and Contract Administration Act so that fairness and transparency can be ensured in the newly established procurement regime. In this regard, the Committee will formulate a recommendation (see Recommendation 1.2 (a) in Section 1 of Chapter III of this Report).

The Committee also notes that under Section 13, a register of exempt and partially exempt procurements found under Sections 10 – 12 are to be kept by the Secretary. This registry, however is not publicly accessible. The Committee believes that Grenada could consider making this registry public, in order to lend objectivity, transparency and openness to the tendering process. In this regard, the Committee will formulate a recommendation (see Recommendation 1.2 (b) in Section 1 of Chapter III of this Report).

The Committee also notes that under section 24, one of the functions of the Public Procurement Authority is to assess the operations of the public procurement process and submit proposals for the improvement of the processes, including the introduction of information and communication technology. In this regard, the Committee notes that the use of electronic methods and information systems for government procurement assists in adequately informing the public of procurement opportunities and ensuring openness. The Committee believes that Grenada could consider the use of electronic means to provide information regarding procurement, including the status of bids and awards, the progress of major projects and the list of suspended suppliers, contractors and consultants found under section 24(2)(k). Grenada may also wish to consider using an electronic procurement system or electronic bidding in order to carry out the contracting needs of the State. In this regard, the Committee will formulate a recommendation (see Recommendations 1.2(c) and 1.2(d) in Section 1 of Chapter III of this Report).³³

The Committee also notes that the legislation is silent regarding the publication of awards in a sufficiently justified or substantiated announcement, including aspects relating the selection decision, so that any person may fully understand the essential justification for the selection of the bid, in order to lend objectivity, transparency and openness to the tendering process (see Recommendation 1.2(e) in Section 1 of Chapter III of this Report).

The Committee observes that there are no guidelines or criteria within the Act that allow for an analysis as to whether the launch of procurement process requires prior planning sufficiently in advance, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase. The Committee believes that adopting measures that provide guidelines or criteria that allow for an analysis as to when prior planning is required_would assure the openness, equity and efficiency of the system in place for the procurement of goods and

³³ Grenada reports that although to date it has no existing legislation which makes provision for electronic means of doing business, however, there is currently a CARICOM draft Electronic Transactions Act proposed to be passed throughout the Caribbean region (harmonized piece of legislation). Once this draft is approved and comes into force it will therefore cover the aspect of use of electronics in the procurement system.

services. In this regard, the Committee will formulate a recommendation (see Recommendation 1.2(f) in Section 1 of Chapter III of this Report).

The Committee notes that the legislation in place does not provide for the recusal of persons in the procuring entity or those persons who are directly involved in the determination of needs or specifications, appraisal of bids, selection of alternatives, or approval of purchases or payments who have ties to potential bidders or contractors, whether those ties are familial, political, commercial or of any other nature. In this regard, the Committee will formulate a recommendation (see Recommendation 1.2(g) in Section 1 of Chapter III of this Report).

Finally, the Committee has no information regarding provisions that facilitate transparent mechanisms in monitoring the execution of contracts, such as encouraging citizen oversight, where their nature, importance or magnitude so warrants, in particular public works contracts. In this regard, the Committee will formulate a recommendation (see Recommendation 1.2(h) in Section 1 of Chapter III of this Report).

1.2.3. Results of the legal framework and/or other measures

With respect to results, the Committee notes that Grenada in its Response did not provide any information.

In addition to highlighting the importance of replying in full to the questions on results in the Questionnaire, the Committee does not have information that might enable it to make a comprehensive evaluation of the results of this topic. In this regard, it will formulate a recommendation (see Recommendation 4.2 in Chapter III of this Report).

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

2.1. Existence of provisions in the legal framework and/or other measures

Grenada has a set of measures and provisions related to the above-mentioned systems, among which the following should be noted:

- The Prevention of Corruption Act,³⁴ which provides measures for protecting disclosures made by public officers.³⁵ The following provisions of the Act should be noted:

- Section 16, which provides that a public officer shall not be subject to occupation detriment³⁶ by his or her superiors on account on, or partly on account, of having made a protected disclosure.³⁷

³⁴ Prevention of Corruption Act, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

³⁵ Under this Act 'public officer' means a public officer appointed pursuant to section 84 of the Constitution or a person who is a member of a public body. The Act further defines 'public body' as follows:

“(a) a corporation established by an Act of Parliament for the purpose of providing a public function and any subsidiary company thereof registered pursuant to the provisions of the Companies Act;

(b) a Department or Ministry of the Government;

(c) any authority, board, commission, committee or other similar body providing a public function;

(d) the Government; or

(e) the House of Representatives and the Senate.”

Section 15 of the Act further provides that any disclosure made to an attorney-at-law and with the object of and in the course of obtaining legal advice is a protected disclosure;

- Section 17, which provides that a public officer subjected to occupational detriment may make an application to the Integrity Commission³⁸ requesting that said Commission conduct an inquiry into the matter;
- Section 18, which provides that if the Integrity Commission finds evidence of occupational detriment, it shall issue a report which shall include recommendations for relief, including corrective action to end the occupational detriment and neutralize any direct or indirect prejudicial consequences suffered by the public officer;
- Section 19, which provides that a person who attempts to obstruct or obstruct a member or employee of the Integrity Commission in the performance of his or her functions commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year.

2.2. Adequacy of the legal framework and/or other measures.

With respect to the legal provisions for protecting public servants and private citizens who in good faith report acts of corruption, the Committee notes that, on the basis of the information available to it, they may be said to constitute a set of measures that are pertinent for promoting the purposes of the Convention.

The Committee nevertheless deems it advisable for Grenada to consider analyzing the possibility of supplementing, developing or adapting the provisions in place through the appropriate legal and administrative procedures, in accordance with its Constitution and the basic principles of its domestic legal system, on the protection of public servants and private citizens who in good faith report acts of corruption. In this respect, the country under review should consider the following:

³⁶ The Act defines ‘occupational detriment’ as follows, in relation to the working environment of a public officer:
“(a) being subjected to any disciplinary action as a consequence of any disclosure made by him or her;
(b) being dismissed, suspended, demoted, harassed or intimidated as a consequence of any disclosure made by him or her;
(c) being transferred against his or her will as a consequence of any disclosure made by him or her;
(d) being refused transfer or promotion as a consequence of any disclosure made by him or her;
(e) being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage as a consequence of any disclosure made by him or her;
(f) being refused a reference or being provided with an adverse reference as a consequence of any disclosure made by him or her;
(g) being threatened with any of the actions referred to in paragraphs (a) to (f); or
(h) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and job security.”

³⁷ The Act defines ‘protected disclosure’ as a disclosure made by a public officer –
“(a) to an attorney-at-law in accordance with section 15;
(b) to the Commission pursuant to the provisions of this Act or the Integrity in Public Life Act;
(c) to a superior public officer in compliance with any established rules or principles established for the making of a disclosure; and
(d) in good faith to either persons mentioned in paragraphs (a) to (c);
but does not include a disclosure –
(e) in respect of which the public officer concerned commits an offence by making that disclosure; and
(f) made by an attorney-at-law to whom the information concerned was disclosed in the course of obtaining legal advice pursuant to section 15.”

³⁸ See section 4 of the Integrity in Public Life Act, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

- Though the legislation in place provides for measures to protect public officers who report acts of corruption, it appears that the Prevention of Corruption Act does not cover private citizens who do the same. In this regard, the Committee will formulate a recommendation (see Recommendation 2(a) in Section 2 of Chapter III of this Report)
- Though there are mechanisms to protect the occupation detriment of whistleblowers, Grenada should consider providing measures that protect their physical integrity (see Recommendation 2(b) in Section 2 of Chapter III of this Report).
- Though the Prevention of Corruption Act provides that a public officer subject to occupational detriment may make an application to the Integrity Commission to conduct an inquiry, it is silent in terms of providing mechanisms for reporting, such as anonymous reporting or protection of identity reporting (see Recommendation 2(c) in Section 2 of Chapter III of this Report).
- The establishment of a witness protection mechanism that offers witnesses the same protections as those afforded to public officers (see Recommendation 2(d) in Section 2 of Chapter III of this Report).
- Mechanisms to report threats or reprisals against persons who report acts of corruption, indicating the competent authorities for processing requests for protection. (see Recommendation 2(e) in Section 2 of Chapter III of this Report).
- Mechanisms that facilitate international cooperation, when appropriate (see Recommendation 2(f) in Section 2 of Chapter III of this Report).
- The Committee also notes that the Prevention of Corruption Act does not provide for a general sanction when its provisions are not being observed (see Recommendation 2(g) in Section 2 of Chapter III of this Report).

2.3. Results of the legal framework and/or other measures

With respect to results, the Committee notes that Grenada in its Response did not provide any information.

In addition to highlighting the importance of replying in full to the questions on results in the Questionnaire, the Committee does not have additional information other than that referred above that might enable it to make a comprehensive evaluation of the results of this topic. In this regard, it will formulate a recommendation (see Recommendation 4.2 in Chapter III of this Report).

3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

3.1 Existence of provisions in the legal framework and/or other measures

Grenada has a set of provisions related to the criminalization of the acts of corruption provided for in Article VI(1) of the Convention, among which the following should be noted:

a. With regard to paragraph (a) of Article VI(1):

Sections 3(a) and 3(b) of the Prevention of Corruption Act, which are applicable to Sections 3 – 12 of the Act, provide: “3. For the purposes of this Part, a person –

(a) accepts a gratification where he or she, or any person acting on his or her behalf, directly or indirectly –

- (i) agrees to obtain, receive or take; or
- (ii) obtains, receives or takes;

any gratification for himself or herself or for any other person;...

(b) solicits a gratification where he or she or any person acting on his or her behalf, directly or indirectly –

- (i) asks for, demands or invites; or
- (ii) indicate a willingness to receive;

any gratification whether for himself or herself or for any other person.”

- Sections 4(2) – 4(4) of the Prevention of Corruption Act, which provides: “(2) A public officer shall not, without lawful authority,³⁹ accept or solicit, any gratification⁴⁰ from any person⁴¹ for himself or herself, or for any other person as an inducement⁴² or reward in order to --

a) abstain from performing or perform any act in his or her capacity as a public officer;

³⁹ Grenada reported to the plenary of the Committee of Experts that the term ‘without lawful authority’ is a term used by the legal draftsmen of the country under review and in the common law system. The effect of this term is to shift the burden of proof onto the accused in a legal proceeding, in that the accused had an authority provided by law, none of which is provided in the Act.

⁴⁰ The Prevention of Corruption Act defines ‘gratification’ as follows:

“(a) any money, whether in cash or otherwise;

(b) any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether moveable or immovable or any other similar advantage;

(c) the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;

(d) any office, status, honour, employment, contract of employment or services or any agreement to render services in any capacity;

(e) residential and hotel accommodation;

(f) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;

(g) any forbearance to demand any money or money’s worth or valuable thing;

(h) any other service, favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise of any right or official power or duty;

(i) any right or privilege;

(j) any real or pretended aid, vote, consent, influence or abstention from voting; or

(k) any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage.”

Prevention of Corruption Act, *supra* note 34.

⁴¹ A ‘person’ includes an ‘entity’ since section 2 of Grenada’s Interpretation and General Provisions Act states: “person” includes any company or association or body of persons, corporate or unincorporated.

⁴² The Act defines ‘induce’ as including “to persuade, encourage, coerce, intimidate, threaten or cause a person to perform an act; and the term “inducement” shall have a corresponding meaning.”

- b) assist, hinder, or delay any other person in the transaction of any business with a public body;
or
- c) expedite or prevent the performance of an act whether by himself or herself or through any other public officer.

(3) [A] public officer who contravenes the provisions of subsection (2), commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.

(4) A public officer in addition to the penalty imposed on him or her pursuant to subsection (3), shall be disqualified from holding any public office for a period of seven years from the date of conviction of the offence.”

Under this Act ‘public officer’ means a public officer appointed pursuant to section 84 of the Constitution or a person who is a member of a public body.⁴³

- Sections 5(2) - 5(4) of the Prevention of Corruption Act, which provides: “(2) A public officer shall not, without any lawful authority, accept or solicit from any person, any gratification, as an inducement or reward for giving assistance or using his or her real or apparent influence with respect to the –

- a) payment of the price or other consideration of any contract or sub-contract; or
- b) procuring, promoting or executing of any contract or sub-contract.

(3) [A] public officer who contravenes the provisions of subsection (2), commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.

(4) A public officer in addition to the penalty imposed on him or her pursuant to subsection (3), shall be disqualified from holding any public office for a period of seven years from the date of conviction of the offence.”

- Sections 7(2) – 7(4) of the Prevention of Corruption Act, which provides: “(2) A public officer shall not –

- a) solicit or accept, whether for himself or herself or for any other person, directly or indirectly, any gratification, from a person as an inducement to act or to influence another public officer so as to act or award a tender in relation to a contract to perform any work, provide any service, do anything, or supply any article material or substance in relation to a public body;
- b) give to any person, any confidential information in order to enable that person or any other person to tender or not to tender in a particular manner so as to obtain an unfair advantage in tendering.

⁴³ See section 2 of the Prevention of Corruption Act, *supra* note 34. Moreover, see footnote 35 for the definition of ‘public body.’ Grenada also provides that section 3 of the Interpretation and General Provisions Act provides the following definition for ‘public officer’: any person in the service of, or holding office, under the government, whether such office or service is permanent or temporary, or paid or unpaid.

(3) [A] public officer who contravenes the provisions of subsection (2), commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.

(4) A public officer in addition to the penalty imposed on him or her pursuant to subsection (3), shall be disqualified from holding any public office for a period of seven years from the date of conviction of the offence.”

- Sections 9(2) and 9(3) of the Prevention of Corruption Act, which provides: “(2) A Member of Parliament shall not solicit or accept, any gratification as an inducement or reward for the Member doing or forbearing to do any act in his or her capacity as a Member.

(3) [A] Member of Parliament who contravenes the provisions of subsection (2), commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.”

b. With regard to paragraph (b) of Article VI(1):

- In addition to the aforementioned, Sections 4(1) and 4(3) of the Prevention of Corruption Act, which provides: “(1) A person shall not, without lawful authority, by himself or in conjunction with any other person, offer from another any gratification to a public officer as an inducement or reward for himself or herself, or any other person in order that the public officer or any other person --

- a) abstain from performing or performs any act by his or her official capacity;
- b) assists, hinders or delays any other person in the transaction of any business with a public body; or
- c) expedites or prevents the performance of an act whether by himself or herself or through any other public officer.

(3) A person who contravenes the provisions of subsection (1)...commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.”

- Sections 5(1) - 5(3) of the Prevention of Corruption Act, which provides: “(1) A person shall not, without any lawful authority, offer any gratification to a public officer, as an inducement or reward for the public officer to assist or to use his or her real or apparent influence in relation to –

- a) the payment of the price or the consideration in respect of any contract or sub-contract as referred to in paragraph (b); or
- b) the procurement, promotion or execution of any contract or sub-contract with a public body for the –
 - (i) doing of anything;
 - (ii) performance of any work;
 - (iii) provision of any service; or
 - (iv) supply of any article, material or substance.

(3) A person who contravenes the provisions of subsection (1)...commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.”

- Sections 7(1) and 7(3) of the Prevention of Corruption Act, which provides: “(1) A person shall not, with the intent of being awarded a tender from a public body for a contract to perform any work, provide any service, do anything, or supply any article, material or substance, offer to a public officer without any lawful authority, whether directly or indirectly, for himself or herself or for any other person, any gratification, as an inducement or reward for obtaining a tender in relation to a contract to perform any work, provide any service, do anything, or supply any article material or substance in relation to a public body.

(3) A person who contravenes the provisions of subsection (1)...commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding three years.”

- Sections 9(1) and 9(3) of the Prevention of Corruption Act, which provides: “(1) A person shall not offer any gratification to a Member of Parliament as an inducement or reward for the Member doing or forbearing to do any act in his or her capacity as a Member.

(3) A person who contravenes the provisions of subsection (1)...commits an offence and is liable on conviction on indictment to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.”

c. With regard to paragraph (c) of Article VI(1):

- Section 278 of the Criminal Code, which provides: “Whoever is convicted of fraudulent breach of trust shall be liable to imprisonment for five years.”

- Section 279 of the Criminal Code, which provides: “Whoever defrauds any person by any false pretence shall be liable to imprisonment for five years.”

-Section 281 of the Criminal Code, which provides: “Whoever, being a clerk, servant or public officer, and whoever, being an officer of any partnership, company or corporation, does any of the acts hereinafter mentioned, with intent to cause or enable any person to be defrauded, or with intent to commit or to facilitate the commission, by himself or by any other person, of any crime, that is to say –

- (a) conceals, injures, alters or falsifies any book, paper or account kept by or belonging or entrusted to his employers or to the partnership, company or corporation, or entrusted to him, or to which he has access, as such clerk, servant or officer, or omits to make a full and true entry in any account of any thing which he is bound to enter therein; or
- (b) publishes any account, statement or prospectus relating to the affairs of the partnership, company or corporation, which he knows to be false in any material particular,

shall be liable to imprisonment for seven years.”

d. With regard to paragraph (e) of Article VI(1):

- Section 43 of the Criminal Code, which provides: “(1) A person who attempts to commit a crime by any means shall not be acquitted on the grounds that, by reason of the imperfection or other condition of the means, or by reason of the circumstances under which they are used, or by reason of any circumstances affecting the person against whom, or the thing in respect of which the crime is intended to be committed, or by reason of the absence of such person or thing, the crime could not be committed according to his intent.

(2) Whoever attempts to commit a crime shall, if the attempt is frustrated by reason only of accident or of circumstances or events independent of his will, be deemed guilty of an attempt in the first degree, and shall, except as in this Code otherwise expressly provided, be punishable in the same manner as if the crime had been completed.

(3) Whoever is guilty of an attempt other than an attempt in the first degree, shall, except as in this Code otherwise expressly provided, be liable to any kind of punishment to which he would have been liable if the crime had been completed; but the Court shall mitigate the punishment according to the circumstances of the case.

(4) Where any act amounts to a complete crime, as defined by any provision of this Code, and is also an attempt to commit some other crime, a person who is guilty of it shall be liable to be convicted and punished either under such provision or under this section.

(5) Any provision of this Code with respect to intent, exemption, justification or extenuation, or any other matter in the case of any act, shall apply with the necessary modifications, to the case of an attempt to do that act.

(6) The question whether an act done or omitted with intent to commit a crime is or is not only preparation for the commission of that crime, and too remote to constitute an attempt to commit, is a question of law.”

- Section 45 of the Criminal Code, which provides: “(1) Whoever directly or indirectly, instigates, commands, counsels, procures, solicits or in any manner purposely aids, facilitates, encourages, or promotes, whether by his act or presence or otherwise, and every person who does any act for the purpose of aiding, facilitating, encouraging or promoting the commission of a crime by any other person, whether known or unknown, certain or uncertain, is guilty of abetting that crime, and of abetting the other person in respect of that crime.

(2) Whoever abets a crime shall, if the same is actually committed in pursuance or during the continuance of the abetment, be deemed guilty of that crime.

(3) Whoever abets a crime shall, if the crime is not actually committed, be punishable as follows, that is to say-

(a) if the commission of the crime is prevented by reason only of accident, or of circumstances or events independent of the will of the abettor, the abettor shall, where the crime abetted was murder, be liable to imprisonment for life, or shall, where the crime abetted was any crime other than murder,

be punishable in the same manner as if the crime had been actually committed in pursuance of the abetment;

(b) in any other case the abettor shall, if the crime which he abetted was a felony, be deemed guilty of felony, or shall, if such crime was a misdemeanour, be deemed guilty of a misdemeanour.

(4) Whoever abets a crime shall be punishable on indictment or on summary conviction, according as he would be punishable for committing that crime.

(5) An abettor may be tried before, with, or after a person abetted, and although the person abetted is dead or is otherwise not amenable to justice.

(6) An abettor may be tried, before, with, or after any other abettor, whether he and such other abettor abetted each other in respect of the crime or not, and whether they abetted the same or different parts of the crime.

(7) An abettor shall have the benefit of any matter of exemption, justification or extenuation to which he is entitled under this Code, notwithstanding that the person abetted or any other abettor is not entitled to the like benefit.

(8) Whoever within the jurisdiction of the Courts, abets the doing beyond the jurisdiction of an act which, if done within the jurisdiction, would be a crime shall be punishable as if he had abetted that crime.”

- Section 47 of the Criminal Code, which provides: “Whoever, knowing that a person decides to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof is guilty of a misdemeanour.”

- Section 48 of the Criminal Code, which provides: “(1) If two or more persons agree or act together with a common purpose in committing or abetting a crime whether with or without any previous concert or deliberation, each of them is guilty of conspiracy to commit or abet that crime, as the case may be.

(2) A person within the jurisdiction of the Courts can be guilty of conspiracy by agreeing with another person who is beyond the jurisdiction for the commission or abetment of any crime to be committed by them or either of them, or by any other person, either within or beyond the jurisdiction; and for the purposes of this subsection as to a crime to be committed beyond the jurisdiction, "crime" means any act which, if done within the jurisdiction, would be a crime under this Code or under any other law.”

3.2. Adequacy of the legal framework and/or other measures

With respect to the provisions related to the criminalization of the acts of corruption provided for in Article VI(1) of the Convention that have been examined by the Committee, based on the information available to it, the Committee observes that they may be said to constitute, as a whole, a set of provisions relevant for promoting the purposes of the Convention.

Although section 2 of the Prevention and Corruption Act and section 2 of the Interpretation and General Provisions Act provides a definition of ‘public officer’, the Committee notes that this definition, in terms of application to that Act, does not contemplate private citizens who perform public functions or who manage public funds in any capacity or form. In this regard, the Committee will formulate a recommendation. (see Recommendation 3.1 in Section 3 of Chapter III of this Report)

As regards Sections 4(1) and 5(1) of the Prevention of Corruption Act, as it is applicable to Article VI(1)(b) of the Convention, the Committee believes that this provision can be modified in order to better reflect the elements for this crime as set out in the Convention. While these provisions do address the issue of when a person offers a gratification to a public officer, it is silent when this gratification is granted. In this regard, the Committee will formulate a recommendation. (see Recommendation 3.2 in Section 3 of Chapter III of this Report)

In addition, the Committee urges Grenada to adapt and/or complement, as appropriate, its criminal legislation so as to include the acts of corruption described in Article VI(1)(d) of the Convention (see Recommendation 3.3 in Section 3 of Chapter III of this Report).

3.3. Results of the legal framework and/or other measures

With respect to results, the Committee notes that Grenada in its Response did not provide any information.

In addition to highlighting the importance of replying in full to the questions on results in the Questionnaire, the Committee does not have information that might enable it to make a comprehensive evaluation of the results of this topic. In this regard, it will formulate a recommendation to the Judicial Branch (see Recommendation 4.2 in Chapter III of this Report).

III. CONCLUSIONS AND RECOMMENDATIONS IN RELATION TO THE IMPLEMENTATION OF THE PROVISIONS SELECTED IN THE FRAMEWORK OF THE SECOND ROUND

Based on the review conducted in Chapter II of this Report, the Committee offers the following conclusions and recommendations regarding implementation by Grenada of the provisions contained in Article III(5) (systems of government hiring and for the procurement of goods and services); Article III(8) (systems for protecting public servants and private citizens who, in good faith, report acts of corruption); and Article VI (acts of corruption) of the Convention, which were selected for review within the framework of the second round.

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

1.1. Systems of Government Hiring

Grenada has considered and adopted certain measures intended to establish, maintain and strengthen the systems of government hiring, as discussed in Section 1.1 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Grenada consider the following recommendation:

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

In meeting this recommendation, Grenada could take into account the following measures:

- a) Explicitly provide, through the appropriate legislative or administrative procedures, that government hiring into the Public Service is to be based on the principle of merit. (See Section 1.1.2. of Chapter II of this Report)
- b) Adopt, through the appropriate legislative or administrative procedures, the different stages that comprise the process of selecting and appointing public servants, by adopting provisions and clearly defined criteria that ensure access to the public service, always taking into account the principles of openness, equity and efficiency as provided in the Convention. (See Section 1.1.2 of Chapter II of this Report).
- c) Ensure that the Public Service Commission clearly substantiate when a decision is made not to advertise a vacancy to the general public, as well as ensure the use of modern means of media for publicizing vacancies (e.g. the internet). (See Section 1.1.2. of Chapter II of this Report). (See Section 1.1.2. of Chapter II of this Report)
- d) Strengthen the legal provisions regarding the Ombudsman so that it has the competence to revoke or take other corrective measures when it is found that an appointment process was, among other things, irregular, improper or made through a fraudulent competition. (See Section 1.1.2. of Chapter II of this Report)
- e) Adopt administrative measures that provide that hiring by the Ombudsman is based on merit, with clearly defined criteria on advertisement opportunities as well as for the provision of recourse mechanisms that allow for preventive or corrective measure against irregular selection processes. (See Section 1.1.2. of Chapter II of this Report)

1.2. Government Systems for the Procurement of Goods and Services

Grenada has considered and adopted measures intended to establish, maintain and strengthen the systems for government procurement of goods and services, as discussed in Section 1.2 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Grenada consider the following recommendation:

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

In meeting this recommendation, Grenada could take into account the following measures:

- a) Enact the necessary regulations to the Public Procurement and Contract Administration Act so that fairness and transparency can be ensured in the newly established procurement regime. (See Section 1.2.2. of Chapter II of this Report)
- b) Make publicly accessible the register of exempt and partially exempt procurements found under the Public Procurement and Contract Administration Act. (See Section 1.2.2. of Chapter II of this Report)
- c) Strengthen and increase the scope of use of electronic communications, such as the internet for publicizing the tender opportunities, status of bids and awards, the progress in the execution of major projects, and the list of suspended suppliers, contractors and consultants. (See Section 1.2.2. of Chapter II of this Report)
- d) Develop and implement electronic procurement systems, so that the acquisition of goods and services may be carried out through those means. (See Section 1.2.2. of Chapter II of this Report)
- e) Implement provisions that require awards to be publicized in a sufficiently justified or substantiated announcement. (See Section 1.2.2. of Chapter II of this Report)
- f) Implement guidelines or criteria that allow for an analysis as to whether the launch of a procurement process requires prior planning sufficiently in advance, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase. (See Section 1.2.2. of Chapter II of this Report)
- g) Develop and implement provisions that provide for the recusal of those in the procuring entity or who are directly involved in the determination of needs or specifications, appraisal of bids, selection of alternatives, or approval of purchases or payments when they have ties to bidders or contractors, whether familial, political, commercial or of any other nature. (See Section 1.2.2. of Chapter II of this Report)
- h) Implement provisions that facilitate transparent mechanisms in monitoring the execution of contracts, such as encouraging citizen oversight, where their nature, importance or magnitude so warrants, in particular public works contracts. (See Section 1.2.2. of Chapter II of this Report). (See Section 1.2.2. of Chapter II of this Report)

2. SYSTEMS TO PROTECT PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

Grenada has considered and adopted certain measures intended to establish, maintain and strengthen systems for protecting public servants and private citizens who in good faith report acts of corruption, as discussed in Section 2 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Grenada consider the following recommendation:

- Adopt a comprehensive legal and regulatory framework that provides protection of 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 of its domestic legal system.

In meeting this recommendation, Grenada could take into account the following measures:

- a) Mechanisms that offer protections to private citizens who report acts of corruption in good faith;
- b) Measures to protect the physical integrity of whistleblowers and their families;
- c) Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that protect the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption;
- d) Witness protection mechanisms that offer witnesses similar protections to those provided to public servants and private citizens;
- e) Mechanisms to report threats or reprisals against persons who report acts of corruption, indicating the competent authorities for processing the necessary requests for protection.
- f) Mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance;
- g) Provisions that provide for a general sanction for the failure to observe the rules and/or duties relating to protection.

3. ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)

Grenada has adopted measures aimed at criminalizing the acts of corruption provided for by Article VI(1) of the Convention, as discussed in Section 3 of Chapter II of this Report.

In light of the comments made in the above-noted section, the Committee suggests that Grenada consider the following recommendation:

- Adopt and/or complement, as appropriate, its criminal legislation, in order to include the elements of those acts of corruption set out in Article VI.1 of the Convention.

In meeting this recommendation, Grenada could take into account the following measures:

- 3.1 Study the possibility of amending the legislation in place, in particular the Prevention of Corruption Act, so that the definition of public officer is expanded to include those private citizens who perform public functions or who manage public funds in any capacity or form. (See Section 3.2 of Chapter II of this Report)

- 3.2 Modify Sections 4(1) and 5(1) of the Prevention of Corruption Act, so as to be more fully consistent with Article VI(1)(b) of the Convention, by incorporating thereto the element of granting a gratification to a public officer. (See Section 3.2 of Chapter II of this Report)
- 3.3 Criminalize the fraudulent use or concealment of property derived from any of the acts referred to in Article VI(1) of the Convention, in accordance with paragraph (d) of the same Article. (See Section 3.2 of Chapter II of this Report).

4. GENERAL RECOMMENDATIONS

Based on the review and contributions made throughout this Report, the Committee suggests that Grenada consider the following recommendations:

- 4.1 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.
- 4.2. Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, standards, measures and mechanisms considered in this Report, and to verify follow-up on the recommendations made herein. (see Sections 1.1.3, 1.2.3, 2.3 and 3.3 of Chapter II of this Report)

5. FOLLOW-UP

The Committee will consider the periodic update Reports submitted by Grenada concerning progress in implementing previous recommendations, within the framework of the plenary meetings of the Committee and in accordance with the provisions of Article 31 of the Rules of Procedure and Other Provisions.

Similarly, the Committee will review the progress in implementing the recommendations made in this Report, in accordance with the provisions of Article 29 of the Rules of Procedure.

IV. OBSERVATIONS REGARDING THE PROGRESS MADE WITH IMPLEMENTING THE RECOMMENDATIONS ISSUED IN THE FIRST ROUND

The Committee observes, in relation with the implementation of the recommendations formulated for Grenada in the Report in the First Round of review, based on the information at its disposal, the following:

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 1.1:

Consider strengthening the implementation of the provisions on conflicts of interest, and ensure that

the laws on this matter are applicable to all persons performing public functions.

Measures suggested by the Committee:

- 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 recusal, 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.*

In its Response, the country under review provided information with respect to the above recommendation:

- The Integrity in Public Life Act⁴⁴ came into force on May 18, 2007. Among other things, this legislation establishes a Code of Conduct for persons in public life, containing provisions on conflicts of interest (sections 42 – 46 and Schedule VI of the Act) A working committee has also been set up to establish the Integrity Commission in order to make the Act operational.⁴⁵

The Committee takes note of the steps taken by the country under review to proceed with the implementation of the foregoing recommendation as well as the need for Grenada to continue giving additional attention to the implementation of this recommendation.

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 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.

⁴⁴ Integrity in Public Life Act, *supra* note 38.

⁴⁵ Response to the Questionnaire, pg. 13, http://www.oas.org/juridico/spanish/mesicic2_grd_sp.htm

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

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 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.

- The Integrity in Public Life Act, under sections 43 – 44, provides for a procedure by which a person in public life may make a complaint if the person has a reasonable ground to believe the provisions of the Code of Conduct are being breached.

- The Prevention of Corruption Act, which came into force on May 18, 2007, under sections 16 – 18, provides a mechanism for protecting public officers from any occupational detriment on account of having made a protected disclosure.

The Committee takes note of the steps taken by the country under review to proceed with the implementation of the foregoing recommendation as well as the need for Grenada to continue giving additional attention to the implementation of this recommendation.

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

Recommendation 2:

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

Measures suggested by the Committee:

- 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.*

In its Response, the country under review provided information with respect to the above recommendation:

- The Integrity in Public Life Act, under section 28, requires persons in public life to file a financial disclosure declaration to the Integrity Commission, including their income, assets and liabilities. This is to be done on annual basis and when leaving government service (section 29). The Act also provides, under section 35, that the Integrity Commission shall examine every declaration and ensure that it complies with the Act and provides the Commission the power to examine the declaration for accuracy. Finally, the Act, under section 36, provides for the establishment of an Investigatory Tribunal for inquiries into the accuracy or fullness of these declarations.

The Committee takes note of the steps taken by the country under review to proceed with the implementation of measure (c) of the foregoing recommendation and of the need to continue giving additional attention thereto.

The Committee also takes note of the satisfactory consideration by the country under review of measures (a) and (b) of the foregoing recommendation, notwithstanding the fact that it is continuous in nature.

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

Recommendation 3:

Consider strengthening the functions of, and where appropriate, create oversight bodies that enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2, 4 and 11 of the Convention; provide them with the necessary resources to enable them to carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination, as well as periodic evaluation and monitoring, of the measures they adopt.

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

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

4.1 General participation mechanisms

Recommendation 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 nongovernmental organizations in efforts to prevent corruption.

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

4.2. Mechanisms for access to information

Recommendation 4.2:

Establish an enforceable system to assure access to government information.

Measures suggested by the Committee:

- a. *Establish clear written standards as to the types of information that will be provided under the system.*
- b. *Establish standards recognizing the right of all persons to obtain information or copies of documents concerning official actions, except where exempt by law, which are in the possession, or under the control of public institutions.*
- c. *Establish a requirement that all government entities, to the extent practicable, publicize their procedures, results and other relevant information through the use of such communication methods as publications, dissemination centers, mass media and Internet web sites.*
- d. *Establish mechanisms to enforce compliance with the measures adopted.*

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

4.3. Mechanisms for consultation

Recommendation 4.3:

Establish consultation mechanisms to enable civil society and non-governmental organizations to provide opinions and proposals.

Measures suggested by the Committee:

- a. *Include in the mechanism clear systems for government consideration of those opinions and proposals that will help prevent corruption.*
- b. *Implement a program to assist in receiving such opinions and proposals and to help publicize the consultation programs, which includes and utilizes to the extent possible, electronic means for announcing opportunities to consult, accepting responses to those announcements, and publicizing the availability of the opportunities.*

In its Response, the country under review provided no information with respect to the above recommendations. The Committee takes note of the need for the country under review to give additional attention to its implementation.

4.4. Mechanisms to encourage participation in public administration

Recommendation 4.4:

Develop standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental 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, nongovernmental 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.*

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

4.5. Mechanisms to encourage participation in the follow-up of public administration

Recommendation 4.5:

Establish mechanisms to encourage civil society and nongovernmental 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.*

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV)

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 or prosecution of acts of corruption contained in the Convention and treaties signed by Grenada with a number of countries.

Recommendation 5.1.2:

Design and implement an information program that enables the authorities of Grenada to keep permanent track of mutual assistance requests in relation to acts of corruption, in particular those provided for in the Convention.

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

Recommendation 5.2.1:

Identify specific areas in which Grenada considers it needs technical cooperation from other States Parties to strengthen its capacities to prevent, detect, investigate and punish acts of corruption. Grenada should also identify and ascribe priority to requests for mutual technical cooperation.

Recommendation 5.2.2:

Continue efforts to exchange technical cooperation with other States Parties on the most effective ways and means to prevent, detect, investigate, and punish corruption.

In its Response, the country under review provided no information with respect to the above recommendation. The Committee takes note of the need for the country under review to give additional attention to its implementation.

6. CENTRAL AUTHORITIES (ARTICLE XVIII)

Recommendation 6.1:

Notify the OAS General Secretariat formally of the designation of the central authority, pursuant to the prescribed formalities.

Recommendation 6.2:

Implement a mechanism for channeling requests for cooperation on mutual legal assistance, as provided under the Convention.

In its Response, the country under review provided no information with respect to the above recommendations. The Committee takes note of the need for the country under review to give additional attention to its implementation.

7. GENERAL RECOMMENDATIONS

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.

Recommendation 7.2:

Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this Report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, Grenada could take into account the list of broader indicators applicable to the inter-American system that were available for selection, as necessary, by Grenada, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. Grenada could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

Recommendation 7.3:

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

In its Response, the country under review provided no information with respect to the above recommendations. The Committee takes note of the need for the country under review to give additional attention to its implementation.